

“(ii) may be designated as covered intelligence provisions before such designation becomes final; and

“(B) establish a period of not fewer than 30 days and not more than 60 days after receipt of the written notice required under paragraph (3) of subsection (d) of such section 304 [50 U.S.C. 3073a(d)(3)], as added by subsection (c)(1) of this section, within which such personnel may opt out of a covered intelligence position and the accompanying obligations imposed by subsection (a)(1)(A) of such section 304 [50 U.S.C. 3073a(a)(1)(A)], as amended by subsection (a) of this section.

“(4) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

“(A) a written certification for each head of an element of the intelligence community who has issued new or updated regulations pursuant to paragraph (2); and

“(B) for each head of an element of the intelligence community who has not issued such new or updated regulations, an explanation for the failure to issue such new or updated regulations.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6301(d) of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.]

Pub. L. 117-103, div. X, title III, §308(a)(3), Mar. 15, 2022, 136 Stat. 970, provided that:

“(A) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act [Mar. 15, 2022], the head of each element of the intelligence community shall submit to the congressional intelligence committees new or updated regulations issued under such section 304 [50 U.S.C. 3073a], as amended by paragraph (1).

“(B) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

“(i) a written certification for each head of an element of the intelligence community who has issued the updated regulations under such section 304, as amended by paragraph (1); and

“(ii) for each head of an element of the intelligence community who has not issued such updated regulations, an explanation for the failure to issue such updated regulations.”

[For definitions of “congressional intelligence committees” and “intelligence community” as used in section 308(a)(3) of div. X of Pub. L. 117-103, set out above, see section 2 of div. X of Pub. L. 117-103, set out as a note under section 3003 of this title.]

REGULATIONS AND CERTIFICATION

Pub. L. 113-293, title III, §305(b), Dec. 19, 2014, 128 Stat. 3996, provided that:

“(1) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act [Dec. 19, 2014], the head of each element of the intelligence community shall issue the regulations required under section 304 of the National Security Act of 1947 [50 U.S.C. 3073a], as added by subsection (a) of this section.

“(2) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

“(A) a certification that each head of an element of the intelligence community has prescribed the regulations required under section 304 of the National Security Act of 1947, as added by subsection (a) of this section; or

“(B) if the Director is unable to submit the certification described under subparagraph (A), an explanation as to why the Director is unable to submit such certification, including a designation of which heads of an element of the intelligence community have prescribed the regulations required under such section 304 and which have not.”

[For definitions of terms used in section 305(b) of Pub. L. 113-293, set out above, see section 2 of Pub. L. 113-293, set out as a note under section 3003 of this title.]

INITIAL REPORT

Pub. L. 117-103, div. X, title III, §308(a)(4), Mar. 15, 2022, 136 Stat. 970, provided that: “In the first report submitted by the Director of National Intelligence under subsection (e) of such section 304 [50 U.S.C. 3073a(e)], as amended by paragraph (1), the Director shall include an assessment of the licensing requirements under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and recommendations with respect to strengthening the activities regulated under such section 304.”

§ 3074. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter (other than the provisions and purposes of sections 3023, 3025, 3035, 3038 of this title and subchapters III, IV, and V).

(July 26, 1947, ch. 343, title III, §307, 61 Stat. 509; Pub. L. 103-178, title III, §309, Dec. 3, 1993, 107 Stat. 2036.)

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 411 of this title prior to editorial reclassification and renumbering as this section, and to section 171m 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

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.

¹ See References in Text note below.

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 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 re-

¹ See References in Text note below.