

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

A former section 205(b) of act July 26, 1947, ch. 343, title II, 61 Stat. 501, which deemed laws, orders, and regulations applicable to the Department of War to be applicable to the newly designated Department of the Army, was classified to section 181-1(b) of former Title 5, Executive Departments and Government Officers and Employees, prior to being omitted from the Code upon the enactment of Title 10, Armed Forces, by act Aug. 10, 1956. Section 205(b) of act July 26, 1947, was subsequently redesignated as section 205(a) of that Act by Pub. L. 116-92, div. E, title LXVII, § 6742(b)(7), Dec. 20, 2019, 133 Stat. 2240.

Section was formerly classified to section 409 of this title prior to editorial reclassification and renumbering as this section, and to section 171-2 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.

Prior to the enactment of Title 10, Armed Forces, by act Aug. 10, 1956, subsecs. (a), (b), and (c) of this section were classified to sections 181-1(c), 411a(a), and 626(c), respectively, of former Title 5.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3005. Department of Defense

Except to the extent inconsistent with the provisions of this chapter or other provisions of law, the provisions of title 5 shall be applicable to the Department of Defense.

(July 26, 1947, ch. 343, title II, § 201, as added Pub. L. 116-92, div. E, title LXVII, § 6742(b)(6), Dec. 20, 2019, 133 Stat. 2240.)

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 6742(b)(6) of Pub. L. 116-92, which directed the general amendment of section 201 of act July 26, 1947, ch. 343, was executed by adding a new section 201 to the Act and classifying it to this section, in light of the repeal of former section 201 by Pub. L. 87-651, § 307, Sept. 7, 1962, 76 Stat. 526.

PRIOR PROVISIONS

A prior section 3005, act July 26, 1947, ch. 343, title II, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579, which applied the provisions of title 4 of the Revised Statutes to the Department of Defense, except to the extent inconsistent with the provisions of this chapter, was technically repealed by Pub. L. 87-651, § 307, Sept. 7, 1962, 76 Stat. 526, but continued to be set out as this section prior to the enactment of Pub. L. 116-92.

A prior section 201 of act July 26, 1947, ch. 343, title II, as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579, which established the Department of Defense as an Executive Department and established within it the various military departments, consisted of subsecs. (a) and (b), classified to section 171 of former Title 5, Executive Departments and Government Officers and Employees; subsec. (c), classified to section 1 of former Title 5; and subsec. (d), classified first to section 171-1 of former Title 5, then to section 408 of this title, and finally to this section (see note above). Section 201 was repealed by Pub. L. 87-651, § 307, Sept. 7, 1962, 76 Stat. 526.

§ 3006. Transferred

Editorial Notes

CODIFICATION

Section, act 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, which related to repealing and savings provisions, was transferred to section 3078 of this title.

SUBCHAPTER I—COORDINATION FOR NATIONAL SECURITY

§ 3021. National Security Council

(a) National Security Council

There is a council known as the National Security Council (in this section referred to as the “Council”).

(b) Functions

Consistent with the direction of the President, the functions of the Council shall be to—

(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President;

(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security; and

(4) coordinate, without assuming operational authority, the United States Government response to malign foreign influence operations and campaigns.

(c) Membership

(1) In general

The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, the Director of the Office of Pandemic Preparedness and Response Policy and such other officers of the United States Government as the President may designate.

(2) Attendance and participation in meetings

The President may designate such other officers of the United States Government as the

President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, the Chairman of the Joint Chiefs of Staff, and the National Cyber Director, to attend and participate in meetings of the Council.

(d) Presiding officers

At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

(e) Staff

(1) In general

The Council shall have a staff headed by a civilian executive secretary appointed by the President.

(2) Staff

Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

(3) Number of professional staff

The professional staff for which this subsection provides shall not exceed 200 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving substantially in support or administrative positions.

(f) Special Advisor to the President on International Religious Freedom

It is the sense of Congress that there should be within the staff of the Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 6402 of title 22), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.

(g) Coordinator for combating malign foreign influence operations and campaigns

(1) In general

The President shall designate an employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns.

(2) Congressional briefing

(A) In general

Not less frequently than twice each year, the employee designated under this sub-

section, or the employee's designee, shall provide to the congressional committees specified in subparagraph (B) a briefing on the responsibilities and activities of the employee designated under this subsection.

(B) Committees specified

The congressional committees specified in this subparagraph are the following:

(i) The Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) The Committees on Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

(h) Definition of malign foreign influence operations and campaigns

In this section, the term “malign foreign influence operations and campaigns” means the coordinated, direct or indirect application of national diplomatic, informational, military, economic, business, corruption, educational, and other capabilities by hostile foreign powers to affect attitudes, behaviors, decisions, or outcomes within the United States.

(July 26, 1947, ch. 343, title I, §101, 61 Stat. 496; Aug. 10, 1949, ch. 412, §3, 63 Stat. 579; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Oct. 10, 1951, ch. 479, title V, §501(e)(1), 65 Stat. 378; Pub. L. 99-433, title II, §203, Oct. 1, 1986, 100 Stat. 1011; Pub. L. 99-500, §101(c) [title IX, §9115(f)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-125, and Pub. L. 99-591, §101(c) [title IX, §9115(f)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-125; Pub. L. 99-661, div. A, title XIII, §1311(f), Nov. 14, 1986, 100 Stat. 3986; Pub. L. 100-690, title I, §1003(a)(3), Nov. 18, 1988, 102 Stat. 4182; Pub. L. 102-496, title VII, §703, Oct. 24, 1992, 106 Stat. 3189; Pub. L. 104-293, title VIII, §§802, 804, Oct. 11, 1996, 110 Stat. 3474, 3476; Pub. L. 105-277, div. C, title VII, §713(b), Oct. 21, 1998, 112 Stat. 2681-693; Pub. L. 105-292, title III, §301, Oct. 27, 1998, 112 Stat. 2800; Pub. L. 108-458, title I, §§1071(a)(1)(A)-(D), 1072(a)(1), Dec. 17, 2004, 118 Stat. 3689, 3692; Pub. L. 110-53, title XVIII, §1841(g), Aug. 3, 2007, 121 Stat. 500; Pub. L. 110-140, title IX, §932, Dec. 19, 2007, 121 Stat. 1740; Pub. L. 113-126, title VII, §702, July 7, 2014, 128 Stat. 1422; Pub. L. 114-328, div. A, title X, §1085(a), Dec. 23, 2016, 130 Stat. 2422; Pub. L. 115-44, title II, §274(a), Aug. 2, 2017, 131 Stat. 938; Pub. L. 115-232, div. A, title X, §1043(a), Aug. 13, 2018, 132 Stat. 1957; Pub. L. 116-283, div. A, title XVII, §1752(d), Jan. 1, 2021, 134 Stat. 4147; Pub. L. 117-328, div. FF, title II, §2104(k)(2), Dec. 29, 2022, 136 Stat. 5720.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 402 of this title prior to editorial reclassification and renumbering as this section.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2022—Subsec. (c)(1). Pub. L. 117-328 inserted “the Director of the Office of Pandemic Preparedness and Response Policy” after “Treasury,”.

2021—Subsec. (c)(2). Pub. L. 116-283 substituted “the Chairman of the Joint Chiefs of Staff, and the National Cyber Director” for “and the Chairman of the Joint Chiefs of Staff”.

2018—Subsec. (b)(4). Pub. L. 115-232, §1043(a)(1), added par. (4).

Subsecs. (g), (h). Pub. L. 115-232, §1043(a)(2), added subsecs. (g) and (h).

2017—Subsec. (c)(1). Pub. L. 115-44 inserted “the Secretary of the Treasury,” before “and such other officers”.

2016—Pub. L. 114-328 amended section generally. Prior to amendment, section related to the National Security Council.

2014—Subsec. (a)(5) to (8). Pub. L. 113-126 substituted “; and” for semicolon at end of par. (5), redesignated par. (8) as (6) and struck out “the Chairman of the Munitions Board, and the Chairman of the Research and Development Board,” after “military departments,” and struck out former pars. (6) and (7) which read as follows:

“(6) the Director for Mutual Security;

“(7) the Chairman of the National Security Resources Board; and”.

2007—Subsec. (a)(5) to (8). Pub. L. 110-140 added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

Subsecs. (i), (k). Pub. L. 110-53, §1841(g)(1), redesignated subsec. (i), relating to Special Adviser to the President on International Religious Freedom, as (k).

Subsec. (l). Pub. L. 110-53, §1841(g)(2), added subsec. (l).

2004—Subsec. (h)(2)(A). Pub. L. 108-458, §1071(a)(1)(A), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (h)(5). Pub. L. 108-458, §1071(a)(1)(B), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (i)(2)(A). Pub. L. 108-458, §1071(a)(1)(C), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (j). Pub. L. 108-458, §1072(a)(1), substituted “Principal Deputy Director of National Intelligence” for “Deputy Director of Central Intelligence”.

Pub. L. 108-458, §1071(a)(1)(D), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

1998—Subsecs. (f), (g). Pub. L. 105-277 added subsec. (f) and redesignated former subsec. (f) as (g).

Subsec. (i). Pub. L. 105-292 added subsec. (i) relating to Special Adviser to the President on International Religious Freedom.

1996—Subsec. (h). Pub. L. 104-293, §802(2), added subsec. (h). Former subsec. (h) redesignated (j).

Subsec. (i). Pub. L. 104-293, §804, added subsec. (i).

Subsec. (j). Pub. L. 104-293, §802(1), redesignated subsec. (h) as (j).

