

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 Documents

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Feb. 6, 1956, 21 F.R. 859, which established the President's Board of Consultants on Foreign Intelligence Activities, was revoked by Ex.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 No. 10938, May 4, 1961, 26 F.R. 3951, which established the President's Foreign Intelligence Advisory Board, was revoked by Ex.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 Advisory 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 Sec-

retary 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 shall include audits and evaluations.

(D) Consistent with subparagraph (C), the Director of National Intelligence shall ensure that the programs and activities that are part of the National Intelligence Program, including those of the Federal Bureau of Investigation, are structured and executed in a manner than enables budget traceability.

(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 ap-

propriations 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 subpara-

graph (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) 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 government 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, the National Counterproliferation Center, and the National Counterintelligence and Security 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, binding personnel policies and programs applicable to the intelligence community that—

(i) require and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community over the course of the careers of such personnel;

(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) require service in more than one element of the intelligence community as a condition of promotion to such positions within the intelligence community as the Director shall specify, and take requisite steps to ensure compliance among elements of the intelligence community; 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—

(A) conduct assessments and audits of the compliance of each element of the intelligence community with minimum insider threat policy;

(B) receive information from each element of the intelligence community regarding the collection, sharing, and use by such element of audit and monitoring data for insider threat detection across all classified and unclassified information technology systems within such element;

(C) provide guidance and oversight to Federal departments and agencies to fully implement automated records checks, consistent with personnel vetting reforms and the Trusted Workforce 2.0 initiative, or successor initiative, and ensure that information collected pursuant to such records checks is appropriately shared in support of intelligence community-wide insider threat initiatives;

(D) carry out evaluations of the effectiveness of counterintelligence, security, and insider threat program activities of each element of the intelligence community, including with respect to the lowest organizational unit of each such element, that include an identification of any gaps, shortfalls, or resource needs of each such element;

(E) identify gaps, shortfalls, resources needs, and recommendations for adjustments in allocations and additional resources and other remedies to strengthen counterintelligence, security, and insider threat detection programs;

(F) pursuant to final damage assessments facilitated by the National Counterintelligence and Security Center that have been undertaken as a result of an unauthorized disclosure, determine whether the heads of the elements of the intelligence community implement recommended mitigation, and notify the congressional intelligence committees of such determinations and notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in cases involving elements of the intelligence community within¹ the Department of Defense; and

(G) study the data collected during the course of background investigations and adjudications for security clearances granted to individuals who subsequently commit unauthorized disclosures, and issue findings regarding the quality of such data as a predictor for insider threat activity, delineated by the severity of the unauthorized disclosure.

(9) The Director of National Intelligence shall ensure there is established a policy for minimum insider threat standards for the intelligence community and ensure compliance by the elements of the intelligence community with that policy.

(10) The Director of National Intelligence shall perform such other intelligence-related functions as the President may direct.

(11) 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 [50 U.S.C. 1801 et seq.].

(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—

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

(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 require sound analytic methods and tradecraft, independent of political considerations, 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 substantial differences in analytic judgment are fully considered, brought to the attention of policymakers, and documented in analytic products; 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, and shall establish and enforce policies

to 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 requirements 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.

(4)(A) Each head of an element of the intelligence community shall ensure that any congressionally mandated report submitted to Congress by the head, other than such a report submitted solely to the congressional intelligence committees, shall be consistent with the protection of intelligence sources and methods in accordance with the policies established by the Director under paragraph (1), regardless of whether the provision of law mandating the report explicitly requires such protection.

(B) Nothing in this paragraph shall be construed to alter any congressional leadership's or congressional committee's jurisdiction or access to information from any element of the intelligence community under the rules of either chamber of Congress.

(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 under-

standing 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).

(D) The mechanisms prescribed under subparagraph (A) and any other policies of the Director—

(i) may not require an employee of an office of inspector general for an element of the intelligence community, including the Office of the Inspector General of the Intelligence Community, to rotate to a position in an office or organization of such an element over which such office of inspector general exercises jurisdiction; and

(ii) shall be implemented in a manner that exempts employees of an office of inspector general from a rotation that may impact the independence of such office.

(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), 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, including with respect to the notification requirement under section 8(c) of such Act (50 U.S.C. 3510(c)).

(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 Na-

tional 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)].

(5) Any authority provided to the Director of National Intelligence or the head of an element of the intelligence community pursuant to this subsection to make an expenditure referred to in subsection (a) of section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) is subject to the notification requirement under subsection (c) of such section. If the Director of National Intelligence is required to make a notification for a specific expenditure pursuant to both this paragraph and paragraph (4)(G), the Director may make a single notification.

(6) OTHER TRANSACTION AUTHORITY.—

(A) IN GENERAL.—In addition to other acquisition authorities, the Director of National Intelligence may exercise the acquisition authorities referred to in sections 4021 and 4022 of title 10, subject to the provisions of this paragraph.

(B) DELEGATION.—(i) The Director shall delegate the authorities provided by subparagraph (A) to the heads of elements of the intelligence community.

(ii) The heads of elements of the intelligence community shall, to the maximum extent practicable, delegate the authority delegated under clause (i) to the official of the respective element of the intelligence community responsible for decisions with respect to basic, applied, or advanced research activities or the adoption of such activities within such element.

(C) INTELLIGENCE COMMUNITY AUTHORITY.—(i) For purposes of this paragraph, the limitation in section 4022(a)(1) of title 10 shall not apply to elements of the intelligence community.

(ii) Subject to section 4022(a)(2) of such title, the Director may enter into transactions and agreements (other than contracts, cooperative agreements, and grants) of amounts not to exceed \$75,000,000 under this paragraph to carry out basic, applied, and advanced research projects and prototype projects in support of intelligence activities.

(iii) For purposes of this paragraph, the limitations specified in section 4022(a)(2) of such title shall apply to the intelligence community in lieu of the Department of Defense, and the Director shall—

(I) identify appropriate officials who can make the determinations required in subparagraph (B)(i) of such section for the intelligence community; and

(II) brief the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives in lieu of the congressional defense committees, as specified in subparagraph (B)(ii) of such section.

(iv) For purposes of this paragraph, the limitation in section 4022(a)(3) of such title shall not apply to elements of the intelligence community.

(v) In carrying out this paragraph, section 4022(d)(1) of such title shall be applied by substituting “Director of National Intelligence” for “Secretary of Defense”.

(vi) For purposes of this paragraph, the limitations in section 4022(d)(2) of such title shall not apply to elements of the intelligence community.

(vii) In addition to the follow-on production contract criteria in section 4022(f)(2) of such title, the following additional criteria shall apply:

(I) The authorizing official of the relevant element of the intelligence community determines that Government users of the proposed production product or production service have been consulted.

(II) In the case of a proposed production product that is software, there are mechanisms in place for Government users to provide ongoing feedback to participants to the follow-on production contract.

(III) In the case of a proposed production product that is software, there are mechanisms in place to promote the interoperability and accessibility with and between Government and commercial software providers, including by the promotion of open application programming interfaces and requirement of appropriate software documentation.

(IV) The award follows a documented market analysis as mandated by the Federal Acquisition Regulations surveying available and comparable products.

(V) In the case of a proposed production product that is software, the follow-on production contract includes a requirement that, for the duration of such contract (or such other period of time as may be agreed to as a term of such contract)—

(aa) the participants provide the most up-to-date version of the product that is

available in the commercial marketplace and is consistent with security requirements;

(bb) there are mechanisms in place for the participants to provide timely updates to the production product; and

(cc) the authority specified in section 4022(f)(5) of such title shall be exercised by the Director in lieu of the Secretary of Defense.

(D) IMPLEMENTATION POLICY.—The Director, in consultation with the heads of the elements of the intelligence community, shall—

(i) not later than 180 days after December 23, 2022, establish and implement an intelligence community-wide policy prescribing the use and limitations of the authority under this paragraph, particularly with respect to the application of subparagraphs (B) and (C);

(ii) periodically review and update the policy established under clause (i); and

(iii) submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives the policy when established under clause (i) or updated under clause (ii).

(E) ANNUAL REPORT.—

(i) IN GENERAL.—Not less frequently than annually, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report detailing the use by the intelligence community of the authority provided by this paragraph.

(ii) ELEMENTS.—

(I) REQUIRED ELEMENTS.—Each report required by clause (i) shall detail the following:

(aa) The number of transactions.

(bb) The participants to such transactions.

(cc) The purpose of the transaction.

(dd) The amount of each transaction.

(ee) Concerns with the efficiency of the policy.

(ff) Any recommendations for how to improve the process.

(II) OTHER ELEMENTS.—Each report required by clause (i) may describe such transactions which have been awarded follow-on production contracts either pursuant to the authority provided by this paragraph or another acquisition authority available to the intelligence community.

(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) Certain Responsibilities of Director of National Intelligence Relating to National Intelligence Program

(1) 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.

(2) Consistent with subsection (c)(5)(C), the Director of National Intelligence shall, after consultation with the Director of the Federal Bureau of Investigation, ensure that the programs and activities of the Federal Bureau of Investigation that are part of the National Intelligence Program are executed in a manner that conforms with the requirements of the national intelligence strategy under section 3043a of this title and the National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any successor mechanism established for the prioritization of such programs and activities).

(3) Not later than March 1 of each year, the President, acting through the Director of National Intelligence, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a copy of the most recently updated National Intelligence Priorities Framework of the Office of the Director of National Intelligence (or any such successor mechanism).

(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, security risks, 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)² of this title).

(u) Conflict of interest regulations

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.

(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 ex-

² See References in Text note below.

cepted 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) A covered department may appoint an individual to a position converted or established pursuant to this subsection without regard to the civil-service laws, including parts II and III of title 5.

(4) 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 heads of the elements of the intelligence community, 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, including the policy under subsection (f)(8), apply to facilities of contractors with access to a classified network.

(y) Fundraising

(1) The Director of National Intelligence may engage in fundraising in an official capacity for the benefit of nonprofit organizations that—

(A) provide support to surviving family members of a deceased employee of an element of the intelligence community; or

(B) otherwise provide support for the welfare, education, or recreation of employees of

an element of the intelligence community, former employees of an element of the intelligence community, or family members of such employees.

(2) In this subsection, the term “fundraising” means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.

(3) Not later than 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the congressional intelligence committees of such fundraising.

(4) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this subsection. Such regulations shall ensure that such authority is exercised in a manner that is consistent with all relevant ethical constraints and principles, including the avoidance of any prohibited conflict of interest or appearance of impropriety.

(z) Analyses and impact statements regarding proposed investment into the United States

(1) Not later than 20 days after the completion of a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representative copies of such analytic materials, including any supplements or amendments to such analysis made by the Director.

(2) Not later than 60 days after the completion of consideration by the United States Government of any investment described in paragraph (1), the Director shall determine whether such investment will have an operational impact on the intelligence community, and, if so, shall submit a report on such impact to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Each such report shall—

(A) describe the operational impact of the investment on the intelligence community; and

(B) describe any actions that have been or will be taken to mitigate such impact.

(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; Pub. L. 114-113, div. M, title I, §105(a), title VII, §701(c)(1), Dec. 18, 2015, 129 Stat. 2912, 2929; Pub. L. 115-31, div. N, title III, §§303(a), 309(b), title IV, §§401(c), 402, May 5, 2017, 131 Stat. 810, 815, 818, 820; Pub. L. 116-92, div. E, title LIII, §5305, title LXVII, §6742(b)(1), Dec. 20, 2019, 133 Stat.

2122, 2239; Pub. L. 117-103, div. X, title IV, §§ 402, 403, Mar. 15, 2022, 136 Stat. 975; Pub. L. 117-263, div. F, title LXIII, § 6314(a), (c), title LXIV, §§ 6401, 6402, 6415(b), title LXVII, § 6711(b), Dec. 23, 2022, 136 Stat. 3511, 3524, 3525, 3528, 3563; Pub. L. 118-31, div. G, title III, §§ 7307(a), 7308, 7309, title IX, § 7901(a)(1), Dec. 22, 2023, 137 Stat. 1026-1028, 1106.)

Editorial Notes

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (c)(6), is Pub. L. 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), (11), 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 subsecs. (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

2023—Subsec. (f)(3)(A). Pub. L. 118-31, §7307(a)(1), substituted “binding personnel policies” for “personnel policies” in introductory provisions.

Subsec. (f)(3)(A)(i). Pub. L. 118-31, §7307(a)(2), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;”.

Subsec. (f)(3)(A)(v). Pub. L. 118-31, §7307(a)(3), amended cl. (v) generally. Prior to amendment, cl. (v) read as follows: “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”.

Subsec. (f)(8) to (11). Pub. L. 118-31, §7308, added par. (8) and redesignated former pars. (8) to (10) as (9) to (11), respectively.

Subsec. (n)(5), (6). Pub. L. 118-31, §7901(a)(1), redesignated second par. (5), relating to other transaction authority, as (6).

Subsec. (p)(3). Pub. L. 118-31, §7309, substituted “March 1” for “October 1”.

2022—Subsec. (c)(5)(C). Pub. L. 117-263, §6401(1), substituted “shall include” for “may include”.

Subsec. (c)(5)(D). Pub. L. 117-103, §403(1), added subpar. (D).

Subsec. (f)(8). Pub. L. 117-263, §6314(a)(2), added par. (8). Former par. (8) redesignated (9).

Pub. L. 117-103, §402, substituted “such other intelligence-related functions” for “such other functions”.

Subsec. (f)(9), (10). Pub. L. 117-263, §6314(a)(1), redesignated pars. (8) and (9) as (9) and (10), respectively.

Subsec. (h)(1)(A). Pub. L. 117-263, §6401(2)(A), substituted “require” for “encourage” and inserted “, independent of political considerations,” after “tradecraft”.

Subsec. (h)(3). Pub. L. 117-263, §6401(2)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and”.

Subsec. (i)(1). Pub. L. 117-263, §6401(3)(A), inserted “, and shall establish and enforce policies to protect,” after “protect”.

Subsec. (i)(2). Pub. L. 117-263, §6401(3)(B), substituted “requirements” for “guidelines” in introductory provisions.

Subsec. (i)(4). Pub. L. 117-263, §6401(3)(C), added par. (4).

Subsec. (m)(1). Pub. L. 117-263, §6415(b)(1), inserted at end “, including with respect to the notification requirement under section 8(c) of such Act (50 U.S.C. 3510(c))”.

Subsec. (n)(5). Pub. L. 117-263, §6711(b), added par. (5) relating to other transaction authority.

Pub. L. 117-263, §6415(b)(2), added par. (5) relating to notification requirement for expenditure made by Director of National Intelligence or head of element of intelligence community.

Subsec. (p). Pub. L. 117-103, §403(2), substituted “Certain Responsibilities of Director of National Intelligence Relating to National Intelligence Program” for “Responsibility of Director of National Intelligence regarding National Intelligence Program budget concerning the Department of Defense” in heading, designated existing provisions as par. (1), and added par. (2).

Subsec. (p)(3). Pub. L. 117-263, §6402, added par. (3).

Subsec. (x). Pub. L. 117-263, §6401(4), substituted “the heads of the elements of the intelligence community” for “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” in introductory provisions.

Subsec. (x)(3). Pub. L. 117-263, §6314(c), inserted “, including the policy under subsection (f)(8),” after “policies of the intelligence community”.

2019—Subsec. (g)(1)(G). Pub. L. 116-92, §6742(b)(1)(A), realigned margins.

Subsec. (q)(1)(A). Pub. L. 116-92, §5305, inserted “security risks,” after “schedule.”.

Subsec. (v)(3). Pub. L. 116-92, §6742(b)(1)(B), realigned margin.

2017—Subsec. (f)(2). Pub. L. 115-31, §401(c), inserted “, the National Counterproliferation Center, and the National Counterintelligence and Security Center” after “National Counterterrorism Center”.

Subsec. (l)(3)(D). Pub. L. 115-31, §309(b), added subpar. (D).

Subsec. (y). Pub. L. 115-31, §303(a), added subsec. (y). Subsec. (z). Pub. L. 115-31, §402, added subsec. (z).

2015—Subsec. (u). Pub. L. 114-113, §701(c)(1), struck out par. (1) designation before “The Director of National Intelligence” and struck out par. (2) which read as follows: “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.”

Subsec. (v)(3), (4). Pub. L. 114-113, §105(a), added par. (3) and redesignated former par. (3) as (4).

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 subsecs. (s) to (u).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-113, div. M, title I, §105(b), Dec. 18, 2015, 129 Stat. 2912, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to an appointment under section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) made on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112-87) [Jan. 3, 2012] and to any proceeding pending on or filed after the date of the enactment of this section [Dec. 18, 2015] that relates to such an appointment.”

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.

