

the Department of the Army at the seat of the government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Army.

(b) The term “Department of the Navy” as used in this chapter shall be construed to mean the Department of the Navy at the seat of the government; the headquarters, United States Marine Corps; the entire operating forces of the United States Navy, including naval aviation, and of the United States Marine Corps, including the reserve components of such forces; all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Department of the Navy; and the United States Coast Guard when operating as a part of the Navy pursuant to law.

(c) The term “Department of the Air Force” as used in this chapter shall be construed to mean the Department of the Air Force at the seat of the government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Air Force.

(July 26, 1947, ch. 343, title II, §§205(c), 206(a), 207(c), 61 Stat. 501, 502.)

REFERENCES IN TEXT

This chapter, referred to in text, 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 409 of this title prior to editorial reclassification and renumbering as this section, and to section 171–2 of 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.

Prior to the enactment of Title 10, Armed Forces, by act Aug. 10, 1956, subsecs. (a), (b), and (c) of this section were classified to sections 181–1(c), 411a(a), and 626(c), respectively, of former Title 5.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3005. Applicable laws

Except to the extent inconsistent with the provisions of this chapter, the provisions of title 4 of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense.

(July 26, 1947, ch. 343, title II, §201(d), as added Aug. 10, 1949, ch. 412, §4, 63 Stat. 579.)

REFERENCES IN TEXT

This chapter, referred to in text, 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.

Title 4 of the Revised Statutes, referred to in text, was entitled “Provisions Applicable to All Executive Departments”, and consisted of R.S. §§158 to 198. For provisions of the Code derived from such title 4, see sections 101, 301, 303, 304, 503, 2952, 3101, 3106, 3341, 3345 to 3349, 5535, and 5536 of Title 5, Government Organization and Employees; section 207 of Title 18, Crimes and Criminal Procedure; sections 514 and 520 of Title 28, Judiciary and Judicial Procedure; section 3321 of Title 31, Money and Finance.

CODIFICATION

Section was formerly classified to section 408 of this title prior to editorial reclassification and renumbering as this section, and to section 171–1 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.

§ 3006. Repealing and savings provisions

All laws, orders, and regulations inconsistent with the provisions of this title¹ are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby: *Provided*, That the powers, duties, and responsibilities of the Secretary of Defense under this title¹ shall be administered in conformance with the policy and requirements for administration of budgetary and fiscal matters in the Government generally, including accounting and financial reporting, and that nothing in this title¹ shall be construed as eliminating or modifying the powers, duties, and responsibilities of any other department, agency, or officer of the Government in connection with such matters, but no such department, agency, or officer shall exercise any such powers, duties, or responsibilities in a manner that will render ineffective the provisions of this title.¹

(July 26, 1947, ch. 343, title IV, §411, as added Aug. 10, 1949, ch. 412, §11, 63 Stat. 590.)

REFERENCES IN TEXT

This title, referred to in text, means title IV of act July 26, 1947, ch. 343, as added Aug. 10, 1949, ch. 412, §11, 63 Stat. 585, which enacted this section and enacted and amended various sections in former Title 5, Executive Departments and Government Officers and Employees, and former Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 412 of this title prior to editorial reclassification and renumbering as this section, 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 I—COORDINATION FOR NATIONAL SECURITY

§ 3021. National Security Council

(a) Establishment; presiding officer; functions; composition

There is established a council to be known as the National Security Council (hereinafter in this section referred to as the “Council”).

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

¹ See References in Text note below.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of—

- (1) the President;
- (2) the Vice President;
- (3) the Secretary of State;
- (4) the Secretary of Defense;
- (5) the Secretary of Energy; and
- (6) the Secretaries and Under Secretaries of other executive departments and of the military departments, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure.

(b) Additional functions

In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

- (1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and
- (2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) Executive secretary; appointment; staff employees

The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President. The executive secretary, subject to the direction of the Council, is authorized, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) Recommendations and reports

The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require.

(e) Participation of Chairman or Vice Chairman of Joint Chiefs of Staff

The Chairman (or in his absence the Vice Chairman) of the Joint Chiefs of Staff may, in his role as principal military adviser to the National Security Council and subject to the direction of the President, attend and participate in meetings of the National Security Council.

(f) Participation by Director of National Drug Control Policy

The Director of National Drug Control Policy may, in the role of the Director as principal ad-

viser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.

(g) Board for Low Intensity Conflict

The President shall establish within the National Security Council a board to be known as the "Board for Low Intensity Conflict". The principal function of the board shall be to coordinate the policies of the United States for low intensity conflict.

(h) Committee on Foreign Intelligence

(1) There is established within the National Security Council a committee to be known as the Committee on Foreign Intelligence (in this subsection referred to as the "Committee").

(2) The Committee shall be composed of the following:

- (A) The Director of National Intelligence.
- (B) The Secretary of State.
- (C) The Secretary of Defense.
- (D) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.
- (E) Such other members as the President may designate.

(3) The function of the Committee shall be to assist the Council in its activities by—

(A) identifying the intelligence required to address the national security interests of the United States as specified by the President;

(B) establishing priorities (including funding priorities) among the programs, projects, and activities that address such interests and requirements; and

(C) establishing policies relating to the conduct of intelligence activities of the United States, including appropriate roles and missions for the elements of the intelligence community and appropriate targets of intelligence collection activities.

(4) In carrying out its function, the Committee shall—

(A) conduct an annual review of the national security interests of the United States;

(B) identify on an annual basis, and at such other times as the Council may require, the intelligence required to meet such interests and establish an order of priority for the collection and analysis of such intelligence; and

(C) conduct an annual review of the elements of the intelligence community in order to determine the success of such elements in collecting, analyzing, and disseminating the intelligence identified under subparagraph (B).

(5) The Committee shall submit each year to the Council and to the Director of National Intelligence a comprehensive report on its activities during the preceding year, including its activities under paragraphs (3) and (4).

(i) Committee on Transnational Threats

(1) There is established within the National Security Council a committee to be known as the Committee on Transnational Threats (in this subsection referred to as the "Committee").

(2) The Committee shall include the following members:

- (A) The Director of National Intelligence.

- (B) The Secretary of State.
- (C) The Secretary of Defense.
- (D) The Attorney General.

(E) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

(F) Such other members as the President may designate.

(3) The function of the Committee shall be to coordinate and direct the activities of the United States Government relating to combating transnational threats.

(4) In carrying out its function, the Committee shall—

(A) identify transnational threats;

(B) develop strategies to enable the United States Government to respond to transnational threats identified under subparagraph (A);

(C) monitor implementation of such strategies;

(D) make recommendations as to appropriate responses to specific transnational threats;

(E) assist in the resolution of operational and policy differences among Federal departments and agencies in their responses to transnational threats;

(F) develop policies and procedures to ensure the effective sharing of information about transnational threats among Federal departments and agencies, including law enforcement agencies and the elements of the intelligence community; and

(G) develop guidelines to enhance and improve the coordination of activities of Federal law enforcement agencies and elements of the intelligence community outside the United States with respect to transnational threats.

(5) For purposes of this subsection, the term “transnational threat” means the following:

(A) Any transnational activity (including international terrorism, narcotics trafficking, the proliferation of weapons of mass destruction and the delivery systems for such weapons, and organized crime) that threatens the national security of the United States.

(B) Any individual or group that engages in an activity referred to in subparagraph (A).

(j) Participation of Director of National Intelligence

The Director of National Intelligence (or, in the Director’s absence, the Principal Deputy Director of National Intelligence) may, in the performance of the Director’s duties under this chapter and subject to the direction of the President, attend and participate in meetings of the National Security Council.

(k) Special Adviser to the President on International Religious Freedom

It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and cir-

cumstances of violations of religious freedom (as defined in section 6402 of title 22), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.

(l) Participation of Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

The United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (or, in the Coordinator’s absence, the Deputy United States Coordinator) may, in the performance of the Coordinator’s duty as principal advisor to the President on all matters relating to the prevention of weapons of mass destruction proliferation and terrorism, and, subject to the direction of the President, attend and participate in meetings of the National Security Council and the Homeland Security Council.

(July 26, 1947, ch. 343, title I, §101, 61 Stat. 496; Aug. 10, 1949, ch. 412, §3, 63 Stat. 579; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Oct. 10, 1951, ch. 479, title V, §501(e)(1), 65 Stat. 378; Pub. L. 99-433, title II, §203, Oct. 1, 1986, 100 Stat. 1011; Pub. L. 99-500, §101(c) [title IX, §9115(f)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-125, and Pub. L. 99-591, §101(c) [title IX, §9115(f)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-125; Pub. L. 99-661, div. A, title XIII, §1311(f), Nov. 14, 1986, 100 Stat. 3986; Pub. L. 100-690, title I, §1003(a)(3), Nov. 18, 1988, 102 Stat. 4182; Pub. L. 102-496, title VII, §703, Oct. 24, 1992, 106 Stat. 3189; Pub. L. 104-293, title VIII, §§802, 804, Oct. 11, 1996, 110 Stat. 3474, 3476; Pub. L. 105-277, div. C, title VII, §713(b), Oct. 21, 1998, 112 Stat. 2681-693; Pub. L. 105-292, title III, §301, Oct. 27, 1998, 112 Stat. 2800; Pub. L. 108-458, title I, §§1071(a)(1)(A)-(D), 1072(a)(1), Dec. 17, 2004, 118 Stat. 3689, 3692; Pub. L. 110-53, title XVIII, §1841(g), Aug. 3, 2007, 121 Stat. 500; Pub. L. 110-140, title IX, §932, Dec. 19, 2007, 121 Stat. 1740; Pub. L. 113-126, title VII, §702, July 7, 2014, 128 Stat. 1422.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (j), 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 402 of this title prior to editorial reclassification and renumbering as this section.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. In subsec. (c), provisions that specified compensation of \$10,000 per year for the executive secretary to the Council were omitted. Section 304(b) of Pub. L. 88-426 amended section 105 of Title 3, The President, to include the executive secretary of the Council among those whose compensation was authorized to be fixed by the President. Section 1(a) of Pub. L. 95-570 further amended section 105 of Title 3 to authorize the President to appoint and fix the pay of the employees of the White House Office subject to certain provisions.

In subsec. (c), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act

of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

2014—Subsec. (a)(5) to (8). Pub. L. 113-126 substituted “; and” for semicolon at end of par. (5), redesignated par. (8) as (6) and struck out “the Chairman of the Munitions Board, and the Chairman of the Research and Development Board,” after “military departments,” and struck out former pars. (6) and (7) which read as follows:

“(6) the Director for Mutual Security;

“(7) the Chairman of the National Security Resources Board; and”.

2007—Subsec. (a)(5) to (8). Pub. L. 110-140 added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

Subsecs. (i), (k). Pub. L. 110-53, §1841(g)(1), redesignated subsec. (i), relating to Special Adviser to the President on International Religious Freedom, as (k).

Subsec. (l). Pub. L. 110-53, §1841(g)(2), added subsec. (l).

2004—Subsec. (h)(2)(A). Pub. L. 108-458, §1071(a)(1)(A), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (h)(5). Pub. L. 108-458, §1071(a)(1)(B), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (i)(2)(A). Pub. L. 108-458, §1071(a)(1)(C), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (j). Pub. L. 108-458, §1072(a)(1), substituted “Principal Deputy Director of National Intelligence” for “Deputy Director of Central Intelligence”.

Pub. L. 108-458, §1071(a)(1)(D), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

1998—Subsecs. (f), (g). Pub. L. 105-277 added subsec. (f) and redesignated former subsec. (f) as (g).

Subsec. (i). Pub. L. 105-292 added subsec. (i) relating to Special Adviser to the President on International Religious Freedom.

1996—Subsec. (h). Pub. L. 104-293, §802(2), added subsec. (h). Former subsec. (h) redesignated (j).

Subsec. (i). Pub. L. 104-293, §804, added subsec. (i).

Subsec. (j). Pub. L. 104-293, §802(1), redesignated subsec. (h) as (j).

1992—Subsec. (h). Pub. L. 102-496 added subsec. (h).

1988—Subsecs. (f), (g). Pub. L. 100-690, §§1003(a)(3), 1009, temporarily added subsec. (f), relating to participation by Director of National Drug Control Policy in meetings of National Security Council, and redesignated former subsec. (f) as (g). See Effective and Termination Dates of 1988 Amendment note below.

1986—Subsec. (e). Pub. L. 99-433 added subsec. (e).

Subsec. (f). Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 amended section identically adding subsec. (f).

1951—Subsec. (a). Act Oct. 10, 1951, inserted cl. (5) relating to Director for Mutual Security, in fourth paragraph, and renumbered former cls. (5) and (6) thereof as cls. (6) and (7), respectively.

1949—Subsec. (a). Act Aug. 10, 1949, added the Vice President to the Council, removed the Secretaries of the military departments, to authorize the President to add, with the consent of the Senate, Secretaries and Under Secretaries of other executive departments and of the military department, and the Chairmen of the Munitions Board and the Research and Development Board.

Subsec. (c). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923, as amended”.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

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.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Jan. 21, 1989, and repealed on Sept. 30, 1997, see sections 1012 and 1009, respectively, of Pub. L. 100-690.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

Office of Director for Mutual Security abolished and functions of Director, including those as a member of National Security Council, transferred to Director of Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541, set out in the Appendix to Title 5, Government Organization and Employees. Foreign Operations Administration abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, and its functions and offices transferred to Department of State to be administered by International Cooperation Administration. For later transfer, see section 2381 of Title 22, Foreign Relations and Intercourse, and notes set out under that section.

National Security Resources Board, together with Office of Chairman, abolished by section 6 of Reorg. Plan No. 3 of 1953, eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out under section 3042 of this title. Functions of Chairman with limited exception, including his functions as a member of National Security Council transferred to Office of Defense Mobilization by section 2(a) of Reorg. Plan No. 3 of 1953. Functions of Director of Office of Defense Mobilization with respect to being a member of National Security Council transferred to Director of Office of Civil and Defense Mobilization by Reorg. Plan No. 1 of 1958, §4, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861, set out as a note under section 5195 of Title 42, The Public Health and Welfare. For subsequent transfers or delegations to Office of Emergency Planning, Office of Emergency Preparedness, President, Federal Preparedness Agency, and Secretary of Homeland Security, see Transfer of Functions notes set out under section 3042 of this title.

Munitions Board, together with office of Chairman, abolished by section 2 of Reorg. Plan No. 6 of 1953, eff. June 30, 1953, 18 F.R. 3743, 67 Stat. 638, set out in the Appendix to Title 5, Government Organization and Employees. All functions vested in Munitions Board transferred to Secretary of Defense by section 1(a) of Reorg. Plan No. 6 of 1953.

Research and Development Board, together with office of Chairman, abolished by section 2 of Reorg. Plan No. 6 of 1953, eff. June 30, 1953, 18 F.R. 3743, 67 Stat. 638, set out in the Appendix to Title 5, Government Organization and Employees. Functions vested in Board transferred to Secretary of Defense by section 1(a) of Reorg. Plan No. 6 of 1953.

National Security Council, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) transferred to Executive Office of President by Reorg. Plan No. 4 of 1949, eff. Aug. 20, 1949, 14 F.R. 5227, 63 Stat. 1067, set out in

the Appendix to Title 5, Government Organization and Employees.

RULE OF CONSTRUCTION FOR DUPLICATE AUTHORIZATION AND APPROPRIATION PROVISIONS OF PUBLIC LAWS 99-500, 99-591, AND 99-661

For rule of construction for certain duplicate provisions of Public Laws 99-500, 99-591, and 99-661, see section 6 of Pub. L. 100-26, set out as a note under section 2302 of Title 10, Armed Forces.

SECTION AS UNAFFECTED BY REPEALS

Repeals by section 542(a) of Mutual Security Act of 1954 did not repeal amendment to this section by act Oct. 10, 1951.

PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING

Pub. L. 108-375, div. A, title IX, §922, Oct. 28, 2004, 118 Stat. 2029, which authorized the Director of the National Security Agency to carry out a pilot program on cryptologic service training for the intelligence community, was repealed by Pub. L. 111-259, title III, §313(b)(1)(C), Oct. 7, 2010, 124 Stat. 2666.

EXECUTIVE ORDER NO. 10483

Ex. Ord. No. 10483, Sept. 2, 1953, 18 F.R. 5379, as amended by Ex. Ord. No. 10598, Feb. 28, 1955, 20 F.R. 1237, which provided for an Operations Coordinating Board, was superseded by Ex. Ord. No. 10700, Feb. 25, 1957, formerly set out below.

EXECUTIVE ORDER NO. 10700

Ex. Ord. No. 10700, Feb. 25, 1957, 22 F.R. 1111, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. 10838, Sept. 16, 1959, 24 F.R. 7519, which provided for the Operations Coordinating Board, was revoked by Ex. Ord. No. 10920, Feb. 18, 1961, 26 F.R. 1463.

EX. ORD. NO. 13228. ESTABLISHING THE OFFICE OF HOMELAND SECURITY AND THE HOMELAND SECURITY COUNCIL

Ex. Ord. No. 13228, Oct. 8, 2001, 66 F.R. 51812, as amended by Ex. Ord. No. 13284, §3, Jan. 23, 2003, 68 F.R. 4075; Ex. Ord. No. 13286, §8, Feb. 28, 2003, 68 F.R. 10622, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Establishment. I hereby establish within the Executive Office of the President an Office of Homeland Security (the "Office") to be headed by the Assistant to the President for Homeland Security.

SEC. 2. Mission. The mission of the Office shall be to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks. The Office shall perform the functions necessary to carry out this mission, including the functions specified in section 3 of this order.

SEC. 3. Functions. The functions of the Office shall be to coordinate the executive branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

(a) *National Strategy.* The Office shall work with executive departments and agencies, State and local governments, and private entities to ensure the adequacy of the national strategy for detecting, preparing for, preventing, protecting against, responding to, and recovering from terrorist threats or attacks within the United States and shall periodically review and coordinate revisions to that strategy as necessary.

(b) *Detection.* The Office shall identify priorities and coordinate efforts for collection and analysis of information within the United States regarding threats of terrorism against the United States and activities of terrorists or terrorist groups within the United States. The Office also shall identify, in coordination with the

Assistant to the President for National Security Affairs, priorities for collection of intelligence outside the United States regarding threats of terrorism within the United States.

(i) In performing these functions, the Office shall work with Federal, State, and local agencies, as appropriate, to:

(A) facilitate collection from State and local governments and private entities of information pertaining to terrorist threats or activities within the United States;

(B) coordinate and prioritize the requirements for foreign intelligence relating to terrorism within the United States of executive departments and agencies responsible for homeland security and provide these requirements and priorities to the Director of Central Intelligence and other agencies responsible for collection of foreign intelligence;

(C) coordinate efforts to ensure that all executive departments and agencies that have intelligence collection responsibilities have sufficient technological capabilities and resources to collect intelligence and data relating to terrorist activities or possible terrorist acts within the United States, working with the Assistant to the President for National Security Affairs, as appropriate;

(D) coordinate development of monitoring protocols and equipment for use in detecting the release of biological, chemical, and radiological hazards; and

(E) ensure that, to the extent permitted by law, all appropriate and necessary intelligence and law enforcement information relating to homeland security is disseminated to and exchanged among appropriate executive departments and agencies responsible for homeland security and, where appropriate for reasons of homeland security, promote exchange of such information with and among State and local governments and private entities.

(ii) Executive departments and agencies shall, to the extent permitted by law, make available to the Office all information relating to terrorist threats and activities within the United States.