1992—Subsec. (h). Pub. L. 102-496 added subsec. (h).

1988—Subsecs. (f), (g). Pub. L. 100-690, §§1003(a)(3), 1009, temporarily added subsec. (f), relating to participation by Director of National Drug Control Policy in meetings of National Security Council, and redesignated former subsec. (f) as (g). See Effective and Termination Dates of 1988 Amendment note below.

1986—Subsec. (e). Pub. L. 99-433 added subsec. (e).

Subsec. (f). Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 amended section identically adding subsec. (f).

1951—Subsec. (a). Act Oct. 10, 1951, inserted cl. (5) relating to Director for Mutual Security, in fourth paragraph, and renumbered former cls. (5) and (6) thereof as cls. (6) and (7), respectively.

1949—Subsec. (a). Act Aug. 10, 1949, added the Vice President to the Council, removed the Secretaries of the military departments, to authorize the President to add, with the consent of the Senate, Secretaries and Under Secretaries of other executive departments and of the military department, and the Chairmen of the Munitions Board and the Research and Development Board.

Subsec. (c). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923, as amended”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title X, §1085(b), Dec. 23, 2016, 130 Stat. 2423, provided that: “The limitation on the number of professional staff of the National Security Council specified in subsection (e)(3) of section 101 of the National Security Act of 1947 [50 U.S.C. 3021(e)(3)], as amended by subsection (a) of this section, shall take effect on the date that is 18 months after the date of the enactment of this Act [Dec. 23, 2016].”

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

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 in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Jan. 21, 1989, and repealed on Sept. 30, 1997, see sections 1012 and 1009, respectively, of Pub. L. 100-690.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

CONSTRUCTION OF 2017 AMENDMENT

Pub. L. 115-44, title II, §274(b), Aug. 2, 2017, 131 Stat. 938, provided that: “The amendment made by subsection (a) [amending this section] may not be construed to authorize the National Security Council to have a professional staff level that exceeds the limitation set forth under section 101(e)(3) of the National Security Act of 1947 (50 U.S.C. 3021(e)(3)).”

RULE OF CONSTRUCTION FOR DUPLICATE AUTHORIZATION AND APPROPRIATION PROVISIONS OF PUBLIC LAWS 99-500, 99-591, AND 99-661

For rule of construction for certain duplicate provisions of Public Laws 99-500, 99-591, and 99-661, see section 6 of Pub. L. 100-26, set out as a note under section 101 of Title 10, Armed Forces.

SECTION AS UNAFFECTED BY REPEALS

Repeals by section 542(a) of Mutual Security Act of 1954 did not repeal amendment to this section by act Oct. 10, 1951.

DEADLINE FOR APPOINTMENT OF COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS

Pub. L. 115-232, div. A, title X, §1043(c), Aug. 13, 2018, 132 Stat. 1958, provided that: “Not later than 180 days after the date of the enactment of this Act [Aug. 13,

2018], the President shall designate the employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns pursuant to subsection (g)(1) of section 101 of the National Security Act of 1947 (50 U.S.C. 3021), as added by subsection (a)(2).”

PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING

Pub. L. 108-375, div. A, title IX, §922, Oct. 28, 2004, 118 Stat. 2029, which authorized the Director of the National Security Agency to carry out a pilot program on cryptologic service training for the intelligence community, was repealed by Pub. L. 111-259, title III, §313(b)(1)(C), Oct. 7, 2010, 124 Stat. 2666.

Executive Documents

TRANSFER OF FUNCTIONS

Office of Director for Mutual Security abolished and functions of Director, including those as a member of National Security Council, transferred to Director of Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541, set out in the Appendix to Title 5, Government Organization and Employees. Foreign Operations Administration abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, and its functions and offices transferred to Department of State to be administered by International Cooperation Administration. For later transfer, see section 2381 of Title 22, Foreign Relations and Intercourse, and notes set out under that section.

National Security Resources Board, together with Office of Chairman, abolished by section 6 of Reorg. Plan No. 3 of 1953, eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634, set out under former section 3042 of this title. Functions of Chairman with limited exception, including his functions as a member of National Security Council transferred to Office of Defense Mobilization by section 2(a) of Reorg. Plan No. 3 of 1953. Functions of Director of Office of Defense Mobilization with respect to being a member of National Security Council transferred to Director of Office of Civil and Defense Mobilization by Reorg. Plan No. 1 of 1958, §4, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended by Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861, set out as a note under section 5195 of Title 42, The Public Health and Welfare. For subsequent transfers or delegations to Office of Emergency Planning, Office of Emergency Preparedness, President, Federal Preparedness Agency, and Secretary of Homeland Security, see Transfer of Functions notes set out under former section 3042 of this title.

Munitions Board, together with office of Chairman, abolished by section 2 of Reorg. Plan No. 6 of 1953, eff. June 30, 1953, 18 F.R. 3743, 67 Stat. 638, set out in the Appendix to Title 5, Government Organization and Employees. All functions vested in Munitions Board transferred to Secretary of Defense by section 1(a) of Reorg. Plan No. 6 of 1953.

Research and Development Board, together with office of Chairman, abolished by section 2 of Reorg. Plan No. 6 of 1953, eff. June 30, 1953, 18 F.R. 3743, 67 Stat. 638, set out in the Appendix to Title 5, Government Organization and Employees. Functions vested in Board transferred to Secretary of Defense by section 1(a) of Reorg. Plan No. 6 of 1953.

National Security Council, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) transferred to Executive Office of President by Reorg. Plan No. 4 of 1949, eff. Aug. 20, 1949, 14 F.R. 5227, 63 Stat. 1067, set out in the Appendix to Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 10483

Ex. Ord. No. 10483, Sept. 2, 1953, 18 F.R. 5379, as amended by Ex. Ord. No. 10598, Feb. 28, 1955, 20 F.R. 1237, which provided for an Operations Coordinating

Board, was superseded by Ex. Ord. No. 10700, Feb. 25, 1957, formerly set out below.

EXECUTIVE ORDER NO. 10700

Ex. Ord. No. 10700, Feb. 25, 1957, 22 F.R. 1111, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. 10838, Sept. 16, 1959, 24 F.R. 7519, which provided for the Operations Coordinating Board, was revoked by Ex. Ord. No. 10920, Feb. 18, 1961, 26 F.R. 1463.

EX. ORD. NO. 13228. ESTABLISHING THE OFFICE OF HOMELAND SECURITY AND THE HOMELAND SECURITY COUNCIL

Ex. Ord. No. 13228, Oct. 8, 2001, 66 F.R. 51812, as amended by Ex. Ord. No. 13284, §3, Jan. 23, 2003, 68 F.R. 4075; Ex. Ord. No. 13286, §8, Feb. 28, 2003, 68 F.R. 10622, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Establishment.* I hereby establish within the Executive Office of the President an Office of Homeland Security (the “Office”) to be headed by the Assistant to the President for Homeland Security.

SEC. 2. *Mission.* The mission of the Office shall be to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks. The Office shall perform the functions necessary to carry out this mission, including the functions specified in section 3 of this order.

SEC. 3. *Functions.* The functions of the Office shall be to coordinate the executive branch’s efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

(a) *National Strategy.* The Office shall work with executive departments and agencies, State and local governments, and private entities to ensure the adequacy of the national strategy for detecting, preparing for, preventing, protecting against, responding to, and recovering from terrorist threats or attacks within the United States and shall periodically review and coordinate revisions to that strategy as necessary.

(b) *Detection.* The Office shall identify priorities and coordinate efforts for collection and analysis of information within the United States regarding threats of terrorism against the United States and activities of terrorists or terrorist groups within the United States. The Office also shall identify, in coordination with the Assistant to the President for National Security Affairs, priorities for collection of intelligence outside the United States regarding threats of terrorism within the United States.

(i) In performing these functions, the Office shall work with Federal, State, and local agencies, as appropriate, to:

(A) facilitate collection from State and local governments and private entities of information pertaining to terrorist threats or activities within the United States;

(B) coordinate and prioritize the requirements for foreign intelligence relating to terrorism within the United States of executive departments and agencies responsible for homeland security and provide these requirements and priorities to the Director of Central Intelligence and other agencies responsible for collection of foreign intelligence;

(C) coordinate efforts to ensure that all executive departments and agencies that have intelligence collection responsibilities have sufficient technological capabilities and resources to collect intelligence and data relating to terrorist activities or possible terrorist acts within the United States, working with the Assistant to the President for National Security Affairs, as appropriate;

(D) coordinate development of monitoring protocols and equipment for use in detecting the release of biological, chemical, and radiological hazards; and

(E) ensure that, to the extent permitted by law, all appropriate and necessary intelligence and law enforcement information relating to homeland security is disseminated to and exchanged among appropriate executive departments and agencies responsible for homeland security and, where appropriate for reasons of homeland security, promote exchange of such information with and among State and local governments and private entities.

(ii) Executive departments and agencies shall, to the extent permitted by law, make available to the Office all information relating to terrorist threats and activities within the United States.

