

as those required by FISA and Executive Order 12333. This order is not intended to alter the rules applicable to United States persons adopted pursuant to FISA, Executive Order 12333, or other applicable law.

(f) This order shall apply to signals intelligence activities consistent with the scope of PPD-28's application to such activities prior to PPD-28's partial revocation by the national security memorandum issued concurrently with this order. To implement this subsection, the head of each agency containing an element of the Intelligence Community, in consultation with the Attorney General and the Director, is hereby delegated the authority to issue guidance, which may be classified, as appropriate, as to the scope of application of this order with respect to the element or elements of the Intelligence Community within their agency. The CLPO and the Data Protection Review Court, in carrying out the functions assigned to it under this order, shall treat such guidance as authoritative and binding.

(g) Nothing in this order confers authority to declassify or disclose classified national security information except as authorized pursuant to Executive Order 13526 or any successor order. Consistent with the requirements of Executive Order 13526, the CLPO, the Data Protection Review Court, and the special advocates shall not have authority to declassify classified national security information, nor shall they disclose any classified or otherwise privileged or protected information except to authorized and appropriately cleared individuals who have a need to know the information.

(h) This order creates an entitlement to submit qualifying complaints to the CLPO and to obtain review of the CLPO's decisions by the Data Protection Review Court in accordance with the redress mechanism established in section 3 of this order. This order is not intended to, and does not, create any other entitlement, right, or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This order is not intended to, and does not, modify the availability or scope of any judicial review of the decisions rendered through the redress mechanism, which is governed by existing law.

J.R. BIDEN, JR.

EFFECTIVE DATES OF PROVISIONS IN TITLE I OF THE INTELLIGENCE REFORM 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 Secretary of the Treasury[,] the Secretary of Defense[,] the Attorney General[,] the Secretary of Energy[,] the Secretary of Homeland Security[,] the Director of the Office 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 provided 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 President flexibility, and such flexibility is constitutionally appropriate with respect to intelligence matters (see *United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936)), the executive branch shall construe section 1097(a) to authorize the President to select different effective dates that precede the 6-month deadline 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 1103 of the Act [set out in notes above], relating respectively to effective dates of provisions 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 addressed 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 Counterterrorism Center.

The taking of effect of a provision pursuant to section 1097(a) of the Act and this memorandum shall not affect the construction of such provision by the executive 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 policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department 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 Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified 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 Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff.

(July 26, 1947, ch. 343, § 2, 61 Stat. 496; Aug. 10, 1949, ch. 412, § 2, 63 Stat. 579; Pub. L. 85-599, § 2, Aug. 6, 1958, 72 Stat. 514.)

Editorial Notes

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 Space Force, 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.

(July 26, 1947, ch. 343, §3, as added Pub. L. 102-496, title VII, §702, Oct. 24, 1992, 106 Stat. 3188; amended Pub. L. 103-359, title V, §501(a)(1), Oct. 14, 1994, 108 Stat. 3428; Pub. L. 104-201, div. A, title XI, §1122(b)(1), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 107-56, title IX, §902, Oct. 26, 2001, 115 Stat. 387; Pub. L. 107-108, title I, §105, Dec. 28, 2001, 115 Stat. 1397; Pub. L. 107-296, title II, §201(h), Nov. 25, 2002, 116 Stat. 2149; Pub. L. 107-306, title III, §353(a), Nov. 27, 2002, 116 Stat. 2401; Pub. L. 108-136, div. A, title IX, §921(e)(1), Nov. 24, 2003, 117 Stat. 1569; Pub. L. 108-177, title I, §105(d)(1), Dec. 13, 2003, 117 Stat. 2603; Pub. L. 108-458, title I, §§1012, 1073, 1074(a), Dec. 17, 2004, 118 Stat. 3662, 3693, 3694; Pub. L. 111-259, title IV, §441, title VIII, §804(1), Oct. 7, 2010, 124 Stat. 2732, 2747; Pub. L. 112-87, title IV, §431, title V, §505(1), Jan. 3, 2012, 125 Stat. 1894, 1897; Pub. L. 117-263, div. F, title LXIV, §6421, Dec. 23, 2022, 136 Stat. 3530.)

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