(c) *Preparedness.* The Office of Homeland Security shall coordinate national efforts to prepare for and mitigate the consequences of terrorist threats or attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) review and assess the adequacy of the portions of all Federal emergency response plans that pertain to terrorist threats or attacks within the United States;

(ii) coordinate domestic exercises and simulations designed to assess and practice systems that would be called upon to respond to a terrorist threat or attack within the United States and coordinate programs and activities for training Federal, State, and local employees who would be called upon to respond to such a threat or attack;

(iii) coordinate national efforts to ensure public health preparedness for a terrorist attack, including reviewing vaccination policies and reviewing the adequacy of and, if necessary, increasing vaccine and pharmaceutical stockpiles and hospital capacity;

(iv) coordinate Federal assistance to State and local authorities and nongovernmental organizations to prepare for and respond to terrorist threats or attacks within the United States;

(v) ensure that national preparedness programs and activities for terrorist threats or attacks are developed and are regularly evaluated under appropriate standards and that resources are allocated to improving and sustaining preparedness based on such evaluations; and

(vi) ensure the readiness and coordinated deployment of Federal response teams to respond to terrorist threats or attacks, working with the Assistant to the President for National Security Affairs, when appropriate.

(d) *Prevention.* The Office shall coordinate efforts to prevent terrorist attacks within the United States. In

performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) facilitate the exchange of information among such agencies relating to immigration and visa matters and shipments of cargo; and, working with the Assistant to the President for National Security Affairs, ensure coordination among such agencies to prevent the entry of terrorists and terrorist materials and supplies into the United States and facilitate removal of such terrorists from the United States, when appropriate;

(ii) coordinate efforts to investigate terrorist threats and attacks within the United States; and

(iii) coordinate efforts to improve the security of United States borders, territorial waters, and airspace in order to prevent acts of terrorism within the United States, working with the Assistant to the President for National Security Affairs, when appropriate.

(e) *Protection.* The Office shall coordinate efforts to protect the United States and its critical infrastructure from the consequences of terrorist attacks. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) strengthen measures for protecting energy production, transmission, and distribution services and critical facilities; other utilities; telecommunications; facilities that produce, use, store, or dispose of nuclear material; and other critical infrastructure services and critical facilities within the United States from terrorist attack;

(ii) coordinate efforts to protect critical public and privately owned information systems within the United States from terrorist attack;

(iii) develop criteria for reviewing whether appropriate security measures are in place at major public and privately owned facilities within the United States;

(iv) coordinate domestic efforts to ensure that special events determined by appropriate senior officials to have national significance are protected from terrorist attack;

(v) coordinate efforts to protect transportation systems within the United States, including railways, highways, shipping, ports and waterways, and airports and civilian aircraft, from terrorist attack;

(vi) coordinate efforts to protect United States livestock, agriculture, and systems for the provision of water and food for human use and consumption from terrorist attack; and

(vii) coordinate efforts to prevent unauthorized access to, development of, and unlawful importation into the United States of, chemical, biological, radiological, nuclear, explosive, or other related materials that have the potential to be used in terrorist attacks.

(f) *Response and Recovery.* The Office shall coordinate efforts to respond to and promote recovery from terrorist threats or attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) coordinate efforts to ensure rapid restoration of transportation systems, energy production, transmission, and distribution systems; telecommunications; other utilities; and other critical infrastructure facilities after disruption by a terrorist threat or attack;

(ii) coordinate efforts to ensure rapid restoration of public and private critical information systems after disruption by a terrorist threat or attack;

(iii) work with the National Economic Council to coordinate efforts to stabilize United States financial markets after a terrorist threat or attack and manage the immediate economic and financial consequences of the incident;

(iv) coordinate Federal plans and programs to provide medical, financial, and other assistance to victims of terrorist attacks and their families; and

(v) coordinate containment and removal of biological, chemical, radiological, explosive, or other hazardous materials in the event of a terrorist threat or attack involving such hazards and coordinate efforts to mitigate the effects of such an attack.

(g) *Incident Management.* Consistent with applicable law, including the statutory functions of the Secretary of Homeland Security, the Assistant to the President for Homeland Security shall be the official primarily responsible for advising and assisting the President in the coordination of domestic incident management activities of all departments and agencies in the event of a terrorist threat, and during and in the aftermath of terrorist attacks, major disasters, or other emergencies, within the United States. Generally, the Assistant to the President for Homeland Security shall serve as the principal point of contact for and to the President with respect to the coordination of such activities. The Assistant to the President for Homeland Security shall coordinate with the Assistant to the President for National Security Affairs, as appropriate.

(h) *Continuity of Government.* The Assistant to the President for Homeland Security, in coordination with the Assistant to the President for National Security Affairs, shall review plans and preparations for ensuring the continuity of the Federal Government in the event of a terrorist attack that threatens the safety and security of the United States Government or its leadership.

(i) *Public Affairs.* The Office, subject to the direction of the White House Office of Communications, shall coordinate the strategy of the executive branch for communicating with the public in the event of a terrorist threat or attack within the United States. The Office also shall coordinate the development of programs for educating the public about the nature of terrorist threats and appropriate precautions and responses.

(j) *Cooperation with State and Local Governments and Private Entities.* The Office shall encourage and invite the participation of State and local governments and private entities, as appropriate, in carrying out the Office's functions.

(k) *Review of Legal Authorities and Development of Legislative Proposals.* The Office shall coordinate a periodic review and assessment of the legal authorities available to executive departments and agencies to permit them to perform the functions described in this order. When the Office determines that such legal authorities are inadequate, the Office shall develop, in consultation with executive departments and agencies, proposals for presidential action and legislative proposals for submission to the Office of Management and Budget to enhance the ability of executive departments and agencies to perform those functions. The Office shall work with State and local governments in assessing the adequacy of their legal authorities to permit them to detect, prepare for, prevent, protect against, and recover from terrorist threats and attacks.

(l) *Budget Review.* The Assistant to the President for Homeland Security, in consultation with the Director of the Office of Management and Budget (the "Director") and the heads of executive departments and agencies, shall identify programs that contribute to the Administration's strategy for homeland security and, in the development of the President's annual budget submission, shall review and provide advice to the heads of departments and agencies for such programs. The Assistant to the President for Homeland Security shall provide advice to the Director on the level and use of funding in departments and agencies for homeland security-related activities and, prior to the Director's forwarding of the proposed annual budget submission to the President for transmittal to the Congress, shall certify to the Director the funding levels that the Assistant to the President for Homeland Security believes are necessary and appropriate for the homeland security-related activities of the executive branch.

SEC. 4. *Administration.*

(a) The Office of Homeland Security shall be directed by the Assistant to the President for Homeland Security.

(b) The Office of Administration within the Executive Office of the President shall provide the Office of Homeland Security with such personnel, funding, and administrative support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to carry out the provisions of this order.

(c) Heads of executive departments and agencies are authorized, to the extent permitted by law, to detail or assign personnel of such departments and agencies to the Office of Homeland Security upon request of the Assistant to the President for Homeland Security, subject to the approval of the Chief of Staff.

SEC. 5. *Establishment of Homeland Security Council.*

(a) I hereby establish a Homeland Security Council (the “Council”), which shall be responsible for advising and assisting the President with respect to all aspects of homeland security. The Council shall serve as the mechanism for ensuring coordination of homeland security-related activities of executive departments and agencies and effective development and implementation of homeland security policies.

(b) The Council shall have as its members the President, the Vice President, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the Assistant to the President for Homeland Security, and such other officers of the executive branch as the President may from time to time designate. The Chief of Staff, the Chief of Staff to the Vice President, the Assistant to the President for National Security Affairs, the Counsel to the President, and the Director of the Office of Management and Budget also are invited to attend any Council meeting. The Secretary of State, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Energy, the Secretary of Labor, the Secretary of Commerce, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy shall be invited to attend meetings pertaining to their responsibilities. The heads of other executive departments and agencies and other senior officials shall be invited to attend Council meetings when appropriate.

(c) The Council shall meet at the President’s direction. When the President is absent from a meeting of the Council, at the President’s direction the Vice President may preside. The Assistant to the President for Homeland Security shall be responsible, at the President’s direction, for determining the agenda, ensuring that necessary papers are prepared, and recording Council actions and Presidential decisions.

SEC. 6. *Original Classification Authority.* I hereby delegate the authority to classify information originally as Top Secret, in accordance with Executive Order 12958 [former 50 U.S.C. 3161 note] or any successor Executive Order, to the Assistant to the President for Homeland Security.

SEC. 7. *Continuing Authorities.* This order does not alter the existing authorities of United States Government departments and agencies, including the Department of Homeland Security. All executive departments and agencies are directed to assist the Council and the Assistant to the President for Homeland Security in carrying out the purposes of this order.

SEC. 8. *General Provisions.*

(a) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

(b) References in this order to State and local governments shall be construed to include tribal governments and United States territories and other possessions.

(c) References to the “United States” shall be construed to include United States territories and possessions.

SEC. 9. [Amended Ex. Ord. No. 12656, set out as a note under section 5195 of Title 42, The Public Health and Welfare.]

GEORGE W. BUSH.

EXECUTIVE ORDER NO. 13260

Ex. Ord. No. 13260, Mar. 19, 2002, 67 F.R. 13241, as amended by Ex. Ord. No. 13286, § 4, Feb. 28, 2003, 68 F.R. 10619, which established the President’s Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security, was revoked by Ex. Ord. No. 13286, § 4, Feb. 28, 2003, 68 F.R. 10619, eff. Mar. 31, 2003.

EX. ORD. NO. 13657. CHANGING THE NAME OF THE NATIONAL SECURITY STAFF TO THE NATIONAL SECURITY COUNCIL STAFF

Ex. Ord. No. 13657, Feb. 10, 2014, 79 F.R. 8823, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reflect my decision to change the name of the National Security Staff to the National Security Council staff, it is hereby ordered as follows:

SECTION 1. *Name Change.* All references to the National Security Staff or Homeland Security Council Staff in any Executive Order or Presidential directive shall be understood to refer to the staff of the National Security Council.

SEC. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 3022. Joint Intelligence Community Council

(a) Joint Intelligence Community Council

There is a Joint Intelligence Community Council.

(b) Membership

The Joint Intelligence Community Council shall consist of the following:

(1) The Director of National Intelligence, who shall chair the Council.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Attorney General.

(6) The Secretary of Energy.

(7) The Secretary of Homeland Security.

(8) Such other officers of the United States Government as the President may designate from time to time.

(c) Functions

The Joint Intelligence Community Council shall assist the Director of National Intelligence in developing and implementing a joint, unified national intelligence effort to protect national security by—

(1) advising the Director on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request; and

(2) ensuring the timely execution of programs, policies, and directives established or developed by the Director.

(d) Meetings

The Director of National Intelligence shall convene regular meetings of the Joint Intelligence Community Council.

(e) Advice and opinions of members other than Chairman

(1) A member of the Joint Intelligence Community Council (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Director of National Intelligence to the President or the National Security Council, in the role of the Chairman as Chairman of the Joint Intelligence Community Council. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents the advice of the Chairman to the President or the National Security Council, as the case may be.

(2) The Chairman shall establish procedures to ensure that the presentation of the advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.

(f) Recommendations to Congress

Any member of the Joint Intelligence Community Council may make such recommendations to Congress relating to the intelligence community as such member considers appropriate.

(July 26, 1947, ch. 343, title I, §101A, as added Pub. L. 108-458, title I, §1031, Dec. 17, 2004, 118 Stat. 3677.)

CODIFICATION

Section was formerly classified to section 402-1 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.

§ 3023. Director of National Intelligence

(a) Director of National Intelligence

(1) There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise.

(2) The Director of National Intelligence shall not be located within the Executive Office of the President.

(b) Principal responsibility

Subject to the authority, direction, and control of the President, the Director of National Intelligence shall—

(1) serve as head of the intelligence community;

(2) act as the principal adviser to the President, to the National Security Council, and the Homeland Security Council for intelligence matters related to the national security; and

(3) consistent with section 1018 of the National Security Intelligence Reform Act of 2004, oversee and direct the implementation of the National Intelligence Program.

(c) Prohibition on dual service

The individual serving in the position of Director of National Intelligence shall not, while so serving, also serve as the Director of the Central Intelligence Agency or as the head of any other element of the intelligence community.

(July 26, 1947, ch. 343, title I, §102, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3644.)

REFERENCES IN TEXT

Section 1018 of the National Security Intelligence Reform Act of 2004, referred to in subsec. (b)(3), is section 1018 of Pub. L. 108-458, which is set out as a note below.

CODIFICATION

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

PRIOR PROVISIONS

A prior section 102 of act July 26, 1947, ch. 343, title I, as added and amended Pub. L. 104-293, title VIII, §§805(a), 809(a), 810, 811, Oct. 11, 1996, 110 Stat. 3477, 3481, 3482; Pub. L. 105-107, title IV, §405, Nov. 20, 1997, 111 Stat. 2261; Pub. L. 105-272, title III, §306, Oct. 20, 1998, 112 Stat. 2401, related to Office of the Director of Central Intelligence prior to repeal by Pub. L. 108-458, title I, §§1011(a), 1097(a), Dec. 17, 2004, 118 Stat. 3643, 3698, effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided. See section 3036 of this title.

Another prior section 102 of act July 26, 1947, ch. 343, title I, 61 Stat. 497; act Apr. 4, 1953, ch. 16, 67 Stat. 19; Pub. L. 102-496, title VII, §704, Oct. 24, 1992, 106 Stat. 3189; Pub. L. 104-93, title VII, §701, Jan. 6, 1996, 109 Stat. 977; Pub. L. 104-106, div. A, title V, §570, Feb. 10, 1996, 110 Stat. 353, related to establishment of Central Intelligence Agency and appointment and functions of its Director and Deputy Director prior to repeal by Pub. L. 104-293, title VIII, §805(a), Oct. 11, 1996, 110 Stat. 3477.

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.

MERGER OF THE FOREIGN COUNTERINTELLIGENCE PROGRAM AND THE GENERAL DEFENSE INTELLIGENCE PROGRAM

Pub. L. 113-126, title III, §314, July 7, 2014, 128 Stat. 1399, provided that: "Notwithstanding any other provision of law, the Director of National Intelligence shall carry out the merger of the Foreign Counterintelligence Program into the General Defense Intelligence Program as directed in the classified annex to this Act [see Tables for classification]. The merger shall go into effect no earlier than 30 days after written

notification of the merger is provided to the congressional intelligence committees.”

[For definition of “congressional intelligence committees” as used in section 314 of Pub. L. 113-126, set out above, see section 2 of Pub. L. 113-126, set out as a note under section 3003 of this title.]

PRESIDENTIAL GUIDELINES ON IMPLEMENTATION AND PRESERVATION OF AUTHORITIES

Pub. L. 108-458, title I, §1018, Dec. 17, 2004, 118 Stat. 3670, provided that: “The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title [see Tables for classification] and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

“(1) the authority of the Director of the Office of Management and Budget; and

“(2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—

“(A) section 199 of the Revised Statutes (22 U.S.C. 2651);

“(B) title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.);

“(C) the State Department Basic Authorities Act of 1956 [Act Aug. 1, 1956, ch. 841, see Tables for classification];

“(D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)); and

“(E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.”

FINDINGS REGARDING IMPROVEMENT OF EQUALITY OF EMPLOYMENT OPPORTUNITIES IN THE INTELLIGENCE COMMUNITY

Pub. L. 108-177, title III, §319, Dec. 13, 2003, 117 Stat. 2614, as amended by Pub. L. 108-458, title I, §1071(g)(3)(A)(iv), (B), Dec. 17, 2004, 118 Stat. 3692; Pub. L. 111-259, title III, §313(b)(1)(A), (3), Oct. 7, 2010, 124 Stat. 2666, provided that: “Congress makes the following findings:

“(1) It is the recommendation of the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, that the Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first generation Americans.

“(2) The Intelligence Community could greatly benefit from an increased number of employees who are proficient in foreign languages and knowledgeable of world cultures, especially in foreign languages that are critical to the national security interests of the United States. Particular emphasis should be given to the recruitment of United States citizens whose linguistic capabilities are acutely required for the improvement of the overall intelligence collection and analysis effort of the United States Government.

“(3) The Intelligence Community has a significantly lower percentage of women and minorities than the total workforce of the Federal government and the total civilian labor force.

“(4) Women and minorities continue to be underrepresented in senior grade levels, and in core mission areas, of the intelligence community.”

REPORT ON LESSONS LEARNED FROM MILITARY OPERATIONS IN IRAQ

Pub. L. 108-177, title III, §357, Dec. 13, 2003, 117 Stat. 2621, as amended by Pub. L. 108-458, title I,

§1071(g)(3)(A)(vi), Dec. 17, 2004, 118 Stat. 3692, required Director of National Intelligence to submit report to Congress, not later than one year after Dec. 13, 2003, on intelligence lessons learned as a result of Operation Iraqi Freedom.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Pub. L. 88-643, Oct. 13, 1964, 78 Stat. 1043, as amended by Pub. L. 90-539, Sept. 30, 1968, 82 Stat. 902; Pub. L. 91-185, Dec. 30, 1969, 83 Stat. 847; Pub. L. 91-626, §§1-6, Dec. 31, 1970, 84 Stat. 1872-1874; Pub. L. 93-31, May 8, 1973, 87 Stat. 65; Pub. L. 93-210, §1(a), Dec. 28, 1973, 87 Stat. 908; Pub. L. 94-361, title VIII, §801(b), July 14, 1976, 90 Stat. 929; Pub. L. 94-522, title I, §§101, 102, title II, §§201-213, Oct. 17, 1976, 90 Stat. 2467-2471; Ex. Ord. No. 12273, Jan. 16, 1981, 46 F.R. 5854; Ex. Ord. No. 12326, Sept. 30, 1981, 46 F.R. 48889; Pub. L. 97-269, title VI, §§602-611, Sept. 27, 1982, 96 Stat. 1145-1148, 1152-1153; Ex. Ord. No. 12443, Sept. 27, 1983, 48 F.R. 44751; Ex. Ord. No. 12485, July 13, 1984, 49 F.R. 28827; Pub. L. 98-618, title III, §302, Nov. 8, 1984, 98 Stat. 3300; Pub. L. 99-169, title VII, §702, Dec. 4, 1985, 99 Stat. 1008; Pub. L. 99-335, title V, §§501-506, June 6, 1986, 100 Stat. 622-624; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-569, title III, §302(a), Oct. 27, 1986, 100 Stat. 3192; Pub. L. 100-178, title IV, §§401(a), 402(a), (b)(1), (2), Dec. 2, 1987, 101 Stat. 1012-1014; Pub. L. 100-453, title III, §302(a), (b)(1), (c)(1), (d)(1), (2), title V, §502, Sept. 29, 1988, 102 Stat. 1906, 1907, 1909; Pub. L. 101-193, title III, §§302-304(a), 307(b), Nov. 30, 1989, 103 Stat. 1703, 1707; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-88, title III, §§302-305(a), 306-307(b), Aug. 14, 1991, 105 Stat. 431-433; Pub. L. 102-183, title III, §§302(a)-(c), 303(a), 304-306(b), 307, 309(a), 310(a), Dec. 4, 1991, 105 Stat. 1262-1266; Pub. L. 102-496, title III, §304(b), Oct. 24, 1992, 106 Stat. 3183, known as the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, was revised generally by Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3196. As so revised, Pub. L. 88-643, now known as the Central Intelligence Agency Retirement Act, has been transferred to chapter 38 (§2001 et seq.) of this title. All notes, Executive orders, and other provisions relating to this Act have been transferred to section 2001 of this title.

EXECUTIVE ORDER NO. 10656

Ex. Ord. No. 10656, Feb. 6, 1956, 21 F.R. 859, which established the President's Board of Consultants on Foreign Intelligence Activities, was revoked by Ex. Ord. No. 10938, May 4, 1961, 26 F.R. 3951, formerly set out below.

EXECUTIVE ORDER NO. 10938

Ex. Ord. No. 10938, May 4, 1961, 26 F.R. 3951, which established the President's Foreign Intelligence Advisory Board, was revoked by Ex. Ord. No. 11460, Mar. 20, 1969, 34 F.R. 5535, formerly set out below.