(c) *Preparedness.* The Office of Homeland Security shall coordinate national efforts to prepare for and mitigate the consequences of terrorist threats or attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) review and assess the adequacy of the portions of all Federal emergency response plans that pertain to terrorist threats or attacks within the United States;

(ii) coordinate domestic exercises and simulations designed to assess and practice systems that would be called upon to respond to a terrorist threat or attack within the United States and coordinate programs and activities for training Federal, State, and local employees who would be called upon to respond to such a threat or attack;

(iii) coordinate national efforts to ensure public health preparedness for a terrorist attack, including reviewing vaccination policies and reviewing the adequacy of and, if necessary, increasing vaccine and pharmaceutical stockpiles and hospital capacity;

(iv) coordinate Federal assistance to State and local authorities and nongovernmental organizations to prepare for and respond to terrorist threats or attacks within the United States;

(v) ensure that national preparedness programs and activities for terrorist threats or attacks are developed and are regularly evaluated under appropriate standards and that resources are allocated to improving and sustaining preparedness based on such evaluations; and

(vi) ensure the readiness and coordinated deployment of Federal response teams to respond to terrorist threats or attacks, working with the Assistant to the President for National Security Affairs, when appropriate.

(d) *Prevention.* The Office shall coordinate efforts to prevent terrorist attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) facilitate the exchange of information among such agencies relating to immigration and visa matters and shipments of cargo; and, working with the Assistant to the President for National Security Affairs, ensure coordination among such agencies to prevent the entry of terrorists and terrorist materials and supplies into the United States and facilitate removal of such terrorists from the United States, when appropriate;

(ii) coordinate efforts to investigate terrorist threats and attacks within the United States; and

(iii) coordinate efforts to improve the security of United States borders, territorial waters, and airspace in order to prevent acts of terrorism within the United States, working with the Assistant to the President for National Security Affairs, when appropriate.

(e) *Protection.* The Office shall coordinate efforts to protect the United States and its critical infrastructure from the consequences of terrorist attacks. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) strengthen measures for protecting energy production, transmission, and distribution services and critical facilities; other utilities; telecommuni-

cations; facilities that produce, use, store, or dispose of nuclear material; and other critical infrastructure services and critical facilities within the United States from terrorist attack;

(ii) coordinate efforts to protect critical public and privately owned information systems within the United States from terrorist attack;

(iii) develop criteria for reviewing whether appropriate security measures are in place at major public and privately owned facilities within the United States;

(iv) coordinate domestic efforts to ensure that special events determined by appropriate senior officials to have national significance are protected from terrorist attack;

(v) coordinate efforts to protect transportation systems within the United States, including railways, highways, shipping, ports and waterways, and airports and civilian aircraft, from terrorist attack;

(vi) coordinate efforts to protect United States livestock, agriculture, and systems for the provision of water and food for human use and consumption from terrorist attack; and

(vii) coordinate efforts to prevent unauthorized access to, development of, and unlawful importation into the United States of, chemical, biological, radiological, nuclear, explosive, or other related materials that have the potential to be used in terrorist attacks.

(f) *Response and Recovery.* The Office shall coordinate efforts to respond to and promote recovery from terrorist threats or attacks within the United States. In performing this function, the Office shall work with Federal, State, and local agencies, and private entities, as appropriate, to:

(i) coordinate efforts to ensure rapid restoration of transportation systems, energy production, transmission, and distribution systems; telecommunications; other utilities; and other critical infrastructure facilities after disruption by a terrorist threat or attack;

(ii) coordinate efforts to ensure rapid restoration of public and private critical information systems after disruption by a terrorist threat or attack;

(iii) work with the National Economic Council to coordinate efforts to stabilize United States financial markets after a terrorist threat or attack and manage the immediate economic and financial consequences of the incident;

(iv) coordinate Federal plans and programs to provide medical, financial, and other assistance to victims of terrorist attacks and their families; and

(v) coordinate containment and removal of biological, chemical, radiological, explosive, or other hazardous materials in the event of a terrorist threat or attack involving such hazards and coordinate efforts to mitigate the effects of such an attack.

(g) *Incident Management.* Consistent with applicable law, including the statutory functions of the Secretary of Homeland Security, the Assistant to the President for Homeland Security shall be the official primarily responsible for advising and assisting the President in the coordination of domestic incident management activities of all departments and agencies in the event of a terrorist threat, and during and in the aftermath of terrorist attacks, major disasters, or other emergencies, within the United States. Generally, the Assistant to the President for Homeland Security shall serve as the principal point of contact for and to the President with respect to the coordination of such activities. The Assistant to the President for Homeland Security shall coordinate with the Assistant to the President for National Security Affairs, as appropriate.

(h) *Continuity of Government.* The Assistant to the President for Homeland Security, in coordination with the Assistant to the President for National Security Affairs, shall review plans and preparations for ensuring the continuity of the Federal Government in the event of a terrorist attack that threatens the safety and security of the United States Government or its leadership.

(i) *Public Affairs.* The Office, subject to the direction of the White House Office of Communications, shall coordinate the strategy of the executive branch for communicating with the public in the event of a terrorist threat or attack within the United States. The Office also shall coordinate the development of programs for educating the public about the nature of terrorist threats and appropriate precautions and responses.

(j) *Cooperation with State and Local Governments and Private Entities.* The Office shall encourage and invite the participation of State and local governments and private entities, as appropriate, in carrying out the Office's functions.

(k) *Review of Legal Authorities and Development of Legislative Proposals.* The Office shall coordinate a periodic review and assessment of the legal authorities available to executive departments and agencies to permit them to perform the functions described in this order. When the Office determines that such legal authorities are inadequate, the Office shall develop, in consultation with executive departments and agencies, proposals for presidential action and legislative proposals for submission to the Office of Management and Budget to enhance the ability of executive departments and agencies to perform those functions. The Office shall work with State and local governments in assessing the adequacy of their legal authorities to permit them to detect, prepare for, prevent, protect against, and recover from terrorist threats and attacks.

(l) *Budget Review.* The Assistant to the President for Homeland Security, in consultation with the Director of the Office of Management and Budget (the "Director") and the heads of executive departments and agencies, shall identify programs that contribute to the Administration's strategy for homeland security and, in the development of the President's annual budget submission, shall review and provide advice to the heads of departments and agencies for such programs. The Assistant to the President for Homeland Security shall provide advice to the Director on the level and use of funding in departments and agencies for homeland security-related activities and, prior to the Director's forwarding of the proposed annual budget submission to the President for transmittal to the Congress, shall certify to the Director the funding levels that the Assistant to the President for Homeland Security believes are necessary and appropriate for the homeland security-related activities of the executive branch.

SEC. 4. Administration.

(a) The Office of Homeland Security shall be directed by the Assistant to the President for Homeland Security.

(b) The Office of Administration within the Executive Office of the President shall provide the Office of Homeland Security with such personnel, funding, and administrative support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to carry out the provisions of this order.

(c) Heads of executive departments and agencies are authorized, to the extent permitted by law, to detail or assign personnel of such departments and agencies to the Office of Homeland Security upon request of the Assistant to the President for Homeland Security, subject to the approval of the Chief of Staff.

SEC. 5. Establishment of Homeland Security Council.

(a) I hereby establish a Homeland Security Council (the "Council"), which shall be responsible for advising and assisting the President with respect to all aspects of homeland security. The Council shall serve as the mechanism for ensuring coordination of homeland security-related activities of executive departments and agencies and effective development and implementation of homeland security policies.

(b) The Council shall have as its members the President, the Vice President, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Homeland Security, the Director of the Federal Emergency Man-

agement Agency, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the Assistant to the President for Homeland Security, and such other officers of the executive branch as the President may from time to time designate. The Chief of Staff, the Chief of Staff to the Vice President, the Assistant to the President for National Security Affairs, the Counsel to the President, and the Director of the Office of Management and Budget also are invited to attend any Council meeting. The Secretary of State, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Energy, the Secretary of Labor, the Secretary of Commerce, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy shall be invited to attend meetings pertaining to their responsibilities. The heads of other executive departments and agencies and other senior officials shall be invited to attend Council meetings when appropriate.

(c) The Council shall meet at the President's direction. When the President is absent from a meeting of the Council, at the President's direction the Vice President may preside. The Assistant to the President for Homeland Security shall be responsible, at the President's direction, for determining the agenda, ensuring that necessary papers are prepared, and recording Council actions and Presidential decisions.

SEC. 6. *Original Classification Authority.* I hereby delegate the authority to classify information originally as Top Secret, in accordance with Executive Order 12958 [former 50 U.S.C. 3161 note] or any successor Executive Order, to the Assistant to the President for Homeland Security.

SEC. 7. *Continuing Authorities.* This order does not alter the existing authorities of United States Government departments and agencies, including the Department of Homeland Security. All executive departments and agencies are directed to assist the Council and the Assistant to the President for Homeland Security in carrying out the purposes of this order.

SEC. 8. General Provisions.

(a) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

(b) References in this order to State and local governments shall be construed to include tribal governments and United States territories and other possessions.

(c) References to the "United States" shall be construed to include United States territories and possessions.

SEC. 9. [Amended Ex. Ord. No. 12656, set out as a note under section 5195 of Title 42, The Public Health and Welfare.]

GEORGE W. BUSH.

EXECUTIVE ORDER NO. 13260

Ex. Ord. No. 13260, Mar. 19, 2002, 67 F.R. 13241, as amended by Ex. Ord. No. 13286, § 4, Feb. 28, 2003, 68 F.R. 10619, which established the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security, was revoked by Ex. Ord. No. 13286, § 4, Feb. 28, 2003, 68 F.R. 10619, eff. Mar. 31, 2003.

EX. ORD. NO. 13657. CHANGING THE NAME OF THE NATIONAL SECURITY STAFF TO THE NATIONAL SECURITY COUNCIL STAFF

Ex. Ord. No. 13657, Feb. 10, 2014, 79 F.R. 8823, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reflect my decision to change the name of the National Security Staff to the National Security Council staff, it is hereby ordered as follows:

SECTION 1. *Name Change.* All references to the National Security Staff or Homeland Security Council

Staff in any Executive Order or Presidential directive shall be understood to refer to the staff of the National Security Council.

