

A. CENTRAL INTELLIGENCE AGENCY

NATIONAL SECURITY ACT OF 1947

ACT OF JULY 26, 1947

AN ACT To promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, and a Department of the Air Force; and for the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That [50 U.S.C. 401 note] this Act may be cited as the "National Security Act of 1947".

TABLE OF CONTENTS

Sec. 2. Declaration of policy.

TITLE I—COORDINATION FOR NATIONAL SECURITY

- Sec. 101. National Security Council.
- Sec. 102. Central Intelligence Agency.
- Sec. 102a. Appointment of Director of Intelligence Community Staff.
- Sec. 103. National Security Resources Board.

TITLE II—THE DEPARTMENT OF DEFENSE

- Sec. 201. Department of Defense.
- Sec. 202. Secretary of Defense.*
- Sec. 203. Military Assistants to the Secretary.*
- Sec. 204. Civilian personnel.*
- Sec. 205. Department of the Army.
- Sec. 206. Department of the Navy.
- Sec. 207. Department of the Air Force.
- Sec. 208. United States Air Force.*
- Sec. 209. Effective date of transfers.*
- Sec. 210. War Council.*
- Sec. 211. Joint Chiefs of Staff.*
- Sec. 212. Joint Staff.*
- Sec. 213. Munitions Board.*
- Sec. 214. Research and Development Board.*

TITLE III—MISCELLANEOUS

- Sec. 301. Compensation of Secretaries.*
- Sec. 302. Under Secretaries and Assistant Secretaries.*
- Sec. 303. Advisory committees and personnel.
- Sec. 304. Status of transferred civilian personnel.*
- Sec. 305. Saving provisions.*
- Sec. 306. Transfer of funds.*
- Sec. 307. Authorization for appropriations.
- Sec. 308. Definitions.
- Sec. 309. Separability.
- Sec. 310. Effective date.

*Section repealed without amending table of contents.

(a) Establishment; Director and Deputy Director; appointment

There is established under the National Security Council a Central Intelligence Agency¹¹ with a Director of Central Intelligence who shall

be the head thereof,¹² and with a Deputy Director of Central Intelligence¹³ who shall act for, and exercise the powers of, the Director during his absence or disability.¹⁴ The Director¹⁵ and the Deputy Director¹⁶ shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,* That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.¹⁷

(b) Commissioned officer as Director or Deputy Director; powers and limitations; effect on commissioned status

(1) If a commissioned officer of the armed services is appointed as Director, or Deputy Director, then—

(A) in the performance of his duties as Director, or Deputy Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director, or Deputy Director, of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than

II-3

30 August 1984

that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to defray the expenses of the Central Intelligence Agency. He also shall be paid by the Central Intelligence Agency from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances.¹⁸

(3) The rank or grade of any such commissioned officer shall, during the period in which such commissioned officer occupies the office of Director of Central Intelligence, or Deputy Director of Central Intelligence, be in addition to the numbers and percentages otherwise authorized and appropriated for the armed service of which he is a member.¹⁹

(c) Termination of employment of officers and employees; effect on right of subsequent employment

Notwithstanding the provisions of section 652 [now repealed]²⁰ of Title 5, or the provisions of any other law,²¹ the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable to the interests of the United States,²² but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) Powers and duties

For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—²³

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

II-4

30 August 1984

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpena, law-enforcement powers,²⁴ or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally; and

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) Inspection of intelligence of other departments

To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination; *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Termination of National Intelligence Authority; transfer of personnel, property, records, and unexpended funds

Effective when the Director first appointed under subsection (a) of this section has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946)²⁵ shall cease to exist;²⁶ and

II-5

30 August 1984

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist.²⁷ Any unexpected balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

50 U.S.C.A. 403-1 [§ 102a of Nat. Sec. Act]. Intelligence Community Staff; appointment of Director

(1) If a commissioned officer of the Armed Forces is appointed as Director of the Intelligence Community Staff, such commissioned officer, while serving in such position—

(A) shall not be subject to supervision, control, restriction, or prohibition by the Department of Defense or any component thereof; and

(B) shall not exercise, by reason of his status as a commissioned officer, any supervision, control, powers, or functions (other than as authorized as Director of the Intelligence Community Staff) with respect to any of the military or civilian personnel thereof.

