

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.

Statutory Notes and Related Subsidiaries

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 up to 8 members appointed by the Director, in consultation with the Director of National Intelligence and the Secretary of Defense, from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office, and who do not present any actual or potential conflict of interest.

(ii) Membership structure

The Director shall ensure that no more than 2 concurrently serving members of the Board qualify for membership on the Board based predominantly on a single qualification set forth under clause (i).

(iii) 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) Charter

The Director shall establish a charter for the Board that includes the following:

(A) Mandatory processes for identifying potential conflicts of interest, including the submission of initial and periodic financial disclosures by Board members.

(B) The vetting of potential conflicts of interest by the designated agency ethics official, except that no individual waiver may be granted for a conflict of interest identified with respect to the Chair of the Board.

(C) The establishment of a process and associated protections for any whistleblower alleging a violation of applicable conflict of interest law, Federal contracting law, or other provision of law.

(6) 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.

(7) Nonapplicability of certain requirements

The Federal Advisory Committee Act (5 U.S.C. App.)¹ shall not apply to the Board.

(8) Termination

The Board shall terminate on August 31, 2027.

(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; Pub. L. 117-263, div. F, title LXIV, §6431, Dec. 23, 2022, 136 Stat. 3532; Pub. L. 118-159, div. F, title LXIII, §6304, Dec. 23, 2024, 138 Stat. 2473.)

Editorial Notes

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)(7), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

AMENDMENTS

2024—Subsec. (d)(3)(A)(i). Pub. L. 118-159, §6304(1)(A), substituted “up to 8 members appointed by the Direc-

tor” for “five members appointed by the Director” and inserted “, and who do not present any actual or potential conflict of interest” before period at end.

Subsec. (d)(3)(A)(ii), (iii). Pub. L. 118-159, §6304(1)(B), (C), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (d)(5) to (7). Pub. L. 118-159, §6304(2), (3), added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (8).

Subsec. (d)(8). Pub. L. 118-159, §6304(2), (4), redesignated par. (7) as (8) and substituted “August 31, 2027” for “September 30, 2024”.

2022—Subsec. (d)(3)(A)(i). Pub. L. 117-263, §6431(1), inserted “, in consultation with the Director of National Intelligence and the Secretary of Defense,” after “Director”.

Subsec. (d)(7). Pub. L. 117-263, §6431(2), substituted “September 30, 2024” for “the date that is 3 years after the date of the first meeting of the Board”.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 113-126, title IV, §413, July 7, 2014, 128 Stat. 1410, as amended by Pub. L. 117-286, §4(b)(12), Dec. 27, 2022, 136 Stat. 4344, provided that:

“(a) IN GENERAL.—The amendments made by sections 411 [enacting this section] and 412 [amending sections 8G and 12 of Pub. L. 95-452, formerly set out in the Appendix to Title 5, Government Organization and Employees] shall take effect on October 1, 2014, and shall apply upon the earlier of—

“(1) in the case of section 411—

“(A) 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 October 1, 2014; or

“(B) 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 October 1, 2014; and

“(2) in the case of section 412—

“(A) the date of the first nomination by the President of an individual to serve as the Inspector General of the National Reconnaissance Office that occurs on or after October 1, 2014; or

“(B) the date of the cessation of the performance of the duties of the Inspector General of the National Reconnaissance Office by the individual performing such duties on October 1, 2014.

“(b) EXCEPTION FOR INITIAL NOMINATIONS.—Notwithstanding paragraph (1)(A) or (2)(A) of subsection (a), an individual serving as the Director of the National Reconnaissance Office or the Inspector General of the National Reconnaissance Office on the date that the President first nominates an individual for such position on or after October 1, 2014, may continue to perform in that position after such date of nomination and until the individual appointed to the position, by and with the advice and consent of the Senate, assumes the duties of the position.

“(c) INCUMBENT INSPECTOR GENERAL.—The individual serving as Inspector General of the National Reconnaissance Office on the date of the enactment of this Act [July 7, 2014] shall be eligible to be appointed by the President to a new term of service under section 403 of title 5, United States Code, by and with the advice and consent of the Senate.”

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).”

¹ See References in Text note below.

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).

(b) Contents

Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

(c) Classified and unclassified form

Each national security strategy report shall be transmitted to Congress in classified form, but may include an unclassified summary.

(July 26, 1947, ch. 343, title I, § 108, formerly § 104, as added Pub. L. 99–433, title VI, § 603(a)(1), Oct. 1, 1986, 100 Stat. 1074; renumbered § 108, Pub. L. 102–496, title VII, § 705(a)(2), Oct. 24, 1992, 106 Stat. 3190; amended Pub. L. 106–65, div. A, title IX, § 901(b), Oct. 5, 1999, 113 Stat. 717; Pub. L. 114–328, div. A, title IX, § 944, Dec. 23, 2016, 130 Stat. 2371; Pub. L. 116–92, div. E, title LXVII, § 6742(b)(4), Dec. 20, 2019, 133 Stat. 2240.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

2019—Subsec. (c). Pub. L. 116–92 substituted “to Congress in classified form, but may include an unclassified summary” for “in both a classified and an unclassified form”.

2016—Subsec. (c). Pub. L. 114–328, which directed substitution of “to Congress in classified form, but may include an unclassified summary” for “in both a classified form and an unclassified form”, could not be executed because the words “in both a classified form and an unclassified form” did not appear in text.

1999—Subsec. (a)(3). Pub. L. 106–65 added par. (3).

Statutory Notes and Related Subsidiaries

NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES

Pub. L. 112–81, div. A, title X, § 1032, Dec. 31, 2011, 125 Stat. 1571, as amended by Pub. L. 113–291, div. A, title XII, § 1262, Dec. 19, 2014, 128 Stat. 3580, provided that:

“(a) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

“(b) NATIONAL SECURITY PLANNING GUIDANCE.—

“(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) [now 50 U.S.C. 3043] to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and nongovernmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

“(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following:

“(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.