Order 12863 of September 13, 1993, as amended, immedi-
ately prior to the signing of this order shall be mem-
bers of the President's Intelligence Advisory Board im-
mediately upon the signing of this order, to serve at
such consistent with this order until the date that is 15
months following the date of this order.

(c) Individuals who are members of the Intelligence
Oversight Board under Executive Order 12863 imme-
diately prior to the signing of this order shall be mem-
bers of the Intelligence Oversight Board under this
order, to serve as such consistent with this order until
the date that is 15 months following the date of this
order.

(d) The individual serving as Executive Director of
the President's Foreign Intelligence Advisory Board
immediately prior to the signing of this order shall
serve as the Executive Director of the PIAB until such
person resigns, dies, or is removed, or upon appoint-
ment of a successor under this order and shall serve as
the Executive Director of the IOB until an Executive
Director of the IOB is appointed or designated under
this order.

Sic. 10. Revocation. Executive Order 12863 is revoked.
(a) Nothing in this order shall be construed to impair
or otherwise affect:
(i) authority granted by law to a department or agen-
cy, or the head thereof; or
(ii) functions of the Director of the Office of Manage-
ment and Budget relating to budget, administrative, or
legislative proposals.

(b) Any person who is a member of the PIAB or the
IOB, or who is granted access to classified national se-
curity information in relation to the activities of the
PIAB or the IOB, as a condition of access to such infor-
mation, shall sign and comply with appropriate agree-
ments to protect such information from unauthorized
disclosure. This order shall be implemented in a man-
ner consistent with Executive Order 12868 of April 17,
1995, as amended, and Executive Order 12983 of August
2, 1995, as amended.

(c) This order shall be implemented consistent with
applicable law and subject to the availability of appro-
priations.

(d) This order is intended only to improve the inter-

c|nal management of the executive branch and is not in-

tended to, and does not, create any right or benefit,

substantive or procedural, enforceable at law or in eq-

uity, by any party against the United States, its de-

partments, agencies or entities, its officers, employees,
or agents, or any other person.

GEORGE W. BUSH.

Effective Dates of Provisions in Title I of the Intel-

gle and Terrorism Prevention Act of 2004

Memorandum of President of the United States, Apr.
21, 2005, 70 F.R. 23925, provided:

Memorandum for the Secretary of State[,] the Sec-

tary of the Treasury[,] the Secretary of Defense[,] the

Attorney General[,] the Secretary of Energy[,] the Sec-

tary of Homeland Security[,] the Director of the Of-

fice of Management and Budget[,] and the Director of

National Intelligence

Subsection 1097(a) of the Intelligence Reform and

Terrorism Prevention Act of 2004 (Public Law 108–458,

December 17, 2004) (the Act) [set out in a note above]

provides:

(a) IN GENERAL—Except as otherwise expressly pro-

vided in this Act, this title and the amendments

made by this title shall take effect not later than 6

months after the date of the enactment of this Act.

Subsection 1097(a) clearly contemplates that one or

more of the provisions in Title I of the Act may take

effect earlier than the date that is 6 months after

the date of enactment of the Act, but does not state

explicitly the mechanism for determining when such earlier
effect shall occur, leaving it to the President in the

execution of the Act. Moreover, given that section

1097(a) evinces a legislative intent to afford the Presi-
dent flexibility, and such flexibility is constitutionally
appropriate with respect to intelligence matters (see

United States v. Curtis–Wright Export Corporation, 299

U.S. 304 (1936)), the executive branch shall construe sec-

tion 1097(a) to authorize the President to select dif-

ter effective dates that precede the 6-month dead-

line for different provisions in Title I.

Therefore, pursuant to the Constitution and the laws

of the United States of America, including subsection

1097(a) of the Act, I hereby determine and direct:

1. Sections 1097(a) and 1105 of the Act [set out in notes

above], relating respectively to effective dates of provi-
sions and to severability, shall take effect immediately

upon the signing of this memorandum to any extent

that they have not already taken effect.

2. Provisions in Title I of the Act other than those ad-


dressed in numbered paragraph 1 of this memorandum
shall take effect immediately upon the signing of this

memorandum, except:

(a) any provision in Title I of the Act for which the

Act expressly provides the date on which the provision
shall take effect; and

(b) sections 1021 and 1092 of the Act [enacting section

3056 of this title and provisions set out in a note above,
respectively], relating to the National Counter-

terrorism Center.