SEC. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order is not intended to, and does not, create any 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.

BARACK OBAMA.

EX. ORD. NO. 13729. A COMPREHENSIVE APPROACH TO ATROCITY PREVENTION AND RESPONSE

Ex. Ord. No. 13729, May 18, 2016, 81 F.R. 32611, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* As articulated in Presidential Study Directive-10 (PSD-10), preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States. Noting that governmental engagement on mass atrocities and genocide too often arrives too late, when opportunities for prevention or low-cost, low-risk action have been missed, PSD-10 directed the establishment of an interagency Atrocities Prevention Board (Board), with the primary purpose of coordinating a whole-of-government approach to prevent mass atrocities and genocide. PSD-10 also directed an interagency study to develop and recommend the membership, mandate, structure, operational protocols, authorities, and support necessary for the Board to coordinate and develop atrocity prevention and response policy. This order continues in place the Board established in 2012 as I directed in PSD-10, sets out the support to be afforded by executive departments, agencies, and offices, and updates and memorializes the terms on which the Board will continue to operate in the service of its important mission.

SEC. 2. *Definition.* For purposes of this order, the term “mass atrocities” or “atrocities,” neither of which is defined under international law, refers to large scale and deliberate attacks on civilians, and includes acts falling within the definition “genocide” as defined in international law and under U.S. domestic statute.

SEC. 3. *Responsibilities.* The Board shall seek to ensure that mass atrocities and the risk thereof are effectively considered and appropriately addressed by the U.S. Government, and shall coordinate the development and execution of policies and tools to enhance our capacity to prevent and respond to mass atrocities.

(a) In order to ensure that emerging mass atrocity risks and mass atrocity situations are considered and addressed, the Board shall monitor developments around the world that heighten the risk of mass atrocities, and analyze and closely review specific mass atrocity threats or situations of heightened concern.

(b) The Board shall also identify any gaps related to the prevention of and response to mass atrocities in the current policies and ongoing interagency processes concerning particular regions or countries and shall make recommendations to strengthen policies, programs, resources, and tools related to mass atrocity prevention and response to relevant executive departments and agencies (agencies), including through the Board’s function as an interagency policy committee, as detailed in section 4 of this order. In these efforts, the Board shall focus in particular on ways for the U.S. Government to develop, strengthen, and enhance its capabilities to:

(i) monitor, receive early warning of, and coordinate responses to potential mass atrocities;

(ii) deter and isolate perpetrators of mass atrocities through all available and appropriate authorities;

(iii) promote accountability of and deny impunity for perpetrators of mass atrocities, including by denying safe haven for perpetrators found in the United States;

(iv) engage allies and partners, including the United Nations and other multilateral and regional institutions, to build capacity and mobilize action for preventing and responding to mass atrocities;

(v) deploy civilian personnel with expertise in conflict prevention, civilian protection, mediation, and other relevant skills, including on a rapid response basis, to assist in mass atrocity prevention and response efforts;

(vi) increase capacity for our diplomats, armed services, development professionals, and other actors to engage in mass atrocity prevention and response activities;

(vii) develop and implement tailored foreign assistance programs as well as doctrine for our armed services to address and mitigate the risks of mass atrocities;

(viii) ensure intelligence collection, analysis, and sharing of information, as appropriate, relating to mass atrocity threats and situations; and

(ix) address any other issue regarding mass atrocity prevention and response that the Board determines is appropriate.

SEC. 4. *Structure and Protocols of the Atrocities Prevention Board.* The Board shall continue to operate and will have the following structure and protocols:

(a) The Board shall function as an interagency policy committee, or body of equivalent standing, chaired by a member of the National Security Council staff at the Senior Director level or higher who shall be designated by the President (Chair).

(b) The Chair shall convene the Board on a monthly basis to perform the responsibilities set forth in section 3 of this order. The Board shall also meet as needed on an ad hoc and time-sensitive basis to consider and address emerging mass atrocity threats or situations.

(c) The Deputies Committee of the National Security Council (Deputies) shall meet at least twice per year, and the Principals Committee of the National Security Council (Principals) shall meet at least once per year, to review and direct the work of the Board.

(d) The Board shall be composed of individuals at the Assistant Secretary-level or higher who shall be designated by the leadership of their respective departments or agencies. Within 60 days of a vacancy on the Board, the relevant department or agency or office head shall designate a replacement representative and notify the National Security Advisor. In addition to the Chair, the Board shall consist of the designated representatives from the following:

(i) the Office of the Vice President;

(ii) the Department of State;

(iii) the Department of the Treasury;

(iv) the Department of Defense;

(v) the Department of Justice;

(vi) the Department of Homeland Security;

(vii) the U.S. Mission to the United Nations;

(viii) the Office of the Director of National Intelligence;

(ix) the Central Intelligence Agency;

(x) the U.S. Agency for International Development;

(xi) the Joint Chiefs of Staff; and

(xii) such other agencies or offices as may request to participate in coordination with the Chair.

(e) The Chair shall report, through the National Security Advisor, to the President by April 30 each year on the work of the U.S. Government in mass atrocity prevention and response, including the work of the Board.

(f) The Chair shall prepare written updates for the public, on an annual basis, on the work of the U.S. Government in mass atrocity prevention and response, including the work of the Board.

(g) Consistent with the objectives set out in this order and in accordance with applicable law, the Board

shall conduct outreach, including regular consultations, with representatives of nongovernmental organizations with expertise in mass atrocity prevention and response and other appropriate parties. Such outreach shall be for the purpose of assisting the Board with its work on considering and addressing emerging mass atrocity threats or situations and on developing new or improved policies and tools, as well as for the purpose of providing transparency on the work of the Board.

(h) In order to conduct the work set forth in this order effectively, the Board may:

(i) request information or analysis from the Intelligence Community (IC), Chiefs of Mission, agencies, and offices;

(ii) develop policy recommendations and programmatic recommendations for agencies, offices, and existing interagency processes;

(iii) in conjunction with existing interagency processes, formulate policy recommendations and programmatic recommendations;

(iv) coordinate with the Office of Management and Budget (OMB) to develop guidance on mass atrocity prevention resource priorities for agencies and offices; and

(v) bring urgent or significant matters to the attention of the Deputies and, as appropriate, request that the Deputies convene to address a situation of concern, consistent with Presidential Policy Directive-1 or its successor.

SEC. 5. *Enhancing Capabilities and Tools.* Agencies shall take the following actions in support of the United States Government's policy of working to prevent and respond to mass atrocities:

(a) Agencies, in coordination with the Board, shall ensure that mass atrocity prevention and response staffing, training, funding, and activities are addressed in their strategic planning and budget processes, including Department Quadrennial Reviews, Mission Resource Requests, State Department Integrated Country Strategies, U.S. Agency for International Development (USAID) Joint Strategic Plans, State Department Bureau Strategic Resource Plans, and related strategic planning and budget processes and documents. The Chair shall make recommendations to the National Security Advisor on the inclusion of material in the President's National Security Strategy that addresses mass atrocity prevention and response.

(b) The Department of State and USAID shall work with OMB to support the maintenance of civilian assistance accounts and authorities that enable swift civilian responses to mass atrocity threats and situations.

(c) The Department of State and USAID shall offer mass atrocity prevention and response training courses to all officers deployed or planning deployment to countries deemed by the IC to be at high or substantial risk for mass atrocities.

(d) The Department of State and USAID shall continue to build and use civilian capacity (i.e., the ability to deploy personnel with expertise in conflict prevention, civilian protection, mediation, and other relevant skills) effectively for mass atrocity prevention and response, and shall develop mechanisms for enhanced partnerships with non-U.S. Government actors that could provide surge capacity, such as the United Nations and other multilateral and regional organizations, foreign governments, and nongovernmental organizations.

(e) The IC shall continue to monitor developments worldwide and, as changing conditions warrant, prepare an IC-coordinated assessment updating IC judgments in its National Intelligence Estimate on the global risk of mass atrocities and genocide at regular intervals to inform the work of the Board.

(f) Recognizing mass atrocity prevention as a core national security interest of the United States, the IC shall allocate resources so as to permit a collection surge for countries where the Board determines, and the Deputies concur, that there are ongoing or acute risks of mass atrocities that merit increased attention,

in accordance with the National Intelligence Priority Framework and available resources.

(g) The IC shall work with partner governments to encourage the collection and analysis of mass atrocity-related intelligence and the sharing of this intelligence with the U.S. Government and its partners in mass atrocity prevention and response.

(h) The Department of Homeland Security (DHS) and the Department of Justice, in coordination with the Department of State, shall continue to develop proposals for legislative, regulatory, or administrative amendments or changes that would permit the more effective use and enforcement of immigration and other laws to deny impunity to perpetrators of mass atrocities and that would enhance our ability to prosecute such perpetrators subject to the jurisdiction of the United States and remove those who are not citizens.

(i) The Department of Defense (DOD) shall continue to develop joint doctrine and training that support mass atrocity prevention and response operations and shall address mass atrocity prevention and response as part of its general planning guidance to combatant commands and services.

(j) The Department of State, the Department of the Treasury, DHS, the U.S. Mission to the United Nations (USUN), and other agencies as appropriate, shall coordinate with bilateral and multilateral partners on the deployment of mass atrocity prevention and response tools, including isolating and deterring perpetrators of mass atrocities through all available authorities (including administrative actions, visa authorities, and capacity-building support), as appropriate.

