

118 Stat. 3643, 3698, effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided. See sections 3024 and 3036 of this title.

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

#### EFFECTIVE DATE

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

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

#### COMMUNICATION OF RESTRICTED DATA

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

### § 3036. Director of the Central Intelligence Agency

#### (a) Director of Central Intelligence Agency

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

#### (b) Supervision

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

#### (c) Duties

The Director of the Central Intelligence Agency shall—

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

#### (d) Responsibilities

The Director of the Central Intelligence Agency shall—

- (1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;
- (2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;
- (3) provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and
- (4) perform such other functions and duties related to intelligence affecting the national

security as the President or the Director of National Intelligence may direct.

#### (e) Termination of employment of CIA employees

(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director deems the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.

#### (f) Coordination with foreign governments

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

#### (g) Foreign language proficiency for certain senior level positions in Central Intelligence Agency

(1) Except as provided pursuant to paragraph (2), an individual in the Directorate of Intelligence career service or the National Clandestine Service career service may not be appointed or promoted to a position in the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.

(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position, category of positions, or occupation otherwise covered by that paragraph if the Director determines that foreign language proficiency is not necessary for the successful performance of the duties and responsibilities of such position, category of positions, or occupation.

(July 26, 1947, ch. 343, title I, §104A, as added Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3660; amended Pub. L. 108-487, title VI, §611(a), Dec. 23, 2004, 118 Stat. 3954; Pub. L. 111-259, title VIII, §804(4), Oct. 7, 2010, 124 Stat. 2747; Pub. L. 112-87, title IV, §412(a), Jan. 3, 2012, 125 Stat. 1890.)

## CODIFICATION

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

## AMENDMENTS

2012—Subsec. (g)(1). Pub. L. 112-87, § 412(a)(1), inserted “in the Directorate of Intelligence career service or the National Clandestine Service career service” after “an individual” and “or promoted” after “appointed”, substituted “individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.” for “individual—”, and struck out subpars. (A) and (B) which related to required level of proficiency in a foreign language and ability to effectively communicate and exercise influence in that language, respectively.

Subsec. (g)(2). Pub. L. 112-87, § 412(a)(2), substituted “position, category of positions, or occupation” for “position or category of positions” in two places.

2010—Subsec. (g)(1). Pub. L. 111-259 substituted “National Clandestine Service” for “Directorate of Operations” in introductory provisions.

2004—Subsec. (g). Pub. L. 108-487 added subsec. (g).

## EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-487, title VI, § 611(b), Dec. 23, 2004, 118 Stat. 3955, as amended by Pub. L. 112-87, title IV, § 412(b), Jan. 3, 2012, 125 Stat. 1890, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to appointments or promotions made on or after the date of the enactment of this Act [Dec. 23, 2004].”

## EFFECTIVE DATE

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

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

## CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION

Pub. L. 112-87, title IV, § 414, Jan. 3, 2012, 125 Stat. 1891, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

“(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

“(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

“(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains

in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

“(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

“(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ‘the central front in our enduring struggle against terrorism and extremism’.

“(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

“(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

“(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ‘Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.’

“(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

“(11) President Obama said, ‘For over two decades, bin Laden has been al Qaeda’s leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation’s effort to defeat al Qaeda.’

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

“(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community’s capabilities and teamwork;

“(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

“(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

“(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

“(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

“(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve any records, including intelligence information and assessments, used to generate the report described in subsection (c).”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 414 of Pub. L. 112-87, set out above, see section 2 of Pub. L. 112-87, set out as a note under section 3003 of this title.]

## ANNUAL REPORT ON FOREIGN COMPANIES INVOLVED IN THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION THAT RAISE FUNDS IN THE UNITED STATES CAPITAL MARKETS

Pub. L. 107-306, title VIII, § 827, Nov. 27, 2002, 116 Stat. 2430, required Director of Central Intelligence to sub-

mit annual report on foreign companies involved in the proliferation of weapons of mass destruction that raised or attempted to raise funds in the United States capital markets, prior to repeal by Pub. L. 108-177, title III, § 361(e), Dec. 13, 2003, 117 Stat. 2625.

EXECUTIVE ORDER NO. 13355

Ex. Ord. No. 13355, Aug. 27, 2004, 69 F.R. 53593, which related to strengthened management of the Intelligence Community, was revoked by Ex. Ord. No. 12333, § 3.6, Dec. 4, 1981, 46 F.R. 59954, as amended by Ex. Ord. No. 13470, § 4(j), July 30, 2008, 73 F.R. 45341, set out as a note under section 3001 of this title.

**§ 3037. Deputy Director of the Central Intelligence Agency**

**(a) Deputy Director of the Central Intelligence Agency**

There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

**(b) Duties**

The Deputy Director of the Central Intelligence Agency shall—

(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.

(July 26, 1947, ch. 343, title I, § 104B, as added Pub. L. 111-259, title IV, § 423(a), Oct. 7, 2010, 124 Stat. 2727.)

CODIFICATION

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

EFFECTIVE DATE

Pub. L. 111-259, title IV, § 423(c), Oct. 7, 2010, 124 Stat. 2728, provided that: “The amendments made by this section [enacting this section and amending section 5314 of Title 5, Government Organization and Employees] shall apply on the earlier of—

“(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947 [50 U.S.C. 3037; Deputy Director appointed Aug. 9, 2013], as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act [Oct. 7, 2010] may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

“(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.”

**§ 3038. Responsibilities of Secretary of Defense pertaining to National Intelligence Program**

**(a) In general**

Consistent with sections 3023 and 3024 of this title, the Secretary of Defense, in consultation

with the Director of National Intelligence, shall—

(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman<sup>1</sup> of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing governmentwide functions, the needs of other departments and agencies;

(2) ensure appropriate implementation of the policies and resource decisions of the Director by elements of the Department of Defense within the National Intelligence Program;

(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Intelligence Program;

(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

**(b) Responsibility for performance of specific functions**

Consistent with sections 3023 and 3024 of this title, the Secretary of Defense shall ensure—

(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

(2) through the National Geospatial-Intelligence Agency (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

(A) for carrying out tasking of imagery collection;

(B) for the coordination of imagery processing and exploitation activities;

(C) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and

(D) notwithstanding any other provision of law, for—

(i) prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and

(ii) developing and fielding systems of common concern related to imagery intelligence and geospatial information;

<sup>1</sup> So in original. Probably should be capitalized.