The taking of effect of a provision pursuant to sec-

tion 1097(a) of the Act and this memorandum shall not

affect the construction of such provision by the execu-

tive branch as set forth in my Statement of December

17, 2004, upon signing the Act into law.

The Director of the Office of Management and Budget
is authorized and directed to publish this memorandum
in the Federal Register.

GEORGE W. BUSH.

§ 3002. Congressional declaration of purpose

In enacting this chapter, it is the intent of Congress to provide a comprehensive program
for the future security of the United States; to provide for the establishment of integrated poli-
cies and procedures for the departments, agen-
cies, and functions of the Government relating
to the national security; to provide a Depart-
ment of Defense, including the three military
Departments of the Army, the Navy (including
naval aviation and the United States Marine
Corps), and the Air Force under the direction,
authority, and control of the Secretary of De-

fense; to provide that each military department
shall be separately organized under its own Sec-

tary and shall function under the direction,

authority, and control of the Secretary of De-

fense; to provide for their unified direction
under civilian control of the Secretary of De-

fense but not to merge these departments or

services; to provide for the establishment of uni-

fied or specified combatant commands, and a

clear and direct line of command to such com-

mands; to eliminate unnecessary duplication
in the Department of Defense, and particularly in
the field of research and engineering by vesting
its overall direction and control in the Sec-

detary of Defense; to provide a more effective, effi-
cient, and economical administration in the De-

partment of Defense; to provide for the unified
direct line under civilian control of the Secretary of De-
fense; and to provide for the establishment of uni-

fied or specified combatant commands, and a clear
and direct line of command to such commands;
to eliminate unnecessary duplication in the
Department of Defense, and particularly in
the field of research and engineering by vesting
its overall direction and control in the Sec-
detary of Defense; to provide a more effective, ef-
cient, and economical administration in the De-
partment of Defense; to provide for the unified
direct line under civilian control of the Secretary of De-
fense; and to provide for the establishment of uni-

fied or specified combatant commands, and a clear
and direct line of command to such commands;
to eliminate unnecessary duplication in the
Department of Defense, and particularly in
the field of research and engineering by vesting
its overall direction and control in the Sec-
detary of Defense; to provide a more effective, ef-
cient, and economical administration in the De-
partment of Defense; to provide for the unified
direct line under civilian control of the Secretary of De-
fense; and to provide for the establishment of uni-

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fense; and to provide for the establishment of uni-

fied or specified combatant commands, and a clear
and direct line of command to such commands;
to eliminate unnecessary duplication in the
Department of Defense, and particularly in
the field of research and engineering by vesting
its overall direction and control in the Sec-

§ 3003

**Title 50—War and National Defense** Page 474

**References in Text**

This chapter, referred to in text, was in the original "this legislation", 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 401 of this title prior to editorial reclassification and renumbering as this section.

**Amendments**

1958—Pub. L. 85–599 amended section generally, and, among other changes, provided that each military department shall be separately organized, instead of separately administered, under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense, and inserted provisions relating to establishment of unified or specified combatant commands and for elimination of unnecessary duplication.

1949—Act Aug. 10, 1949, provided that the military departments shall be separately administered but be under the direction of the Secretary of Defense, and that there shall not be a single Chief of Staff over the armed forces nor an armed forces general staff.

§ 3003. Definitions

As used in this chapter:

(1) The term "intelligence" includes foreign intelligence and counterintelligence.

(2) The term "foreign intelligence" means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(3) The term "counterintelligence" means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(4) The term "intelligence community" includes the following:

(A) The Office of the Director of National Intelligence.

(B) The Central Intelligence Agency.

(C) The National Security Agency.

(D) The Defense Intelligence Agency.

(E) The National Geospatial-Intelligence Agency.

(F) The National Reconnaissance Office.

(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy.

(I) The Bureau of Intelligence and Research of the Department of State.

(J) The Office of Intelligence and Analysis of the Department of the Treasury.

(K) The Office of Intelligence and Analysis of the Department of Homeland Security.

(L) Such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

(5) The terms "national intelligence" and "intelligence related to national security" refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

(B) that involves—

(i) threats to the United States, its people, property, or interests;

(ii) the development, proliferation, or use of weapons of mass destruction; or

(iii) any other matter bearing on United States national or homeland security.

(6) The term "National Intelligence Program" refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director of National Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(7) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.


**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 to section 401a of this title prior to editorial reclassification and renumbering as this section.

**Amendments**