

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

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

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

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

(H) 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; Pub. L. 116-92, div. E, title LXVII, §§ 6742(b)(2), 6744(c), Dec. 20, 2019, 133 Stat. 2239, 2241.)

CODIFICATION

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

AMENDMENTS

2019—Pub. L. 116-92, § 6742(b)(2)(A), made technical amendment to section designation in original.

Subsec. (b)(2)(E). Pub. L. 116-92, § 6744(c)(1), inserted “and Counterintelligence” after “Office of Intelligence”.

Subsec. (b)(2)(F) to (H). Pub. L. 116-92, § 6744(c)(2), (3), redesignated subpars. (G) to (I) as (F) to (H), respectively, and struck out former subpar. (F) which read as follows: “The Director of the Office of Counterintelligence of the Department of Energy.”

Subsec. (b)(2)(I). Pub. L. 116-92, § 6744(c)(3), redesignated subpar. (I) as (H).

Pub. L. 116-92, § 6742(b)(2)(B), realigned margin.

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.

(d) Advisory Board

(1) Establishment

There is established in the National Reconnaissance Office an advisory board (in this section referred to as the “Board”).

(2) Duties

The Board shall—

(A) study matters relating to the mission of the National Reconnaissance Office, including with respect to promoting innovation, competition, and resilience in space, overhead reconnaissance, acquisition, and other matters; and

(B) advise and report directly to the Director with respect to such matters.

(3) Members

(A) Number and appointment

(i) In general

The Board shall be composed of five members appointed by the Director from

among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

(ii) Notification

Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10) of such appointment.

(B) Terms

Each member shall be appointed for a term of 2 years. Except as provided by subparagraph (C), a member may not serve more than three terms.

(C) Vacancy

Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(D) Chair

The Board shall have a Chair, who shall be appointed by the Director from among the members.

(E) Travel expenses

Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5.

(F) Executive secretary

The Director may appoint an executive secretary, who shall be an employee of the National Reconnaissance Office, to support the Board.

(4) Meetings

The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

(5) Reports

Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities and significant findings of the Board during the preceding year.

(6) Nonapplicability of certain requirements

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(7) Termination

The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.

(July 26, 1947, ch. 343, title I, §106A, as added Pub. L. 113-126, title IV, §411(a), July 7, 2014, 128 Stat. 1409; amended Pub. L. 116-92, div. E, title LXIV, §6433(a), Dec. 20, 2019, 133 Stat. 2200.)

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.

The Federal Advisory Committee Act, referred to in subsec. (d)(6), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2019—Subsec. (d). Pub. L. 116-92 added subsec. (d).

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.

INITIAL APPOINTMENTS

Pub. L. 116-92, div. E, title LXIV, §6433(b), Dec. 20, 2019, 133 Stat. 2201, provided that: "Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of the National Reconnaissance Office shall appoint the initial five members to the advisory board under subsection (d) of section 106A of the National Security Act of 1947 (50 U.S.C. 3041a), as added by subsection (a)."

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. Repealed. Pub. L. 116-92, div. E, title LXVII, §6742(b)(3), Dec. 20, 2019, 133 Stat. 2240

Section, act 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, related to emergency preparedness functions of the Director of the Office of Defense Mobilization.

§ 3043. 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).