POLICY AND PERFORMANCE FRAMEWORK FOR MOBILITY OF INTELLIGENCE COMMUNITY WORKFORCE

Pub. L. 118-31, div. G, title III, §7302, Dec. 22, 2023, 137 Stat. 1025, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Director of National Intelligence shall, in coordination with the Secretary of Defense and the Director of the Office of Personnel Management as the Director of National Intelligence considers appropriate, develop and implement a policy and performance framework to ensure the timely and effective mobility of employees and contractors of the Federal Government who are transferring employment between elements of the intelligence community.

“(b) ELEMENTS.—The policy and performance framework required by subsection (a) shall include processes with respect to the following:

“(1) Human resources.

“(2) Medical reviews.

“(3) Determinations of suitability or eligibility for access to classified information in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information).”

[For definition of “intelligence community” as used in section 7302 of Pub. L. 118-31, set out above, see section 7002 of Pub. L. 118-31, set out as a note under section 3003 of this title.]

INTELLIGENCE COMMUNITY COMMERCIAL REMOTE SENSING REQUIREMENTS

Pub. L. 118-31, div. G, title V, §7509, Dec. 22, 2023, 137 Stat. 1091, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the United States benefits from a robust commercial remote sensing industry that supports a science, technology, engineering, and mathematics academic pipeline, enables skilled manufacturing jobs, and fosters technological innovation;

“(2) commercial remote sensing capabilities complement and augment dedicated Government remote sensing capabilities, both when integrated into Gov-

ernment architectures and leveraged as stand-alone services;

“(3) the Director of National Intelligence and Under Secretary of Defense for Intelligence and Security should serve as the United States Government leads for commercial remote sensing procurement and seek to accommodate commercial remote sensing needs of the intelligence community, the Department of Defense, and Federal civil organizations under the preview of the cognizant functional managers; and

“(4) a transparent, sustained investment by the United States Government in commercial remote sensing capabilities—

“(A) is required to strengthen the United States commercial remote sensing commercial industry; and

“(B) should include electro-optical, synthetic aperture radar, hyperspectral, and radio frequency detection and other innovative phenomenology that may have national security applications.

“(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security shall jointly develop guidance requiring the Commercial Strategy Board or, if that is not feasible, such other entities within the intelligence community and the Department of Defense that the Director and the Under Secretary determine appropriate, to perform, on a recurring basis, the following functions related to commercial remote sensing:

“(1) Validation of the current and long-term commercial remote sensing capability needs, as determined by the relevant functional managers, of the Department of Defense, the intelligence community, and Federal civil users under the preview of the cognizant functional managers.

“(2) Development of commercial remote sensing requirements documents that are unclassified and releasable to United States commercial industry.

“(3) Development of a cost estimate that is unclassified and releasable to United States commercial industry, covering at least 5 years, associated with fulfilling the requirements contained in the commercial remote sensing requirements documents referred developed [sic] under paragraph (2).

“(c) FUNDING LEVELS.—In the case of any fiscal year for which a cost estimate is developed under subsection (b)(3) and for which the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) requests a level of funding for the procurement of commercial remote sensing requirements that is less than the amount identified in the cost estimate, the President shall include with the budget an explanation for the difference.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security shall jointly submit to the appropriate congressional committees a report on the implementation of subsection (b).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the congressional intelligence committees;

“(B) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

“(C) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

“(D) the Subcommittee on Defense of the Committee on Appropriations of the Senate.’

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 7509 of Pub. L. 118-31, set out above, see section 7002 of Pub. L. 118-31, set out as a note under section 3003 of this title.]

IMPROVING ONBOARDING OF PERSONNEL IN INTELLIGENCE COMMUNITY

Pub. L. 117-263, div. F, title LXVI, § 6601, Dec. 23, 2022, 136 Stat. 3556, provided that:

“(a) DEFINITION OF ONBOARD PERIOD.—In this section, the term ‘onboard period’ means the period beginning on the date on which an individual submits an application for employment and ending on—

“(1) the date on which the individual is offered one or more entrance on duty dates; or

“(2) the date on which the individual enters on duty.

“(b) POLICY GUIDANCE.—The Director of National Intelligence shall establish policy guidance appropriate for all elements of the intelligence community that can be used to measure, consistently and reliably, the onboard period.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022], the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the time it takes to onboard personnel in the intelligence community.

“(2) ELEMENTS.—The report submitted under paragraph (1) shall cover the mean and median time it takes to onboard personnel in the intelligence community, disaggregated by mode of onboarding and element of the intelligence community.

“(d) PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan to reduce the onboard period for personnel in the intelligence community, for elements of the intelligence community that currently have median onboarding times that exceed 180 days.

“(2) ELEMENTS.—The plan submitted under paragraph (1) shall include milestones to achieve certain specific goals with respect to the mean, median, and mode time it takes to onboard personnel in the elements of the intelligence community described in such paragraph, disaggregated by element of the intelligence community.

“(e) IMPLEMENTATION.—The heads of the elements of the intelligence community, including the Director of the Central Intelligence Agency, shall implement the plan submitted under subsection (d) and take all such actions each head considers appropriate and necessary to ensure that by December 31, 2023, the median duration of the onboard period for new employees at each element of the intelligence community is equal to less than 180 days.’

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6601 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

IMPLEMENTATION PLAN AND ADVISABILITY STUDY FOR OFFICES OF COMMERCIAL INTEGRATION

Pub. L. 117-263, div. F, title LXVII, § 6712, Dec. 23, 2022, 136 Stat. 3565, as amended by Pub. L. 118-31, div. G, title V, § 7513(b), Dec. 22, 2023, 137 Stat. 1096, provided that:

“(a) PLAN AND STUDY.—

“(1) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and

the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives—

“(A) a plan for the establishment of a centralized office or offices within each appropriate element of the intelligence community, to be known as the ‘Office of Commercial Integration’, for the purpose of—

“(i) assisting persons desiring to submit an offer for a contract with the intelligence community; and

“(ii) assisting with the procurement of commercial products and commercial services; and

“(B) the findings of a study conducted by the Director into the advisability of implementing such plan, including an assessment of—

“(i) whether there should be a single Office of Commercial Integration for the intelligence community or whether each element of the intelligence community shall establish such an Office;

“(ii) the costs and benefits of the implementation of such plan; and

“(iii) whether there is within any element of the intelligence community an existing office or program similar to the proposed Office of Commercial Integration.

“(2) ELEMENTS.—The materials submitted under paragraph (1) shall include the following:

“(A) A recommendation by the Director, based on the findings of the study under paragraph (1)(B), on—

“(i) how the plan under paragraph (1)(A) compares to specific alternative actions of the intelligence community that could be taken to assist persons desiring to submit an offer for a contract with the intelligence community and assist with the procurement of commercial products and commercial services; and

“(ii) whether to implement such plan.

“(B) A proposal for the designation of a senior official of the Office of the Director of National Intelligence who would be responsible for the coordination across the intelligence community or across the Offices of Commercial Integration, depending on the findings of the study under paragraph (1)(B).

“(C) Draft guidelines that would require the coordination and sharing of best practices and other information across the intelligence community.

“(D) A timeline of the steps that would be necessary to establish each Office of Commercial Integration by the date that is not later than 2 years after the date of the enactment of this Act.

“(E) An assessment of the personnel requirements, and any other resource requirements, that would be necessary to establish the Office or Offices of Commercial Integration by such date, including—

“(i) the amount of personnel necessary for the establishment of the Office or Offices of Commercial Integration; and

“(ii) the necessary qualifications of any such personnel.

“(F) Policies regarding the types of assistance that, if an Office or Offices of Commercial Integration were to be established, could be provided to contractors by the Director of such Office, taking into account the role of such assistance as an incentive for emerging technology companies to enter into contracts with the heads of the elements of the intelligence community.

“(G) Eligibility criteria for determining the types of offerors or contractors that would be eligible to receive assistance provided by each Office of Commercial Integration.

“(H) Policies regarding outreach efforts that would be required to be conducted by the Office or Offices of Commercial Integration with respect to eligible contractors.

“(I) Policies regarding how the intelligence community would coordinate with the Director of the Federal Bureau of Investigation to provide

proactive counterintelligence risk analysis and assistance to entities in the private sector.

“(J) Draft guidelines that would require the Office or Offices of Commercial Integration to appoint and assign personnel with expertise in a range of disciplines necessary for the accelerated integration of commercial technologies into the intelligence community (as determined by the Office or Offices of Commercial Integration), including expertise in the following:

“(i) Authorizations to operate.

“(ii) Contracting.

“(iii) Facility clearances.

“(iv) Security clearances.

“(K) Such other intelligence community-wide policies as the Director of National Intelligence may prescribe relating to the improvement of commercial integration (and the coordination of such improvements) by and among the elements of the intelligence community.