(2) Except as provided in subsection (1), the appointment of a commissioned officer of the Armed Forces to the position of Director of the Intelligence Community Staff, his acceptance of such appointment and his service in such position shall in no way affect his status, position, rank, or grade in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade. Any such commissioned officer, while serving in the position of Director of the Intelligence Community Staff, shall continue to hold a rank and grade not lower than that in which he was serving at the time of his appointment to such position and to receive the military pay and allowances (including retired or retainer pay) payable to a commissioned officer of his grade and length of service for which the appropriate military department shall be reimbursed from any funds available to defray the expenses of the Intelligence Community Staff. In addition to any pay or allowance payable under the preceding sentence, such commissioned officer shall be paid by the Intelligence Community Staff, from funds available to defray the expenses of such staff, an annual compensation at a rate equal to the excess of the rate of compensation payable for such position over the annual rate of his military pay (including retired and retainer pay) and allowances.

II-6

30 August 1984

(3) Any commissioned officer to which subsection (1) applies, during the period of his service as Director of the Intelligence Community Staff, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which he is a member, except that only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 403 of this title or the position of Director of the Intelligence Community Staff, under this section, shall be exempt from such numbers and percentage at any one time.²⁸

SUBCHAPTER II—MISCELLANEOUS AND CONFORMING PROVISIONS

50 U.S.C.A. 405 [§ 303 of Nat. Sec. Act]. Advisory Committees; appointment; compensation of part-time personnel; applicability of other laws

(a) The Director of the Office of Emergency Preparedness, the Director of Central Intelligence, and the National Security Council,²⁹ acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this chapter, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a daily rate not to exceed the daily equivalent of the rate of pay in effect for grade GS-18 of the General Schedule established by section 5332 of Title 5, United States Code, as determined by the appointing authority.³⁰

(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of section 203, 205, or 207 of Title 18,³¹ unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested.

II-7

30 August 1984

wound up. By memoranda of 26 and 27 September 1945, Assistant Secretary of War John J. McCloy and Secretary of War Robert B. Peterson created the Strategic Services Unit, with Brigadier General John Magruder as its head, to "exercise, administer and operate (with power of delegation and successive redelegation where appropriate) the functions, personnel, records and property which have been or will be transferred to the War Department and the Secretary of War under" Executive Order 9621.

²⁸ In addition, subsection 1001(c) of the Department of Defense Authorization Act, 1984 (97 Stat. 614, Pub. L. 98-94, September 24, 1983), provides:

(c) During fiscal year 1984, a commissioned officer serving in the position of Director of the Intelligence Community Staff shall not be counted against the numbers and percentages of commissioned officers of the grade of such officer authorized for the Armed Forces of which he is a member, except that during such year only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 102 of the National Security Act of 1947 (50 U.S.C. 403) or the position of Director of the Intelligence Community Staff may be exempt from such numbers and percentages at any one time.

²⁹ Section 303, as enacted in 1947, did not apply to the National Security Council. The Council was included in the subsection by the National Security Act Amendments of 1949 (Pub. L. 81-216).

³⁰ The 1947 Act authorized compensation "not to exceed \$35." The provision was changed to "\$50" by section 10 of the National Security Act Amendments of 1949 (63 Stat. 578) and to the current language by the 1981 amendments (95 Stat. 1150).

³¹ Section 203 prohibits bribes and similar activities and sections 205 and 207 prohibit activities by government employees and former employees which are inconsistent with their duties as government employees.

³² Section 501 was added to the National Security Act of 1947 by section 407(b) of the Intelligence Authorization Act for Fiscal Year 1981 (Pub. L. 96-450, *Guide*, Part VII(A)). See also the charters of the intelligence committees of the Senate and the House of Representatives, at Part VIII of the *Guide*.

³³ Section 502 was added to the National Security Act of 1947 by section 401 of the Intelligence Authorization Act for Fiscal Year 1986 (*Guide*, Part VII (A)).

II-30

30 May 1986
TS 31