EXECUTIVE ORDER NO. 11460

Ex. Ord. No. 11460, Mar. 20, 1969, 34 F.R. 5535, which established the President's Foreign Intelligence Advisory Board, was revoked by Ex. Ord. No. 11984, May 4, 1977, 42 F.R. 23129, set out below.

EX. ORD. NO. 11984. ABOLITION OF PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

Ex. Ord. No. 11984, May 4, 1977, 42 F.R. 23129, provided: By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to abolish the President's Foreign Intelligence Advisory Board, Executive Order No. 11460 of March 20, 1969, is hereby revoked.

JIMMY CARTER.

EXECUTIVE ORDER NO. 12331

Ex. Ord. No. 12331, Oct. 20, 1981, 46 F.R. 51705, which established the President's Foreign Intelligence Advi-

sory Board, was revoked by Ex. Ord. No. 12537, Oct. 28, 1985, 50 F.R. 45083, formerly set out below.

EXECUTIVE ORDER NO. 12537

Ex. Ord. No. 12537, Oct. 28, 1985, 50 F.R. 45083, as amended by Ex. Ord. No. 12624, Jan. 6, 1988, 53 F.R. 489, which established the President's Foreign Intelligence Advisory Board, was revoked by Ex. Ord. No. 12863, §3.3, Sept. 13, 1993, 58 F.R. 48441, formerly set out as a note under section 3001 of this title.

§ 3024. Responsibilities and authorities of the Director of National Intelligence

(a) Provision of intelligence

(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

- (A) to the President;
- (B) to the heads of departments and agencies of the executive branch;
- (C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;
- (D) to the Senate and House of Representatives and the committees thereof; and
- (E) to such other persons as the Director of National Intelligence determines to be appropriate.

(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

(b) Access to intelligence

Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.

(c) Budget authorities

(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—

- (A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;
- (B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and
- (C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.

(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.

(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budget for the Military Intelligence Program or any successor program or programs.

(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.

(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations.

(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31 and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance

in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

(d) Role of Director of National Intelligence in transfer and reprogramming of funds

(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Military Intelligence Program or any successor program or programs.

(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program—

(A) to another such program;

(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.

(3) The Director of National Intelligence may only transfer or reprogram funds referred to in paragraph (1)(A)—

(A) with the approval of the Director of the Office of Management and Budget; and

(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

(5)(A) A transfer or reprogramming of funds may be made under this subsection only if—

(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of

funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

(I) that is less than \$150,000,000, and

(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

(v) the transfer or reprogramming does not terminate an acquisition program.

(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency) to the deputy of such officer.

(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of December 17, 2004.

(e) Transfer of personnel

(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

(i) the congressional intelligence committees;

(ii) the Committees on Appropriations of the Senate and the House of Representatives;

(iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

(iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

(C) The Director shall include in any notice under subparagraph (B) an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years.

(B) A transfer of personnel may be made under this paragraph only if—

(i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and

(ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.

(C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

(i) the congressional intelligence committees;

(ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

(iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

(D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.

(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

(D) For each of the fiscal years 2010, 2011, and 2012, the Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—

(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

(iii) the cost to carry out subparagraph (B).

(4) It is the sense of Congress that—

(A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;

(B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be fully and properly supported with appropriate levels of personnel resources and that the President's yearly budget requests adequately support those needs; and

(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

(f) Tasking and other authorities

(1)(A) The Director of National Intelligence shall—

(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) of this section and analytic products generated by or within the intelligence community) of national intelligence;

(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

(B) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

(i) insofar as the President so directs;

(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

(iii) to the direct dissemination of information to State government and local govern-

ment officials and private sector entities pursuant to sections 121 and 482 of title 6.

(2) The Director of National Intelligence shall oversee the National Counterterrorism Center and may establish such other national intelligence centers as the Director determines necessary.

(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—

(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;

(ii) set standards for education, training, and career development of personnel of the intelligence community;

(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

(iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and

(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.

(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

(6) The Director of National Intelligence shall establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.

(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary,

or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.

(8) The Director of National Intelligence shall perform such other functions as the President may direct.

(9) Nothing in this subchapter shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

(g) Intelligence information sharing

(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

(A) establish uniform security standards and procedures;

(B) establish common information technology standards, protocols, and interfaces;

(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program; and

(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.

(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).

(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.

(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.

(h) Analysis

To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—

(1) implement policies and procedures—

(A) to encourage sound analytic methods and tradecraft throughout the elements of the intelligence community;

(B) to ensure that analysis is based upon all sources available; and

(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;

(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

(3) ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and

(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

(i) Protection of intelligence sources and methods

(1) The Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement guidelines for the intelligence community for the following purposes:

(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

(j) Uniform procedures for classified information

The Director of National Intelligence, subject to the direction of the President, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies;

(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security;

(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee to such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and

(6) develop procedures to require information sharing between elements of the intelligence community concerning potentially derogatory security information regarding an employee or officer of an element of the intelligence community, a contractor to an element of the intelligence community, or an individual employee of such a contractor that

may impact the eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor for a security clearance.

(k) Coordination with foreign governments

Under the direction of the President and in a manner consistent with section 3927 of title 22, the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(l) Enhanced personnel management

(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

- (i) on the staff of the Director of National Intelligence;
- (ii) on the staff of the national intelligence centers;
- (iii) on the staff of the National Counterterrorism Center; and
- (iv) in other positions in support of the intelligence community management functions of the Director.

(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(B) The Director may prescribe regulations to carry out this paragraph.

(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.

(B) The mechanisms prescribed under subparagraph (A) may include the following:

- (i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.
- (ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.
- (iii) The establishment of requirements for education, training, service, and evaluation for service involving more than one element of the intelligence community.

(C) It is the sense of Congress that the mechanisms prescribed under this subsection should,

to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10 and the other amendments made by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.

(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10 and other provisions of that title.

(m) Additional authority with respect to personnel

(1) In addition to the authorities under subsection (f)(3) of this section, the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 [50 U.S.C. 3501 et seq.], and other applicable provisions of law, as of December 17, 2004, to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949 [50 U.S.C. 3501 et seq.], and other applicable provisions of law, as of December 17, 2004.

(n) Acquisition and other authorities

(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 [50 U.S.C. 3501 et seq.] other than the authorities referred to in section 8(b) of that Act [50 U.S.C. 3510(b)].

(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official's discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3503(d)] shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3503(d)] shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.

(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3503, 3510(a)] for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

(I) a description of such authority requested to be exercised;

(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

(III) a certification that the mission of such element would be—

(aa) impaired if such authority is not exercised; or

(bb) significantly and measurably enhanced if such authority is exercised; and

(ii) the Director of National Intelligence issues a written authorization that includes—

(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

(II) a justification to support the exercise of such authority.

(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

(G) The Director of National Intelligence shall submit—

(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3503, 3510(a)].

(o) Consideration of views of elements of intelligence community

In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

(p) Responsibility of Director of National Intelligence regarding National Intelligence Program budget concerning the Department of Defense

Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.

(q) Acquisitions of major systems

(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and

(C) periodically—

(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

(ii) submit to Congress a report on the results of such review and assessment.

(2) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.

(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

(4) In this subsection:

(A) The term “intelligence program”, with respect to the acquisition of a major system, means a program that—

(i) is carried out to acquire such major system for an element of the intelligence community; and

(ii) is funded in whole out of amounts available for the National Intelligence Program.

(B) The term “major system” has the meaning given such term in section 109 of title 41.

(r) Performance of common services

The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

(s) Pay authority for critical positions

(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

(2) Authority under this subsection may be granted or exercised only—

(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.

(t) Award of rank to members of the Senior National Intelligence Service

(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5.

(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 3126(1)¹ of this title).

(u) Conflict of interest regulations

(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 3106 of this title.

(v) Authority to establish positions in excepted service

(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

(2) An incumbent occupying a position on January 3, 2012, selected to be converted to the excepted service under this section shall have the

right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

(3) In this subsection, the term “covered department” means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.

(w) Nuclear Proliferation Assessment Statements intelligence community addendum

The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country’s export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.

(x) Requirements for intelligence community contractors

The Director of National Intelligence, in consultation with the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency, shall—

(1) ensure that—

(A) any contractor to an element of the intelligence community with access to a classified network or classified information develops and operates a security plan that is consistent with standards established by the Director of National Intelligence for intelligence community networks; and

(B) each contract awarded by an element of the intelligence community includes provisions requiring the contractor comply with such plan and such standards;

(2) conduct periodic assessments of each security plan required under paragraph (1)(A) to ensure such security plan complies with the requirements of such paragraph; and

(3) ensure that the insider threat detection capabilities and insider threat policies of the intelligence community apply to facilities of contractors with access to a classified network.

(July 26, 1947, ch. 343, title I, §102A, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3644; amended Pub. L. 111-258, §5(a), Oct. 7, 2010, 124 Stat. 2650; Pub. L. 111-259, title III, §§303, 304, 306, 307, 326, title IV, §§401, 402(a), title VIII, §804(2), Oct. 7, 2010, 124 Stat. 2658, 2659, 2661, 2662, 2683, 2708, 2747; Pub. L. 112-87, title III, §§304, 305, 311(d), Jan. 3, 2012, 125 Stat. 1880, 1881, 1886; Pub. L. 113-126, title III, §329(b)(2), title V, §§501, 502(a), July 7, 2014, 128 Stat. 1406, 1411, 1412.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (c)(6), is Pub. L.

¹ See References in Text note below.

93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Foreign Intelligence Surveillance Act of 1978, referred to in subsec. (f)(6), (9), is Pub. L. 95-511, Oct. 25, 1978, 92 Stat. 1783, which is classified principally to chapter 36 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Executive Order No. 13526, referred to in subsec. (g)(1)(G), is set out as a note under section 3161 of this title.

The Goldwater-Nichols Department of Defense Reorganization Act of 1986, referred to in subsec. (l)(3)(C), is Pub. L. 99-433, Oct. 1, 1986, 100 Stat. 992. For complete classification of this Act to the Code, see Short Title of 1986 Amendment note set out under section 111 of Title 10, Armed Forces, and Tables.

The Central Intelligence Agency Act of 1949, referred to in subssecs. (m) and (n)(1), is act June 20, 1949, ch. 227, 63 Stat. 208, which was formerly classified generally to section 403a et seq. of this title prior to editorial reclassification in this title and is now classified generally to chapter 46 (§3501 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Section 3126(1) of this title, referred to in subsec. (t)(2), was in the original “section 606(1)”, meaning section 606(1) of act July 26, 1947, which was translated as reading “section 605(1)”, to reflect the probable intent of Congress and the renumbering of section 606 as 605 by section 310(a)(4)(B) of Pub. L. 112-277.

CODIFICATION

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

In subsec. (q)(4)(B), “section 109 of title 41” substituted for “section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9))” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

PRIOR PROVISIONS

A prior section 102A of act July 26, 1947, ch. 343, title I, as added Pub. L. 104-293, title VIII, §805(b), Oct. 11, 1996, 110 Stat. 3479, provided there is a Central Intelligence Agency and described its function prior to repeal by Pub. L. 108-458, title I, §§1011(a), 1097(a), Dec. 17, 2004, 118 Stat. 3643, 3698, effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided. See section 3035 of this title.

Another prior section 102a of act July 26, 1947, ch. 343, title I, as added Pub. L. 98-215, title IV, §403, Dec. 9, 1983, 97 Stat. 1477, related to appointment of Director of the Intelligence Community Staff prior to repeal by Pub. L. 102-496, title VII, §705(a)(1), Oct. 24, 1992, 106 Stat. 3190.

AMENDMENTS

2014—Subsec. (g)(4). Pub. L. 113-126, §329(b)(2), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Not later than February 1 of each year, the Director of National Intelligence shall submit to the President and to the Congress an annual report that identifies any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively implement paragraph (1).”

Subsec. (j). Pub. L. 113-126, §501(1), substituted “classified information” for “sensitive compartmented information” in heading.

Subsec. (j)(5), (6). Pub. L. 113-126, §501(2)–(4), added pars. (5) and (6).

Subsec. (x). Pub. L. 113-126, §502(a), added subsec. (x).
2012—Subsec. (e)(3)(D). Pub. L. 112-87, §311(d), substituted “For each of the fiscal years 2010, 2011, and 2012, the” for “The” in introductory provisions.

Subsec. (v). Pub. L. 112-87, §304, added subsec. (v).

Subsec. (w). Pub. L. 112-87, §305, added subsec. (w).

2010—Subsec. (c)(3)(A). Pub. L. 111-259, §804(2)(A), substituted “annual budget for the Military Intelligence Program or any successor program or programs” for “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities”.

Subsec. (d)(1)(B). Pub. L. 111-259, §804(2)(B)(i), substituted “Military Intelligence Program or any successor program or programs” for “Joint Military Intelligence Program”.

Subsec. (d)(2). Pub. L. 111-259, §402(a), substituted “Program—” for “Program to another such program.” and added subpars. (A) to (C).

Subsec. (d)(3). Pub. L. 111-259, §804(2)(B)(ii), substituted “paragraph (1)(A)” for “subparagraph (A)” in introductory provisions.

Subsec. (d)(5)(A). Pub. L. 111-259, §804(2)(B)(iii)(I), struck out “or personnel” after “funds” in introductory provisions.

Subsec. (d)(5)(B). Pub. L. 111-259, §804(2)(B)(iii)(II), substituted “delegated by the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)” for “delegated by the head of the department or agency involved”.

Subsec. (e)(3), (4). Pub. L. 111-259, §306, added par. (3) and redesignated former par. (3) as (4).

Subsec. (f)(7) to (9). Pub. L. 111-259, §401, added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively.

Subsec. (g)(1)(G). Pub. L. 111-258 added subpar. (G).

Subsec. (l)(2)(B). Pub. L. 111-259, §804(2)(C), substituted “paragraph” for “section”.

Subsec. (n). Pub. L. 111-259, §804(2)(D), inserted “and other” after “Acquisition” in the heading.

Subsec. (n)(4). Pub. L. 111-259, §326, added par. (4).

Subsecs. (s) to (u). Pub. L. 111-259, §§303, 304, 307, added subssecs. (s) to (u).

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-126, title V, §502(b), July 7, 2014, 128 Stat. 1412, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to contracts entered into or renewed after the date of the enactment of this Act [July 7, 2014].”

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.

INSIDER THREAT DETECTION PROGRAM

Pub. L. 112-18, title IV, §402, June 8, 2011, 125 Stat. 227, as amended by Pub. L. 112-277, title III, §304, Jan. 14, 2013, 126 Stat. 2471, provided that:

“(a) INITIAL OPERATING CAPABILITY.—Not later than October 1, 2013, the Director of National Intelligence shall establish an initial operating capability for an effective automated insider threat detection program for the information resources in each element of the intelligence community in order to detect unauthorized access to, or use or transmission of, classified intelligence.

“(b) FULL OPERATING CAPABILITY.—Not later than October 1, 2014, the Director of National Intelligence shall ensure the program described in subsection (a) has reached full operating capability.

“(c) REPORT.—Not later than December 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the resources required to implement the insider threat de-

tection program referred to in subsection (a) and any other issues related to such implementation the Director considers appropriate to include in the report.

“(d) INFORMATION RESOURCES DEFINED.—In this section, the term ‘information resources’ means networks, systems, workstations, servers, routers, applications, databases, websites, online collaboration environments, and any other information resources in an element of the intelligence community designated by the Director of National Intelligence.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 402 of Pub. L. 112–18, set out above, see section 2 of Pub. L. 112–18, set out below.]

JOINT PROCEDURES FOR OPERATIONAL COORDINATION
BETWEEN DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY

Pub. L. 108–458, title I, §1013, Dec. 17, 2004, 118 Stat. 3662, provided that:

“(a) DEVELOPMENT OF PROCEDURES.—The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Central Intelligence Agency, shall develop joint procedures to be used by the Department of Defense and the Central Intelligence Agency to improve the coordination and deconfliction of operations that involve elements of both the Armed Forces and the Central Intelligence Agency consistent with national security and the protection of human intelligence sources and methods. Those procedures shall, at a minimum, provide the following:

“(1) Methods by which the Director of the Central Intelligence Agency and the Secretary of Defense can improve communication and coordination in the planning, execution, and sustainment of operations, including, as a minimum—

“(A) information exchange between senior officials of the Central Intelligence Agency and senior officers and officials of the Department of Defense when planning for such an operation commences by either organization; and

“(B) exchange of information between the Secretary and the Director of the Central Intelligence Agency to ensure that senior operational officials in both the Department of Defense and the Central Intelligence Agency have knowledge of the existence of the ongoing operations of the other.

“(2) When appropriate, in cases where the Department of Defense and the Central Intelligence Agency are conducting separate missions in the same geographical area, a mutual agreement on the tactical and strategic objectives for the region and a clear delineation of operational responsibilities to prevent conflict and duplication of effort.

“(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of the Act [Dec. 17, 2004], the Director of National Intelligence shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) and the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) [now 50 U.S.C. 3003(7)]) a report describing the procedures established pursuant to subsection (a) and the status of the implementation of those procedures.”

ALTERNATIVE ANALYSIS OF INTELLIGENCE BY THE
INTELLIGENCE COMMUNITY

Pub. L. 108–458, title I, §1017, Dec. 17, 2004, 118 Stat. 3670, provided that:

“(a) IN GENERAL.—Not later than 180 days after the effective date of this Act [probably means the effective date of title I of Pub. L. 108–458, see Effective Date of 2004 Amendment; Transition Provisions note set out under section 3001 of this title], the Director of National Intelligence shall establish a process and assign an individual or entity the responsibility for ensuring that, as appropriate, elements of the intelligence com-

munity conduct alternative analysis (commonly referred to as ‘red-team analysis’) of the information and conclusions in intelligence products.

“(b) REPORT.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives on the implementation of subsection (a).”

ENHANCING CLASSIFIED COUNTERTERRORIST TRAVEL
EFFORTS

Pub. L. 108–458, title VII, §7201(e), Dec. 17, 2004, 118 Stat. 3813, provided that:

“(1) IN GENERAL.—The Director of National Intelligence shall significantly increase resources and personnel to the small classified program that collects and analyzes intelligence on terrorist travel.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this subsection.”

INTELLIGENCE COMMUNITY USE OF NATIONAL
INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

Pub. L. 108–458, title VIII, §8101, Dec. 17, 2004, 118 Stat. 3864, provided that:

“(a) IN GENERAL.—The Director of National Intelligence shall establish a formal relationship, including information sharing, between the elements of the intelligence community and the National Infrastructure Simulation and Analysis Center.

“(b) PURPOSE.—The purpose of the relationship under subsection (a) shall be to permit the intelligence community to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center, particularly vulnerability and consequence analysis, for real time response to reported threats and long term planning for projected threats.”

PILOT PROGRAM ON ANALYSIS OF SIGNALS AND OTHER
INTELLIGENCE BY INTELLIGENCE ANALYSTS OF VARIOUS
ELEMENTS OF THE INTELLIGENCE COMMUNITY

Pub. L. 108–177, title III, §317, Dec. 13, 2003, 117 Stat. 2611, as amended by Pub. L. 108–458, title I, §§1071(g)(3)(A)(i), (ii), 1072(d)(2)(A), Dec. 17, 2004, 118 Stat. 3692, 3693, required Director of National Intelligence, in coordination with Secretary of Defense, to carry out pilot program to assess feasibility and advisability of permitting intelligence analysts of various elements of intelligence community to access and analyze signals intelligence of the National Security Agency and other selected intelligence from databases of other elements of intelligence community in order to achieve certain objectives; pilot program was to commence not later than Dec. 31, 2003, be assessed not later than Feb. 1, 2004, and a report on the assessment submitted to Congress.