“(b) PUBLIC WEBSITE ON COMMERCIAL INTEGRATION.—

“(1) ESTABLISHMENT.—Not later than 1 year after the date of the date of enactment of this Act [Dec. 23, 2022], the Director of National Intelligence, in coordination with the head of the relevant elements of the intelligence community (as determined by the Director) and the designated element leads under section 6702(c) [50 U.S.C. 3334m(c)], shall establish a publicly accessible website that includes relevant information necessary for offerors or contractors to conduct business with each element of the intelligence community.

“(2) INCLUSION OF CERTAIN INFORMATION.—If there is established an Office or Offices of Commercial Integration in accordance with subsection (a), the website under paragraph (1) shall include—

“(A) information, as appropriate, on the elements under subsection (a)(2) relating to that Office; and

“(B) contact information for the relevant senior officers of the Office or Offices.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6712 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

[For definitions of “commercial product”, “commercial service”, “emerging technology”, and “authorization to operate” as used in section 6712 of Pub. L. 117-263, set out above, see section 6701 of Pub. L. 117-263, set out below.]

PILOT PROGRAM ON DESIGNATED EMERGING TECHNOLOGY TRANSITION PROJECTS

Pub. L. 117-263, div. F, title LXVII, §6713, Dec. 23, 2022, 136 Stat. 3568, provided that:

“(a) PILOT PROGRAM.—The Director of National Intelligence shall carry out a pilot program to more effectively transition promising prototypes or products in a developmental stage to a production stage, through designating eligible projects as ‘Emerging Technology Transition Projects’.

“(b) DESIGNATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence shall issue guidelines to implement the pilot program under subsection (a).

“(2) REQUIREMENTS.—The guidelines issued pursuant to paragraph (1) shall include the following requirements:

“(A) Each head of an element of the intelligence community shall submit to the Director of National Intelligence a prioritized list of not more than 10 eligible projects per year to be considered for designation by the Director of National Intelligence as Emerging Technology Transition Projects during the budget formulation process.

“(B) The Director of National Intelligence shall designate not more than 10 eligible projects per year as Emerging Technology Transition Projects.

“(C) No eligible project may be designated by the Director of National Intelligence as an Emerging Technology Transition Project unless the head of an element of the intelligence community includes the project in the prioritized list under subparagraph (A) and submits to the Director of National Intelligence, with respect to the project, each of the following:

“(i) A justification of why the product was nominated for transition, including a description of the importance of the proposed product to the mission of the intelligence community and the nominating agency.

“(ii) A certification that the project provides new technologies or processes, or new applications of existing technologies, that shall enable more effective alternatives to existing programs, systems, or initiatives of the intelligence community.

“(iii) A certification that the project provides future cost savings, significantly reduces the time to deliver capabilities to the intelligence community, or significantly improves a capability of the intelligence community.

“(iv) A certification that funding is not proposed for the project in the budget request of the respective covered element for the fiscal year following the fiscal year in which the project is submitted for consideration.

“(v) A certification in writing by the nominating head that the project meets all applicable criteria and requirements of the respective covered element for transition to production and that the nominating head would fund the project if additional funds were made available for such purpose.

“(vi) A description of the means by which the proposed production product shall be incorporated into the activities and long-term budget of the respective covered element following such transition.

“(vii) A description of steps taken to ensure that the use of the product shall reflect commercial best practices, as applicable.

“(D) A clear description of the selection of eligible projects, including specific criteria, that shall include, at a minimum, the requirements specified in subparagraph (C).

“(E) The designation of an official responsible for implementing this section and coordinating with the heads of the elements of the intelligence community with respect to the guidelines issued pursuant to paragraph (1) and overseeing the awards of funds to Emerging Technology Transition Projects with respect to that element.

“(3) REVOCATION OF DESIGNATION.—The designation of an Emerging Technology Transition Project under subsection (b) may be revoked at any time by—

“(A) the Director of National Intelligence; or

“(B) the relevant head of a covered element of the intelligence community that previously submitted a project under subsection (b), in consultation with the Director of National Intelligence.

“(c) BENEFITS OF DESIGNATION.—

“(1) INCLUSION IN MULTIYEAR NATIONAL INTELLIGENCE PROGRAM PLAN.—The Director of National Intelligence shall include in the relevant multiyear national intelligence program plan submitted to Congress under section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 3301) the planned expenditures, if any, of each designated project during the period of its designation.

“(2) INCLUSION UNDER SEPARATE EXHIBIT.—The heads of elements of the intelligence community shall ensure that each designated project is included in a separate budget exhibit in the relevant multiyear national intelligence program plan submitted to Congress under such section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 3301) for the period of the designation of such project.

“(3) CONSIDERATION IN PROGRAMMING AND BUDGETING.—Each designated project shall be taken into consideration by the nominating head in the programming and budgeting phases of the intelligence planning, programming, budgeting, and evaluation process during the period of its designation.

“(d) REPORTS TO CONGRESS.—

“(1) ANNUAL REPORTS.—On an annual basis for each fiscal year during which the pilot program under subsection (a) is carried out, concurrently with the submission of the budget of the President for that fiscal year under section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate a report that includes the following:

“(A) A description of each designated project.

“(B) A summary of the potential of each designated project, as specified in subsection (b)(2)(C).

“(C) For each designated project, a description of the progress made toward delivering on such potential.

“(D) A description of any funding proposed for the designated project in the future-years intelligence program, including by program, appropriation account, expenditure center, and project.

“(E) Such other information on the status of such pilot program as the Director considers appropriate.

“(2) FINAL REPORT.—In the final report submitted under paragraph (1) prior to the date of termination under subsection (e), the Director of National Intelligence shall include a recommendation on whether to extend the pilot program under subsection (a) and the appropriate duration of such extension, if any.

“(e) TERMINATION DATE.—The authority to carry out the pilot program under subsection (a) shall terminate on December 31, 2027.

“(f) DEFINITION OF COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—In this section, the term ‘covered element of the intelligence community’ means the following:

“(1) The Office of the Director of National Intelligence.

“(2) The Central Intelligence Agency.

“(3) The National Security Agency.

“(4) The National Geospatial-Intelligence Agency.

“(5) The National Reconnaissance Office.

“(6) The Defense Intelligence Agency.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6713 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

HARMONIZATION OF AUTHORIZATIONS TO OPERATE

Pub. L. 117-263, div. F, title LXVII, §6714, Dec. 23, 2022, 136 Stat. 3570, provided that:

“(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the congressional intelligence committees;

“(2) the Committee on Armed Services of the Senate;

“(3) the Committee on Appropriations of the Senate;

“(4) the Committee on Armed Services of the House of Representatives; and

“(5) the Committee on Appropriations of the House of Representatives.

“(b) PROTOCOL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence, in coordination with the Secretary of Defense and the heads of the elements of the intelligence community, shall develop and submit to the appropriate committees of Congress a single protocol setting forth policies and procedures relating to authorizations to operate for Department of Defense or intelligence community systems held by industry providers.

“(c) LIMITATION.—The protocol under subsection (b) shall be limited to authorizations to operate for Department of Defense and intelligence community systems.

“(d) ELEMENTS.—The protocol under subsection (b) shall include, at a minimum, the following:

“(1) A policy for reciprocal recognition, as appropriate, among the elements of the intelligence community and the Department of Defense of authorizations to operate held by commercial providers. Such reciprocal recognition shall be limited to authorizations to operate for systems that collect, process, maintain, use, share, disseminate, or dispose of data classified at an equal or lower classification level than the original authorization.

“(2) Procedures under which, subject to such criteria as may be prescribed by the Director of National Intelligence jointly with the Secretary of Defense, a provider that holds an authorization to operate for a Department of Defense or intelligence community system may provide to the head of an element of the intelligence community or the Department of Defense the most recently updated version of any software, data, or application for use on such system without being required to submit an application for new or renewed authorization.

“(3) Procedures for the review, renewal, and revocation of authorizations to operate held by commercial providers, including procedures for maintaining continuous authorizations to operate, subject to such conditions as may be prescribed by the Director of National Intelligence, in coordination with the Secretary of Defense. Such procedures may encourage greater use of modern security practices already being adopted by the Department of Defense and other Federal agencies, such as continuous authorization with system security focused on continuous monitoring of risk and security controls, active system defense, and the use of an approved mechanism for secure and continuous delivery of software (commonly referred to as ‘DevSecOps’).