(k) The Department of State, in coordination with USUN, DOD, and other agencies as appropriate, shall work bilaterally, multilaterally, and with regionally based organizations to enhance effectiveness in the fields of early warning, analysis, prevention, response, and accountability, and shall work with international partners to build or encourage building the capacity of our allies and partners to prevent and respond to mass atrocities.

SEC. 6. *General Provisions.* (a) Members of the Board shall serve without any additional compensation for their work on the Board.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any 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.

BARACK OBAMA.

EX. ORD. NO. 13747. ADVANCING THE GLOBAL HEALTH SECURITY AGENDA TO ACHIEVE A WORLD SAFE AND SECURE FROM INFECTIOUS DISEASE THREATS

Ex. Ord. No. 13747, Nov. 4, 2016, 81 F.R. 78701, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* As articulated in the National Strategy for Countering Biological Threats and implemented in Presidential Policy Directive 2 (PPD-2), promoting global health security is a core tenet of our national strategy for countering biological threats. No single nation can be prepared if other nations remain unprepared to counter biological threats; therefore, it is the policy of the United States to advance the Global Health Security Agenda (GHS), which is a multi-fac-

eted, multi-country initiative intended to accelerate partner countries' measurable capabilities to achieve specific targets to prevent, detect, and respond to infectious disease threats (GHSA targets), whether naturally occurring, deliberate, or accidental. The roles, responsibilities, and activities described in this order will support the goals of the International Health Regulations (IHR) and will be conducted, as appropriate, in coordination with the World Health Organization (WHO), Food and Agriculture Organization of the United Nations (FAO), World Organisation for Animal Health (OIE), Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, the International Criminal Police Organization (INTERPOL), and other relevant organizations and stakeholders. To advance the achievement of the GHSA targets and to support the implementation of the IHR within partner countries, each executive department, agency, and office (agency) shall, as appropriate, partner, consult, and coordinate with other governments, international financial institutions, international organizations, regional organizations, economic communities, and non-governmental stakeholders, including the private sector.

SEC. 2. *GHSA Interagency Review Council.*

(a) *GHSA Coordination and Policy Development.* In furtherance of the policy described in section 1 of this order, I hereby direct the National Security Council staff, in accordance with the procedures and requirements in Presidential Policy Directive 1 (or any successor directive), to convene a GHSA Interagency Review Council (Council) to perform the responsibilities described in this order. The Assistant to the President for National Security Affairs, in coordination with the Assistant to the President for Homeland Security and Counterterrorism, shall designate a member of the National Security Council staff to serve as Chair for the Council. The Council shall meet not less than four times per year to advance its mission and fulfill its responsibilities.

(b) *GHSA Interagency Review Council Responsibilities.*

(i) The Council shall be responsible for the following activities:

(A) Provide, by consensus, policy-level guidance to participating agencies on GHSA goals, objectives, and implementation.

(B) Facilitate interagency, multi-sectoral engagement to carry out GHSA implementation.

(C) Provide a forum for raising and working to resolve interagency disagreements concerning the GHSA.

(D) Review the progress toward and work to resolve challenges in achieving U.S. commitments under the GHSA, including commitments to assist other countries in achieving the GHSA targets. The Council shall consider, among other issues, the status of U.S. financial commitments to the GHSA in the context of commitments by other donors, and the contributions of partner countries to achieve the GHSA targets; progress toward the milestones outlined in GHSA national plans for those countries where the United States Government has committed to assist in implementing the GHSA and in annual work-plans outlining agency priorities for implementing the GHSA; and external evaluations of United States and partner country capabilities to address infectious disease threats, including the ability to achieve the targets outlined within the WHO Joint External Evaluation (JEE) tool, as well as gaps identified by such external evaluations.

(E) Provide, by consensus, within 30 days of the date of this order, initial policy-level guidance on GHSA implementation.

(F) Develop a report on an annual basis regarding the progress achieved and challenges concerning the United States Government's ability to advance the GHSA across priority countries. The report shall include recommendations to resolve, mitigate, or otherwise address the challenges identified therein. The report shall be transmitted to the President and, to the extent possible, made publicly available.

(G) Conduct an overall review of the GHSA for submission to the President by September 2019. The review should include an evaluation of the progress achieved during the 5 years of this initiative, as well as any challenges faced. The report should also provide recommendations on the future direction of the initiative.

(ii) The Council shall not perform any activities or functions that interfere with the foreign affairs responsibilities of the Secretary of State, including the responsibility to oversee the implementation of programs and policies that advance the GHSA within foreign countries.

(c) *Participation.* The Council shall consist of representatives, serving at the Assistant Secretary level or higher, from the following agencies:

- (i) the Department of State;
- (ii) the Department of Defense;
- (iii) the Department of Justice;
- (iv) the Department of Agriculture;
- (v) the Department of Health and Human Services;
- (vi) the Department of Homeland Security;
- (vii) the Office of Management and Budget;
- (viii) the United States Agency for International Development;
- (ix) the Environmental Protection Agency;
- (x) the Centers for Disease Control and Prevention;
- (xi) the Federal Bureau of Investigation;
- (xii) the Office of Science and Technology Policy; and
- (xiii) such other agencies as the agencies set forth above, by consensus, deem appropriate.

SEC. 3. *Agency Roles and Responsibilities.* In furtherance of the policy described in section 1 of this order, I hereby direct agencies to perform the following:

(a) The heads of agencies described in section 2(c) of this order shall:

(i) make the GHSA and its implementation a high priority within their respective agencies, and include GHSA-related activities within their respective agencies' strategic planning and budget processes;

(ii) designate a senior-level official to be responsible for the implementation of this order;

(iii) designate, in accordance with section 2(c) of this order, an appropriate representative at the Assistant Secretary level or higher to participate on the Council;

(iv) keep the Council apprised of GHSA-related activities undertaken within their respective agencies;

(v) maintain responsibility for agency-related programmatic functions in coordination with host governments, country teams, and GHSA in-country teams, and in conjunction with other relevant agencies;

(vi) coordinate with other agencies that are identified in this order to satisfy programmatic goals, and further facilitate coordination of country teams, implementers, and donors in host countries; and

(vii) coordinate across GHSA national plans and with GHSA partners to which the United States is providing assistance.

(b) The Secretary of State shall:

(i) engage Chiefs of Mission, country teams, and regional and functional bureaus within the Department of State to promote the GHSA with international partners and to facilitate country-level implementation of U.S. programmatic activities;

(ii) monitor and evaluate progress toward achieving GHSA targets, determine where more work is needed, and work with agencies and international partners to identify the partners best placed to improve performance and to achieve the GHSA targets for countries the United States has made a commitment to assist;

(iii) facilitate implementation and coordination of Department of State programs to further the GHSA, as well as provide technical expertise to measure and evaluate progress in countries the United States has made a commitment to assist;

(iv) coordinate planning, implementation, and evaluation of GHSA activities with the U.S. Global Malaria Coordinator at the United States Agency for International Development and the U.S. Global AIDS Coordinator at the Department of State in countries the United States has made a commitment to assist;

(v) lead diplomatic outreach, including at senior levels, in conjunction with other relevant agencies, to build international support for the GHSA with its members, other countries, and regional and multilateral bodies, including the Group of 7 (G7), the Group of 20 (G20), the African Union, the WHO, the OIE, the FAO, INTERPOL, the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, the European Union, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Economic Community of West African States, the Organization of Islamic Cooperation, development banks, and other relevant partners;

(vi) work, in conjunction with other relevant agencies, with other donors and nongovernmental implementers in partner countries in order to leverage commitments to advance the GHSA with partners; and

(vii) coordinate, in conjunction with other relevant agencies, the United States Government relationship with foreign and domestic GHSA nongovernmental stakeholders, including the private sector, nongovernmental organizations, and foundations, and develop, with consensus from the Council, an annual GHSA nongovernmental outreach strategy.

(c) The Secretary of Defense shall:

(i) facilitate implementation and coordination of Department of Defense programs to further the GHSA, as well as provide technical expertise to measure and evaluate progress in countries the United States has made a commitment to assist;

(ii) work, in conjunction with interagency partners and the in-country GHSA team, with other donors and nongovernmental implementers in partner countries in which Department of Defense programs are active in order to coordinate and leverage commitments to advance the GHSA with partners; and

(iii) coordinate and communicate, in conjunction with other relevant agencies, with defense ministries with regard to the GHSA, including at the GHSA Ministerial and Steering Group.

(d) The Attorney General, generally acting through the Director of the Federal Bureau of Investigation (FBI), shall:

(i) serve, in conjunction with other relevant agencies, as the United States Government lead for GHSA targets relating to linking public health and law enforcement, and coordinate with INTERPOL on the GHSA and its successful implementation;

(ii) facilitate implementation and coordination of FBI programs to further the GHSA, as well as provide technical expertise to measure and evaluate progress in countries the United States has made a commitment to assist; and

(iii) work, in conjunction with interagency partners and the in-country GHSA team, with other donors and nongovernmental implementers in partner countries in which FBI programs are active in order to coordinate and leverage commitments to advance the GHSA with partners.

(e) The Secretary of Agriculture shall:

(i) represent, in conjunction with other relevant agencies, the United States in coordination and communication with the FAO and OIE with regard to the GHSA;

(ii) facilitate implementation and coordination of Department of Agriculture programs to further the GHSA, as well as provide technical expertise to measure and evaluate progress in countries the United States has made a commitment to assist; and

(iii) work, in conjunction with interagency partners and the in-country GHSA team, with other donors, contributing international organizations, and nongovernmental implementers in partner countries in which Department of Agriculture programs are active in order to coordinate and leverage commitments to advance the GHSA with partners.

