

(b) Function

The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 403-4a(c) of this title.

(July 26, 1947, ch. 343, title I, § 104, as added Pub. L. 108-458, title I, § 1011(a), Dec. 17, 2004, 118 Stat. 3660.)

PRIOR PROVISIONS

A prior section 403-4, act July 26, 1947, ch. 343, title I, § 104, as added Pub. L. 102-496, title VII, § 705(a)(3), Oct. 24, 1992, 106 Stat. 3192; amended Pub. L. 104-106, div. A, title XV, § 1502(f)(5), Feb. 10, 1996, 110 Stat. 510; Pub. L. 104-293, title VIII, § 807(b), Oct. 11, 1996, 110 Stat. 3480; Pub. L. 106-65, div. A, title X, § 1067(16), Oct. 5, 1999, 113 Stat. 775; Pub. L. 106-567, title I, § 105, Dec. 27, 2000, 114 Stat. 2834; Pub. L. 107-306, title III, §§ 321, 353(b)(1)(A), (4), Nov. 27, 2002, 116 Stat. 2391, 2402, related to authorities 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 104 of act July 26, 1947, was re-numbered section 108 and is classified to section 404a of this title.

EFFECTIVE DATE

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.

IMPLEMENTATION OF COMPENSATION REFORM PLAN

Pub. L. 108-177, title IV, § 405(c), Dec. 13, 2003, 117 Stat. 2633, provided that:

“(1) The Director of Central Intelligence shall submit to the congressional intelligence committees a report on the amount of compensation (including basic pay, bonuses, and employer contributions to the Thrift Savings Plan) of each employee of the Central Intelligence Agency participating in the pilot project required by section 402(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2403; 50 U.S.C. 403-4 note), and on the amount that each such employee would have received had such employee received compensation under the existing system of compensation used by the Agency.

“(2) The report required by paragraph (1) shall be submitted together with the report required by paragraph (3) of such section 402(b).

“(3) In this subsection, the term ‘congressional intelligence committees’ has the meaning given that term in section 402(d) of the Intelligence Authorization Act for Fiscal Year 2003.”

Pub. L. 107-306, title IV, § 402, Nov. 27, 2002, 116 Stat. 2403, as amended by Pub. L. 108-177, title IV, § 405(a), Dec. 13, 2003, 117 Stat. 2632, provided that:

“(a) **DELAY ON IMPLEMENTATION ON COMPENSATION REFORM PLAN.**—(1) The Director of Central Intelligence may not implement before the implementation date (described in paragraph (2)) a plan for the compensation of employees of the Central Intelligence Agency that differs from the plan in effect on October 1, 2002.

“(2) The implementation date referred to in paragraph (1) is the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2005 [Dec. 23, 2004].

“(3) It is the sense of Congress that an employee performance evaluation mechanism with evaluation training for managers and employees of the Central Intelligence Agency should be phased in before the implementation of any new compensation plan.

“(b) **PILOT PROJECT.**—(1) The Director shall conduct a pilot project to test the efficacy and fairness of a plan

for the compensation of employees of the Central Intelligence Agency that differs from the plan in effect on October 1, 2002, within any one component of the Central Intelligence Agency selected by the Director, other than a component for which a pilot project on employee compensation has been previously conducted.

“(2) The pilot project under paragraph (1) shall be conducted for a period of at least 1 year.

“(3) Not later than the date that is 45 days after the completion of the pilot project under paragraph (1), the Director shall submit to the congressional intelligence committees a report that contains an evaluation of the project and such recommendations as the Director considers appropriate for the modification of the plans for the compensation of employees throughout the Agency which are in effect on such date.

“(c) **SENSE OF CONGRESS ON IMPLEMENTATION OF COMPENSATION REFORM PLAN FOR THE NATIONAL SECURITY AGENCY.**—It is the sense of Congress that—

“(1) the Director of the National Security Agency should not implement before February 1, 2004, a plan for the compensation of employees of the National Security Agency that differs from the plan in effect on October 1, 2002; and

“(2) an employee performance evaluation mechanism with evaluation training for managers and employees of the National Security Agency should be phased in before the implementation of any new compensation plan.

“(d) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term ‘congressional intelligence committees’ means the Select Committee on Intelligence of the Senate and 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 401 of this title.]

DESIGNATION OF HEADQUARTERS COMPOUND OF CENTRAL INTELLIGENCE AGENCY AS THE GEORGE BUSH CENTER FOR INTELLIGENCE

Pub. L. 105-272, title III, § 309, Oct. 20, 1998, 112 Stat. 2403, provided that:

“(a) **DESIGNATION.**—The headquarters compound of the Central Intelligence Agency located in Langley, Virginia, shall be known and designated as the ‘George Bush Center for Intelligence’.

“(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the headquarters compound referred to in subsection (a) shall be deemed to be a reference to the ‘George Bush Center for Intelligence’.”

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.

§ 403-4a. 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 Intel-

ligence 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 may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual—

(A) 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; and

(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position or category of positions 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 or category of positions.

(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.)