“(4) A policy for the harmonization of documentation requirements for commercial providers submitting applications for authorizations to operate, with the goal of a uniform requirement across the Department of Defense and the elements of the intelligence community (subject to exceptions established by the Director and the Secretary). Such policy shall include the following requirements:

“(A) A requirement for the full disclosure of evidence in the reciprocity process across the Department of Defense and the elements of the intelligence community.

“(B) With respect to a system with an existing authorization to operate, a requirement for approval by the Chief Information Officer or a designated official (as the head of the respective element of the intelligence community determines appropriate) for such system to operate at an equal or higher level classification level, to be granted prior to the performance of an additional security assessment with respect to such system, and regardless of which element of the intelligence community or Department of Defense granted the original authorization.

“(5) A requirement to establish a joint secure portal of the Office of the Director of National Intelligence and the Department of Defense for the maintenance of records, applications, and system requirements for authorizations to operate.

“(6) A plan to examine, and if necessary, address, the shortage of intelligence community and Department of Defense personnel authorized to support and grant an authorization to operate. Such plan shall include—

“(A) a report on the current average wait times for authorizations to operate and backlogs, disaggregated by each element of the intelligence community and the Department of Defense;

“(B) appropriate recommendations to increase pay or implement other incentives to recruit and retain such personnel; and

“(C) a plan to leverage independent third-party assessment organizations to support assessments of applications for authorizations to operate.

“(7) Procedures to ensure data security and safety with respect to the implementation of the protocol.

“(8) A proposed timeline for the implementation of the protocol by the deadline specified in subsection (g).

“(e) COORDINATING OFFICIALS.—Not later than 60 days after the date of the enactment of this Act—

“(1) the Director of National Intelligence shall designate an official of the Office of the Director of National Intelligence responsible for implementing this section on behalf of the Director and leading coordination across the intelligence community for such implementation;

“(2) the Secretary of Defense shall designate an official of the Department of Defense responsible for implementing this section on behalf of the Secretary and leading coordination across the Department of Defense for such implementation; and

“(3) each head of an element of the intelligence community shall designate an official of that element responsible for implementing this section and overseeing implementation of the protocol under subsection (b) with respect to the element.

“(f) DOCUMENTATION REQUIREMENTS.—Under the protocol under subsection (b), no head of a Federal agency may commence the operation of a system using an authorization to operate granted by another Federal agency without possessing documentation of the original authorization to operate.

“(g) IMPLEMENTATION REQUIRED.—The protocol under subsection (b) shall be implemented not later than January 1, 2025.”

[For definitions of “congressional intelligence committees” and “intelligence community” as used in section 6714 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

[For definition of “authorization to operate” as used in section 6714 of Pub. L. 117-263, set out above, see section 6701 of Pub. L. 117-263, set out below.]

COMPLIANCE BY INTELLIGENCE COMMUNITY WITH REQUIREMENTS OF FEDERAL ACQUISITION REGULATION RELATING TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS AND COMMERCIAL SERVICES

Pub. L. 117-263, div. F, title LXVII, §6716, Dec. 23, 2022, 136 Stat. 3575, provided that:

“(a) COMPLIANCE POLICY.—

“(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence shall implement a policy to ensure that each element of the intelligence community complies with parts 10 and 12 of the Federal Acquisition Regulation with respect to any Federal Acquisition Regulation-based procurements.

“(2) ELEMENTS.—The policy under paragraph (1) shall include the following:

“(A) Written criteria for an element of the intelligence community to evaluate when a procurement of a covered item or service is permissible, including—

“(i) requiring the element to conduct an independent market analysis to determine whether a commercially available off-the-shelf item, nondevelopmental item, or commercial service is viable; and

“(ii) a description of the offeror for such covered item or service and how the covered item or service to be acquired will be integrated into existing systems of the intelligence community.

“(B) A detailed set of performance measures for the acquisition personnel of the intelligence community that—

“(i) prioritizes adherence to parts 10 and 12 of the Federal Acquisition Regulation;

“(ii) encourages acquisition of commercially available off-the-shelf items, nondevelopmental items, or commercial services; and

“(iii) incentivizes such personnel of the intelligence community that enter into contracts for covered items or services only when necessary.

“(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives—

“(A) the policy developed pursuant to paragraph (1); and

“(B) the plan to implement such policy by not later than 1 year after the date of such enactment.

“(4) MARKET ANALYSIS.—In carrying out the independent market analysis pursuant to paragraph (2)(A)(i), the Director may enter into a contract with an independent market research group with qualifications and expertise to find available commercial products or commercial services to meet the needs of the intelligence community.

“(b) ANNUAL REPORTS.—

“(1) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter for 3 years, the Director, in consultation with the head of each element of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the policy developed under subsection (a).

“(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) An evaluation of the success of the policy, including with respect to the progress the elements have made in complying with parts 10 and 12 of the Federal Acquisition Regulation.

“(B) A description of how any market analyses are conducted pursuant to subsection (a)(2)(A)(i).

“(C) Any recommendations to improve compliance with such parts 10 and 12.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6716 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

[For definitions of “covered item or service”, “commercial product”, and “commercial service” as used in section 6716 of Pub. L. 117-263, set out above, see section 6701 of Pub. L. 117-263, set out below.]

POLICY ON REQUIRED USER ADOPTION METRICS IN CERTAIN CONTRACTS FOR ARTIFICIAL INTELLIGENCE AND EMERGING TECHNOLOGY SOFTWARE PRODUCTS

Pub. L. 117-263, div. F, title LXVII, §6717, Dec. 23, 2022, 136 Stat. 3576, provided that:

“(a) POLICY.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence shall establish a policy regarding user adoption metrics for contracts and other agreements for the procurement of covered products as follows:

“(1) With respect to a contract or other agreement entered into between the head of an element of the intelligence community and a commercial provider for the procurement of a covered product for users within the intelligence community, a requirement that each such contract or other agreement include, as a term of the contract or agreement, an understanding of the anticipated use of the covered product with a clear metric for success and for collecting user adoption metrics, as appropriate, for assessing the adoption of the covered product by such users.

“(2) Such exceptions to the requirements under paragraph (1) as may be determined appropriate pursuant to guidance established by the Director of National Intelligence.

“(3) A requirement that prior to the procurement of, or the continuation of the use of, any covered product procured by the head of an element of the intelligence community, the head has determined a method for assessing the success of the covered product from user adoption metrics.

“(b) SUBMISSION.—Not later than 60 days after the date on which the policy under subsection (a) is established, the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives such policy.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6717 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

[For definitions of “artificial intelligence”, “emerging technology”, and “covered product” as used in section 6717 of Pub. L. 117-263, set out above, see section 6701 of Pub. L. 117-263, set out below.]

EMERGING TECHNOLOGY EDUCATION AND TRAINING

Pub. L. 117-263, div. F, title LXVII, §6732, Dec. 23, 2022, 136 Stat. 3583, as amended by Pub. L. 118-31, div. G, title IX, §7901(b)(2), Dec. 22, 2023, 137 Stat. 1106, provided that:

“(a) TRAINING CURRICULUM.—

“(1) REQUIREMENT.—No later than 270 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence and the Secretary of Defense, in consultation with the President of the Defense Acquisition University and the heads of the elements of the intelligence community that the Director and Secretary determine appropriate, shall jointly establish a training curriculum for members of the acquisition workforce in the Department of Defense (as defined in section 101 of title 10, United States Code) and the acquisition officials within the intelligence community focused on improving the understanding and awareness of contracting authorities and procedures for the acquisition of emerging technologies.

“(2) PROVISION OF TRAINING.—The Director shall ensure that the training curriculum under paragraph (1) is made available to each element of the intelligence community not later than 60 days after the completion of the curriculum.

“(3) REPORT.—Not later than January 1, 2024, the Director and Secretary shall jointly submit to the congressional intelligence committees, the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report containing an update on the status of the curriculum under paragraph (1).

“(b) AGREEMENTS OFFICERS.—Not later than October 1, 2024, the Director of National Intelligence shall ensure that at least 75 percent of the contracting staff within the intelligence community whose primary responsibilities include the acquisition of emerging technologies shall have received the appropriate training to become warranted as agreements officers who are given authority to execute and administer the transactions authorized by paragraph (6) of section 102A(n) of the National Security Act of 1947 (50 U.S.C. 3024(n)), as added by section 6711. The training shall include—

“(1) the appropriate courses offered by the Defense Acquisition University;

“(2) the training curriculum established under subsection (a); and

“(3) best practices for monitoring, identifying, and procuring emerging technologies with potential benefit to the intelligence community, including commercial services and products.