STANDARDIZED TRANSLITERATION OF NAMES INTO THE
ROMAN ALPHABET

Pub. L. 107–306, title III, §352, Nov. 27, 2002, 116 Stat. 2401, as amended by Pub. L. 108–458, title I, §1071(g)(2)(D), Dec. 17, 2004, 118 Stat. 3691, provided that:

“(a) METHOD OF TRANSLITERATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Nov. 27, 2002], the Director of Central Intelligence shall provide for a standardized method for transliterating into the Roman alphabet personal and place names originally rendered in any language that uses an alphabet other than the Roman alphabet.

“(b) USE BY INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure the use of the method established under subsection (a) in—

“(1) all communications among the elements of the intelligence community; and

“(2) all intelligence products of the intelligence community.”

STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES

Pub. L. 105-107, title III, § 309, Nov. 20, 1997, 111 Stat. 2253, provided that:

“(a) SURVEY OF CURRENT STANDARDS.—

“(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

“(2) REPORT.—Not later than 90 days after the date of enactment of this Act [Nov. 20, 1997], the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1). The report shall be submitted in unclassified form, but may include a classified annex.

“(b) GUIDELINES.—

“(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

“(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

“(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

“(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ‘congressional intelligence committees’ means the following:

“(1) The Select Committee on Intelligence of the Senate.

“(2) The Permanent Select Committee on Intelligence of the House of Representatives.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

PERIODIC REPORTS ON EXPENDITURES

Pub. L. 104-293, § 807(c), Oct. 11, 1996, 110 Stat. 3480, provided that: “Not later than January 1, 1997, the Director of Central Intelligence and the Secretary of Defense shall prescribe guidelines to ensure prompt reporting to the Director and the Secretary on a periodic basis of budget execution data for all national, defense-wide, and tactical intelligence activities.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

DATABASE PROGRAM TRACKING

Pub. L. 104-293, title VIII, § 807(d), Oct. 11, 1996, 110 Stat. 3481, provided that: “Not later than January 1, 1999, the Director of Central Intelligence and the Sec-

retary of Defense shall develop and implement a database to provide timely and accurate information on the amounts, purposes, and status of the resources, including periodic budget execution updates, for all national, defense-wide, and tactical intelligence activities.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

DEFINITIONS

Pub. L. 112-18, § 2, June 8, 2011, 125 Stat. 224, provided that: “In this Act [see Tables for classification]:

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) [now 50 U.S.C. 3003(4)].”

§ 3025. Office of the Director of National Intelligence

(a) Office of Director of National Intelligence

There is an Office of the Director of National Intelligence.

(b) Function

The function of the Office of the Director of National Intelligence is to assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director under this Act and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

(c) Composition

The Office of the Director of National Intelligence is composed of the following:

(1) The Director of National Intelligence.

(2) The Principal Deputy Director of National Intelligence.

(3) Any Deputy Director of National Intelligence appointed under section 3026 of this title.

(4) The National Intelligence Council.

(5) The General Counsel.

(6) The Civil Liberties Protection Officer.

(7) The Director of Science and Technology.

(8) The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).

(9) The Chief Information Officer of the Intelligence Community.

(10) The Inspector General of the Intelligence Community.

(11) The Director of the National Counterterrorism Center.

(12) The Director of the National Counter Proliferation Center.

(13) The Chief Financial Officer of the Intelligence Community.

(14) Such other offices and officials as may be established by law or the Director may es-

establish or designate in the Office, including national intelligence centers.

(d) Staff

(1) To assist the Director of National Intelligence in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the Director of National Intelligence a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office of the Director of National Intelligence under paragraph (1) shall include the staff of the Office of the Deputy Director of Central Intelligence for Community Management that is transferred to the Office of the Director of National Intelligence under section 1091 of the National Security Intelligence Reform Act of 2004.

(e) Temporary filling of vacancies

With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5 may be applied—

(1) in the matter preceding subparagraph (A), by substituting “an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),”¹ for “such Executive agency”; and

(2) in subparagraph (A), by substituting “the intelligence community” for “such agency”.

(f) Location of the Office of the Director of National Intelligence

The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40.

(July 26, 1947, ch. 343, title I, § 103, as added Pub. L. 108–458, title I, § 1011(a), Dec. 17, 2004, 118 Stat. 3655; amended Pub. L. 111–259, title IV, §§ 403, 407(b), title VIII, § 804(3), Oct. 7, 2010, 124 Stat. 2709, 2721, 2747; Pub. L. 112–87, title IV, § 405, Jan. 3, 2012, 125 Stat. 1888.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), probably means Pub. L. 108–458, Dec. 17, 2004, 118 Stat. 3638, known as the Intelligence Reform and Terrorism Prevention Act of 2004. For complete classification of this Act to the Code, see Tables.

Section 1091 of the National Security Intelligence Reform Act of 2004, referred to in subsec. (d)(2), is section 1091 of Pub. L. 108–458, which is set out as a note under section 3001 of this title.

Section 3 of the National Security Act of 1947, referred to in subsec. (e)(1), was classified to section 401a of this title prior to editorial reclassification and renumbering as section 3003 of this title.

CODIFICATION

Section was formerly classified to section 403-3 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.

¹ See References in Text note below.

PRIOR PROVISIONS

A prior section 103 of act July 26, 1947, ch. 343, title I, as added Pub. L. 102–496, title VII, § 705(a)(3), Oct. 24, 1992, 106 Stat. 3190; amended Pub. L. 103–178, title V, § 502, Dec. 3, 1993, 107 Stat. 2038; Pub. L. 104–293, title VIII, §§ 806, 807(a), Oct. 11, 1996, 110 Stat. 3479, 3480; Pub. L. 107–56, title IX, § 901, Oct. 26, 2001, 115 Stat. 387, related to responsibilities of Director of Central Intelligence, prior to repeal by Pub. L. 108–458, title I, §§ 1011(a), 1097(a), Dec. 17, 2004, 118 Stat. 3643, 3698, effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided. See sections 3024 and 3036 of this title.

Another prior section 103 of act July 26, 1947, was renumbered section 107 and is classified to section 3042 of this title.

AMENDMENTS

2012—Subsecs. (e), (f). Pub. L. 112–87 added subsec. (e) and redesignated former subsec. (e) as (f).

2010—Subsec. (b). Pub. L. 111–259, § 804(3), struck out “, the National Security Act of 1947 (50 U.S.C. 401 et seq.),” after “this Act”.

Subsec. (c)(9) to (14). Pub. L. 111–259, § 407(b), added pars. (9) to (13) and redesignated former par. (9) as (14).

Subsec. (e). Pub. L. 111–259, § 403, amended subsec. (e) generally. Prior to amendment, text read as follows: “Commencing as of October 1, 2008, the Office of the Director of National Intelligence may not be co-located with any other element of the intelligence community.”

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.

§ 3026. Deputy Directors of National Intelligence

(a) Principal Deputy Director of National Intelligence

(1) There is a Principal Deputy Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) In the event of a vacancy in the position of Principal Deputy Director of National Intelligence, the Director of National Intelligence shall recommend to the President an individual for appointment as Principal Deputy Director of National Intelligence.

(3) Any individual nominated for appointment as Principal Deputy Director of National Intelligence shall have extensive national security experience and management expertise.

(4) The individual serving as Principal Deputy Director of National Intelligence shall not, while so serving, serve in any capacity in any other element of the intelligence community.

(5) The Principal Deputy Director of National Intelligence shall assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director.

(6) The Principal Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence.

(b) Deputy Directors of National Intelligence

(1) There may be not more than four Deputy Directors of National Intelligence who shall be appointed by the Director of National Intelligence.

(2) Each Deputy Director of National Intelligence appointed under this subsection shall have such duties, responsibilities, and authorities as the Director of National Intelligence may assign or are specified by law.

(c) Military status of Director of National Intelligence and Principal Deputy Director of National Intelligence

(1) Not more than one of the individuals serving in the positions specified in paragraph (2) may be a commissioned officer of the Armed Forces in active status.

(2) The positions referred to in this paragraph are the following:

(A) The Director of National Intelligence.

(B) The Principal Deputy Director of National Intelligence.

(3) It is the sense of Congress that, under ordinary circumstances, it is desirable that one of the individuals serving in the positions specified in paragraph (2)—

(A) be a commissioned officer of the Armed Forces, in active status; or

(B) have, by training or experience, an appreciation of military intelligence activities and requirements.

(4) A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (2)—

(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

(B) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

(5) Except as provided in subparagraph (A) or (B) of paragraph (4), the appointment of an officer of the Armed Forces to a position specified in paragraph (2) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(6) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in paragraph (2), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of National Intelligence.

(July 26, 1947, ch. 343, title I, §103A, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3656.)

CODIFICATION

Section was formerly classified to section 403-3a 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.

§ 3027. National Intelligence Council**(a) National Intelligence Council**

There is a National Intelligence Council.

(b) Composition

(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of National Intelligence.

(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

(c) Duties and responsibilities

(1) The National Intelligence Council shall—

(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community and other information as specified in paragraph (2);

(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

(C) otherwise assist the Director of National Intelligence in carrying out the responsibilities of the Director under section 3024 of this title.

(2) The Director of National Intelligence shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence.

(d) Service as senior intelligence advisers

Within their respective areas of expertise and under the direction of the Director of National Intelligence, the members of the National Intelligence Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the United States Government.

(e) Authority to contract

Subject to the direction and control of the Director of National Intelligence, the National Intelligence Council may carry out its responsibilities under this section by contract, including

contracts for substantive experts necessary to assist the Council with particular assessments under this section.

(f) Staff

The Director of National Intelligence shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its responsibilities under this section.

(g) Availability of Council and staff

(1) The Director of National Intelligence shall take appropriate measures to ensure that the National Intelligence Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

(2) The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.

(h) Support

The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the Director of National Intelligence.

(i) National Intelligence Council product

For purposes of this section, the term “National Intelligence Council product” includes a National Intelligence Estimate and any other intelligence community assessment that sets forth the judgment of the intelligence community as a whole on a matter covered by such product.

(July 26, 1947, ch. 343, title I, §103B, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3657.)

CODIFICATION

Section was formerly classified to section 403-3b 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.

§ 3028. General Counsel

(a) General Counsel

There is a General Counsel of the Office of the Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Prohibition on dual service as General Counsel of another agency

The individual serving in the position of General Counsel may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

(c) Scope of position

The General Counsel is the chief legal officer of the Office of the Director of National Intelligence.

(d) Functions

The General Counsel shall perform such functions as the Director of National Intelligence may prescribe.

(July 26, 1947, ch. 343, title I, §103C, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3658.)

CODIFICATION

Section was formerly classified to section 403-3c 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.

§ 3029. Civil Liberties Protection Officer

(a) Civil Liberties Protection Officer

(1) Within the Office of the Director of National Intelligence, there is a Civil Liberties Protection Officer who shall be appointed by the Director of National Intelligence.

(2) The Civil Liberties Protection Officer shall report directly to the Director of National Intelligence.

(b) Duties

The Civil Liberties Protection Officer shall—

(1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the Office of the Director of National Intelligence and the elements of the intelligence community within the National Intelligence Program;

(2) oversee compliance by the Office and the Director of National Intelligence with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy;

(3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the Director of National Intelligence and, as appropriate, investigate any such complaint or information;

(4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(5) ensure that personal information contained in a system of records subject to section 552a of title 5 (popularly referred to as the “Privacy Act”), is handled in full compliance with fair information practices as set out in that section;

(6) conduct privacy impact assessments when appropriate or as required by law; and

(7) perform such other duties as may be prescribed by the Director of National Intelligence or specified by law.

(c) Use of agency Inspectors General

When appropriate, the Civil Liberties Protection Officer may refer complaints to the Office of Inspector General having responsibility for the affected element of the department or agency of the intelligence community to conduct an investigation under paragraph (3) of subsection (b) of this section.

(July 26, 1947, ch. 343, title I, §103D, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3658.)

REFERENCES IN TEXT

The Privacy Act, referred to in subsec. (b)(5), probably means the Privacy Act of 1974, Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, which enacted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 552a of Title 5 and Tables.

CODIFICATION

Section was formerly classified to section 403-3d 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.

§ 3030. Director of Science and Technology

(a) Director of Science and Technology

There is a Director of Science and Technology within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.

(b) Requirement relating to appointment

An individual appointed as Director of Science and Technology shall have a professional background and experience appropriate for the duties of the Director of Science and Technology.

(c) Duties

The Director of Science and Technology shall—

(1) act as the chief representative of the Director of National Intelligence for science and technology;

(2) chair the Director of National Intelligence Science and Technology Committee under subsection (d) of this section;

(3) assist the Director in formulating a long-term strategy for scientific advances in the field of intelligence;

(4) assist the Director on the science and technology elements of the budget of the Office of the Director of National Intelligence; and

(5) perform other such duties as may be prescribed by the Director of National Intelligence or specified by law.

(d) Director of National Intelligence Science and Technology Committee

(1) There is within the Office of the Director of Science and Technology a Director of National Intelligence Science and Technology Committee.

(2) The Committee shall be composed of the principal science officers of the National Intelligence Program.

(3) The Committee shall—

(A) coordinate advances in research and development related to intelligence; and

(B) perform such other functions as the Director of Science and Technology shall prescribe.

(July 26, 1947, ch. 343, title I, §103E, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3659.)

CODIFICATION

Section was formerly classified to section 403-3e 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.

§ 3031. National Counterintelligence Executive

(a) National Counterintelligence Executive

The National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 [50 U.S.C. 3382] is a component of the Office of the Director of National Intelligence.

(b) Duties

The National Counterintelligence Executive shall perform the duties provided in the Counterintelligence Enhancement Act of 2002 and such other duties as may be prescribed by the Director of National Intelligence or specified by law.

(July 26, 1947, ch. 343, title I, §103F, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3660.)

REFERENCES IN TEXT

The Counterintelligence Enhancement Act of 2002, referred to in subsec. (b), is title IX of Pub. L. 107-306, Nov. 27, 2002, 116 Stat. 2432. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 403-3f 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 sec-

tion 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.

§ 3032. Chief Information Officer

(a) Chief Information Officer

To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this chapter and other applicable provisions of law, there shall be within the Office of the Director of National Intelligence a Chief Information Officer of the Intelligence Community who shall be appointed by the President.

(b) Duties and responsibilities

Subject to the direction of the Director of National Intelligence, the Chief Information Officer of the Intelligence Community shall—

- (1) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;
- (2) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;
- (3) direct and manage all information technology-related procurement for the intelligence community; and
- (4) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director for such architecture.

(c) Prohibition on simultaneous service as other chief information officer

An individual serving in the position of Chief Information Officer of the Intelligence Community may not, while so serving, serve as the chief information officer of any other department or agency, or component thereof, of the United States Government.

(July 26, 1947, ch. 343, title I, § 103G, as added Pub. L. 108-487, title III, § 303(a)(1), Dec. 23, 2004, 118 Stat. 3944; amended Pub. L. 111-259, title IV, § 404, Oct. 7, 2010, 124 Stat. 2709.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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 403-3g of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-259, § 404(1), inserted “of the Intelligence Community” after “Chief Information Officer” and substituted “President,” for “President, by and with the advice and consent of the Senate.”

Subsecs. (b) to (d). Pub. L. 111-259, § 404(2)-(4), redesignated subsecs. (c) and (d) as (b) and (c), respectively, inserted “of the Intelligence Community” after “Chief Information Officer” in two places, and struck out former subsec. (b). Text of former subsec. (b) read as follows: “The Chief Information Officer shall serve as the chief information officer of the intelligence community.”

EFFECTIVE DATE

Pub. L. 108-487, title III, § 303(b), Dec. 23, 2004, 118 Stat. 3944, provided that: “The amendments made by this section [enacting this section] shall take effect on the effective date of the National Security Intelligence Reform Act of 2004 [see section 1097 of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transfer, Termination, and Transition Provisions note under section 3001 of this title], as provided in section 801 of this Act [set out in an Effective Date of 2004 Amendments note under section 2656f of Title 22, Foreign Relations and Intercourse].”

§ 3033. Inspector General of the Intelligence Community

(a) Office of Inspector General of the Intelligence Community

There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

(b) Purpose

The purpose of the Office of the Inspector General of the Intelligence Community is—

- (1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;
- (2) to provide leadership and coordination and recommend policies for activities designed—
 - (A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and
 - (B) to prevent and detect fraud and abuse in such programs and activities;
- (3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—
 - (A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and
 - (B) the necessity for, and the progress of, corrective actions; and

(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

- (A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and
- (B) the necessity for, and the progress of, corrective actions.

(c) Inspector General of the Intelligence Community

(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The nomination of an individual for appointment as Inspector General shall be made—

- (A) without regard to political affiliation;
- (B) on the basis of integrity, compliance with security standards of the intelligence

community, and prior experience in the field of intelligence or national security; and

(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfers or removal.

(d) Assistant Inspectors General

Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

(e) Duties and responsibilities

It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

(f) Limitations on activities

(1) The Director of National Intelligence may prohibit the Inspector General of the Intel-

ligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

(g) Authorities

(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of au-

thority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken, and this provision shall qualify as a withholding statute pursuant to subsection (b)(3) of section 552 of title 5 (commonly known as the “Freedom of Information Act”); and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General may obtain services as authorized by section 3109 of title 5 at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5.

(7) The Inspector General may, to the extent and in such amounts as may be provided in ap-

propriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

(h) Coordination among Inspectors General

(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

(i) Counsel to the Inspector General

(1) The Inspector General of the Intelligence Community shall—

(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(B) obtain the services of a counsel appointed by and directly reporting to another

inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

(j) Staff and other support

(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the

head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

(k) Reports

(1)(A) The Inspector General of the Intelligence Community shall, not later than October 31 and April 30 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semi-annual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending September 30 and March 31, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

(B) Each report under this paragraph shall include, at a minimum, the following:

(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Di-

rector shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

(3)(A) In the event that—

(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 3041 of this title;

(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review,

the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the congressional intelligence committees who receives

a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph, the term "urgent concern" means any of the following:

(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 3517(d) of this title or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

(I) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of either of the congressional intelligence committees, or a staff member of either of such committees, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(6) In accordance with section 535 of title 28, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves¹ a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

(I) Construction of duties regarding elements of Intelligence Community

Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed

to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

(m) Separate budget account

The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

(n) Budget

(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.

¹ So in original. Probably should be "involve".

(o) Information on website

(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.

(July 26, 1947, ch. 343, title I, §103H, as added Pub. L. 111-259, title IV, §405(a)(1), Oct. 7, 2010, 124 Stat. 2709; amended Pub. L. 112-87, title IV, §403, Jan. 3, 2012, 125 Stat. 1888; Pub. L. 112-277, title III, §309(a), Jan. 14, 2013, 126 Stat. 2474; Pub. L. 113-126, title III, §304, title VI, §603(c), July 7, 2014, 128 Stat. 1395, 1421.)

REFERENCES IN TEXT

Section 8H of the Inspector General Act of 1978, referred to in subsec. (k)(5)(H), is section 8H of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 403-3h of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2014—Subsec. (g)(3)(A). Pub. L. 113-126, §304, substituted “undertaken, and this provision shall qualify as a withholding statute pursuant to subsection (b)(3) of section 552 of title 5 (commonly known as the ‘Freedom of Information Act)’;” for “undertaken;”.

Subsec. (k)(5)(I). Pub. L. 113-126, §603(c), added subpar. (I).

2013—Subsec. (k)(1)(A). Pub. L. 112-277 substituted “October 31 and April 30” for “January 31 and July 31” and “September 30 and March 31,” for “December 31 (of the preceding year) and June 30,”.

2012—Subsec. (o). Pub. L. 112-87 added subsec. (o).

CONSTRUCTION

Pub. L. 111-259, title IV, §405(c), Oct. 7, 2010, 124 Stat. 2719, provided that: “Nothing in the amendment made by subsection (a)(1) [enacting this section] shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence.”

§ 3034. Chief Financial Officer of the Intelligence Community**(a) Chief Financial Officer of the Intelligence Community**

To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this chapter and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director.