(f) The Secretary of Health and Human Services shall:

(i) represent, in conjunction with other relevant agencies, the United States at GHSA Ministerial and

Steering Group meetings and in working with G7 and G20 Health Ministers on the GHSA, and coordinate United States Government support for those activities;

(ii) provide overall leadership and coordination for the GHSA Action Packages (Action Packages), which consist of country commitments to advance and share best practices toward specific GHSA targets, including serving as the primary point of contact for the Action Packages, providing support to Action Package leaders, and tracking overall progress on the Action Packages;

(iii) coordinate United States Government support for and participation in external evaluations, including the WHO JEE tool and the Alliance for Country Assessments for Global Health Security and IHR Implementation;

(iv) represent, in conjunction with other relevant agencies, the United States in coordination and communication with the WHO regarding the GHSA;

(v) facilitate, no less than every 4 years, the request for an external assessment, such as the process outlined within the WHO JEE tool, of United States Government domestic efforts to implement the IHR and the GHSA and work to publish the assessment to the general public; and

(vi) consolidate and publish to the general public an external assessment of United States domestic capability to address infectious disease threats and implement the IHR, including the ability to achieve the targets outlined within the WHO JEE tool and including the gaps identified by such external assessment.

(g) The Secretary of Homeland Security shall:

(i) assess the impacts of global health threats on homeland security operations; and

(ii) lead, in conjunction with the Secretary of Health and Human Services, the Secretary of State, and the Secretary of Agriculture, United States Government GHSA activities related to global health threats at U.S. borders and ports of entry.

(h) The Administrator for the United States Agency for International Development shall:

(i) facilitate implementation and coordination of United States Agency for International Development programs to further the GHSA, as well as provide technical expertise to measure and evaluate progress in countries the United States has made a commitment to assist;

(ii) provide, in conjunction with other agencies, strategic technical guidance for achieving GHSA targets; and

(iii) work, in conjunction with interagency partners and the in-country GHSA teams, with other donors and nongovernmental GHSA implementers in partner countries in which United States Agency for International Development programs are active in order to coordinate and leverage commitments to advance the GHSA with partners.

(i) The Director of the U.S. Centers for Disease Control and Prevention, in coordination with the Secretary of Health and Human Services, shall:

(i) facilitate implementation and coordination of U.S. Centers for Disease Control and Prevention programs to further the GHSA, as well as provide technical expertise to measure and evaluate progress in countries the United States has made a commitment to assist;

(ii) provide, in conjunction with other agencies, strategic technical guidance for achieving GHSA targets;

(iii) provide, in coordination with the Department of Health and Human Services, strategic technical support for and participate in external assessments, including the WHO JEE tool, and the Alliance for Country Assessments for Global Health Security and IHR implementation; and

(iv) work, in conjunction with interagency partners and the in-country GHSA team, with other donors and nongovernmental implementers in partner countries in which the U.S. Centers for Disease Control and Prevention programs are active in order to coordinate and leverage commitments to advance the GHSA with partners.

SEC. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair, or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) the coordination or implementation of emergency response operations during a health emergency.

(b) This order shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any 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.

BARACK OBAMA.

EX. ORD. NO. 13773. ENFORCING FEDERAL LAW WITH RESPECT TO TRANSNATIONAL CRIMINAL ORGANIZATIONS AND PREVENTING INTERNATIONAL TRAFFICKING

Ex. Ord. No. 13773, Feb. 9, 2017, 82 F.R. 10691, as amended by Ex. Ord. No. 14060, §3(a)(i), Dec. 15, 2021, 86 F.R. 71794, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Purpose.* Transnational criminal organizations and subsidiary organizations, including transnational drug cartels, have spread throughout the Nation, threatening the safety of the United States and its citizens. These organizations derive revenue through widespread illegal conduct, including acts of violence and abuse that exhibit a wanton disregard for human life. They, for example, have been known to commit brutal murders, rapes, and other barbaric acts.

These groups are drivers of crime, corruption, violence, and misery. In particular, the trafficking by cartels of controlled substances has triggered a resurgence in deadly drug abuse and a corresponding rise in violent crime related to drugs. Likewise, the trafficking and smuggling of human beings by transnational criminal groups risks creating a humanitarian crisis. These crimes, along with many others, are enriching and empowering these organizations to the detriment of the American people.

A comprehensive and decisive approach is required to dismantle these organized crime syndicates and restore safety for the American people.

SEC. 2. *Policy.* It shall be the policy of the executive branch to:

(a) strengthen enforcement of Federal law in order to thwart transnational criminal organizations and subsidiary organizations, including criminal gangs, cartels, racketeering organizations, and other groups engaged in illicit activities that present a threat to public safety and national security and that are related to, for example:

(i) the illegal smuggling and trafficking of humans, drugs or other substances, wildlife, and weapons;

(ii) corruption, cybercrime, fraud, financial crimes, and intellectual-property theft; or

(iii) the illegal concealment or transfer of proceeds derived from such illicit activities.

(b) ensure that Federal law enforcement agencies give a high priority and devote sufficient resources to efforts to identify, interdict, disrupt, and dismantle transnational criminal organizations and subsidiary organizations, including through the investigation, apprehension, and prosecution of members of such organizations, the extradition of members of such organizations to face justice in the United States and, where appropriate and to the extent permitted by law, the swift removal from the United States of foreign nationals who are members of such organizations;

(c) maximize the extent to which all Federal agencies share information and coordinate with Federal law enforcement agencies, as permitted by law, in order to

identify, interdict, and dismantle transnational criminal organizations and subsidiary organizations;

(d) enhance cooperation with foreign counterparts against transnational criminal organizations and subsidiary organizations, including, where appropriate and permitted by law, through sharing of intelligence and law enforcement information and through increased security sector assistance to foreign partners by the Attorney General and the Secretary of Homeland Security;

(e) develop strategies, under the guidance of the Secretary of State, the Attorney General, and the Secretary of Homeland Security, to maximize coordination among agencies—such as through the Organized Crime Drug Enforcement Task Forces (OCDETF), Special Operations Division, the OCDETF Fusion Center, and the International Organized Crime Intelligence and Operations Center—to counter the crimes described in subsection (a) of this section, consistent with applicable Federal law; and

(f) pursue and support additional efforts to prevent the operational success of transnational criminal organizations and subsidiary organizations within and beyond the United States, to include prosecution of ancillary criminal offenses, such as immigration fraud and visa fraud, and the seizure of the implements of such organizations and forfeiture of the proceeds of their criminal activity.

SEC. 3. [Revoked by Ex. Ord. No. 14060, §3(a)(i), Dec. 15, 2021, 86 F.R. 71794, set out below.]

SEC. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any 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.

EX. ORD. NO. 14060. ESTABLISHING THE UNITED STATES COUNCIL ON TRANSNATIONAL ORGANIZED CRIME

Ex. Ord. No. 14060, Dec. 15, 2021, 86 F.R. 71793, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

SECTION 1. *Purpose.* Transnational organized crime (TOC) poses a direct and escalating threat to public health, public safety, and national security. Transnational criminal organizations engage in a broad range of criminal activities, including drug and weapons trafficking, migrant smuggling, human trafficking, cybercrime, intellectual property theft, money laundering, wildlife and timber trafficking, illegal fishing, and illegal mining.

These networks continue to expand in size and influence in the United States and abroad. Transnational criminal organizations contribute directly to tens of thousands of drug-overdose deaths in the United States each year and adversely affect American communities and economic prosperity. They also threaten United States national security by degrading the security and stability of allied and partner nations, undermining the rule of law, fostering corruption, acting as proxies for hostile state activities, directly or indirectly funding insurgent and terrorist groups, depleting natural resources, harming human health and the environment, contributing to climate change through illegal deforestation and logging, and exploiting and endangering vulnerable populations. In some regions, transnational criminal organizations wield state-like capabilities, disregarding sovereign borders, compromising the integrity of democratic institutions and threatening the

legitimacy of fragile governments, and securing their power through intimidation, corruption, and violence. For these reasons, it is in the national interest of the United States to counter TOC. Addressing TOC requires a coordinated Federal framework accompanied by a cohesive whole-of-government effort executed in collaboration with State, local, Tribal, territorial, and civil society partners in the United States and in close coordination with foreign partners, international and regional organizations, and international and local civil society groups abroad.

SEC. 2. Policy. Executive departments and agencies (agencies) shall take actions within their respective authorities, including, as appropriate, through the provision of technical and financial assistance, to enhance efforts to counter TOC. It is the policy of the United States to:

(a) employ authorized intelligence and operational capabilities in an integrated manner to target, disrupt, and degrade transnational criminal organizations that pose the greatest threat to national security;

(b) collaborate with private entities and international, multilateral, and bilateral organizations to combat TOC, while also strengthening cooperation with and advancing efforts to build capacity in partner nations to reduce transnational criminal activity;

(c) improve information sharing between law enforcement entities and the Intelligence Community to enhance strategic analysis of, and efforts to combat, transnational criminal organizations and their activities, while also preserving our ability to speedily bring TOC actors to justice;

(d) expand tools and capabilities to combat illicit finance, which underpins all TOC activities; and

(e) develop and deploy new technologies to identify and disrupt existing and newly emerging TOC threats.

SEC. 3. Establishments. (a) There shall be established a United States Council on Transnational Organized Crime (USCTOC), which shall report to the President through the Assistant to the President for National Security Affairs. The USCTOC shall monitor the production and implementation of coordinated strategic plans for whole-of-government counter-TOC efforts in support of and in alignment with policy priorities established by the President through the National Security Council.