“(c) ESTABLISHMENT OF EMERGING TECHNOLOGY TRAINING ACTIVITIES.—

“(1) REQUIREMENT.—Not later than January 1, 2024, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community that the Director determines relevant, shall establish and implement training activities designed for appropriate mid-career and senior managers across the intelligence community to train the managers on how to identify, acquire, implement, and manage emerging technologies as such technologies may be applied to the intelligence community.

“(2) CERTIFICATION.—Not later than 2 years after the date on which the Director establishes the training activities under paragraph (1), each head of an element of the intelligence community shall certify to the Director whether the managers of the element described in paragraph (1) have successfully completed the education activities.

“(3) BRIEFING.—Not later than January 1, 2024, the Director of National Intelligence shall provide to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a briefing regarding the training activities established under paragraph (1), including—

“(A) an overview of—

“(i) the managers described in paragraph (1) who participated in the training activities; and

“(ii) what technologies were included in the training activities; and

“(B) an identification of other incentives, activities, resources, or programs the Director determines may be necessary to ensure the managers are generally trained in the most emerging technologies and able to retain and incorporate such technologies across the intelligence community.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6732 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

[For definitions of “emerging technology”, “commercial service”, and “commercial product” as used in section 6732 of Pub. L. 117-263, set out above, see section 6701 of Pub. L. 117-263, set out below.]

IMPROVEMENTS TO USE OF COMMERCIAL SOFTWARE PRODUCTS

Pub. L. 117-263, div. F, title LXVII, §6741, Dec. 23, 2022, 136 Stat. 3584, provided that:

“(a) POLICY REGARDING PROCUREMENT OF COMMERCIAL SOFTWARE PRODUCTS.—Not later than 1 year after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community and appropriate nongovernmental experts that the Director determines relevant, shall issue an intelligence community-wide policy to ensure the procurement of commercial software products by the intelligence community is carried out—

“(1) using, to the extent practicable, standardized terminology; and

“(2) in accordance with acquisition and operation best practices reflecting modern software as a service capabilities.

“(b) ELEMENTS.—The policy issued under subsection (a) shall include the following:

“(1) Guidelines for the heads of the elements of the intelligence community to determine which contracts for commercial software products are covered by the policy, including with respect to agreements, authorizations to operate, and other acquisition activities.

“(2) Guidelines for using standardized terms in such contracts, modeled after commercial best practices, including common procedures and language regarding—

“(A) terms for the responsible party and timelines for system integration under the contract;

“(B) a mechanism included in each contract to ensure the ability of the vendor to provide, and the United States Government to receive, continuous updates and version control for the software, subject to appropriate security considerations;

“(C) automatic technological mechanisms for security and data validation, including security protocols that are predicated on commercial best practices; and

“(D) procedures to provide incentives, and a technical framework, for system integration for new commercial software solutions to fit within existing workflows and information technology infrastructure.

“(3) Guidelines and a timeline for enforcing the policy.

“(c) REPORT.—Not later than January 1, 2025, and annually thereafter through 2028, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on the policy issued under subsection (a), including the following with respect to the period covered by the report:

“(1) An evaluation of compliance with such policy by each of the elements of the intelligence community.

“(2) Additional recommendations to better coordinate system integration throughout the intelligence community using best practices.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6741 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

[For definitions of “commercial product” and “authorization to operate” as used in section 6741 of Pub. L. 117-263, set out above, see section 6701 of Pub. L. 117-263, set out below.]

ESTABLISHMENT OF FIFTH-GENERATION TECHNOLOGY PRIZE COMPETITION

Pub. L. 116-92, div. E, title LVII, §5723, Dec. 20, 2019, 133 Stat. 2177, provided that:

“(a) PRIZE COMPETITION.—Pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Agency [probably should be “Activity”], shall carry out a program to award prizes competitively to stimulate research and development relevant to fifth-generation technology.

“(b) PRIZE AMOUNT.—In carrying out the program under subsection (a), the Director may award not more than a total of \$5,000,000 to one or more winners of the prize competition.

“(c) CONSULTATION.—In carrying out the program under subsection (a), the Director may consult with the heads of relevant departments and agencies of the Federal Government.

“(d) FIFTH-GENERATION TECHNOLOGY DEFINED.—In this section, the term “fifth-generation technology” means hardware, software, or other technologies relating to fifth-generation wireless networks (known as “5G”).”

ESTABLISHMENT OF DEEPFAKES PRIZE COMPETITION

Pub. L. 116-92, div. E, title LVII, §5724, Dec. 20, 2019, 133 Stat. 2177, provided that:

“(a) PRIZE COMPETITION.—Pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Agency [probably should be “Activity”], shall carry out a program to award prizes competitively to stimulate the research, development, or commercialization of technologies to automatically detect machine-manipulated media.

“(b) PRIZE AMOUNT.—In carrying out the program under subsection (a), the Director may award not more than a total of \$5,000,000 to one or more winners of the prize competition.

“(c) CONSULTATION.—In carrying out the program under subsection (a), the Director may consult with the heads of relevant departments and agencies of the Federal Government.

“(d) MACHINE-MANIPULATED MEDIA DEFINED.—In this section, the term ‘machine-manipulated media’ means video, image, or audio recordings generated or substantially modified using machine-learning techniques in order to falsely depict events, to falsely depict the speech or conduct of an individual, or to depict individuals who do not exist.”

IDENTIFICATION OF AND COUNTERMEASURES AGAINST CERTAIN INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS

Pub. L. 116-92, div. E, title LVII, § 5725, Dec. 20, 2019, 133 Stat. 2178, as amended by Pub. L. 117-263, div. F, title LXVIII, § 6809, Dec. 23, 2022, 136 Stat. 3599, provided that:

“(a) IN GENERAL.—The Director of the Federal Bureau of Investigation, in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, may—

“(1) undertake an effort to identify International Mobile Subscriber Identity-catchers operated within the United States by—

“(A) hostile foreign governments; and

“(B) individuals who have violated a criminal law of the United States or of any State, or who have committed acts that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

“(2) when appropriate, develop countermeasures against such International Mobile Subscriber Identity-catchers, with prioritization given to such International Mobile Subscriber Identity-catchers identified in the National Capital Region.

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, shall conduct a pilot program designed to implement subsection (a)(1)(A) with respect to the National Capital Region.

“(2) COMMENCEMENT; COMPLETION.—The Director of the Federal Bureau of Investigation shall—

“(A) commence carrying out the pilot program required by paragraph (1) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023 [Dec. 23, 2022]; and

“(B) complete the pilot program not later than 2 years after the date on which the Director commences carrying out the pilot program under subparagraph (A).

“(c) NOTIFICATIONS REQUIRED.—The Director of the Federal Bureau of Investigation shall notify the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the Capitol Police Board of—

“(1) the placement of sensors designed to identify International Mobile Subscriber Identity-catchers capable of conducting surveillance against the United States Capitol or associated buildings and facilities; and

“(2) the discovery of any International Mobile Subscriber Identity-catchers capable of conducting sur-

veillance against the United States Capitol or associated buildings and facilities and any countermeasures against such International Mobile Subscriber Identity-catchers.

“(d) BRIEFING REQUIRED.—Not later than 180 days after the date on which the Director of the Federal Bureau of Investigation determines that the pilot program required by subsection (b)(1) is operational, the Director shall provide a briefing to the appropriate congressional committees on—

“(1) the use of International Mobile Subscriber Identity-catchers operated by the individuals and governments described in subsection (a)(1);

“(2) potential countermeasures deployed by the Federal Bureau of Investigation against such International Mobile Subscriber Identity-catchers; and

“(3) any legal or policy limitations with respect to the development or carrying out of such countermeasures.

“(e) DEFINITIONS.—

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the congressional intelligence committees;

“(B) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(C) the Committees on the Judiciary of the House of Representatives and the Senate.

“(2) INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHER.—The term ‘International Mobile Subscriber Identity-catcher’ means a device used for intercepting mobile phone identifying information and location data.”

[For definition of “congressional intelligence committees” as used in section 5725 of Pub. L. 116-92, set out above, see section 5003 of Pub. L. 116-92, set out as a note under section 3003 of this title.]

INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT

Pub. L. 116-92, div. E, title LXIII, § 6312, Dec. 20, 2019, 133 Stat. 2191, provided that:

“(a) DEFINITIONS.—In this section:

“(1) CORE SERVICE.—The term ‘core service’ means a capability that is available to multiple elements of the intelligence community and required for consistent operation of the intelligence community information technology environment.

“(2) INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.—The term ‘intelligence community information technology environment’ means all of the information technology services across the intelligence community, including the data sharing and protection environment across multiple classification domains.

