

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 National Intelligence Management Council.

(6) The General Counsel.

(7) The Civil Liberties Protection Officer.

(8) The Director of Science and Technology.

(9) The Director of the National Counterintelligence and Security Center.

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

(11) The Inspector General of the Intelligence Community.

(12) The Director of the National Counterterrorism Center.

(13) The Director of the National Counter Proliferation Center.¹

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

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

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

(e) Temporary filling of vacancies

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

(1) in the matter preceding subparagraph (A), by substituting “an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),”² for “such Executive agency”; and

¹ See Change of Name note below.

² See References in Text note below.

(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; Pub. L. 118–159, div. F, title LXIII, § 6307(a)(2), Dec. 23, 2024, 138 Stat. 2477.)

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

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

AMENDMENTS

2024—Subsec. (c)(5) to (15). Pub. L. 118–159 added par. (5) and redesignated former pars. (5) to (14) as (6) to (15), respectively.

2017—Subsec. (c)(8). Pub. L. 115–31 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).”

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

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

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

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

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the National Counter Proliferation Center deemed to be a reference to the National Counterproliferation and Biosecurity Center, see section 401(e) of div. X of Pub. L. 117–103, set out as a References note under section 3057 of this title.

EFFECTIVE DATE

For Determination by President that section take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Section effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

REQUIRED STAFFING DOCUMENT FOR OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE

Pub. L. 118–31, div. G, title III, § 7307(b), Dec. 22, 2023, 137 Stat. 1027, provided that:

“(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act [Dec. 22, 2023], the Director of National Intelligence shall establish, and thereafter shall update as necessary, a single document setting forth each position within the Office of the Director of National Intelligence, including any directorate, center, or office within such Office.

“(2) ELEMENTS.—The document under paragraph (1) shall include, with respect to each position set forth in the document, the following:

“(A) A description of the position.

“(B) The directorate, center, office, or other component of the Office of the Director of National Intelligence within which the position is.

“(C) The element of the intelligence community designated to fill the position, if applicable.

“(D) The requisite type and level of skills for the position, including any special skills or certifications required.

“(E) The requisite security clearance level for the position.

“(F) The pay grade for the position.

“(G) Any special pay or incentive pay payable for the position.

“(3) INTEGRATED REPRESENTATION.—In establishing and filling the positions specified in paragraph (1), the Director of National Intelligence shall take such steps as may be necessary to ensure the integrated representation of officers and employees from the other elements of the intelligence community with respect to such positions.”

[For definition of “intelligence community” as used in section 7307(b) 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 COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE’S REPUBLIC OF CHINA

Pub. L. 118–31, div. G, title IV, § 7401, Dec. 22, 2023, 137 Stat. 1068, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the congressional intelligence committees;

“(B) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

“(C) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

“(2) ATROCITY OF THE PEOPLE’S REPUBLIC OF CHINA.—The term ‘atrocities of the People’s Republic of China’ means a crime against humanity, genocide, or a war crime committed by a foreign person who is—

“(A) a member, official, or employee of the government of the People’s Republic of China;

“(B) a member, official, or employee of the Chinese Communist Party;

“(C) a member of the armed forces, security, or other defense services of the People’s Republic of China; or

“(D) an agent or contractor of a person specified in subparagraph (A), (B), or (C).

“(3) COMMIT.—The term ‘commit’, with respect to an atrocity of the People’s Republic of China, includes the planning, committing, aiding, and abetting of such atrocity of the People’s Republic of China.

“(4) FOREIGN PERSON.—The term ‘foreign person’ means—

“(A) any person or entity that is not a United States person; or

“(B) any entity not organized under the laws of the United States or of any jurisdiction within the United States.

“(5) GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.—The term ‘government of the People’s Republic of China’ includes the regional governments of Xinjiang, Tibet, and Hong Kong.

“(6) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039(c)).

“(b) INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE’S REPUBLIC OF CHINA.—

“(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act [Dec. 22, 2023], the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for accountability of atrocities of the People’s Republic of China (in this section referred to as the ‘Coordinator’).

“(2) DUTIES.—The Coordinator shall oversee the efforts of the intelligence community relating to the following:

“(A) Identifying and, as appropriate, disseminating within the United States Government, intelligence relating to atrocities of the People’s Republic of China.

“(B) Identifying analytic and other intelligence needs and priorities of the United States Government with respect to the commitment of atrocities of the People’s Republic of China.

“(C) Collaborating with appropriate counterparts across the intelligence community to ensure appropriate coordination on, and integration of the analysis of, the commitment of atrocities of the People’s Republic of China.

“(D) Ensuring that relevant departments and agencies of the United States Government receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, downgrade and dissemination of intelligence products relating to the commitment of atrocities of the People’s Republic of China.