(i) The USCTOC shall replace the Threat Mitigation Working Group, previously directed to lead whole-of-government efforts on TOC under Executive Order 13773 of February 9, 2017 (Enforcing Federal Law With Respect to Transnational Criminal Organizations and Preventing International Trafficking) [set out above]. Accordingly, section 3 of Executive Order 13773 is hereby revoked.

(ii) The USCTOC shall consist of the following members or their designees:

- (A) the Secretary of State;
- (B) the Secretary of the Treasury;
- (C) the Secretary of Defense;
- (D) the Attorney General;
- (E) the Secretary of Homeland Security; and
- (F) the Director of National Intelligence.

(iii) The USCTOC may request other agencies to contribute to the USCTOC's efforts as necessary, including by detail or assignment of personnel consistent with subsection (b)(v) of this section.

(iv) The USCTOC shall meet not later than 60 days from the date of this order [Dec. 15, 2021] and periodically thereafter.

(b) There shall be established a USCTOC Strategic Division (Division), an interagency working group housed at the Department of Justice, comprising personnel from agencies designated in subsection (a)(ii) of this section.

(i) The Division shall produce coordinated strategic plans for whole-of-government counter-TOC efforts in support of and in alignment with policy priorities established by the President through the National Security Council. These strategic plans shall be informed by intelligence assessments, be developed in coordination

with agencies, and include recommendations for actions by agencies. The Division shall submit its completed strategic plans to the USCTOC.

(ii) The Division shall be chaired by a senior official from the Department of Justice or the Department of Homeland Security. The Chairperson shall serve a 2 year term. The Attorney General and the Secretary of Homeland Security, or their designees, shall alternate every 2 years selecting the Chairperson.

(iii) The Division shall be established for administrative purposes within the Department of Justice, and the Department of Justice shall, to the extent permitted by law and subject to the availability of appropriations, provide administrative support and funding for the Division.

(iv) Agencies designated in subsection (a)(ii) of this section are hereby directed, consistent with their authorities, budget priorities, and mission constraints, and to the extent permitted by law and consistent with the need to protect intelligence and law enforcement sources, methods, operations, and investigations, to provide to the Division:

(A) details or assignments of personnel, who shall be qualified subject-matter experts and strategic planners, and who shall serve on full-time assignments of not less than 1 year;

(B) relevant information, research, intelligence, and analysis; and

(C) such other resources and assistance as the Division may request for the purpose of carrying out the responsibilities outlined in this section.

(v) To the extent permitted by law, agencies designated in subsection (a)(ii) of this section are encouraged to detail or assign their employees to the Division on a non-reimbursable basis.

(vi) The Division, within 120 days of the date of this order, shall submit to the USCTOC a report describing a process that the USCTOC can implement on an ongoing basis and as necessary to identify and prioritize the most significant TOC threats in alignment with policy priorities established by the President through the National Security Council.

SEC. 4. Report. The Director of National Intelligence, within 120 days of the date of this order and annually thereafter, shall submit a report to the President through the Assistant to the President for National Security Affairs assessing the Intelligence Community's posture with respect to TOC-related collection efforts, including recommendations on resource allocation and prioritization.

SEC. 5. Definitions. For the purposes of this order:

(a) the term "Intelligence Community" has the meaning ascribed to it under 50 U.S.C. 3003(4); and

(b) the term "transnational criminal organizations" refers to groups, networks, and associated individuals who operate transnationally for the purpose of obtaining power, influence, or monetary or commercial gain, wholly or in part by illegal means, while advancing their activities through a pattern of crime, corruption, or violence, and while protecting their illegal activities through a transnational organizational structure and the exploitation of public corruption or transnational logistics, financial, or communication mechanisms.

SEC. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any 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.

J.R. BIDEN, JR.

STEPS FOR INCREASED LEGAL AND POLICY TRANSPARENCY CONCERNING THE UNITED STATES USE OF MILITARY FORCE AND RELATED NATIONAL SECURITY OPERATIONS

Memorandum of President of the United States, Dec. 5, 2016, 81 F.R. 94213, provided:

Memorandum for the Heads of Executive Departments and Agencies

Since my earliest days in office, I have emphasized the importance of transparency and my commitment to making as much information as possible available to the Congress and the public about the United States use of military force and related national security operations. Doing so, I believe, not only supports the process of democratic decision making, but also demonstrates the legitimacy and strengthens the sustainability of our operations while promoting mutual understanding with our allies and partners.

The United States has used military force and conducted related national security operations within legal and policy frameworks that are designed to ensure that such operations are lawful and effective and that they serve our interests and values. Consistent with my commitment to transparency, my Administration has provided to the public an unprecedented amount of information regarding these frameworks through speeches, public statements, reports, and other materials. We have attempted to explain, consistent with our national security and the proper functioning of the executive branch, when and why the United States conducts such operations, the legal basis and policy parameters for such operations, and how such operations have unfolded, so that the American people can better understand them.

In addition to the efforts we have made to date, there is still more work that can be done to inform the public. Thus, consistent with my Administration's previous efforts, by this memorandum I am directing national security departments and agencies to take additional steps to share with the public further information relating to the legal and policy frameworks within which the United States uses military force and conducts related national security operations. Accordingly, I hereby direct as follows:

SECTION 1. Report. National security departments and agencies shall prepare for the President a formal report that describes key legal and policy frameworks that currently guide the United States use of military force and related national security operations, with a view toward the report being released to the public.

SEC. 2. Keeping the Public Informed. On no less than an annual basis, the National Security Council staff shall be asked to, as appropriate, coordinate a review and update of the report described in section 1 of this memorandum, provide any updated report to the President, and arrange for the report to be released to the public.

SEC. 3. Definitions. For the purposes of this memorandum:

"National security departments and agencies" include the Departments of State, the Treasury, Defense, Justice, and Homeland Security, the Office of the Director of National Intelligence, the Central Intelligence Agency, and such other agencies as the President may designate.

"Related national security operations" include operations deemed relevant and appropriate by national security departments and agencies for inclusion in the report described in section 1 of this memorandum, such as detention, transfer, and interrogation operations.

SEC. 4. Publication. The Secretary of State is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

NATIONAL SECURITY PRESIDENTIAL MEMORANDUM-2. ORGANIZATION OF THE NATIONAL SECURITY COUNCIL AND THE HOMELAND SECURITY COUNCIL

National Security Presidential Memorandum-2, Jan. 28, 2017, 82 F.R. 9119, which related to the organization and functions of the National Security Council, the

Homeland Security Council, National Security Council staff, Principals Committee, Deputies Committee, and Policy Coordination Committees, was revoked by Memorandum of President of the United States, part E, Apr. 4, 2017, 82 F.R. 16884, set out below.

NATIONAL SECURITY PRESIDENTIAL MEMORANDUM-4. ORGANIZATION OF THE NATIONAL SECURITY COUNCIL, THE HOMELAND SECURITY COUNCIL, AND SUBCOMMITTEES

National Security Presidential Memorandum-4, Apr. 4, 2017, 82 F.R. 16881, provided:

Memorandum for the Vice President[,] the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[,] the Attorney General[,] the Secretary of Agriculture[,] the Secretary of Health and Human Services[,] the Secretary of Transportation[,] the Secretary of Commerce[,] the Secretary of Energy[,] the Secretary of Homeland Security[,] the Assistant to the President and Chief of Staff[,] the Director of the Office of Management and Budget[,] the Representative of the United States to the United Nations[,] the United States Trade Representative[,] the Chairman of the Council of Economic Advisers[,] the Chairman of the Board of Governors of the Federal Reserve System[,] the Director of National Intelligence[,] the Director of the Central Intelligence Agency[,] the Chairman of the Joint Chiefs of Staff[,] the Assistant to the President for National Security Affairs[,] the Assistant to the President for Homeland Security and Counterterrorism[,] the Assistant to the President for Economic Policy[,] the Assistant to the President for Trade and Manufacturing Policy[,] the Assistant to the President for Intragovernmental and Technology Initiatives[,] the Counsel to the President[,] the Deputy Assistant to the President and National Security Advisor to the Vice President[,] the Administrator of the United States Agency for International Development[,] the Administrator of the National Aeronautics and Space Administration[,] the Chairman of the Nuclear Regulatory Commission[,] the Director of the Federal Bureau of Investigation[,] the Director of the Office of Science and Technology Policy[,] the Director of National Drug Control Policy[,] the Chairman of the President's Intelligence Advisory Board[,] the Administrator of the Federal Emergency Management Agency[, and] the Archivist of the United States

As President, my highest priority is to ensure the safety and security of the American people. In order to advise and assist me in executing this solemn responsibility, as well as to protect and advance the national interests of the United States at home and abroad, I hereby direct that my system for national security policy development and decision making shall be organized as follows:

A. The National Security Council, the Homeland Security Council, and Supporting Staff

The National Security Act of 1947, as amended, established the National Security Council (NSC) to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. There is also a Homeland Security Council (HSC)—established through Executive Order 13228 of October 8, 2001, and subsequently codified in the Homeland Security Act of 2002—that has the purpose of advising the President on matters pertaining to homeland security. Each Council is also responsible for the effective coordination of the security-related activities and functions of the executive departments and agencies.