(b) Duties and responsibilities

Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence

on the management and allocation of intelligence community budgetary resources;

(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

(3) ensure that the strategic plan of the Director of National Intelligence—

(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 3103 of this title; and

(B) contains specific goals and objectives to support a performance-based budget;

(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 3103 of this title;

(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 3103 of this title;

(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

(8) perform such other duties as may be prescribed by the Director of National Intelligence.

(c) Other law

The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31.

(d) Prohibition on simultaneous service as other Chief Financial Officer

An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

(e) Definitions

In this section:

(1) The term “major system” has the meaning given that term in section 3097(e) of this title.

(2) The term “Milestone A” has the meaning given that term in section 3103(f)¹ of this title.

(3) The term “Milestone B” has the meaning given that term in section 3099(e) of this title.

¹So in original. Section 3103 of this title does not contain a subsec. (f).

(July 26, 1947, ch. 343, title I, § 103I, as added Pub. L. 111-259, title IV, § 406(a), Oct. 7, 2010, 124 Stat. 2720.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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 403-3i of this title prior to editorial reclassification and renumbering as this section.

§ 3034a. Functional Managers for the intelligence community

(a) Functional Managers authorized

The Director of National Intelligence may establish within the intelligence community one or more positions of manager of an intelligence function. Any position so established may be known as the “Functional Manager” of the intelligence function concerned.

(b) Personnel

The Director shall designate individuals to serve as manager of intelligence functions established under subsection (a) from among officers and employees of elements of the intelligence community.

(c) Duties

Each manager of an intelligence function established under subsection (a) shall have the duties as follows:

- (1) To act as principal advisor to the Director on the intelligence function.
- (2) To carry out such other responsibilities with respect to the intelligence function as the Director may specify for purposes of this section.

(July 26, 1947, ch. 343, title I, § 103J, as added Pub. L. 113-126, title III, § 305(a), July 7, 2014, 128 Stat. 1395.)

§ 3035. Central Intelligence Agency

(a) Central Intelligence Agency

There is a Central Intelligence Agency.

(b) Function

The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 3036(c) of this title.

(July 26, 1947, ch. 343, title I, § 104, as added Pub. L. 108-458, title I, § 1011(a), Dec. 17, 2004, 118 Stat. 3660.)

CODIFICATION

Section was formerly classified to section 403-4 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 104 of act July 26, 1947, ch. 343, title I, as added Pub. L. 102-496, title VII, § 705(a)(3), Oct. 24, 1992, 106 Stat. 3192; amended Pub. L. 104-106, div. A, title XV, § 1502(f)(5), Feb. 10, 1996, 110 Stat. 510; Pub. L. 104-293, title VIII, § 807(b), Oct. 11, 1996, 110 Stat. 3480;

Pub. L. 106-65, div. A, title X, § 1067(16), Oct. 5, 1999, 113 Stat. 775; Pub. L. 106-567, title I, § 105, Dec. 27, 2000, 114 Stat. 2834; Pub. L. 107-306, title III, §§ 321, 353(b)(1)(A), (4), Nov. 27, 2002, 116 Stat. 2391, 2402, related to authorities of Director of Central Intelligence, prior to repeal by Pub. L. 108-458, title I, §§ 1011(a), 1097(a), Dec. 17, 2004, 118 Stat. 3643, 3698, effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided. See sections 3024 and 3036 of this title.

Another prior section 104 of act July 26, 1947, was renumbered section 108 and is classified to section 3043 of this title.

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.

COMMUNICATION OF RESTRICTED DATA

Authorization for the communication of Restricted Data by the Central Intelligence Agency, see Ex. Ord. No. 10899, eff. Dec. 9, 1960, 25 F.R. 12729, set out as a note under section 2162 of Title 42, The Public Health and Welfare.

§ 3036. Director of the Central Intelligence Agency

(a) Director of Central Intelligence Agency

There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Supervision

The Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency.

(c) Duties

The Director of the Central Intelligence Agency shall—

- (1) serve as the head of the Central Intelligence Agency; and
- (2) carry out the responsibilities specified in subsection (d) of this section.

(d) Responsibilities

The Director of the Central Intelligence Agency shall—

- (1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;
- (2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;
- (3) provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the

most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and

(4) perform such other functions and duties related to intelligence affecting the national security as the President or the Director of National Intelligence may direct.

(e) Termination of employment of CIA employees

(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director deems the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.

(f) Coordination with foreign governments

Under the direction of the Director of National Intelligence and in a manner consistent with section 3927 of title 22, the Director of the Central Intelligence Agency shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(g) Foreign language proficiency for certain senior level positions in Central Intelligence Agency

(1) Except as provided pursuant to paragraph (2), an individual in the Directorate of Intelligence career service or the National Clandestine Service career service may not be appointed or promoted to a position in the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.

(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position, category of positions, or occupation otherwise covered by that paragraph if the Director determines that foreign language proficiency is not necessary for the successful performance of the duties and responsibilities of such position, category of positions, or occupation.

(July 26, 1947, ch. 343, title I, §104A, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118

Stat. 3660; amended Pub. L. 108-487, title VI, §611(a), Dec. 23, 2004, 118 Stat. 3954; Pub. L. 111-259, title VIII, §804(4), Oct. 7, 2010, 124 Stat. 2747; Pub. L. 112-87, title IV, §412(a), Jan. 3, 2012, 125 Stat. 1890.)

CODIFICATION

Section was formerly classified to section 403-4a of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2012—Subsec. (g)(1). Pub. L. 112-87, §412(a)(1), inserted “in the Directorate of Intelligence career service or the National Clandestine Service career service” after “an individual” and “or promoted” after “appointed”, substituted “individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.” for “individual—”, and struck out subpars. (A) and (B) which related to required level of proficiency in a foreign language and ability to effectively communicate and exercise influence in that language, respectively.

Subsec. (g)(2). Pub. L. 112-87, §412(a)(2), substituted “position, category of positions, or occupation” for “position or category of positions” in two places.

2010—Subsec. (g)(1). Pub. L. 111-259 substituted “National Clandestine Service” for “Directorate of Operations” in introductory provisions.

2004—Subsec. (g). Pub. L. 108-487 added subsec. (g).

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-487, title VI, §611(b), Dec. 23, 2004, 118 Stat. 3955, as amended by Pub. L. 112-87, title IV, §412(b), Jan. 3, 2012, 125 Stat. 1890, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to appointments or promotions made on or after the date of the enactment of this Act [Dec. 23, 2004].”

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.

CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION

Pub. L. 112-87, title IV, §414, Jan. 3, 2012, 125 Stat. 1891, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

“(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

“(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

“(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United

States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

“(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

“(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ‘the central front in our enduring struggle against terrorism and extremism’.

“(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

“(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

“(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ‘Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.’

“(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

“(11) President Obama said, ‘For over two decades, bin Laden has been al Qaeda’s leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation’s effort to defeat al Qaeda.’

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community’s capabilities and teamwork;

“(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

“(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

“(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

“(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

“(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve any records, including intelligence information and assessments, used to generate the report described in subsection (c).”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 414 of Pub. L. 112-87, set out above, see section 2

of Pub. L. 112-87, set out as a note under section 3003 of this title.]

ANNUAL REPORT ON FOREIGN COMPANIES INVOLVED IN THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION THAT RAISE FUNDS IN THE UNITED STATES CAPITAL MARKETS

Pub. L. 107-306, title VIII, §827, Nov. 27, 2002, 116 Stat. 2430, required Director of Central Intelligence to submit annual report on foreign companies involved in the proliferation of weapons of mass destruction that raised or attempted to raise funds in the United States capital markets, prior to repeal by Pub. L. 108-177, title III, §361(e), Dec. 13, 2003, 117 Stat. 2625.

EXECUTIVE ORDER NO. 13355

Ex. Ord. No. 13355, Aug. 27, 2004, 69 F.R. 53593, which related to strengthened management of the Intelligence Community, was revoked by Ex. Ord. No. 12333, §3.6, Dec. 4, 1981, 46 F.R. 59954, as amended by Ex. Ord. No. 13470, §4(j), July 30, 2008, 73 F.R. 45341, set out as a note under section 3001 of this title.

§ 3037. Deputy Director of the Central Intelligence Agency

(a) Deputy Director of the Central Intelligence Agency

There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

(b) Duties

The Deputy Director of the Central Intelligence Agency shall—

(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.

(July 26, 1947, ch. 343, title I, §104B, as added Pub. L. 111-259, title IV, §423(a), Oct. 7, 2010, 124 Stat. 2727.)

CODIFICATION

Section was formerly classified to section 403-4c of this title prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Pub. L. 111-259, title IV, §423(c), Oct. 7, 2010, 124 Stat. 2728, provided that: “The amendments made by this section [enacting this section and amending section 5314 of Title 5, Government Organization and Employees] shall apply on the earlier of—

“(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947 [50 U.S.C. 3037], as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act [Oct. 7, 2010] may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

“(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.”

§ 3038. Responsibilities of Secretary of Defense pertaining to National Intelligence Program

(a) In general

Consistent with sections 3023 and 3024 of this title, the Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman¹ of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing governmentwide functions, the needs of other departments and agencies;

(2) ensure appropriate implementation of the policies and resource decisions of the Director by elements of the Department of Defense within the National Intelligence Program;

(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Intelligence Program;

(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

(b) Responsibility for performance of specific functions

Consistent with sections 3023 and 3024 of this title, the Secretary of Defense shall ensure—

(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

(2) through the National Geospatial-Intelligence Agency (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

(A) for carrying out tasking of imagery collection;

(B) for the coordination of imagery processing and exploitation activities;

(C) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and

(D) notwithstanding any other provision of law, for—

(i) prescribing technical architecture and standards related to imagery intelligence

and geospatial information and ensuring compliance with such architecture and standards; and

(ii) developing and fielding systems of common concern related to imagery intelligence and geospatial information;

(3) through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the intelligence community;

(4) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients;

(5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence and counterintelligence activities, including defense attaches; and

(6) that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—

(A) the requirements of the Director of National Intelligence;

(B) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;

(C) the requirements of the unified and specified combatant commands and of joint operations; and

(D) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.

(c) Expenditure of funds by the Defense Intelligence Agency

(1) Subject to paragraphs (2) and (3), the Director of the Defense Intelligence Agency may expend amounts made available to the Director under the National Intelligence Program for human intelligence and counterintelligence activities for objects of a confidential, extraordinary, or emergency nature, without regard to the provisions of law or regulation relating to the expenditure of Government funds.

(2) The Director of the Defense Intelligence Agency may not expend more than five percent of the amounts made available to the Director under the National Intelligence Program for human intelligence and counterintelligence activities for a fiscal year for objects of a confidential, extraordinary, or emergency nature in accordance with paragraph (1) during such fiscal year unless—

¹ So in original. Probably should be capitalized.

(A) the Director notifies the congressional intelligence committees of the intent to expend the amounts; and

(B) 30 days have elapsed from the date on which the Director notifies the congressional intelligence committees in accordance with subparagraph (A).

(3) For each expenditure referred to in paragraph (1), the Director shall certify that such expenditure was made for an object of a confidential, extraordinary, or emergency nature.

(4) Not later than December 31 of each year, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees a report on any expenditures made during the preceding fiscal year in accordance with paragraph (1).

(d) Use of elements of Department of Defense

The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.

(July 26, 1947, ch. 343, title I, § 105, as added Pub. L. 102-496, title VII, § 706(a), Oct. 24, 1992, 106 Stat. 3194; amended Pub. L. 103-359, title V, § 501(a)(2), Oct. 14, 1994, 108 Stat. 3428; Pub. L. 104-201, div. A, title XI, § 1114(a), Sept. 23, 1996, 110 Stat. 2684; Pub. L. 104-293, title VIII, § 808, Oct. 11, 1996, 110 Stat. 3481; Pub. L. 107-306, title VIII, § 811(b)(1)(A), Nov. 27, 2002, 116 Stat. 2421; Pub. L. 108-136, div. A, title IX, § 921(e)(2), Nov. 24, 2003, 117 Stat. 1569; Pub. L. 108-177, title III, § 361(a), Dec. 13, 2003, 117 Stat. 2625; Pub. L. 108-458, title I, §§ 1071(a)(1)(E), (F), (2)(A), 1072(a)(2), (3), 1074(b)(1)(B), Dec. 17, 2004, 118 Stat. 3689, 3690, 3692, 3694; Pub. L. 112-18, title IV, § 411, June 8, 2011, 125 Stat. 228.)

CODIFICATION

Section was formerly classified to section 403-5 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

2011—Subsec. (b)(5). Pub. L. 112-18, § 411(1), inserted “and counterintelligence” after “human intelligence”.

Subsecs. (c), (d). Pub. L. 112-18, § 411(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

2004—Pub. L. 108-458, § 1074(b)(1)(B)(ii), struck out “Foreign” before “Intelligence” in section catchline.

Subsec. (a). Pub. L. 108-458, § 1072(a)(2), substituted “Consistent with sections 403 and 403-1 of this title, the Secretary” for “The Secretary” in introductory provisions.

Pub. L. 108-458, § 1071(a)(1)(E), substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

Subsec. (a)(2). Pub. L. 108-458, § 1074(b)(1)(B)(i), substituted “National Intelligence Program” for “National Foreign Intelligence Program”.

Pub. L. 108-458, § 1071(a)(2)(A), struck out “of Central Intelligence” after “Director”.

Subsec. (a)(3). Pub. L. 108-458, § 1074(b)(1)(B)(i), substituted “National Intelligence Program” for “National Foreign Intelligence Program”.

Subsec. (b). Pub. L. 108-458, § 1072(a)(3), substituted “403 and 403-1” for “403-3 and 403-4” in introductory provisions.

Subsec. (b)(6)(A). Pub. L. 108-458, § 1071(a)(1)(F), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2003—Subsec. (b)(2). Pub. L. 108-136, § 921(e)(2), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (d). Pub. L. 108-177 struck out subsec. (d) which related to annual evaluations of performance and responsiveness of certain elements of the intelligence community.

Subsec. (d)(3). Pub. L. 108-136, § 921(e)(2), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

2002—Subsec. (d). Pub. L. 107-306 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “The Director of Central Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit each year to the Committee on Foreign Intelligence of the National Security Council and the appropriate congressional committees (as defined in section 404d(c) of this title) an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency in meeting their national missions.”

1996—Subsec. (a). Pub. L. 104-293, § 808(1), inserted “, in consultation with the Director of Central Intelligence,” after “Secretary of Defense” in introductory provisions.

Subsec. (b)(2). Pub. L. 104-201 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “through the Central Imagery Office (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense for carrying out tasking of imagery collection, for the coordination of imagery processing and exploitation activities, and for ensuring the dissemination of imagery in a timely manner to authorized recipients;”.

Subsec. (d). Pub. L. 104-293, § 808(2), added subsec. (d).

1994—Subsec. (b)(2). Pub. L. 103-359 substituted “the Central Imagery Office” for “a central imagery authority”.

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.

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.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of Title 10, Armed Forces.

DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE

Pub. L. 109-163, div. A, title IX, § 931, Jan. 6, 2006, 119 Stat. 3411, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Open-source intelligence (OSINT) is intelligence that is produced from publicly available information and is collected, exploited, and disseminated in a timely manner to an appropriate audience

for the purpose of addressing a specific intelligence requirement.

“(2) With the Information Revolution, the amount, significance, and accessibility of open-source information has expanded significantly, but the intelligence community has not expanded its exploitation efforts and systems to produce open-source intelligence.

“(3) The production of open-source intelligence is a valuable intelligence discipline that must be integrated into intelligence tasking, collection, processing, exploitation, and dissemination to ensure that United States policymakers are fully and completely informed.

“(4) The dissemination and use of validated open-source intelligence inherently enables information sharing since open-source intelligence is produced without the use of sensitive sources and methods. Open-source intelligence products can be shared with the American public and foreign allies because of the unclassified nature of open-source intelligence.

“(5) The National Commission on Terrorist Attacks Upon the United States (popularly referred to as the ‘9/11 Commission’), in its final report released on July 22, 2004, identified shortfalls in the ability of the United States to use all-source intelligence, a large component of which is open-source intelligence.

“(6) In the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) [see Tables for classification], Congress calls for coordination of the collection, analysis, production, and dissemination of open-source intelligence.

“(7) The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, in its report to the President released on March 31, 2005, found that ‘the need for exploiting open-source material is greater now than ever before,’ but that ‘the Intelligence Community’s open source programs have not expanded commensurate with either the increase in available information or with the growing importance of open source data to today’s problems’.

“(b) DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—

“(1) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy for the purpose of integrating open-source intelligence into the Defense intelligence process. The strategy shall be known as the ‘Defense Strategy for Open-Source Intelligence’. The strategy shall be incorporated within the larger Defense intelligence strategy.

“(2) SUBMISSION.—The Secretary shall submit to Congress a report setting forth the strategy developed under paragraph (1). The report shall be submitted not later than 180 days after the date of the enactment of this Act [Jan. 6, 2006].

“(c) MATTERS TO BE INCLUDED.—The strategy under subsection (b) shall include the following:

“(1) A plan for providing funds over the period of the future-years defense program for the development of a robust open-source intelligence capability for the Department of Defense, with particular emphasis on exploitation and dissemination.

“(2) A description of how management of the collection of open-source intelligence is currently conducted within the Department of Defense and how that management can be improved.

“(3) A description of the tools, systems, centers, organizational entities, and procedures to be used within the Department of Defense to perform open-source intelligence tasking, collection, processing, exploitation, and dissemination.

“(4) A description of proven tradecraft for effective exploitation of open-source intelligence, to include consideration of operational security.

“(5) A detailed description on how open-source intelligence will be fused with all other intelligence sources across the Department of Defense.

“(6) A description of—

“(A) a training plan for Department of Defense intelligence personnel with respect to open-source intelligence; and

“(B) open-source intelligence guidance for Department of Defense intelligence personnel.

“(7) A plan to incorporate the function of oversight of open-source intelligence—

“(A) into the Office of the Undersecretary of Defense for Intelligence; and

“(B) into service intelligence organizations.

“(8) A plan to incorporate and identify an open-source intelligence specialty into personnel systems of the Department of Defense, including military personnel systems.

“(9) A plan for the use of intelligence personnel of the reserve components to augment and support the open-source intelligence mission.

“(10) A plan for the use of the Open-Source Information System for the purpose of exploitation and dissemination of open-source intelligence.”

ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL

Pub. L. 106-567, title V, §501, Dec. 27, 2000, 114 Stat. 2850, as amended by Pub. L. 108-136, div. A, title IX, §921(g), Nov. 24, 2003, 117 Stat. 1570, provided that: “If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Geospatial-Intelligence Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

§ 3039. Assistance to United States law enforcement agencies

(a) Authority to provide assistance

Subject to subsection (b) of this section, elements of the intelligence community may, upon the request of a United States law enforcement agency, collect information outside the United States about individuals who are not United States persons. Such elements may collect such information notwithstanding that the law enforcement agency intends to use the information collected for purposes of a law enforcement investigation or counterintelligence investigation.

(b) Limitation on assistance by elements of Department of Defense

(1) With respect to elements within the Department of Defense, the authority in subsection (a) of this section applies only to the following:

- (A) The National Security Agency.
- (B) The National Reconnaissance Office.
- (C) The National Geospatial-Intelligence Agency.
- (D) The Defense Intelligence Agency.

(2) Assistance provided under this section by elements of the Department of Defense may not

include the direct participation of a member of the Army, Navy, Air Force, or Marine Corps in an arrest or similar activity.

(3) Assistance may not be provided under this section by an element of the Department of Defense if the provision of such assistance will adversely affect the military preparedness of the United States.

(4) The Secretary of Defense shall prescribe regulations governing the exercise of authority under this section by elements of the Department of Defense, including regulations relating to the protection of sources and methods in the exercise of such authority.

(c) Definitions

For purposes of subsection (a) of this section:

(1) The term “United States law enforcement agency” means any department or agency of the Federal Government that the Attorney General designates as law enforcement agency for purposes of this section.

