

108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

§ 3041. Appointment of officials responsible for intelligence-related activities

(a) Recommendation of DNI in certain appointments

(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Principal Deputy Director of National Intelligence.

(B) The Director of the Central Intelligence Agency.

(b) Concurrence of DNI in appointments to positions in the intelligence community

(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(D) The Assistant Secretary of State for Intelligence and Research.

(E) The Director of the Office of Intelligence of the Department of Energy.

(F) The Director of the Office of Counterintelligence of the Department of Energy.

(G) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

(H) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

(I) The Under Secretary of Homeland Security for Intelligence and Analysis.

(c) Consultation with DNI in certain positions

(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the Defense Intelligence Agency.

(B) The Assistant Commandant of the Coast Guard for Intelligence.

(C) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28.

(July 26, 1947, ch. 343, title I, § 106, as added Pub. L. 102-496, title VII, § 706(a), Oct. 24, 1992, 106 Stat. 3195; amended Pub. L. 103-359, title V, § 501(a)(3), Oct. 14, 1994, 108 Stat. 3428; Pub. L. 104-293, title VIII, § 815(a), Oct. 11, 1996, 110 Stat. 3484; Pub. L. 107-108, title III, § 308, Dec. 28, 2001, 115 Stat. 1399; Pub. L. 108-136, div. A, title IX, § 921(e)(5), Nov. 24, 2003, 117 Stat. 1569; Pub. L. 108-177, title I, § 105(c), Dec. 13, 2003, 117 Stat. 2603; Pub. L. 108-458, title I, § 1014, Dec. 17, 2004, 118 Stat. 3663; Pub. L. 109-177, title V, § 506(a)(4), Mar. 9, 2006, 120 Stat. 247; Pub. L. 110-53, title V, § 531(b)(5), Aug. 3, 2007, 121 Stat. 334.)

CODIFICATION

Section was formerly classified to section 403-6 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2007—Subsec. (b)(2)(I). Pub. L. 110-53 amended subpar. (I) generally. Prior to amendment, subpar. (I) read as follows: “The Assistant Secretary of Homeland Security for Information Analysis.”

2006—Subsec. (c)(2)(C). Pub. L. 109-177 added subpar. (C).

2004—Pub. L. 108-458 amended text generally, substituting provisions relating to involvement of Director of National Intelligence in appointments, consisting of subsecs. (a) to (c), for provisions relating to involvement of Director of Central Intelligence in appointments, consisting of subsecs. (a) and (b).

2003—Subsec. (a)(2)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (b)(2)(E). Pub. L. 108-177 added subpar. (E).

2001—Subsec. (b)(2)(C), (D). Pub. L. 107-108 added subpars. (C) and (D) and struck out former subpar. (C) which read as follows: “The Director of the Office of Nonproliferation and National Security of the Department of Energy.”

1996—Pub. L. 104-293 amended section generally, substituting provisions relating to appointment of individuals responsible for intelligence-related activities for provisions relating to administrative provisions pertaining to defense elements within the intelligence community.

1994—Subsec. (b). Pub. L. 103-359 substituted “Central Imagery Office” for “central imagery authority” in heading and text.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 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.

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 as an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

§ 3041a. Director of the National Reconnaissance Office

(a) In general

There is a Director of the National Reconnaissance Office.

(b) Appointment

The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions and duties

The Director of the National Reconnaissance Office shall be the head of the National Reconnaissance Office and shall discharge such functions and duties as are provided by this chapter or otherwise by law or executive order.

(July 26, 1947, ch. 343, title I, §106A, as added Pub. L. 113-126, title IV, §411(a), July 7, 2014, 128 Stat. 1409.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning act July 26, 1947, ch. 343, 61 Stat. 495, known as the National Security Act of 1947, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

EFFECTIVE DATE

Section effective Oct. 1, 2014, and applicable upon the earlier of the date of the first nomination by the President of an individual to serve as the Director of the National Reconnaissance Office that occurs on or after Oct. 1, 2014, or the date of the cessation of the performance of the duties of the Director of the National Reconnaissance Office by the individual performing such duties on Oct. 1, 2014, subject to an exception for initial nominations, see section 413 of Pub. L. 113-126, set out as an Effective Date of 2014 Amendment note under section 8G of the Inspector General Act of 1978, Pub. L. 95-452, in the Appendix to Title 5, Government Organization and Employees.

POSITION OF IMPORTANCE AND RESPONSIBILITY

Pub. L. 113-126, title IV, §411(b), July 7, 2014, 128 Stat. 1409, provided that:

“(1) IN GENERAL.—The President may designate the Director of the National Reconnaissance Office as a position of importance and responsibility under section 601 of title 10, United States Code.

“(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of the enactment of this Act [July 7, 2014].”

§ 3042. 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 utiliza-

tion 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

Section was formerly classified to section 404 of this title prior to editorial reclassification and renumbering as this section.

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