AMENDMENTS

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, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act [Dec. 23, 2004].”

EFFECTIVE DATE

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.

POST-EMPLOYMENT RESTRICTIONS

Pub. L. 104–293, title IV, §402, Oct. 11, 1996, 110 Stat. 3468, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 11, 1996], the Director of Central Intelligence shall prescribe regulations requiring each employee of the Central Intelligence Agency designated by the Director for such purpose to sign a written agreement restricting the activities of the employee upon ceasing employment with the Central Intelligence Agency. The Director may designate a group or class of employees for such purpose.

“(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of any foreign country during the three-year period beginning on the cessation of the employee’s employment with the Central Intelligence Agency unless the Director deter-

mines that such representation or advice would be in the best interests of the United States.

“(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any employee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.”

[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 401 of this title.]

EX. ORD. NO. 13355. STRENGTHENED MANAGEMENT OF THE INTELLIGENCE COMMUNITY

Ex. Ord. No. 13355, Aug. 27, 2004, 69 F.R. 53593, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 103(c)(8) of the National Security Act of 1947, as amended [former 50 U.S.C. 403-3(c)(8)] (Act), and in order to further strengthen the effective conduct of United States intelligence activities and protect the territory, people, and interests of the United States of America, including against terrorist attacks, it is hereby ordered as follows:

SECTION 1. *Strengthening the Authority of the Director of Central Intelligence.* The Director of Central Intelligence (Director) shall perform the functions set forth in this order to ensure an enhanced joint, unified national intelligence effort to protect the national security of the United States. Such functions shall be in addition to those assigned to the Director by law, Executive Order, or Presidential directive.

SEC. 2. *Strengthened Role in National Intelligence.* [Amended Ex. Ord. No. 12333, set out under section 401 of this title.]

SEC. 3. *Strengthened Control of Intelligence Funding.* [Amended Ex. Ord. No. 12333.]

SEC. 4. *Strengthened Role in Selecting Heads of Intelligence Organizations.* With respect to a position that heads an organization within the Intelligence Community:

(a) if the appointment to that position is made by the head of the department or agency or a subordinate thereof, no individual shall be appointed to such position without the concurrence of the Director;

(b) if the appointment to that position is made by the President alone, any recommendation to the President to appoint an individual to that position shall be accompanied by the recommendation of the Director with respect to the proposed appointment; and

(c) if the appointment to that position is made by the President, by and with the advice and consent of the Senate, any recommendation to the President for nomination of an individual for that position shall be accompanied by the recommendation of the Director with respect to the proposed nomination.

SEC. 5. *Strengthened Control of Standards and Qualifications.* The Director shall issue, after coordination with the heads of departments and agencies with an organization in the Intelligence Community, and not later than 120 days after the date of this order, and thereafter as appropriate, standards and qualifications for persons engaged in the performance of United States intelligence activities, including but not limited to:

(a) standards for training, education, and career development of personnel within organizations in the Intelligence Community, and for ensuring compatible personnel policies and an integrated professional development and education system across the Intelligence Community, including standards that encourage and facilitate service in multiple organizations within the

Intelligence Community and make such rotated service a factor to be considered for promotion to senior positions;

(b) standards for attracting and retaining personnel who meet the requirements for effective conduct of intelligence activities;

(c) standards for common personnel security policies among organizations within the Intelligence Community; and

(d) qualifications for assignment of personnel to centers established under section 1.5(g)(2) of Executive Order 12333 [50 U.S.C. 401 note], as amended by section 2 of this order.

SEC. 6. *Technical Corrections.* [Amended Ex. Ord. No. 12333.]

SEC. 7. *General Provisions.*

(a) This order and the amendments made by this order:

(i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;

(ii) shall be implemented in a manner consistent with the authority of the principal officers of the executive departments as heads of their respective departments, including under section 199 of the Revised Statutes (22 U.S.C. 2651), section 201 of the Department of Energy Reorganization [Organization] Act (42 U.S.C. 7131), section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)), and 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; and

(iii) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

(b) Nothing in section 4 of this order limits or otherwise affects—

(i) the appointment of an individual to a position made before the date of this order; or

(ii) the power of the President as an appointing authority to terminate an appointment.

(c) Nothing in this order shall be construed to impair or otherwise affect any authority to provide intelligence to the President, the Vice President in the performance of Executive functions, and other officials in the executive branch.

(d) This order and amendments made by this order are intended only to improve the internal management of the Federal Government and are not intended to, and do not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

§ 403-4b. Transformation of Central Intelligence Agency

The Director of the Central Intelligence Agency shall, in accordance with standards developed by the Director in consultation with the Director of National Intelligence—

(1) enhance the analytic, human intelligence, and other capabilities of the Central Intelligence Agency;

(2) develop and maintain an effective language program within the Agency;

(3) emphasize the hiring of personnel of diverse backgrounds for purposes of improving the capabilities of the Agency;

(4) establish and maintain effective relationships between human intelligence and signals intelligence within the Agency at the operational level; and

(5) achieve a more effective balance within the Agency with respect to unilateral operations and liaison operations.