“(3) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

“(A) the name of the official designated as the Coordinator pursuant to paragraph (1);

“(B) the strategy of the intelligence community for the prioritization and integration of intelligence relating to atrocities of the People’s Repub-

lic of China, including a detailed description of how the Coordinator shall support the implementation of such strategy; and

“(C) the plan of the intelligence community to conduct a review of classified and unclassified intelligence reporting regarding atrocities of the People’s Republic of China for downgrading, dissemination, and, as appropriate, public release.

“(4) BRIEFINGS TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, and not less frequently than quarterly thereafter, the Director of National Intelligence, acting through the Coordinator, shall brief the appropriate committees of Congress on—

“(A) the analytical findings, changes in collection, and other activities of the intelligence community with respect to atrocities of the People’s Republic of China; and

“(B) the recipients of intelligence reporting shared pursuant to this section in the prior quarter, including for the purposes of ensuring that the public is informed about atrocities of the People’s Republic of China and to support efforts by the United States Government to seek accountability for the atrocities of the People’s Republic of China, and the date of any such sharing.

“(c) SUNSET.—This section shall cease to have effect on September 30, 2027.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 7401 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 COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY

Pub. L. 117-263, div. F, title LXV, §6512, Dec. 23, 2022, 136 Stat. 3543, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the congressional intelligence committees;

“(B) the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

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

“(2) ATROCITY.—The term ‘atrocities’ means a war crime, crime against humanity, or genocide.

“(3) COMMIT.—The term ‘commit’, with respect to an atrocity, includes the planning, committing, aiding, and abetting of such atrocity.

“(4) FOREIGN PERSON.—The term ‘foreign person’ means a person that is not a United States person.

“(5) RUSSIAN ATROCITY.—The term ‘Russian atrocity’ means an atrocity that is committed by an individual who is—

“(A) a member of the armed forces, or the security or other defense services, of the Russian Federation;

“(B) an employee of any other element of the Russian Government; or

“(C) an agent or contractor of an individual specified in subparagraph (A) or (B).

“(6) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

“(b) INTELLIGENCE COMMUNITY COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY.—

“(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for Russian atrocities accountability (in this section referred to as the ‘Coordinator’).

“(2) DUTIES.—The Coordinator shall oversee the efforts of the intelligence community relating to the following:

“(A) Identifying, and (as appropriate) disseminating within the United States Government, intelligence relating to the identification, location, or activities of foreign persons suspected of playing a role in committing Russian atrocities in Ukraine.

“(B) Identifying analytic and other intelligence needs and priorities of the intelligence community with respect to the commitment of such Russian atrocities.

“(C) Addressing any gaps in intelligence collection relating to the commitment of such Russian atrocities and developing recommendations to address any gaps so identified, including by recommending the modification of the priorities of the intelligence community with respect to intelligence collection.

“(D) Collaborating with appropriate counterparts across the intelligence community to ensure appropriate coordination on, and integration of the analysis of, the commitment of such Russian atrocities.

“(E) Identifying intelligence and other information that may be relevant to preserve evidence of potential war crimes by Russia, consistent with the public commitments of the United States to support investigations into the conduct of Russia.

“(F) Ensuring the Atrocities Early Warning Task Force and other relevant departments and agencies of the United States Government receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, dissemination, of intelligence related to Russian atrocities in Ukraine.

“(3) PLAN REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

“(A) the name of the official designated as the Coordinator pursuant to paragraph (1); and

“(B) the strategy of the intelligence community for the collection of intelligence related to Russian atrocities in Ukraine, including a detailed description of how the Coordinator shall support, and assist in facilitating the implementation of, such strategy.

“(4) ANNUAL REPORT TO CONGRESS.—

“(A) REPORTS REQUIRED.—Not later than May 1, 2023, and annually thereafter until May 1, 2026, the Director of National Intelligence shall submit to the appropriate committees of Congress a report detailing, for the year covered by the report—

“(i) the analytical findings and activities of the intelligence community with respect to Russian atrocities in Ukraine; and

“(ii) the recipients of information shared pursuant to this section for the purpose of ensuring accountability for such Russian atrocities, and the date of any such sharing.

“(B) FORM.—Each report submitted under subparagraph (A) may be submitted in classified form, consistent with the protection of intelligence sources and methods.

“(C) SUPPLEMENT.—The Director of National Intelligence may supplement an existing reporting requirement with the information required under subparagraph (A) on an annual basis to satisfy that requirement with prior notification of intent to do so to the appropriate committees of Congress.

“(c) SUNSET.—This section shall cease to have effect on the date that is 4 years after the date of the enactment of this Act [Dec. 23, 2022].”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6512 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.]

§ 3026. Deputy Directors of National Intelligence

(a) Principal Deputy Director of National Intelligence

(1) There is a Principal Deputy Director of National Intelligence who shall be appointed by

the President, by and with the advice and consent of the Senate.

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

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

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

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

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

(b) Deputy Directors of National Intelligence

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

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

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

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

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

(A) The Director of National Intelligence.

(B) The Principal Deputy Director of National Intelligence.

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

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

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

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

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

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