

AMENDMENTS

1993—Pub. L. 103-178 inserted exception relating to sections 3023, 3025, 3035, and 3038 of this title and subchapters III, IV, and V.

§ 3075. “Function” and “Department of Defense” defined

(a) As used in sections 3002, 3021, 3023, 3025, and 3073 of this title, the term “function” includes functions, powers, and duties.

(b) As used in this Act, the term “Department of Defense” shall be deemed to include the military departments of the Army, the Navy, and the Air Force, and all agencies created under title II of this Act.

(July 26, 1947, ch. 343, title III, § 308, 61 Stat. 509; Aug. 10, 1949, ch. 412, § 12(e), 63 Stat. 591; Pub. L. 116-92, div. E, title LXVII, § 6742(b)(10), Dec. 20, 2019, 133 Stat. 2240.)

Editorial Notes

REFERENCES IN TEXT

Title II of this Act, referred to in subsec. (b), means title II of the National Security Act of 1947, act July 26, 1947, ch. 343, 61 Stat. 499. Section 201(d) of title II, which was formerly classified to section 408 of this title prior to editorial reclassification and renumbering as section 3005 of this title, was repealed by Pub. L. 87-651, § 307, Sept. 7, 1962, 76 Stat. 526. Section 201, enacted by Pub. L. 116-92, div. E, title LXVII, § 6742(b)(6), 133 Stat. 2240, is classified to section 3005 of this title. Sections 205(c), 206(a), and 207(c) of title II, renumbered sections 205(b), 206, and 207 by Pub. L. 116-92, div. E, title LXVII, § 6742(b)(7)–(9), 133 Stat. 2240, were formerly classified to section 409 of this title prior to editorial reclassification and renumbering as section 3004 of this title. For complete classification of title II to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 410 of this title prior to editorial reclassification and renumbering as this section, and to section 171n of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92 substituted “sections 3002, 3021, 3023, 3025, and 3073 of this title” for “this Act”.

1949—Subsec. (b). Act Aug. 10, 1949, substituted definition of “Department of Defense” for definition of “budget program”.

§ 3076. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(July 26, 1947, ch. 343, title III, § 309, 61 Stat. 509.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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.

CODIFICATION

Section was formerly classified as a note under section 401 of this title prior to editorial reclassification as this section.

§ 3077. Effective date

(a) The first sentence of section 202(a),¹ this section, and sections 3001, 3002, 3074, 3075, and 3076 of this title shall take effect July 26, 1947.

(b) Except as provided in subsection (a), the provisions of this chapter shall take effect on whichever of the following days is the earlier: The day after the day upon which the Secretary of Defense first appointed takes office, or the sixtieth day after July 26, 1947.

(July 26, 1947, ch. 343, title III, § 310, 61 Stat. 509.)

Editorial Notes

REFERENCES IN TEXT

The first sentence of section 202(a), referred to in subsec. (a), means the first sentence of section 202(a) of act July 26, 1947, ch. 343, which was classified to section 171a of former Title 5, Executive Departments and Government Officers and Employees, prior to the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

This chapter, referred to in subsec. (b), 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.

CODIFICATION

Section was formerly classified as a note under section 401 of this title prior to editorial reclassification as this section.

§ 3078. Repealing and savings provisions

All laws, orders, and regulations inconsistent with the provisions of this title¹ are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby: *Provided*, That the powers, duties, and responsibilities of the Secretary of Defense under this title¹ shall be administered in conformance with the policy and requirements for administration of budgetary and fiscal matters in the Government generally, including accounting and financial reporting, and that nothing in this title¹ shall be construed as eliminating or modifying the powers, duties, and responsibilities of any other department, agency, or officer of the Government in connection with such matters, but no such department, agency, or officer shall exercise any such powers, duties, or responsibilities in a manner that will render ineffective the provisions of this title.¹

(July 26, 1947, ch. 343, title III, § 312, formerly title IV, § 411, as added Aug. 10, 1949, ch. 412, § 11, 63 Stat. 590; renumbered title III, § 312, Pub. L. 116-92, div. E, title LXVII, § 6742(b)(11), Dec. 20, 2019, 133 Stat. 2240.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in text, meant, when enacted, title IV of act July 26, 1947, ch. 343, which was added by

¹ See References in Text note below.

