

Subsec. (i). Pub. L. 107-306, § 401(2), substituted “2003, 2004, or 2005” for “or 2003”.

2001—Subsec. (f). Pub. L. 107-108, § 402(1), substituted “September 30, 2003” for “September 30, 2002”.

Subsec. (i). Pub. L. 107-108, § 402(2), substituted “2002, or 2003” for “or 2002”.

1999—Subsec. (f). Pub. L. 106-120, § 402(a), substituted “September 30, 2002” for “September 30, 1999”.

Subsec. (i). Pub. L. 106-120, § 402(b), substituted “, 1999, 2000, 2001, or 2002” for “or fiscal year 1999”.

1996—Subsec. (f). Pub. L. 104-93, § 401(a), substituted “September 30, 1999” for “September 30, 1997”.

Subsec. (i). Pub. L. 104-293 inserted at end: “The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).”

Pub. L. 104-93, § 401(b), added subsec. (i).

1994—Subsec. (b). Pub. L. 103-226, § 8(b), inserted four sentences at end relating to repayment of separation pay requirement.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-458 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.

§ 404. Emergency preparedness

(a) Employment of personnel

The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

(b) Functions

It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation’s manpower in the event of war;

(2) programs for the effective use in time of war of the Nation’s natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation’s security.

(c) Utilization of Government resources and facilities

In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.

(July 26, 1947, ch. 343, title I, § 107, formerly § 103, 61 Stat. 499; Sept. 3, 1954, ch. 1263, § 50, 68 Stat. 1244; renumbered § 107, Pub. L. 102-496, title VII, § 705(a)(2), Oct. 24, 1992, 106 Stat. 3190.)

CODIFICATION

In subsec. (a), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

For subsequent history relating to the Office of Defense Mobilization, see Transfer of Functions notes below.

AMENDMENTS

1954—Act Sept. 3, 1954, § 50(1), (2), struck out subsec. (a) which related to establishment of National Security Resources Board and redesignated subsecs. (b) to (d) as (a) to (c), respectively.

Subsec. (a). Act Sept. 3, 1954, § 50(3)–(5), substituted “Director of the Office of Defense Mobilization” for “Chairman of the Board”, “Classification Act of 1949” for “Classification Act of 1923, as amended”, and “Director in carrying out his” for “Board in carrying out its”.

Subsec. (b). Act Sept. 3, 1954, § 50(6), substituted “Director of the Office of Defense Mobilization” for “Board” in introductory provisions.

Subsec. (c). Act Sept. 3, 1954, § 50(7), substituted “his functions, the Director of the Office of Defense Mobilization” for “its functions, the Board”.

TRANSFER OF FUNCTIONS

Office of Defense Mobilization and Federal Civil Defense Administration consolidated to form Office of Emergency Preparedness, an agency within Executive Office of President, by section 2(a), (e) of Reorg. Plan No. 1 of 1958, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861; Pub. L. 87-296, § 1, Sept. 22, 1961, 75 Stat. 630; Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82 Stat. 1194, set out in the Appendix to Title 5, Government Organization and Employees, and functions vested by law in Office of Defense Mobilization and Director thereof transferred to President, with power to delegate, by section 1 of Reorg. Plan No. 1 of 1958.

Office of Emergency Preparedness, including offices of Director, Deputy Director, Assistant Directors, and Regional Directors, abolished and functions vested by law, after July 1, 1958, in Office of Emergency Preparedness or Director of Office of Emergency Preparedness transferred to President of United States by sections 1 and 3(a)(1) of Reorg. Plan No. 1 of 1973, eff. July 1, 1973, 38 F.R. 9579, 87 Stat. 1089, set out in the Appendix to Title 5, Government Organization and Employees.