“(b) ROLES AND RESPONSIBILITIES.—

“(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall be responsible for coordinating the performance by elements of the intelligence community of the intelligence community information technology environment, including each of the following:

“(A) Ensuring compliance with all applicable environment rules and regulations of such environment.

“(B) Ensuring measurable performance goals exist for such environment.

“(C) Documenting standards and practices of such environment.

“(D) Acting as an arbiter among elements of the intelligence community related to any disagreements arising out of the implementation of such environment.

“(E) Delegating responsibilities to the elements of the intelligence community and carrying out such other responsibilities as are necessary for the effective implementation of such environment.

“(2) CORE SERVICE PROVIDERS.—Providers of core services shall be responsible for—

“(A) providing core services, in coordination with the Director of National Intelligence; and

“(B) providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

“(3) USE OF CORE SERVICES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each element of the intelligence community shall use core services when such services are available.

“(B) EXCEPTION.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a compelling financial or mission need for such exception.

“(c) MANAGEMENT ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of National Intelligence shall designate and maintain one or more accountable executives of the intelligence community information technology environment to be responsible for—

“(1) management, financial control, and integration of such environment;

“(2) overseeing the performance of each core service, including establishing measurable service requirements and schedules;

“(3) to the degree feasible, ensuring testing of each core service of such environment, including testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user requirements; and

“(4) coordinate transition or restructuring efforts of such environment, including phaseout of legacy systems.

“(d) SECURITY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and maintain a security plan for the intelligence community information technology environment.

“(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a long-term roadmap that shall include each of the following:

“(1) A description of the minimum required and desired core service requirements, including—

“(A) key performance parameters; and

“(B) an assessment of current, measured performance.

“(2) Implementation milestones for the intelligence community information technology environment, including each of the following:

“(A) A schedule for expected deliveries of core service capabilities during each of the following phases:

“(i) Concept refinement and technology maturity demonstration.

“(ii) Development, integration, and demonstration.

“(iii) Production, deployment, and sustainment.

“(iv) System retirement.

“(B) Dependencies of such core service capabilities.

“(C) Plans for the transition or restructuring necessary to incorporate core service capabilities.

“(D) A description of any legacy systems and discontinued capabilities to be phased out.

“(3) Such other matters as the Director determines appropriate.

“(f) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a business plan that includes each of the following:

“(1) A systematic approach to identify core service funding requests for the intelligence community information technology environment within the proposed budget, including multiyear plans to imple-

ment the long-term roadmap required by subsection (e).

“(2) A uniform approach by which each element of the intelligence community shall identify the cost of legacy information technology or alternative capabilities where services of the intelligence community information technology environment will also be available.

“(3) A uniform effort by which each element of the intelligence community shall identify transition and restructuring costs for new, existing, and retiring services of the intelligence community information technology environment, as well as services of such environment that have changed designations as a core service.

“(g) QUARTERLY PRESENTATIONS.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees quarterly updates regarding ongoing implementation of the intelligence community information technology environment as compared to the requirements in the most recently submitted security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

“(h) ADDITIONAL NOTIFICATIONS.—The Director of National Intelligence shall provide timely notification to the congressional intelligence committees regarding any policy changes related to or affecting the intelligence community information technology environment, new initiatives or strategies related to or impacting such environment, and changes or deficiencies in the execution of the security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

“(i) SUNSET.—The section shall have no effect on or after September 30, 2024.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6312 of Pub. L. 116-92, set out above, see section 5003 of Pub. L. 116-92, set out as a note under section 3003 of this title.]

POLICY ON MINIMUM INSIDER THREAT STANDARDS

Pub. L. 116-92, div. E, title LXIII, §6314, Dec. 20, 2019, 133 Stat. 2194, provided that:

“(a) POLICY REQUIRED.—Not later than 60 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of National Intelligence shall establish a policy for minimum insider threat standards that is consistent with the National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.

“(b) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the head of each element of the intelligence community shall implement the policy established under subsection (a).”

[For definition of “intelligence community” as used in section 6314 of Pub. L. 116-92, set out above, see section 5003 of Pub. L. 116-92, set out as a note under section 3003 of this title.]

REPORTS AND BRIEFINGS ON NATIONAL SECURITY EFFECTS OF GLOBAL WATER INSECURITY AND EMERGING INFECTIOUS DISEASE AND PANDEMICS

Pub. L. 116-92, div. E, title LXVII, §6722, Dec. 20, 2019, 133 Stat. 2232, as amended by Pub. L. 116-260, div. W, title VI, §622, Dec. 27, 2020, 134 Stat. 2404, provided that:

“(a) GLOBAL WATER INSECURITY.—

“(1) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the implications of water insecurity on the national security interests of the United States, including consideration of so-

cial, economic, agricultural, and environmental factors.

“(B) ASSESSMENT SCOPE AND FOCUS.—The report submitted under subparagraph (A) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—

“(i) of strategic, economic, or humanitarian interest to the United States—

“(I) that are, as of the date of the report, at the greatest risk of instability, conflict, human insecurity, or mass displacement; or

“(II) where challenges relating to water insecurity are likely to emerge and become significant during the 5-year or the 20-year period beginning on the date of the report; and

“(ii) where challenges relating to water insecurity are likely to imperil the national security interests of the United States or allies of the United States.

“(C) CONSULTATION.—In researching the report required by subparagraph (A), the Director shall consult with—

“(i) such stakeholders within the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and

“(ii) such additional Federal agencies and persons in the private sector as the Director considers appropriate.

“(D) FORM.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

“(2) QUINQUENNIAL BRIEFINGS.—Beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter, the Director shall provide to the committees specified in such paragraph a briefing that updates the matters contained in the report.

“(b) EMERGING INFECTIOUS DISEASE AND PANDEMICS.—“(1) REPORT.—

“(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of National Intelligence shall submit to the appropriate congressional committees a report on the anticipated geopolitical effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and their implications on the national security of the United States.

“(B) CONTENTS.—The report under subparagraph (A) shall include an assessment of—

“(i) the economic, social, political, and security risks, costs, and impacts of emerging infectious diseases on the United States and the international political and economic system;

“(ii) the economic, social, political, and security risks, costs, and impacts of a major transnational pandemic on the United States and the international political and economic system; and

“(iii) contributing trends and factors to the matters assessed under clauses (i) and (ii).

“(C) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under subparagraph (B), the Director of National Intelligence shall also examine in the report under subparagraph (A) the response capacity within affected countries and the international system. In considering response capacity, the Director shall include—

“(i) the ability of affected nations to effectively detect and manage emerging infectious diseases and a possible transnational pandemic;

“(ii) the role and capacity of international organizations and nongovernmental organizations to respond to emerging infectious disease and a possible pandemic, and their ability to coordinate with affected and donor nations; and

“(iii) the effectiveness of current international frameworks, agreements, and health systems to respond to emerging infectious diseases and a possible transnational pandemic.

“(2) ANNUAL BRIEFINGS.—Not later than January 31, 2021, and annually thereafter, the Director shall provide to the congressional intelligence committees a briefing that updates the matters contained in the report required under paragraph (1).

“(3) FORM.—The report under paragraph (1) and the briefings under paragraph (2) may be classified.

“(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the congressional intelligence committees;

“(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives; and

“(C) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.”

[Pub. L. 116-260, §622(a)(2), which directed substitution of “not later than January 31, 2021, and annually thereafter” for “beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter” was executed by substituting “Not later than January 31, 2021, and annually thereafter” for “Beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter” to reflect the probable intent of Congress.]

[For definitions of “congressional intelligence committees” and “intelligence community” as used in section 6722 of Pub. L. 116-92, set out above, see section 5003 of Pub. L. 116-92, set out as a note under section 3003 of this title.]

LIMITATION ON ACTIVITIES OF EMPLOYEES OF AN OFFICE OF INSPECTOR GENERAL

Pub. L. 115-31, div. N, title III, §309(a), May 5, 2017, 131 Stat. 814, provided that:

“(1) LIMITATIONS.—Not later than 180 days after the date of the enactment of this Act [May 5, 2017], the Director of National Intelligence shall develop and implement a uniform policy for each covered office of an inspector general to better ensure the independence of each such office. Such policy shall include—

“(A) provisions to prevent any conflict of interest related to a matter any employee of a covered office of an inspector general personally and substantially participated in during previous employment;

“(B) standards to ensure personnel of a covered office of an inspector general are free both in fact and in appearance from personal, external, and organizational impairments to independence;

“(C) provisions to permit the head of each covered office of an inspector general to waive the application of the policy with respect to an individual if such head—

“(i) prepares a written and signed justification for such waiver that sets out, in detail, the need for such waiver, provided that waivers shall not be issued for in fact impairments to independence; and

“(ii) submits to the congressional intelligence committees [Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives] each such justification; and

“(D) any other protections the Director determines appropriate.