¹ See References in Text note below.

section 11 of act Aug. 10, 1949, ch. 412, 63 Stat. 585, and which consisted of sections 401 to 411, this section being section 411. Section 11 of act Aug. 10, 1949—except for “§411”—was repealed by Pub. L. 87-651, §307, Sept. 7, 1962, 76 Stat. 526. Although that repeal was executed by repealing title IV of act July 26, 1947 (except for this section), and the subsequent renumbering of section 411 of that Act as section 312 suggests that this section is now within title III, it is unclear whether the reference to “this title” should now be interpreted as referring to title III (classified to this subchapter) or whether it continues to refer to the now eliminated title IV. See Codification note below.

CODIFICATION

When originally enacted, this section was section 411 of title IV of the National Security Act of 1947, act July 26, 1947, ch. 343 (“the Act”). Title IV of the Act, consisting of sections 401 to 411, was added by section 11 of act Aug. 10, 1949, ch. 412, 63 Stat. 585. Provisions of title IV of the Act were restated by Pub. L. 87-651, Sept. 7, 1962, 76 Stat. 506, section 307 of which (at 76 Stat. 526) subsequently repealed section 11 of act Aug. 10, 1949—except for “§411”—but did not repeal any of the sections in title IV directly. Nevertheless, the repeal of section 11, except for “§411”, was executed as a repeal of title IV of the Act, except for this section. There is debate as to whether any of title IV of the Act continued to exist after the repeal such that section 411 remained a part of it or whether all other traces of the title were eliminated completely so that section 411 was effectively absorbed into title III. The subsequent renumbering of section 411 of the Act as section 312 by Pub. L. 116-92 suggests that this section should be considered within title III (as shown in the credit above), although there has been no explicit amendment renumbering the title of the Act containing it.

Section was classified to section 3006 of this title prior to renumbering by Pub. L. 116-92.

Section was formerly classified to section 412 of this title prior to editorial reclassification and renumbering as section 3006, and to section 172j of former Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

SUBCHAPTER III—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

§ 3091. General congressional oversight provisions

(a) Reports to congressional committees of intelligence activities and anticipated activities

(1) The President shall ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this subchapter.

(2) Nothing in this subchapter shall be construed as requiring the approval of the congressional intelligence committees as a condition precedent to the initiation of any significant anticipated intelligence activity.

(b) Reports concerning illegal intelligence activities

The President shall ensure that any illegal intelligence activity is reported promptly to the congressional intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

(c) Procedures for reporting information

The President and the congressional intelligence committees shall each establish such

written procedures as may be necessary to carry out the provisions of this subchapter.

(d) Procedures to protect from unauthorized disclosure

The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information, and all information relating to intelligence sources and methods, that is furnished to the congressional intelligence committees or to Members of Congress under this subchapter. Such procedures shall be established in consultation with the Director of National Intelligence. In accordance with such procedures, each of the congressional intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

(e) Construction of authority conferred

Nothing in this chapter shall be construed as authority to withhold information from the congressional intelligence committees on the grounds that providing the information to the congressional intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

(f) “Intelligence activities” defined

As used in this section, the term “intelligence activities” includes covert actions as defined in section 3093(e) of this title, and includes financial intelligence activities.

(July 26, 1947, ch. 343, title V, §501, as added Pub. L. 102-88, title VI, §602(a)(2), Aug. 14, 1991, 105 Stat. 441; amended Pub. L. 107-306, title III, §§342(b), 353(b)(3)(A), (7), Nov. 27, 2002, 116 Stat. 2399, 2402; Pub. L. 108-458, title I, §1071(a)(1)(V), Dec. 17, 2004, 118 Stat. 3689; Pub. L. 111-259, title III, §331(a), Oct. 7, 2010, 124 Stat. 2685.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), 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.

CODIFICATION

Section was formerly classified to section 413 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 501 of act July 26, 1947, ch. 343, title V, as added Pub. L. 96-450, title IV, §407(b)(1), Oct. 14, 1980, 94 Stat. 1981, related to congressional oversight of intelligence activities, prior to repeal by Pub. L. 102-88, §602(a)(2).

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-259 substituted “such written procedures” for “such procedures”.

2004—Subsec. (d). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence”.