(2) The term “United States person” means the following:

(A) A United States citizen.

(B) An alien known by the intelligence agency concerned to be a permanent resident alien.

(C) An unincorporated association substantially composed of United States citizens or permanent resident aliens.

(D) A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

(July 26, 1947, ch. 343, title I, §105A, as added Pub. L. 104-293, title VIII, §814(a), Oct. 11, 1996, 110 Stat. 3483; amended Pub. L. 108-136, div. A, title IX, §921(e)(3), Nov. 24, 2003, 117 Stat. 1569.)

CODIFICATION

Section was formerly classified to section 403-5a of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2003—Subsec. (b)(1)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

§ 3040. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources

(a) Disclosure of foreign intelligence

(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of National Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

(2) The Attorney General by regulation and in consultation with the Director may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence,

or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

(b) Procedures for notice of criminal investigations

Not later than 180 days after October 26, 2001, the Attorney General, in consultation with the Director of National Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

(c) Procedures

The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) of this section and the provision of notice with respect to criminal investigations under subsection (b) of this section.

(July 26, 1947, ch. 343, title I, §105B, as added Pub. L. 107-56, title IX, §905(a)(2), Oct. 26, 2001, 115 Stat. 388; amended Pub. L. 108-458, title I, §1071(a)(1)(G), (H), (2)(B), (C), Dec. 17, 2004, 118 Stat. 3689, 3690.)

CODIFICATION

Section was formerly classified to section 403-5b of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 105B of act July 26, 1947, ch. 343, title I, as added Pub. L. 106-120, title V, §501(a)(1), Dec. 3, 1999, 113 Stat. 1616, which related to protection of operational files of the National Imagery and Mapping Agency, was renumbered by subsequent acts and transferred. See section 3142 of this title.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, §1071(a)(1)(G), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (a)(2). Pub. L. 108-458, §1071(a)(2)(B), struck out “of Central Intelligence” after “Director”.

Subsec. (b). Pub. L. 108-458, §1071(a)(2)(C), struck out “of Central Intelligence” after “notice to the Director”.

Pub. L. 108-458, §1071(a)(1)(H), substituted “with the Director of National Intelligence” for “with the Director of Central Intelligence”.

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.

§ 3041. Appointment of officials responsible for intelligence-related activities

(a) Recommendation of DNI in certain appointments

(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Principal Deputy Director of National Intelligence.

(B) The Director of the Central Intelligence Agency.

(b) Concurrence of DNI in appointments to positions in the intelligence community

(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(D) The Assistant Secretary of State for Intelligence and Research.

(E) The Director of the Office of Intelligence of the Department of Energy.

(F) The Director of the Office of Counterintelligence of the Department of Energy.

(G) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

(H) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

(I) The Under Secretary of Homeland Security for Intelligence and Analysis.

(c) Consultation with DNI in certain positions

(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the Defense Intelligence Agency.

(B) The Assistant Commandant of the Coast Guard for Intelligence.

(C) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28.

(July 26, 1947, ch. 343, title I, § 106, as added Pub. L. 102-496, title VII, § 706(a), Oct. 24, 1992, 106 Stat. 3195; amended Pub. L. 103-359, title V, § 501(a)(3), Oct. 14, 1994, 108 Stat. 3428; Pub. L. 104-293, title VIII, § 815(a), Oct. 11, 1996, 110 Stat. 3484; Pub. L. 107-108, title III, § 308, Dec. 28, 2001, 115 Stat. 1399; Pub. L. 108-136, div. A, title IX, § 921(e)(5), Nov. 24, 2003, 117 Stat. 1569; Pub. L. 108-177, title I, § 105(c), Dec. 13, 2003, 117 Stat. 2603; Pub. L. 108-458, title I, § 1014, Dec. 17, 2004, 118 Stat. 3663; Pub. L. 109-177, title V, § 506(a)(4), Mar. 9, 2006, 120 Stat. 247; Pub. L. 110-53, title V, § 531(b)(5), Aug. 3, 2007, 121 Stat. 334.)

CODIFICATION

Section was formerly classified to section 403-6 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2007—Subsec. (b)(2)(I). Pub. L. 110-53 amended subpar. (I) generally. Prior to amendment, subpar. (I) read as follows: “The Assistant Secretary of Homeland Security for Information Analysis.”

2006—Subsec. (c)(2)(C). Pub. L. 109-177 added subpar. (C).

2004—Pub. L. 108-458 amended text generally, substituting provisions relating to involvement of Director of National Intelligence in appointments, consisting of subsecs. (a) to (c), for provisions relating to involvement of Director of Central Intelligence in appointments, consisting of subsecs. (a) and (b).

2003—Subsec. (a)(2)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (b)(2)(E). Pub. L. 108-177 added subpar. (E).

2001—Subsec. (b)(2)(C), (D). Pub. L. 107-108 added subpars. (C) and (D) and struck out former subpar. (C) which read as follows: “The Director of the Office of Nonproliferation and National Security of the Department of Energy.”

1996—Pub. L. 104-293 amended section generally, substituting provisions relating to appointment of individuals responsible for intelligence-related activities for provisions relating to administrative provisions pertaining to defense elements within the intelligence community.

1994—Subsec. (b). Pub. L. 103-359 substituted “Central Imagery Office” for “central imagery authority” in heading and text.

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 as an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

§ 3041a. Director of the National Reconnaissance Office

(a) In general

There is a Director of the National Reconnaissance Office.

(b) Appointment

The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions and duties

The Director of the National Reconnaissance Office shall be the head of the National Reconnaissance Office and shall discharge such functions and duties as are provided by this chapter or otherwise by law or executive order.

(July 26, 1947, ch. 343, title I, §106A, as added Pub. L. 113-126, title IV, §411(a), July 7, 2014, 128 Stat. 1409.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), 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.

EFFECTIVE DATE

Section effective Oct. 1, 2014, and applicable upon the earlier of the date of the first nomination by the President of an individual to serve as the Director of the National Reconnaissance Office that occurs on or after Oct. 1, 2014, or the date of the cessation of the performance of the duties of the Director of the National Reconnaissance Office by the individual performing such duties on Oct. 1, 2014, subject to an exception for initial nominations, see section 413 of Pub. L. 113-126, set out as an Effective Date of 2014 Amendment note under section 8G of the Inspector General Act of 1978, Pub. L. 95-452, in the Appendix to Title 5, Government Organization and Employees.

POSITION OF IMPORTANCE AND RESPONSIBILITY

Pub. L. 113-126, title IV, §411(b), July 7, 2014, 128 Stat. 1409, provided that:

“(1) IN GENERAL.—The President may designate the Director of the National Reconnaissance Office as a position of importance and responsibility under section 601 of title 10, United States Code.

“(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of the enactment of this Act [July 7, 2014].”

§ 3042. Emergency preparedness

(a) Employment of personnel

The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

(b) Functions

It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utiliza-

tion of the Nation’s manpower in the event of war;

(2) programs for the effective use in time of war of the Nation’s natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation’s security.

(c) Utilization of Government resources and facilities

In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.

(July 26, 1947, ch. 343, title I, §107, formerly §103, 61 Stat. 499; Sept. 3, 1954, ch. 1263, §50, 68 Stat. 1244; renumbered §107, Pub. L. 102-496, title VII, §705(a)(2), Oct. 24, 1992, 106 Stat. 3190.)

CODIFICATION

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

In subsec. (a), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

For subsequent history relating to the Office of Defense Mobilization, see Transfer of Functions notes below.

AMENDMENTS

1954—Act Sept. 3, 1954, §50(1), (2), struck out subsec. (a) which related to establishment of National Security Resources Board and redesignated subsecs. (b) to (d) as (a) to (c), respectively.

Subsec. (a). Act Sept. 3, 1954, §50(3)–(5), substituted “Director of the Office of Defense Mobilization” for “Chairman of the Board”, “Classification Act of 1949” for “Classification Act of 1923, as amended”, and “Director in carrying out his” for “Board in carrying out its”.

Subsec. (b). Act Sept. 3, 1954, §50(6), substituted “Director of the Office of Defense Mobilization” for “Board” in introductory provisions.

Subsec. (c). Act Sept. 3, 1954, §50(7), substituted “his functions, the Director of the Office of Defense Mobilization” for “its functions, the Board”.

TRANSFER OF FUNCTIONS

Office of Defense Mobilization and Federal Civil Defense Administration consolidated to form Office of Emergency Preparedness, an agency within Executive

Office of President, by section 2(a), (e) of Reorg. Plan No. 1 of 1958, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861; Pub. L. 87-296, §1, Sept. 22, 1961, 75 Stat. 630; Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, set out in the Appendix to Title 5, Government Organization and Employees, and functions vested by law in Office of Defense Mobilization and Director thereof transferred to President, with power to delegate, by section 1 of Reorg. Plan No. 1 of 1958.

Office of Emergency Preparedness, including offices of Director, Deputy Director, Assistant Directors, and Regional Directors, abolished and functions vested by law, after July 1, 1958, in Office of Emergency Preparedness or Director of Office of Emergency Preparedness transferred to President of United States by sections 1 and 3(a)(1) of Reorg. Plan No. 1 of 1973, eff. July 1, 1973, 38 F.R. 9579, 87 Stat. 1089, set out in the Appendix to Title 5, Government Organization and Employees.

Authority vested in Director of Office of Emergency Preparedness as of June 30, 1973, by Executive Order, proclamation, or other directive issued by or on behalf of President or otherwise under this section and Ex. Ord. No. 10421, formerly set out below, with certain exceptions, transferred to Administrator of General Services by Ex. Ord. No. 11725, §3, June 27, 1973, 38 F.R. 17175, formerly set out under section 2271 of the Appendix to this title, to be exercised in conformance with such guidance as provided by National Security Council and, with respect to economic and disposal aspects of stockpiling of strategic and critical materials by Council on Economic Policy. Functions of Administrator of General Services under this chapter performed by Federal Preparedness Agency within General Services Administration.

Functions delegated or assigned to Federal Preparedness Agency, General Services Administration, transferred or reassigned to Secretary of Homeland Security, and Ex. Ord. No. 11725 revoked, by Ex. Ord. No. 12148, §§1-103, 5-112, July 20, 1979, 44 F.R. 43239, 43243, as amended by Ex. Ord. No. 13286, §52, Feb. 28, 2003, 68 F.R. 10628, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

Functions vested in Director of Office of Defense Mobilization by section 103 of act July 26, 1947, as amended by section 50 of act Sept. 3, 1954, and transferred to President by section 1(a) of Reorganization Plan No. 1 of 1958, as amended, delegated to Secretary of Homeland Security by Ex. Ord. No. 12148, §4-102, July 20, 1979, 44 F.R. 43239, as amended by Ex. Ord. No. 13286, §52, Feb. 28, 2003, 68 F.R. 10628, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

For assignment of certain emergency preparedness functions to Secretary of Homeland Security, see parts 1, 2, and 17 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, as amended, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER NO. 9905

Ex. Ord. No. 9905, Nov. 13, 1947, 12 F.R. 7613, as amended by Ex. Ord. No. 9931, Feb. 19, 1948, 13 F.R. 763, provided for membership of National Security Resources Board and defined functions, duties and authority of Chairman of Board.

EXECUTIVE ORDER NO. 10169

Ex. Ord. No. 10169, Oct. 11, 1950, 15 F.R. 6901, which provided for a National Advisory Committee on Mobilization Policy, was revoked by Ex. Ord. No. 10480, Aug. 14, 1953, 18 F.R. 4939, formerly set out under section 2153 of the Appendix to this title.

EXECUTIVE ORDER NO. 10421

Ex. Ord. No. 10421, Dec. 31, 1952, 18 F.R. 57, as amended by Ex. Ord. No. 10438, Mar. 13, 1953, 18 F.R. 1491; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239, which related to physical security of defense

facilities, was revoked by Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out under section 5195 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER NO. 10438

Ex. Ord. No. 10438, Mar. 13, 1953, 18 F.R. 1491, which related to transfer of functions to Director of Defense Mobilization, was superseded by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, formerly set out under section 5195 of Title 42, The Public Health and Welfare.

§ 3043. Annual national security strategy report

(a) Transmittal to Congress

(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a "national security strategy report").

(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.

(3) Not later than 150 days after the date on which a new President takes office, the President shall transmit to Congress a national security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).

(b) Contents

Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

(c) Classified and unclassified form

Each national security strategy report shall be transmitted in both a classified and an unclassified form.

(July 26, 1947, ch. 343, title I, §108, formerly §104, as added Pub. L. 99-433, title VI, §603(a)(1), Oct. 1, 1986, 100 Stat. 1074; renumbered §108, Pub. L. 102-496, title VII, §705(a)(2), Oct. 24, 1992, 106 Stat. 3190; amended Pub. L. 106-65, div. A, title IX, §901(b), Oct. 5, 1999, 113 Stat. 717.)

CODIFICATION

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

AMENDMENTS

1999—Subsec. (a)(3). Pub. L. 106-65 added par. (3).

NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES

Pub. L. 112-81, div. A, title X, §1032, Dec. 31, 2011, 125 Stat. 1571, as amended by Pub. L. 113-291, div. A, title XII, §1262, Dec. 19, 2014, 128 Stat. 3580, provided that:

“(a) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

“(b) NATIONAL SECURITY PLANNING GUIDANCE.—

“(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) [now 50 U.S.C. 3043] to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and nongovernmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

“(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following:

“(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

“(B) For each specified geographic area, a description, analysis, and discussion of the core problems and contributing issues that allow or could allow al-Qaeda and its violent extremist affiliates to use the area as a safe haven from which to plan and launch attacks, engage in propaganda, or raise funds and other support, including any ongoing or potential radicalization of the population, or to use the area as a key transit route for personnel, weapons, funding, or other support.

“(C) For each specified geographic area, a description of the following:

“(i) The feasibility of conducting multilateral programs to train and equip the military forces of relevant countries in the area.

“(ii) The authority and funding that would be required to support such programs.

“(iii) How such programs would be implemented.

“(iv) How such programs would support the national security priorities and interests of the United States and complement other efforts of the United States Government in the area and in other specified geographic areas.

“(D) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

“(E) A description of the role and mission of each Federal department and agency involved in executing the guidance, including the Departments of Defense, Justice, Treasury, and State and the Agency for International Development.

“(F) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (D), and the extent to which those gaps can be met through coordination with nongovernmental, international, or private sector organizations, entities, or companies.

“(3) REVIEW AND UPDATE OF GUIDANCE.—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

“(A) The overall progress made toward achieving the goals listed pursuant to paragraph (2)(D), including an overall assessment of the progress in denying a safe haven to al-Qaeda and its violent extremist affiliates.

“(B) The performance of each Federal department and agency involved in executing the guidance.

“(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

“(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

“(4) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 [Dec. 19, 2014], the President shall submit to the appropriate congressional committees a report that contains a detailed summary of the national security planning guidance required under paragraph (1), including any updates thereto.

“(B) FORM.—The report may include a classified annex as determined to be necessary by the President.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate congressional committees’ means—

“(i) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

“(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(5) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term ‘specified geographic area’ means any country, subnational territory, or region—

“(A) that serves or may potentially serve as a safe haven for al-Qaeda or a violent extremist affiliate of al-Qaeda—

“(i) from which to plan and launch attacks, engage in propaganda, or raise funds and other support; or

“(ii) for use as a key transit route for personnel, weapons, funding, or other support; and

“(B) over which one or more governments or entities exert insufficient governmental or security control to deny al-Qaeda and its violent extremist affiliates the ability to establish a large scale presence.”

IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY

Pub. L. 112-81, div. A, title X, §1072, Dec. 31, 2011, 125 Stat. 1592, provided that:

“(a) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act [Dec. 31, 2011], the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision prescribed in the President’s National Security Strategy of May 2010. The implementation plan shall include—

“(1) a description of ongoing and future actions planned to be taken by the President and the Executive agencies to implement organizational changes,

programs, and any other efforts to achieve each component of the whole-of-government vision prescribed in the National Security Strategy;

“(2) a timeline for specific actions taken and planned to be taken by the President and the Executive agencies to implement each component of the whole-of-government vision prescribed in the National Security Strategy;

“(3) an outline of specific actions desired or required to be taken by Congress to achieve each component of the whole-of-government vision prescribed in the National Security Strategy, including suggested timing and sequencing of actions proposed for Congress and the Executive agencies;

“(4) any progress made and challenges or obstacles encountered since May 2010 in implementing each component of the whole-of-government vision prescribed in the National Security Strategy; and

“(5) such other information as the President determines is necessary to understand progress in implementing each component of the whole-of-government vision prescribed in the National Security Strategy.

“(b) ANNUAL UPDATES.—Not later than December 1 of each subsequent year that the National Security Strategy of May 2010 remains the policy of the President, the President shall submit to the appropriate congressional committees an update of the implementation plan required under subsection (a). Each such update shall include an explanation of—

“(1) any progress made and challenges or obstacles encountered in implementing each component of the whole-of-government vision prescribed in the National Security Strategy since the submission of the implementation plan or most recent update; and

“(2) any modifications to the implementation plan.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

“(B) the Committee on Foreign Relations, Select Committee on Intelligence, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, and Committee on Appropriations in the Senate; and

“(C) the Committee on Foreign Affairs, Permanent Select Committee on Intelligence, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, and Committee on Appropriations in the House of Representatives.

“(2) The term ‘Executive agency’ has the meaning given that term by section 105 of title 5, United States Code.”

NATIONAL COMMISSION ON THE FUTURE ROLE OF UNITED STATES NUCLEAR WEAPONS, PROBLEMS OF COMMAND, CONTROL, AND SAFETY OF SOVIET NUCLEAR WEAPONS, AND REDUCTION OF NUCLEAR WEAPONS

Pub. L. 102-172, title VIII, §8132, Nov. 26, 1991, 105 Stat. 1208, provided for establishment of a National Commission which was to submit to Congress, not later than May 1, 1993, a final report containing an assessment and recommendations regarding role of, and requirements for, nuclear weapons in security strategy of United States as result of significant changes in former Warsaw Pact, former Soviet Union, and Third World, including possibilities for international cooperation with former Soviet Union regarding such problems, and safeguards to protect against accidental or unauthorized use of nuclear weapons, further directed Commission to obtain study from National Academy of Sciences on these matters, further authorized establishment of joint working group comprised of experts from governments of United States and former Soviet Union which was to meet on regular basis and provide recommendations regarding these matters, and further provided for composition of Commission as well as powers,

procedures, personnel matters, appropriations, and termination of Commission upon submission of its final report.

§ 3043a. National intelligence strategy

(a) In general

Beginning in 2017, and once every 4 years thereafter, the Director of National Intelligence shall develop a comprehensive national intelligence strategy to meet national security objectives for the following 4-year period, or a longer period, if appropriate.

(b) Requirements

Each national intelligence strategy required by subsection (a) shall—

(1) delineate a national intelligence strategy consistent with—

(A) the most recent national security strategy report submitted pursuant to section 3043 of this title;

(B) the strategic plans of other relevant departments and agencies of the United States; and

(C) other relevant national-level plans;

(2) address matters related to national and military intelligence, including counter-intelligence;

(3) identify the major national security missions that the intelligence community is currently pursuing and will pursue in the future to meet the anticipated security environment;

(4) describe how the intelligence community will utilize personnel, technology, partnerships, and other capabilities to pursue the major national security missions identified in paragraph (3);

(5) assess current, emerging, and future threats to the intelligence community, including threats from foreign intelligence and security services and insider threats;

(6) outline the organizational roles and missions of the elements of the intelligence community as part of an integrated enterprise to meet customer demands for intelligence products, services, and support;

(7) identify sources of strategic, institutional, programmatic, fiscal, and technological risk; and

(8) analyze factors that may affect the intelligence community’s performance in pursuing the major national security missions identified in paragraph (3) during the following 10-year period.