Authority vested in Director of Office of Emergency Preparedness as of June 30, 1973, by Executive Order, proclamation, or other directive issued by or on behalf of President or otherwise under this section and Ex. Ord. No. 10421, formerly set out below, with certain exceptions, transferred to Administrator of General Services by Ex. Ord. No. 11725, § 3, June 27, 1973, 38 F.R. 17175, formerly set out under section 2271 of the Appendix to this title, to be exercised in conformance with such guidance as provided by National Security Council and, with respect to economic and disposal aspects of stockpiling of strategic and critical materials by Council on Economic Policy. Functions of Administrator of General Services under this chapter performed by Fed-

eral Preparedness Agency within General Services Administration.

Functions delegated or assigned to Federal Preparedness Agency, General Services Administration, transferred or reassigned to Secretary of Homeland Security, and Ex. Ord. No. 11725 revoked, by Ex. Ord. No. 12148, §§1–103, 5–112, July 20, 1979, 44 F.R. 43239, 43243, as amended by Ex. Ord. No. 13286, §52, Feb. 28, 2003, 68 F.R. 10628, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

Functions vested in Director of Office of Defense Mobilization by section 103 of act July 26, 1947, as amended by section 50 of act Sept. 3, 1954, and transferred to President by section 1(a) of Reorganization Plan No. 1 of 1958, as amended, delegated to Secretary of Homeland Security by Ex. Ord. No. 12148, §4–102, July 20, 1979, 44 F.R. 43239, as amended by Ex. Ord. No. 13286, §52, Feb. 28, 2003, 68 F.R. 10628, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

For assignment of certain emergency preparedness functions to Secretary of Homeland Security, see parts 1, 2, and 17 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, as amended, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER No. 9905

Ex. Ord. No. 9905, Nov. 13, 1947, 12 F.R. 7613, as amended by Ex. Ord. No. 9931, Feb. 19, 1948, 13 F.R. 763, provided for membership of National Security Resources Board and defined functions, duties and authority of Chairman of Board.

EXECUTIVE ORDER No. 10169

Ex. Ord. No. 10169, Oct. 11, 1950, 15 F.R. 6901, which provided for a National Advisory Committee on Mobilization Policy, was revoked by Ex. Ord. No. 10480, Aug. 14, 1953, 18 F.R. 4939, formerly set out under section 2153 of the Appendix to this title.

EXECUTIVE ORDER No. 10421

Ex. Ord. No. 10421, Dec. 31, 1952, 18 F.R. 57, as amended by Ex. Ord. No. 10438, Mar. 13, 1953, 18 F.R. 1491; Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239, which related to physical security of defense facilities, was revoked by Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out under section 5195 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER No. 10438

Ex. Ord. No. 10438, Mar. 13, 1953, 18 F.R. 1491, which related to transfer of functions to Director of Defense Mobilization, was superseded by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683, formerly set out under section 5195 of Title 42, The Public Health and Welfare.

§ 404a. Annual national security strategy report

(a) Transmittal to Congress

(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a “national security strategy report”).

(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.

(3) Not later than 150 days after the date on which a new President takes office, the President shall transmit to Congress a national security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).

(b) Contents

Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

(c) Classified and unclassified form

Each national security strategy report shall be transmitted in both a classified and an unclassified form.

(July 26, 1947, ch. 343, title I, §108, formerly §104, as added Pub. L. 99–433, title VI, §603(a)(1), Oct. 1, 1986, 100 Stat. 1074; renumbered §108, Pub. L. 102–496, title VII, §705(a)(2), Oct. 24, 1992, 106 Stat. 3190; amended Pub. L. 106–65, div. A, title IX, §901(b), Oct. 5, 1999, 113 Stat. 717.)

AMENDMENTS

1999—Subsec. (a)(3). Pub. L. 106–65 added par. (3).

NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES

Pub. L. 112–81, div. A, title X, §1032, Dec. 31, 2011, 125 Stat. 1571, provided that:

“(a) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

“(b) NATIONAL SECURITY PLANNING GUIDANCE.—

“(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and non-governmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

“(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following: