

fied as a separate item in the President's annual fiscal year budget request and is specifically authorized by the Congress.

(2) Notification

In the case of a project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost greater than \$1,000,000 but less than \$5,000,000, or where any improvement project to such a facility has an estimated Federal cost greater than \$1,000,000, the Director of National Intelligence shall submit a notification to the intelligence committees specifically identifying such project.

(b) Exception

(1) In general

Notwithstanding subsection (a) of this section but subject to paragraphs (2) and (3), a project for the construction of a facility to be used primarily by personnel of any component of the intelligence community may be carried out if the Secretary of Defense and the Director of National Intelligence jointly determine—

(A) that the project is vital to the national security or to the protection of health, safety, or the quality of the environment, and

(B) that the requirement for the project is so urgent that deferral of the project for inclusion in the next Act authorizing appropriations for the intelligence community would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

(2) Report

(A) When a decision is made to carry out a construction project under this subsection, the Secretary of Defense and the Director of National Intelligence jointly shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (i) the justification for the project and the current estimate of the cost of the project, (ii) the justification for carrying out the project under this subsection, and (iii) a statement of the source of the funds to be used to carry out the project. The project may then be carried out only after the end of the 7-day period beginning on the date the notification is received by such committees.

(B) Notwithstanding subparagraph (A), a project referred to in paragraph (1) may begin on the date the notification is received by the appropriate committees of Congress under that paragraph if the Director of National Intelligence and the Secretary of Defense jointly determine that—

(i) an emergency exists with respect to the national security or the protection of health, safety, or environmental quality; and

(ii) any delay in the commencement of the project would harm any or all of those interests.

(3) Projects primarily for CIA

If a project referred to in paragraph (1) is primarily for the Central Intelligence Agency,

the Director of the Central Intelligence Agency shall make the determination and submit the report required by paragraphs (1) and (2).

(4) Limitation

A project carried out under this subsection shall be carried out within the total amount of funds appropriated for intelligence and intelligence-related activities that have not been obligated.

(c) Application

This section shall not apply to any project which is subject to subsection (a)(1)(A) or (c) of section 601.

(Pub. L. 103-359, title VI, §602, Oct. 14, 1994, 108 Stat. 3432; Pub. L. 108-177, title III, §314, Dec. 13, 2003, 117 Stat. 2610; Pub. L. 111-259, title VIII, §809, Oct. 7, 2010, 124 Stat. 2749.)

REFERENCES IN TEXT

Section 601, referred to in subsec. (c), means section 601 of Pub. L. 103-359, title VI, Oct. 14, 1994, 108 Stat. 3431, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 1995, and not as part of the National Security Act of 1947 which comprises this chapter.

AMENDMENTS

2010—Subsecs. (a)(2), (b)(1), (2)(A), (B). Pub. L. 111-259, §809(1), (2)(A), (B), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b)(3). Pub. L. 111-259, §809(2)(C), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence”.

2003—Subsec. (a). Pub. L. 108-177, §314(a), substituted “\$5,000,000” for “\$750,000” in pars. (1) and (2) and “\$1,000,000” for “\$500,000” in two places in par. (2).

Subsec. (b)(2). Pub. L. 108-177, §314(b), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, substituted “7-day period” for “21-day period”, and added subpar. (B).

DEFINITIONS

Pub. L. 103-359, title VI, §604, Oct. 14, 1994, 108 Stat. 3433, provided that: “As used in this title [enacting this section and provisions set out as a note under section 403-3 of this title]:

“(1) INTELLIGENCE COMMITTEES.—The term ‘intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

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

§ 403-3. 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 403-3a of this title.
- (4) The National Intelligence Council.
- (5) The General Counsel.
- (6) The Civil Liberties Protection Officer.
- (7) The Director of Science and Technology.
- (8) The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).
- (9) The Chief Information Officer of the Intelligence Community.
- (10) The Inspector General of the Intelligence Community.
- (11) The Director of the National Counterterrorism Center.
- (12) The Director of the National Counter Proliferation Center.
- (13) The Chief Financial Officer of the Intelligence Community.
- (14) Such other offices and officials as may be established by law or the Director may 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)),” for “such Executive agency”; and
- (2) in subparagraph (A), by substituting “the intelligence community” for “such agency”.

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

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

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

3655; amended Pub. L. 111-259, title IV, §§ 403, 407(b), title VIII, § 804(3), Oct. 7, 2010, 124 Stat. 2709, 2721, 2747; Pub. L. 112-87, title IV, § 405, Jan. 3, 2012, 125 Stat. 1888.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), probably means Pub. L. 108-458, Dec. 17, 2004, 118 Stat. 3638, known as the Intelligence Reform and Terrorism Prevention Act of 2004. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 401 of this title and 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 401 of this title.

PRIOR PROVISIONS

A prior section 403-3, act July 26, 1947, ch. 343, title I, § 103, 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 403-1 and 403-4a of this title.

Another prior section 103 of act July 26, 1947, was renumbered section 107 and is classified to section 404 of this title.

AMENDMENTS

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

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

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

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

EFFECTIVE DATE

For Determination by President that section take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 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 401 of this title.

§ 403-3a. 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 Intel-