(c) Submission to Congress

The Director of National Intelligence shall submit to the congressional intelligence committees a report on each national intelligence strategy required by subsection (a) not later than 45 days after the date of the completion of such strategy.

(July 26, 1947, ch. 343, title I, §108A, as added Pub. L. 113-293, title III, §303(a), Dec. 19, 2014, 128 Stat. 3994.)

§ 3044. Software licensing

(a) Requirement for inventories of software licenses

The chief information officer of each element of the intelligence community, in consultation

with the Chief Information Officer of the Intelligence Community, shall biennially—

(1) conduct an inventory of all existing software licenses of such element, including utilized and unutilized licenses;

(2) assess the actions that could be carried out by such element to achieve the greatest possible economies of scale and associated cost savings in software procurement and usage, including—

(A) increasing the centralization of the management of software licenses;

(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

(C) analyzing software license data to inform investment decisions; and

(D) providing appropriate personnel with sufficient software licenses management training; and

(3) submit to the Chief Information Officer of the Intelligence Community each inventory required by paragraph (1) and each assessment required by paragraph (2).

(b) Inventories by the Chief Information Officer of the Intelligence Community

The Chief Information Officer of the Intelligence Community, based on the inventories and assessments required by subsection (a), shall biennially—

(1) compile an inventory of all existing software licenses of the intelligence community, including utilized and unutilized licenses;

(2) assess the actions that could be carried out by the intelligence community to achieve the greatest possible economies of scale and associated cost savings in software procurement and usage, including—

(A) increasing the centralization of the management of software licenses;

(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

(C) analyzing software license data to inform investment decisions; and

(D) providing appropriate personnel with sufficient software licenses management training; and

(3) based on the assessment required under paragraph (2), make such recommendations with respect to software procurement and usage to the Director of National Intelligence as the Chief Information Officer considers appropriate.

(c) Reports to Congress

The Chief Information Officer of the Intelligence Community shall submit to the congressional intelligence committees a copy of each inventory compiled under subsection (b)(1).

(d) Implementation of recommendations

Not later than 180 days after the date on which the Director of National Intelligence receives recommendations from the Chief Information Officer of the Intelligence Community in accordance with subsection (b)(3), the Director of National Intelligence shall, to the extent prac-

ticable, issue guidelines for the intelligence community on software procurement and usage based on such recommendations.

(July 26, 1947, ch. 343, title I, §109, as added Pub. L. 113-126, title III, §307(a), July 7, 2014, 128 Stat. 1396; amended Pub. L. 113-293, title III, §304, Dec. 19, 2014, 128 Stat. 3995.)

PRIOR PROVISIONS

A prior section 3044, act July 26, 1947, ch. 343, title I, §109, as added Pub. L. 103-178, title III, §304(a), Dec. 3, 1993, 107 Stat. 2034; amended Pub. L. 104-293, title VIII, §803(a), (b)(1), Oct. 11, 1996, 110 Stat. 3475, 3476; Pub. L. 106-65, div. A, title X, §1067(16), Oct. 5, 1999, 113 Stat. 775; Pub. L. 107-306, title VIII, §811(b)(1)(B), Nov. 27, 2002, 116 Stat. 2422, related to annual report on intelligence, prior to repeal by Pub. L. 111-259, title III, §347(a), Oct. 7, 2010, 124 Stat. 2698.

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-293, §304(1), substituted “usage, including—” for “usage; and” in introductory provisions and added subpars. (A) to (D).

Subsec. (b)(2). Pub. L. 113-293, §304(2)(B), substituted “usage, including—” for “usage.” in introductory provisions and added subpars. (A) to (D).

Subsec. (b)(3). Pub. L. 113-293, §304(2)(A), (C), added par. (3).

Subsec. (d). Pub. L. 113-293, §304(3), added subsec. (d).

INITIAL INVENTORY

Pub. L. 113-126, title III, §307(b), July 7, 2014, 128 Stat. 1397, provided that:

“(1) INTELLIGENCE COMMUNITY ELEMENTS.—

“(A) DATE.—Not later than 120 days after the date of the enactment of this Act [July 7, 2014], the chief information officer of each element of the intelligence community shall complete the initial inventory, assessment, and submission required under section 109(a) of the National Security Act of 1947 [50 U.S.C. 3044(a)], as added by subsection (a) of this section.

“(B) BASIS.—The initial inventory conducted for each element of the intelligence community under section 109(a)(1) of the National Security Act of 1947 [50 U.S.C. 3044(a)(1)], as added by subsection (a) of this section, shall be based on the inventory of software licenses conducted pursuant to section 305 of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112-277; 126 Stat. 2472) for such element.

“(2) CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.—Not later than 180 days after the date of the enactment of this Act [July 7, 2014], the Chief Information Officer of the Intelligence Community shall complete the initial compilation and assessment required under section 109(b) of the National Security Act of 1947 [50 U.S.C. 3044(b)], as added by subsection (a).”

[For definition of “intelligence community” as used in section 307(b) of Pub. L. 113-126, set out above, see section 2 of Pub. L. 113-126, set out as a note under section 3003 of this title.]

§3045. National mission of National Geospatial-Intelligence Agency

(a) In general

In addition to the Department of Defense missions set forth in section 442 of title 10, the National Geospatial-Intelligence Agency shall support the geospatial intelligence requirements of the Department of State and other departments and agencies of the United States outside the Department of Defense.

(b) Requirements and priorities

The Director of National Intelligence shall establish requirements and priorities governing

the collection of national intelligence by the National Geospatial-Intelligence Agency under subsection (a) of this section.

(c) Correction of deficiencies

The Director of National Intelligence shall develop and implement such programs and policies as the Director and the Secretary of Defense jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Geospatial-Intelligence Agency to accomplish assigned national missions, including support to the all-source analysis and production process. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. The Secretary shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.

(July 26, 1947, ch. 343, title I, §110, formerly § 120, as added Pub. L. 104-201, div. A, title XI, §1114(b), Sept. 23, 1996, 110 Stat. 2685; renumbered § 110, Pub. L. 105-107, title III, §303(b), Nov. 20, 1997, 111 Stat. 2252; amended Pub. L. 108-136, div. A, title IX, §921(c)(2), (e)(6), Nov. 24, 2003, 117 Stat. 1568, 1569; Pub. L. 108-458, title I, §1071(a)(1)(I), (J), Dec. 17, 2004, 118 Stat. 3689.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 110 of title I of act July 26, 1947, ch. 343, was classified to section 404g of this title prior to being renumbered section 112 by Pub. L. 105-107, title III, §303(b), Nov. 20, 1997, 111 Stat. 2252. Section 404g of this title was subsequently editorially reclassified and renumbered section 3047 of this title.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-458, §1071(a)(1)(I), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

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

2003—Pub. L. 108-136, §921(e)(6)(B), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in section catchline.

Subsec. (a). Pub. L. 108-136, §921(c)(2), (e)(6)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” and “geospatial intelligence” for “imagery”.

Subsecs. (b), (c). Pub. L. 108-136, §921(e)(6)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

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.

§ 3046. Repealed. Pub. L. 108-458, title I, § 1075, Dec. 17, 2004, 118 Stat. 3694

Section, act July 26, 1947, ch. 343, title I, §111, formerly §121, as added Pub. L. 104-201, div. A, title XI, §1114(c), Sept. 23, 1996, 110 Stat. 2685; renumbered §111, Pub. L. 105-107, title III, §303(b), Nov. 20, 1997, 111 Stat. 2252, related to collection tasking authority of Director of Central Intelligence.

CODIFICATION

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

EFFECTIVE DATE OF REPEAL

For Determination by President that repeal 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.

Repeal 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.

§ 3047. Restrictions on intelligence sharing with United Nations

(a) Provision of intelligence information to United Nations

(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of National Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

(b) Delegation of duties

The President may not delegate or assign the duties of the President under this section.

(c) Relationship to existing law

Nothing in this section shall be construed to—

(1) impair or otherwise affect the authority of the Director of National Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 3024(i) of this title; or

(2) supersede or otherwise affect the provisions of subchapter III of this chapter.

(d) “Appropriate committees of Congress” defined

As used in this section, the term “appropriate committees of Congress” means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

(July 26, 1947, ch. 343, title I, §112, formerly §110, as added Pub. L. 104-293, title III, §308(a), Oct. 11, 1996, 110 Stat. 3466; renumbered §112, Pub. L. 105-107, title III, §303(b), Nov. 20, 1997, 111 Stat. 2252; amended Pub. L. 107-306, title VIII, §811(b)(1)(C), Nov. 27, 2002, 116 Stat. 2422; Pub. L. 108-177, title III, §§361(b), 377(a), Dec. 13, 2003, 117 Stat. 2625, 2630; Pub. L. 108-458, title I, §§1071(a)(1)(K), (L), 1072(a)(4), Dec. 17, 2004, 118 Stat. 3689, 3692; Pub. L. 111-259, title III, §347(b), Oct. 7, 2010, 124 Stat. 2698.)

CODIFICATION

Section was formerly classified to section 404g of this title prior to editorial reclassification and renumbering as this section, and to section 404d-1 of this title prior to renumbering by Pub. L. 105-107. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

AMENDMENTS

2010—Subsecs. (b) to (e). Pub. L. 111-259 redesignated subsecs. (c) to (e) as (b) to (d), respectively, and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows:

“(1) The President shall report annually to the appropriate committees of Congress on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the appropriate committees of Congress within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

“(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

“(3) In the case of the annual reports required to be submitted under the first sentence of paragraph (1) to the congressional intelligence committees, the submission dates for such reports shall be as provided in section 415b of this title.”

2004—Subsec. (a)(1). Pub. L. 108-458, §1071(a)(1)(K), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (d)(1). Pub. L. 108-458, §1072(a)(4), which directed amendment of par. (1) by substituting “section 403-1(i)” for “section 403-3(c)(6)”, was executed by making the substitution for “section 403-3(c)(7)” to reflect the probable intent of Congress and the amendment by Pub. L. 108-177, §377(a). See 2003 Amendment note below.

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

2003—Subsec. (b). Pub. L. 108-177, §361(b)(1), substituted “Annual” for “Periodic” in heading.

Subsec. (b)(1). Pub. L. 108-177, §361(b)(2), substituted “annually” for “semiannually”.

Subsec. (b)(3). Pub. L. 108-177, §361(b)(3), substituted “the annual” for “periodic”.

Subsec. (d)(1). Pub. L. 108-177, §377(a), substituted “section 403-3(c)(7)” for “section 403-3(c)(6)”.

2002—Subsec. (b)(3). Pub. L. 107-306 added par. (3).

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.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 361(b) of 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.

§ 3048. Detail of intelligence community personnel—Intelligence Community Assignment Program

(a) Detail

(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed one year when the heads of the parent and host agencies determine that such extension is in the public interest.

(b) Benefits, allowances, travel, incentives

(1) An employee detailed under subsection (a) of this section may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

(2) The head of an agency of an employee detailed under subsection (a) of this section may pay a lodging allowance for the employee subject to the following conditions:

(A) The allowance shall be the lesser of the cost of the lodging or a maximum amount payable for the lodging as established jointly by the Director of National Intelligence and—

(i) with respect to detailed employees of the Department of Defense, the Secretary of Defense; and

(ii) with respect to detailed employees of other agencies and departments, the head of such agency or department.

(B) The detailed employee maintains a primary residence for the employee’s immediate family in the local commuting area of the parent agency duty station from which the employee regularly commuted to such duty station before the detail.

(C) The lodging is within a reasonable proximity of the host agency duty station.

(D) The distance between the detailed employee’s parent agency duty station and the host agency duty station is greater than 20 miles.

(E) The distance between the detailed employee’s primary residence and the host agency duty station is 10 miles greater than the distance between such primary residence and the employees parent duty station.

(F) The rate of pay applicable to the detailed employee does not exceed the rate of basic pay for grade GS-15 of the General Schedule.

(July 26, 1947, ch. 343, title I, § 113, as added Pub. L. 105-107, title III, § 303(a), Nov. 20, 1997, 111 Stat. 2251; amended Pub. L. 107-108, title III, § 304, Dec. 28, 2001, 115 Stat. 1398; Pub. L. 107-306, title VIII, § 841(a), Nov. 27, 2002, 116 Stat. 2431; Pub. L. 108-458, title I, § 1071(a)(1)(M), Dec. 17, 2004, 118 Stat. 3689.)

REFERENCES IN TEXT

GS-15 of the General Schedule, referred to in subsec. (b)(2)(F), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

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

AMENDMENTS

2004—Subsec. (b)(2)(A). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

2002—Subsec. (c). Pub. L. 107-306 struck out heading and text of subsec. (c). Text read as follows: “Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) of this section during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.”

2001—Subsec. (b). Pub. L. 107-108 designated existing provisions as par. (1) and added par. (2).

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.

EFFECTIVE DATE

Pub. L. 105-107, title III, § 303(d), Nov. 20, 1997, 111 Stat. 2252, provided that: “The amendment made by subsection (a) [enacting this section] shall apply to an employee on detail on or after January 1, 1997.”

§ 3049. Non-reimbursable detail of other personnel

An officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a non-reimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed three years. This section does not limit any other source of authority for reimbursable or non-reimbursable details. A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.

(July 26, 1947, ch. 343, title I, § 113A, as added Pub. L. 111-259, title III, § 302(a), Oct. 7, 2010, 124 Stat. 2658; amended Pub. L. 112-18, title III, § 303(a), June 8, 2011, 125 Stat. 226; Pub. L. 112-277, title III, § 303, Jan. 14, 2013, 126 Stat. 2471.)

CODIFICATION

Section was formerly classified to section 404h-1 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

2013—Pub. L. 112-277 substituted “three years.” for “two years.” and inserted at end “A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.”

2011—Pub. L. 112-18 amended section generally. Prior to amendment, text read as follows: “Except as provided in section 402c(g)(2) of this title and section 404h of this title, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.”

§ 3050. Annual report on hiring and retention of minority employees

(a) In general

The Director of National Intelligence shall, on an annual basis, submit to Congress a report on the employment of covered persons within each element of the intelligence community for the preceding fiscal year.

(b) Content

Each such report shall include disaggregated data by category of covered person from each element of the intelligence community on the following:

(1) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

(2) Of all individuals employed in the element during the fiscal year involved at the levels referred to in subparagraphs (A) and (B), the percentage of covered persons employed at such levels:

(A) Positions at levels 1 through 15 of the General Schedule.

(B) Positions at levels above GS-15.

(3) Of all individuals hired by the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

(c) Form

Each such report shall be submitted in unclassified form, but may contain a classified annex.

(d) Construction

Nothing in this section shall be construed as providing for the substitution of any similar report required under another provision of law.

(e) “Covered persons” defined

In this section the term “covered persons” means—

- (1) racial and ethnic minorities;
- (2) women; and
- (3) individuals with disabilities.

(July 26, 1947, ch. 343, title I, § 114, as added Pub. L. 105–272, title III, § 307(a), Oct. 20, 1998, 112 Stat. 2401; amended Pub. L. 107–306, title III, §§ 324, 353(b)(6), title VIII, §§ 811(b)(1)(D), 821, 822, Nov. 27, 2002, 116 Stat. 2393, 2402, 2422, 2426, 2427; Pub. L. 108–177, title III, § 361(c), (d), Dec. 13, 2003, 117 Stat. 2625; Pub. L. 108–458, title I, § 1071(a)(1)(N), (O), (3)(A), (7), Dec. 17, 2004, 118 Stat. 3689, 3690; Pub. L. 112–277, title III, § 310(a)(2), Jan. 14, 2013, 126 Stat. 2474; Pub. L. 113–126, title III, § 329(a)(1), (c)(2), July 7, 2014, 128 Stat. 1405, 1406.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b)(2), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 404i 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

2014—Pub. L. 113–126, § 329(c)(2)(A), substituted “Annual report on hiring and retention of minority employees” for “Additional annual reports from the Director of National Intelligence” in section catchline.

Subsec. (a). Pub. L. 113–126, § 329(c)(2)(B), (C), struck out subsec. (a) designation and heading “Annual report on hiring and retention of minority employees” and redesignated par. (1) as subsec. (a). Former pars. (2) to (5) redesignated subsecs. (b) to (e), respectively.

Subsec. (b). Pub. L. 113–126, § 329(c)(2)(C), (D), redesignated subsec. (a)(2) as (b), redesignated subpars. (A) to (C) of former subsec. (a)(2) as pars. (1) to (3), respectively, of subsec. (b), and in par. (2) as redesignated, substituted “subparagraphs (A) and (B)” for “clauses (i) and (ii)” in introductory provisions and redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively.

Pub. L. 113–126, § 329(a)(1), struck out subsec. (b) which related to annual report on threat of attack on the United States using weapons of mass destruction.

Subsec. (c). Pub. L. 113–126, § 329(c)(2)(C), redesignated subsec. (a)(3) as (c).

Subsec. (d). Pub. L. 113–126, § 329(c)(2)(C), (E), redesignated subsec. (a)(4) as (d) and substituted “section” for “subsection”.

Subsec. (e). Pub. L. 113–126, § 329(c)(2)(C), (F), redesignated subsec. (a)(5) as (e), substituted “section” for “subsection,” in introductory provisions, and redesignated subpars. (A) to (C) of former subsec. (a)(5) as pars. (1) to (3), respectively, of subsec. (e).

2013—Pub. L. 112–277 redesignated subsecs. (b) and (c) as (a) and (b), respectively, struck out former subsec. (a) which required annual reports on the safety and security of Russian nuclear facilities and nuclear military forces, and struck out subsec. (d) which defined the term “congressional leadership”.

2004—Pub. L. 108–458, § 1071(a)(7), substituted “Additional annual reports from the Director of National Intelligence” for “Additional annual reports from the Director of Central Intelligence” in section catchline.

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

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

Subsec. (c)(1). Pub. L. 108–458, § 1071(a)(3)(A), substituted “Director of National Intelligence” for “Director”.

2003—Subsec. (a). Pub. L. 108–177, § 361(c), redesignated subsec. (b) as (a) and struck out former subsec. (a), which related to annual reports on intelligence community cooperation with Federal law enforcement agencies.

Subsecs. (b), (c). Pub. L. 108–177, § 361(c)(2), redesignated subsecs. (c) and (d) as (b) and (c), respectively. Former subsec. (b) redesignated (a).

Subsec. (d). Pub. L. 108–177, § 361(d), redesignated subsec. (e) as (d) and struck out former subsec. (d), which related to annual reports on covert leases of the intelligence community.

Pub. L. 108–177, § 361(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 108–177, § 361(d)(2), redesignated subsec. (e) as (d).

Pub. L. 108–177, § 361(c)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 108–177, § 361(c)(2), redesignated subsec. (f) as (e).

2002—Subsec. (a)(1). Pub. L. 107–306, § 811(b)(1)(D)(i)(I), struck out “the congressional intelligence committees and” before “the congressional leadership”.

Subsec. (a)(2) to (4). Pub. L. 107–306, § 811(b)(1)(D)(i)(II), (III), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (b)(1). Pub. L. 107–306, § 811(b)(1)(D)(ii), substituted “submit to the congressional leadership on an annual basis, and to the congressional intelligence committees on the date each year provided in section 415b of this title,” for “, on an annual basis, submit to the congressional intelligence committees and the congressional leadership”.

Subsec. (c). Pub. L. 107–306, § 324(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107–306, § 821(2), added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 107–306, § 353(b)(6), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “In this section:

“(1) The term ‘congressional intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘congressional leadership’ means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”

Pub. L. 107–306, § 324(1), redesignated subsec. (c) as (d).

Subsec. (e). Pub. L. 107–306, § 822(2), added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 107–306, § 821(1), redesignated subsec. (d) as (e). Subsec. (f). Pub. L. 107–306, § 822(1), redesignated subsec. (e) as (f).

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.

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.

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.

REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS

Pub. L. 111-259, title III, § 335, Oct. 7, 2010, 124 Stat. 2688, provided that:

“(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act [Oct. 7, 2010], the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

“(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

“(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

“(b) CONTENT.—The report required by subsection (a) shall include—

“(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

“(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

“(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

“(A) intelligence collection gaps or inefficiencies;

“(B) inadequate information sharing practices; or

“(C) inadequate cooperation among departments or agencies of the United States;

“(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

“(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

“(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

“(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).”

[For definitions of terms used in section 335 of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a Definitions note under section 3003 of this title.]

DATE FOR FIRST REPORT ON COOPERATION WITH CIVILIAN LAW ENFORCEMENT AGENCIES

Pub. L. 105-272, title III, § 307(c), Oct. 20, 1998, 112 Stat. 2402, provided that the first report under former subsection (a) of this section was to be submitted not later than Dec. 31, 1999.

§ 3051. Repealed. Pub. L. 111-259, title III, § 347(c), Oct. 7, 2010, 124 Stat. 2698

Section, act July 26, 1947, ch. 343, title I, § 114A, as added Pub. L. 107-306, title VIII, § 823(a), Nov. 27, 2002, 116 Stat. 2427; amended Pub. L. 108-136, div. A, title IX, § 921(g), Nov. 24, 2003, 117 Stat. 1570; Pub. L. 108-458, title I, § 1071(a)(4), Dec. 17, 2004, 118 Stat. 3690, related to annual report on improvement of financial statements for auditing purposes.

CODIFICATION

Section was formerly classified to section 404i-1 of this title and repealed prior to editorial reclassification and renumbering as this section.

CORRECTING LONG-STANDING MATERIAL WEAKNESSES

Pub. L. 111-259, title III, § 368, Oct. 7, 2010, 124 Stat. 2705, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘covered element of the intelligence community’ means—

“(A) the Central Intelligence Agency;

“(B) the Defense Intelligence Agency;

“(C) the National Geospatial-Intelligence Agency;

“(D) the National Reconnaissance Office; or

“(E) the National Security Agency.

“(2) INDEPENDENT AUDITOR.—The term ‘independent auditor’ means an individual who—

“(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

“(ii) is a public accountant who meets such independence standards; and

“(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

“(3) INDEPENDENT REVIEW.—The term ‘independent review’ means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

“(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term ‘long-standing, correctable material weakness’ means a material weakness—

“(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

“(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

“(5) MATERIAL WEAKNESS.—The term ‘material weakness’ has the meaning given that term under the Office of Management and Budget Circular A-123, entitled ‘Management’s Responsibility for Internal Control,’ revised December 21, 2004.

“(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term ‘senior intelligence management official’ means an official within a covered element of the intelligence community who is—

“(A)(i) compensated under the Senior Intelligence Service pay scale; or

“(ii) the head of a covered element of the intelligence community; and

“(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act [Pub. L. 111-259, see Tables for classification].

“(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

“(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act [Oct. 7, 2010], the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

“(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

“(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

“(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

“(d) CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.—

“(1) DETERMINATION OF CORRECTION OF DEFICIENCY.—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

“(2) BASIS FOR DETERMINATION.—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

“(3) NOTIFICATION AND SUBMISSION OF FINDINGS.—A senior intelligence management official who makes a determination under paragraph (1) shall—

“(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

“(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

“(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

“(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

“(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).”

[For definition of “congressional intelligence committees” as used in section 368 of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a Definitions note under section 3003 of this title.]

§ 3052. Limitation on establishment or operation of diplomatic intelligence support centers

(a) In general

(1) A diplomatic intelligence support center may not be established, operated, or maintained without the prior approval of the Director of National Intelligence.

(2) The Director may only approve the establishment, operation, or maintenance of a diplomatic intelligence support center if the Director determines that the establishment, operation, or maintenance of such center is required to provide necessary intelligence support in furtherance of the national security interests of the United States.

(b) Prohibition of use of appropriations

Amounts appropriated pursuant to authorizations by law for intelligence and intelligence-related activities may not be obligated or expended for the establishment, operation, or maintenance of a diplomatic intelligence support center that is not approved by the Director of National Intelligence.

(c) Definitions

In this section:

(1) The term “diplomatic intelligence support center” means an entity to which employees of the various elements of the intelligence community (as defined in section 3003(4) of this title) are detailed for the purpose of providing analytical intelligence support that—

(A) consists of intelligence analyses on military or political matters and expertise to conduct limited assessments and dynamic taskings for a chief of mission; and

(B) is not intelligence support traditionally provided to a chief of mission by the Director of National Intelligence.

(2) The term “chief of mission” has the meaning given that term by section 3902(3) of title 22, and includes ambassadors at large and ministers of diplomatic missions of the United States, or persons appointed to lead United States offices abroad designated by the Secretary of State as diplomatic in nature.

(d) Termination

This section shall cease to be effective on October 1, 2000.

(July 26, 1947, ch. 343, title I, § 115, as added Pub. L. 106-120, title III, § 303(a), Dec. 3, 1999, 113 Stat. 1610; amended Pub. L. 108-458, title I, § 1071(a)(1)(P)–(R), Dec. 17, 2004, 118 Stat. 3689.)

CODIFICATION

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

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, § 1071(a)(1)(P), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b). Pub. L. 108-458, § 1071(a)(1)(Q), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

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

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.

§ 3053. Travel on any common carrier for certain intelligence collection personnel

(a) In general

Notwithstanding any other provision of law, the Director of National Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

(1) is consistent with intelligence community mission requirements, or

(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

(b) Authorized delegation of duty

The Director of National Intelligence may only delegate the authority granted by this section to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.

(July 26, 1947, ch. 343, title I, § 116, as added Pub. L. 106-567, title III, § 305(a), Dec. 27, 2000, 114 Stat. 2838; amended Pub. L. 108-458, title I, §§ 1071(a)(1)(S), (3)(B), 1072(a)(5), Dec. 17, 2004, 118 Stat. 3689, 3690, 3692; Pub. L. 111-259, title IV, § 424, Oct. 7, 2010, 124 Stat. 2728.)

CODIFICATION

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

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-259 substituted “, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.” for the period.

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

Subsec. (b). Pub. L. 108-458, § 1072(a)(5), which directed amendment of subsec. (b) by substituting “to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency” for “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations”, was executed by making the substitution for “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations”, to reflect the probable intent of Congress.

Pub. L. 108-458, § 1071(a)(3)(B), which directed amendment of subsec. (b) by substituting “Director of National Intelligence” for “Director” each place it appeared, was executed by making the substitution the first place it appeared to reflect the probable intent of Congress.

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.

§ 3054. POW/MIA analytic capability**(a) Requirement**

(1) The Director of National Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

(2) The analytic capability maintained under paragraph (1) shall be known as the “POW/MIA

analytic capability of the intelligence community”.

(b) Unaccounted for United States personnel

In this section, the term “unaccounted for United States personnel” means the following:

(1) Any missing person (as that term is defined in section 1513(1) of title 10).

(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.

(July 26, 1947, ch. 343, title I, § 117, as added Pub. L. 106-567, title III, § 307(a), Dec. 27, 2000, 114 Stat. 2839; amended Pub. L. 108-458, title I, § 1071(a)(1)(T), Dec. 17, 2004, 118 Stat. 3689.)

CODIFICATION

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

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

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.

§ 3055. Annual report on financial intelligence on terrorist assets**(a) Annual report**

On a¹ annual basis, the Secretary of the Treasury (acting through the head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees that fully informs the committees concerning operations against terrorist financial networks. Each such report shall include with respect to the preceding one-year period—

(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

(2) the total number of physical searches of offices, residences, or financial records of individuals or entities suspected of having engaged in financial support for terrorist activity; and

(3) whether the financial intelligence information seized in these cases has been shared on a full and timely basis with the all departments, agencies, and other entities of the United States Government involved in intelligence activities participating in the Foreign Terrorist Asset Tracking Center.

(b) Immediate notification for emergency designation

In the case of a designation of an individual or entity, or the assets of an individual or entity,

¹ So in original. Probably should be “an”.

as having been found to have engaged in terrorist activities, the Secretary of the Treasury shall report such designation within 24 hours of such a designation to the appropriate congressional committees.

(c) Submittal date of reports to congressional intelligence committees

In the case of the reports required to be submitted under subsection (a) of this section to the congressional intelligence committees, the submittal dates for such reports shall be as provided in section 3106 of this title.

(d) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means the following:

(1) The Permanent Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives.

(2) The Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(July 26, 1947, ch. 343, title I, § 118, as added Pub. L. 107-306, title III, § 342(a)(1), Nov. 27, 2002, 116 Stat. 2398; amended Pub. L. 111-259, title III, § 347(d), Oct. 7, 2010, 124 Stat. 2698.)

CODIFICATION

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

AMENDMENTS

2010—Pub. L. 111-259, § 347(d)(1), substituted “Annual” for “Semiannual” in section catchline.

Subsec. (a). Pub. L. 111-259, § 347(d)(2)(A), (B), in heading, substituted “Annual” for “Semiannual” and, in introductory provisions, substituted “annual basis” for “semiannual basis” and “preceding one-year period” for “preceding six-month period”.

Subsec. (a)(2) to (4). Pub. L. 111-259, § 347(d)(2)(C), (D), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “the total number of applications for asset seizure and designations of individuals or entities suspected of having engaged in financial support of terrorist activities that were granted, modified, or denied;”.

Subsec. (d)(1), (2). Pub. L. 111-259, § 347(d)(3), inserted “the Committee on Armed Services,” after “the Committee on Appropriations,”.

§ 3056. National Counterterrorism Center

(a) Establishment of Center

There is within the Office of the Director of National Intelligence a National Counterterrorism Center.

(b) Director of National Counterterrorism Center

(1) There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, and who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director of the National Counterterrorism Center may not simultaneously serve in any other capacity in the executive branch.

(c) Reporting

(1) The Director of the National Counterterrorism Center shall report to the Director of

National Intelligence with respect to matters described in paragraph (2) and the President with respect to matters described in paragraph (3).

(2) The matters described in this paragraph are as follows:

(A) The budget and programs of the National Counterterrorism Center.

(B) The activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (i).

(C) The conduct of intelligence operations implemented by other elements of the intelligence community; and

(3) The matters described in this paragraph are the planning and progress of joint counterterrorism operations (other than intelligence operations).

(d) Primary missions

The primary missions of the National Counterterrorism Center shall be as follows:

(1) To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

(2) To conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

(3) To assign roles and responsibilities as part of its strategic operational planning duties to lead Departments or agencies, as appropriate, for counterterrorism activities that are consistent with applicable law and that support counterterrorism strategic operational plans, but shall not direct the execution of any resulting operations.

(4) To ensure that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis.

(5) To ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.

(6) To serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support.

(e) Domestic counterterrorism intelligence

(1) The Center may, consistent with applicable law, the direction of the President, and the guidelines referred to in section 3024(b) of this title, receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.

(2) Any agency authorized to conduct counterterrorism activities may request information from the Center to assist it in its responsibilities, consistent with applicable law and the

guidelines referred to in section 3024(b) of this title.

(f) Duties and responsibilities of Director

(1) The Director of the National Counterterrorism Center shall—

(A) serve as the principal adviser to the Director of National Intelligence on intelligence operations relating to counterterrorism;

(B) provide strategic operational plans for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;

(C) advise the Director of National Intelligence on the extent to which the counterterrorism program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the priorities established by the President;

(D) disseminate terrorism information, including current terrorism threat analysis, to the President, the Vice President, the Secretaries of State, Defense, and Homeland Security, the Attorney General, the Director of the Central Intelligence Agency, and other officials of the executive branch as appropriate, and to the appropriate committees of Congress;

(E) support the Department of Justice and the Department of Homeland Security, and other appropriate agencies, in fulfillment of their responsibilities to disseminate terrorism information, consistent with applicable law, guidelines referred to in section 3024(b) of this title, Executive orders and other Presidential guidance, to State and local government officials, and other entities, and coordinate dissemination of terrorism information to foreign governments as approved by the Director of National Intelligence;

(F) develop a strategy for combining terrorist travel intelligence operations and law enforcement planning and operations into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility;

(G) have primary responsibility within the United States Government for conducting net assessments of terrorist threats;

(H) consistent with priorities approved by the President, assist the Director of National Intelligence in establishing requirements for the intelligence community for the collection of terrorism information; and

(I) perform such other duties as the Director of National Intelligence may prescribe or are prescribed by law.

(2) Nothing in paragraph (1)(G) shall limit the authority of the departments and agencies of the United States to conduct net assessments.

(g) Limitation

The Director of the National Counterterrorism Center may not direct the execution of counterterrorism operations.

(h) Resolution of disputes

The Director of National Intelligence shall resolve disagreements between the National

Counterterrorism Center and the head of a department, agency, or element of the United States Government on designations, assignments, plans, or responsibilities under this section. The head of such a department, agency, or element may appeal the resolution of the disagreement by the Director of National Intelligence to the President.

(i) Directorate of Intelligence

The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence which shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations (except for purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence, whether collected inside or outside the United States.

(j) Directorate of Strategic Operational Planning

(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Strategic Operational Planning which shall provide strategic operational plans for counterterrorism operations conducted by the United States Government.

(2) Strategic operational planning shall include the mission, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities.

(3) The Director of the National Counterterrorism Center shall monitor the implementation of strategic operational plans, and shall obtain information from each element of the intelligence community, and from each other department, agency, or element of the United States Government relevant for monitoring the progress of such entity in implementing such plans.

(July 26, 1947, ch. 343, title I, § 119, as added Pub. L. 108-458, title I, § 1021, Dec. 17, 2004, 118 Stat. 3672; amended Pub. L. 111-259, title VIII, § 804(5), Oct. 7, 2010, 124 Stat. 2747.)

CODIFICATION

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

AMENDMENTS

2010—Subsec. (c)(2)(B). Pub. L. 111-259 substituted “subsection (i)” for “subsection (h)”.

EFFECTIVE DATE

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.

STRATEGY FOR COUNTERTERRORIST TRAVEL
INTELLIGENCE

Pub. L. 108-458, title VII, § 7201(b), Dec. 17, 2004, 118 Stat. 3809, directed the Director of the National Counterterrorism Center, not later than 1 year after Dec. 17, 2004, to submit to Congress unclassified and classified versions of a strategy, to be developed in coordination with all relevant Federal agencies, for combining terrorist travel intelligence, operations, and law

enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally.

EXECUTIVE ORDER NO. 13354

Ex. Ord. No. 13354, Aug. 27, 2004, 69 F.R. 53589, which established a National Counterterrorism Center, was revoked by Ex. Ord. No. 12333, § 3.6, Dec. 4, 1981, 46 F.R. 59954, as amended by Ex. Ord. No. 13470, § 4(j), July 30, 2008, 73 F.R. 45341, set out as a note under section 3001 of this title.

§ 3057. National Counter Proliferation Center

(a) Establishment

(1) The President shall establish a National Counter Proliferation Center, taking into account all appropriate government tools to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

(2) The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

(3) The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.

(b) Missions and objectives

In establishing the National Counter Proliferation Center, the President shall address the following missions and objectives to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies:

(1) Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to proliferation.

(2) Ensuring that appropriate agencies have full access to and receive all-source intelligence support needed to execute their counter proliferation plans or activities, and perform independent, alternative analyses.

(3) Establishing a central repository on known and suspected proliferation activities, including the goals, strategies, capabilities, networks, and any individuals, groups, or entities engaged in proliferation.

(4) Disseminating proliferation information, including proliferation threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

(5) Conducting net assessments and warnings about the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

(6) Coordinating counter proliferation plans and activities of the various departments and agencies of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

(7) Conducting strategic operational counter proliferation planning for the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

(c) National security waiver

The President may waive the requirements of this section, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in subsection (b) of this section are being met.

(d) Report to Congress

(1) Not later than nine months after the implementation of this chapter, the President shall submit to Congress, in classified form if necessary, the findings and recommendations of the President's Commission on Weapons of Mass Destruction established by Executive Order in February 2004, together with the views of the President regarding the establishment of a National Counter Proliferation Center.

(2) If the President decides not to exercise the waiver authority granted by subsection (c) of this section, the President shall submit to Congress from time to time updates and plans regarding the establishment of a National Counter Proliferation Center.

(e) Sense of Congress

It is the sense of Congress that a central feature of counter proliferation activities, consistent with the President's Proliferation Security Initiative, should include the physical interdiction, by air, sea, or land, of weapons of mass destruction, their delivery systems, and related materials and technologies, and enhanced law enforcement activities to identify and disrupt proliferation networks, activities, organizations, and persons.

(July 26, 1947, ch. 343, title I, § 119A, as added Pub. L. 108-458, title I, § 1022, Dec. 17, 2004, 118 Stat. 3675; amended Pub. L. 111-259, title IV, § 407(a), Oct. 7, 2010, 124 Stat. 2721.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), 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.

The Executive Order in February 2004 establishing the President's Commission on Weapons of Mass Destruction, referred to in subsec. (d)(1), is Ex. Ord. No. 13328, Feb. 6, 2004, 69 F.R. 6901, which was revoked by Ex. Ord. No. 13385, § 3(a), Sept. 29, 2005, 70 F.R. 57990, and was formerly set out as a note under section 2301 of this title.

CODIFICATION

Section was formerly classified to section 4040-1 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-259 designated existing provisions as par. (1), substituted "The" for "Not later than 18 months after December 17, 2004, the", and added pars. (2) and (3).

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.

DELEGATION OF FUNCTIONS

Reporting functions of President under this section assigned to the Director of National Intelligence by section 3 of Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 48633, set out as a note under section 301 of Title 3, The President.

§ 3058. National Intelligence Centers

(a) Authority to establish

The Director of National Intelligence may establish one or more national intelligence centers to address intelligence priorities, including, but not limited to, regional issues.

(b) Resources of directors of centers

(1) The Director of National Intelligence shall ensure that the head of each national intelligence center under subsection (a) of this section has appropriate authority, direction, and control of such center, and of the personnel assigned to such center, to carry out the assigned mission of such center.

(2) The Director of National Intelligence shall ensure that each national intelligence center has appropriate personnel to accomplish effectively the mission of such center.

(c) Information sharing

The Director of National Intelligence shall, to the extent appropriate and practicable, ensure that each national intelligence center under subsection (a) of this section and the other elements of the intelligence community share information in order to facilitate the mission of such center.

(d) Mission of centers

Pursuant to the direction of the Director of National Intelligence, each national intelligence center under subsection (a) of this section may, in the area of intelligence responsibility assigned to such center—

(1) have primary responsibility for providing all-source analysis of intelligence based upon intelligence gathered both domestically and abroad;

(2) have primary responsibility for identifying and proposing to the Director of National Intelligence intelligence collection and analysis and production requirements; and

(3) perform such other duties as the Director of National Intelligence shall specify.

(e) Review and modification of centers

The Director of National Intelligence shall determine on a regular basis whether—

(1) the area of intelligence responsibility assigned to each national intelligence center under subsection (a) of this section continues to meet appropriate intelligence priorities; and

(2) the staffing and management of such center remains appropriate for the accomplishment of the mission of such center.

(f) Termination

The Director of National Intelligence may terminate any national intelligence center under subsection (a) of this section.

(g) Separate budget account

The Director of National Intelligence shall, as appropriate, include in the National Intelligence Program budget a separate line item for each national intelligence center under subsection (a) of this section.

(July 26, 1947, ch. 343, title I, §119B, as added Pub. L. 108-458, title I, §1023, Dec. 17, 2004, 118 Stat. 3676.)

CODIFICATION

Section was formerly classified to section 404o-2 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.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 3071. National Security Agency voluntary separation

(a) Short title

This section may be cited as the “National Security Agency Voluntary Separation Act”.

(b) Definitions

For purposes of this section—

(1) the term “Director” means the Director of the National Security Agency; and

(2) the term “employee” means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c) of this section, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) Establishment of program

Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

(d) Early retirement

An employee who—