“(2) COVERED OFFICE OF AN INSPECTOR GENERAL DEFINED.—The term ‘covered office of an inspector general’ means—

“(A) the Office of the Inspector General of the Intelligence Community; and

“(B) the office of an inspector general for—

“(i) the Office of the Director of National Intelligence;

- “(ii) the Central Intelligence Agency;
- “(iii) the National Security Agency;
- “(iv) the Defense Intelligence Agency;
- “(v) the National Geospatial-Intelligence Agency; and
- “(vi) the National Reconnaissance Office.

“(3) BRIEFING TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES.—Prior to the date that the policy required by paragraph (1) takes effect, the Director of National Intelligence shall provide the congressional intelligence committees a briefing on such policy.”

DESIGNATION OF LEAD INTELLIGENCE OFFICER FOR TUNNELS

Pub. L. 114–113, div. M, title III, § 309, Dec. 18, 2015, 129 Stat. 2918, provided that:

“(a) IN GENERAL.—The Director of National Intelligence shall designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and nonstate actors.

“(b) ANNUAL REPORT.—Not later than the date that is 10 months after the date of the enactment of this Act [Dec. 18, 2015], and biennially thereafter until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees [Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives] and the congressional defense committees (as such term is defined in section 101(a)(16) of title 10, United States Code) a report describing—

- “(1) trends in the use of tunnels by foreign state and nonstate actors; and
- “(2) collaboration efforts between the United States and partner countries to address the use of tunnels by adversaries.”

REPORTING PROCESS REQUIRED FOR TRACKING CERTAIN REQUESTS FOR COUNTRY CLEARANCE

Pub. L. 114–113, div. M, title III, § 310, Dec. 18, 2015, 129 Stat. 2918, provided that:

“(a) IN GENERAL.—By not later than September 30, 2016, the Director of National Intelligence shall establish a formal internal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives by departments and agencies of the United States. Such reporting process shall include a mechanism for tracking the department or agency that submits each such request and the date on which each such request is submitted.

“(b) CONGRESSIONAL BRIEFING.—By not later than December 31, 2016, the Director of National Intelligence shall brief the congressional intelligence committees [Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives] on the progress of the Director in establishing the process required under subsection (a).”

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 detection 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 as a note under section 3003 of this title.]

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 community 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. 117–263, div. F, title LXVII, §6701, Dec. 23, 2022, 136 Stat. 3560, as amended by Pub. L. 118–31, div. G, title V, §7502(b), Dec. 22, 2023, 137 Stat. 1081, provided that: “In this title [enacting sections 3034b, 3334m, 3334n, and 3334o of this title, amending this section and section 3030 of this title, and enacting provisions set out as notes under this section and section 3030 of this title]:

“(1) **ARTIFICIAL INTELLIGENCE.**—The term ‘artificial intelligence’ has the meaning given that term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

“(2) **AUTHORIZATION TO OPERATE.**—The term ‘authorization to operate’ has the meaning given that term in Circular Number A-130 of the Office of Management and Budget, ‘Managing Information as a Strategic Resource’, or any successor document.

“(3) **CODE-FREE ARTIFICIAL INTELLIGENCE ENABLEMENT TOOLS.**—The term ‘code-free artificial intelligence enablement tools’ means software that provides an environment in which visual drag-and-drop applications, or similar tools, allow one or more individuals to program applications without linear coding.

“(4) **COMMERCIAL PRODUCT.**—The term ‘commercial product’ has the meaning given that term in section 103 of title 41, United States Code.

“(5) **COMMERCIAL SERVICE.**—The term ‘commercial service’ has the meaning given that term in section 103a of title 41, United States Code.

“(6) **COVERED ITEM OR SERVICE.**—The term ‘covered item or service’ means a product, system, or service that is not a commercially available off-the-shelf item, a commercial service, or a nondevelopmental item, as those terms are defined in title 41, United States Code.

“(7) **COVERED PRODUCT.**—The term ‘covered product’ means a commercial software product that involves emerging technologies or artificial intelligence.

“(8) **EMERGING TECHNOLOGY.**—The term ‘emerging technology’ means—

“(A) technology that is in a developmental stage or that may be developed during the subsequent 10-year period; or

“(B) any technology included in the Critical and Emerging Technologies List published by the White House in February 2022, or any successor document.”

Executive Documents

ESTABLISHMENT OF THE CYBER THREAT INTELLIGENCE INTEGRATION CENTER

Memorandum of President of the United States, Feb. 25, 2015, 80 F.R. 11317, provided:

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of the Treasury[,] the Secretary of Commerce[,] the Attorney General[,] the Secretary of Homeland Security[,] the Director of National Intelligence[,] the Chairman of the Joint Chiefs of Staff[,] the Director of the Central Intelligence

Agency[,] the Director of the Federal Bureau of Investigation[,] and] the Director of the National Security Agency

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

SECTION 1. *Establishment of the Cyber Threat Intelligence Integration Center.* The Director of National Intelligence (DNI) shall establish a Cyber Threat Intelligence Integration Center (CTIIC). Executive departments and agencies (agencies) shall support the DNI’s efforts to establish the CTIIC, including by providing, as appropriate, personnel and resources needed for the CTIIC to reach full operating capability by the end of fiscal year 2016.

SEC. 2. *Responsibilities of the Cyber Threat Intelligence Integration Center.* The CTIIC shall:

(a) provide integrated all-source analysis of intelligence related to foreign cyber threats or related to cyber incidents affecting U.S. national interests;

(b) support the National Cybersecurity and Communications Integration Center, the National Cyber Investigative Joint Task Force, U.S. Cyber Command, and other relevant United States Government entities by providing access to intelligence necessary to carry out their respective missions;

(c) oversee the development and implementation of intelligence sharing capabilities (including systems, programs, policies, and standards) to enhance shared situational awareness of intelligence related to foreign cyber threats or related to cyber incidents affecting U.S. national interests among the organizations referenced in subsection (b) of this section;

(d) ensure that indicators of malicious cyber activity and, as appropriate, related threat reporting contained in intelligence channels are downgraded to the lowest classification possible for distribution to both United States Government and U.S. private sector entities through the mechanism described in section 4 of Executive Order 13636 of February 12, 2013 (Improving Critical Infrastructure Cybersecurity); and

(e) facilitate and support interagency efforts to develop and implement coordinated plans to counter foreign cyber threats to U.S. national interests using all instruments of national power, including diplomatic, economic, military, intelligence, homeland security, and law enforcement activities.

SEC. 3. *Implementation.* (a) Agencies shall provide the CTIIC with all intelligence related to foreign cyber threats or related to cyber incidents affecting U.S. national interests, subject to applicable law and policy. The CTIIC shall access, assess, use, retain, and disseminate such information, in a manner that protects privacy and civil liberties and is consistent with applicable law, Executive Orders, Presidential directives, and guidelines, such as guidelines established under section 102A(b) of the National Security Act of 1947, as amended, Executive Order 12333 of December 4, 1981 (United States Intelligence Activities), as amended, and Presidential Policy Directive–28; and that is consistent with the need to protect sources and methods.

(b) Within 90 days of the date of this memorandum, the DNI, in consultation with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, and the Director of the National Security Agency shall provide a status report to the Director of the Office of Management and Budget and the Assistant to the President for Homeland Security and Counterterrorism on the establishment of the CTIIC. This report shall further refine the CTIIC’s mission, roles, and responsibilities, consistent with this memorandum, ensuring that those roles and responsibilities are appropriately aligned with other Presidential policies as well as existing policy coordination mechanisms.

SEC. 4. *Privacy and Civil Liberties Protections.* Agencies providing information to the CTIIC shall ensure that privacy and civil liberties protections are provided in

the course of implementing this memorandum. Such protections shall be based upon the Fair Information Practice Principles or other privacy and civil liberties policies, principles, and frameworks as they apply to each agency's activities.

SEC. 5. *General Provisions.* (a) Nothing in this memorandum 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 memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum 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.

(d) The DNI is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 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 Director of the National Counterintelligence and Security Center.

(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.¹

(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 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 responsibil-

ities 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)),”² 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; Pub. L. 115-31, div. N, title IV, § 401(d), May 5, 2017, 131 Stat. 818.)

Editorial Notes

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.

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,

¹ See Change of Name note below.

² See References in Text note below.