

**TITLE 50 - WAR AND NATIONAL DEFENSE**  
**CHAPTER 15 - NATIONAL SECURITY**  
**SUBCHAPTER I - COORDINATION FOR NATIONAL SECURITY**

**§ 403. Director of National Intelligence**

**(a) Director of National Intelligence**

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

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

**(b) Principal responsibility**

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

(1) serve as head of the intelligence community;

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

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

**(c) Prohibition on dual service**

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

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

**References in Text**

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

**Prior Provisions**

A prior section 403, act July 26, 1947, ch. 343, title I, § 102, as added and amended Pub. L. 104–293, title VIII, §§ 805(a), 809 (a), 810, 811, Oct. 11, 1996, 110 Stat. 3477, 3481, 3482; Pub. L. 105–107, title IV, § 405, Nov. 20, 1997, 111 Stat. 2261; Pub. L. 105–272, title III, § 306, Oct. 20, 1998, 112 Stat. 2401, related to Office of the Director of Central Intelligence prior to repeal by Pub. L. 108–458, title I, §§ 1011(a), 1097 (a), Dec. 17, 2004, 118 Stat. 3643, 3698, effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided. See section 403–4a of this title.

Another prior section 403, acts July 26, 1947, ch. 343, title I, § 102, 61 Stat. 497; Apr. 4, 1953, ch. 16, 67 Stat. 19; Oct. 24, 1992, Pub. L. 102–496, title VII, § 704, 106 Stat. 3189; Jan. 6, 1996, Pub. L. 104–93, title VII, § 701, 109 Stat. 977; Feb. 10, 1996, Pub. L. 104–106, div. A, title V, § 570, 110 Stat. 353, related to establishment of Central Intelligence Agency and appointment and functions of its Director and Deputy Director prior to repeal by Pub. L. 104–293, title VIII, § 805(a), Oct. 11, 1996, 110 Stat. 3477.

**Effective Date**

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

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscp.html>).

## **Presidential Guidelines on Implementation and Preservation of Authorities**

Pub. L. 108–458, title I, § 1018, Dec. 17, 2004, 118 Stat. 3670, provided that: “The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title [see Short Title of 2004 Amendment note set out under section 401 of this title] and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

- “(1) the authority of the Director of the Office of Management and Budget; and
- “(2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—
- “(A) section 199 of the Revised Statutes (22 U.S.C. 2651);
- “(B) title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.);
- “(C) the State Department Basic Authorities Act of 1956 [Act Aug. 1, 1956, ch. 841, see Tables for classification];
- “(D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112 (a)); and
- “(E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.”

## **Improvement of Equality of Employment Opportunities in the Intelligence Community**

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

- “(1) It is the recommendation of the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, that the Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first generation Americans.
- “(2) The Intelligence Community could greatly benefit from an increased number of employees who are proficient in foreign languages and knowledgeable of world cultures, especially in foreign languages that are critical to the national security interests of the United States. Particular emphasis should be given to the recruitment of United States citizens whose linguistic capabilities are acutely required for the improvement of the overall intelligence collection and analysis effort of the United States Government.
- “(3) The Intelligence Community has a significantly lower percentage of women and minorities than the total workforce of the Federal government and the total civilian labor force.
- “(4) Women and minorities continue to be under-represented in senior grade levels, and in core mission areas, of the intelligence community.”

## **Report on Lessons Learned From Military Operations in Iraq**

Pub. L. 108–177, title III, § 357, Dec. 13, 2003, 117 Stat. 2621, as amended by Pub. L. 108–458, title I, § 1071(g)(3)(A)(vi), Dec. 17, 2004, 118 Stat. 3692, provided that:

“(a) Report.—As soon as possible, but not later than one year after the date of the enactment of this Act [Dec. 13, 2003], the Director of National Intelligence shall submit to the appropriate committees of Congress a report on the intelligence lessons learned as a result of Operation Iraqi Freedom, including lessons relating to the following:

- “(1) The tasking, collection, processing, exploitation, analysis, and dissemination of intelligence.
- “(2) The accuracy, timeliness, and objectivity of intelligence analysis.
- “(3) The intelligence support available to policymakers and members of the Armed Forces in combat.
- “(4) The coordination of intelligence activities and operations with military operations.
- “(5) The strengths and limitations of intelligence systems and equipment.
- “(6) Such other matters as the Director considers appropriate.

“(b) Recommendations.—The report under subsection (a) shall include such recommendations on improvement in the matters described in subsection (a) as the Director considers appropriate.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

“(c) Appropriate Committees of Congress Defined.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives; and

“(2) the Select Committee on Intelligence and the Committee on Armed Services of the Senate.”

### **Central Intelligence Agency Retirement and Disability System**

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

### **Executive Order No. 10656**

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

### **Executive Order No. 10938**

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

### **Executive Order No. 11460**

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

### **Ex. Ord. No. 11984. Abolition of President’s Foreign Intelligence Advisory Board**

Ex. Ord. No. 11984, May 4, 1977, 42 F.R. 23129, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to abolish the President’s Foreign Intelligence Advisory Board, Executive Order No. 11460 of March 20, 1969, is hereby revoked.

Jimmy Carter.

### **Executive Order No. 12331**

Ex. Ord. No. 12331, Oct. 20, 1981, 46 F.R. 51705, which established the President’s Foreign Intelligence 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 401 of this title.