The security threats facing the United States in the 21st century transcend international boundaries. Accordingly, the United States Government's decision-making structures and processes to address these challenges must remain equally adaptive and transformative. Both Councils are statutory bodies that the President will continue to chair. Invitations to participate in specific Council meetings shall be extended to those heads of executive departments and agencies, and other senior officials, who are needed to address the

issue or issues under consideration. When the President is absent from a meeting of either Council, the Vice President may preside at the President's direction.

The Assistant to the President for National Security Affairs (National Security Advisor) shall be responsible, as appropriate and at the President's direction, for determining the agenda for the NSC or HSC, respectively, ensuring that the necessary papers are prepared and recording Council actions and Presidential decisions in a timely manner. The Assistant to the President for Homeland Security and Counterterrorism (Homeland Security Advisor) may, at the sole discretion of the National Security Advisor, perform those functions. When international economic issues are on the agenda of the NSC, the Assistant to the President for Economic Policy may, at the sole discretion of the National Security Advisor, perform those functions.

The NSC and HSC shall have as their regular attendees (both statutory and non-statutory) the President, the Vice President, 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 National Security Advisor, the Homeland Security Advisor, and the Representative of the United States to the United Nations. The Director of National Intelligence and the Chairman of the Joint Chiefs of Staff, as statutory advisors to the NSC, shall also be regular attendees, as will the Director of the Central Intelligence Agency.

When international economic issues are on the agenda of the NSC, the NSC's regular attendees will include the Secretary of Commerce, the United States Trade Representative, and the Assistant to the President for Economic Policy.

The Assistant to the President and Chief of Staff (Chief of Staff to the President), the Counsel to the President, the Deputy Counsel to the President for National Security Affairs, and the Director of the Office of Management and Budget are invited as attendees to any NSC meeting.

In addition to the NSC and HSC, there is also a single NSC staff within the Executive Office of the President that serves both the NSC and HSC. The staff is composed of regional, issue-focused, and functional directorates and headed by a single civilian Executive Secretary, pursuant to 50 U.S.C. 3021, who is also the Chief of Staff. All policy and staff activity decisions will be transmitted to the Executive Secretary for appropriate distribution and awareness. The purpose of the staff is to advise the President, the National Security Advisor, the Homeland Security Advisor, the NSC members, the HSC members, and others in the White House; to facilitate the implementation of Administration policy; and to help coordinate the national-security-related activities of the executive departments and agencies.

B. *The Principals Committee*

The Principals Committee (PC) shall continue to serve as the Cabinet-level senior interagency forum for considering policy issues that affect the national security interests of the United States. The PC shall be convened and chaired by the National Security Advisor. The Homeland Security Advisor may, at the sole discretion of the National Security Advisor, also convene and chair the PC. The Chair shall determine the agenda in consultation with the appropriate committee members, and the Executive Secretary shall ensure that necessary papers are prepared, and that conclusions and decisions are communicated in a timely manner. Invitations to participate in or attend a specific PC shall be extended at the discretion of the Chair, and may include those Cabinet-level heads of executive departments and agencies, and other senior officials, who are needed to address any issue under consideration.

The PC shall have as its regular attendees 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 Chief of Staff to the President, the Director of National Intelligence, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, the

National Security Advisor, the Homeland Security Advisor, and the Representative of the United States to the United Nations. The Counsel to the President, the Deputy Counsel to the President for National Security Affairs, and the Director of the Office of Management and Budget may attend all PC meetings.

The Assistant to the President and Deputy National Security Advisor (Deputy National Security Advisor), the Deputy National Security Advisor for Strategy, the Deputy Assistant to the President and National Security Advisor to the Vice President, and the Executive Secretary (who shall serve as the Executive Secretary of the PC) shall attend all of the meetings of the PC, and the Assistant to the President for Intragovernmental and Technology Initiatives may attend as appropriate.

When international economic issues are on the agenda of the PC, the Committee's regular attendees will include the Secretary of Commerce, the United States Trade Representative, and the Assistant to the President for Economic Policy (who shall serve as Chair for agenda items that principally pertain to international economics).

C. *The Deputies Committee*

The Deputies Committee (DC) shall continue to serve as the senior sub-Cabinet interagency forum for consideration of, and where appropriate, decision making on, policy issues that affect the national security interests of the United States. The DC shall be convened and chaired by the Deputy National Security Advisor. The Deputy Homeland Security Advisor may, at the sole discretion of the National Security Advisor, also convene and Chair the DC. The Chair shall determine the agenda in consultation with the regular DC attendees, and the Executive Secretary shall ensure that necessary papers are prepared and that conclusions and decisions are communicated in a timely manner. Invitations to participate in or attend a specific DC meeting shall be extended by the Chair to those at the Deputy Secretary or Under Secretary level of executive departments and agencies, and to other senior officials, who are needed to address any issue under consideration.

The DC shall have as its regular attendees the Deputy Secretary of State, the Deputy Secretary of the Treasury, the Deputy Secretary of Defense, the Deputy Attorney General, the Deputy Secretary of Energy, the Deputy Secretary of Homeland Security, the Deputy Director of the Office of Management and Budget, the Deputy Director of National Intelligence, the Vice Chairman of the Joint Chiefs of Staff, the Deputy Director of the Central Intelligence Agency, the Deputy National Security Advisor, the Deputy National Security Advisor for Strategy, the Deputy Homeland Security Advisor, the Deputy Assistant to the President and National Security Advisor to the Vice President, and the Administrator of the United States Agency for International Development.

The Executive Secretary shall attend the DC meetings. The Deputy Counsel to the President for National Security Affairs may attend all DC meetings. Other senior officials, including the Deputy Representative of the United States to the United Nations, may be invited when appropriate.

The DC shall review and monitor the work of the interagency national security process, including the interagency groups established pursuant to section D below. The DC shall help to ensure that issues brought before the NSC, HSC, and PC have been properly analyzed and prepared for decision. The DC shall also focus significant attention on monitoring the implementation of policies and decisions and shall conduct periodic reviews of the Administration's major national security and foreign policy initiatives. The DC is responsible for establishing Policy Coordination Committees (PCCs) and for providing objectives and clear guidance.

D. *Policy Coordination Committees*

Management of the development and implementation of national security policies by multiple executive departments and agencies typically shall be accomplished by the PCCs, with participation primarily occurring at

the Assistant Secretary level. As the main day-to-day fora for interagency coordination of national security policies, the PCCs shall provide policy analysis for consideration by the more senior committees of the national security system and ensure timely responses to the President's decisions.

Regional and issue-related PCCs shall be established at the direction of the DC. Members of the NSC staff (or National Economic Council staff, as appropriate) will chair the PCCs; the DC, at its discretion, may add co-chairs to any PCC. The PCCs shall review and coordinate the implementation of Presidential decisions in their respective policy areas. The Chair of each PCC, in consultation with the Executive Secretary, shall invite representatives of other executive departments and agencies to attend meetings of the PCC where appropriate. The Chair of each PCC, with the agreement of the Executive Secretary, may establish subordinate working groups to assist that PCC in the performance of its duties.

E. General

The President and the Vice President may attend any and all meetings of any entity established by or under this memorandum.

This document is part of a series of National Security Presidential Memoranda, which have replaced both Presidential Policy Directives and Presidential Study Directives as the instrument for communicating relevant Presidential decisions. This memorandum shall supersede all other existing Presidential directives and guidance on the organization or support of the NSC and the HSC, including National Security Presidential Memorandum-2 (January 28, 2017), which is hereby revoked. With regard to its application to economic matters, this document shall be interpreted in concert with any Executive Order governing the National Economic Council and with Presidential Memoranda signed hereafter that implement it or those Executive Orders.

The Secretary of Defense is hereby authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 3022. Joint Intelligence Community Council

(a) Joint Intelligence Community Council

There is a Joint Intelligence Community Council.

(b) Membership

The Joint Intelligence Community Council shall consist of the following:

- (1) The Director of National Intelligence, who shall chair the Council.
- (2) The Secretary of State.
- (3) The Secretary of the Treasury.
- (4) The Secretary of Defense.
- (5) The Attorney General.
- (6) The Secretary of Energy.
- (7) The Secretary of Homeland Security.
- (8) Such other officers of the United States Government as the President may designate from time to time.

(c) Functions

The Joint Intelligence Community Council shall assist the Director of National Intelligence in developing and implementing a joint, unified national intelligence effort to protect national security by—

- (1) advising the Director on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request; and

- (2) ensuring the timely execution of programs, policies, and directives established or developed by the Director.

(d) Meetings

The Director of National Intelligence shall convene meetings of the Joint Intelligence Community Council as the Director considers appropriate.

(e) Advice and opinions of members other than Chairman

(1) A member of the Joint Intelligence Community Council (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Director of National Intelligence to the President or the National Security Council, in the role of the Chairman as Chairman of the Joint Intelligence Community Council. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents the advice of the Chairman to the President or the National Security Council, as the case may be.

(2) The Chairman shall establish procedures to ensure that the presentation of the advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.

(f) Recommendations to Congress

Any member of the Joint Intelligence Community Council may make such recommendations to Congress relating to the intelligence community as such member considers appropriate.

(July 26, 1947, ch. 343, title I, §101A, as added Pub. L. 108-458, title I, §1031, Dec. 17, 2004, 118 Stat. 3677; amended Pub. L. 116-92, div. E, title LXIII, §6311(a), Dec. 20, 2019, 133 Stat. 2191.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 402-1 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (d). Pub. L. 116-92 struck out “regular” before “meetings” and inserted “as the Director considers appropriate” after “Council”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For Determination by President that section 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.

Section 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 in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

§ 3023. Director of National Intelligence

(a) Director of National Intelligence

(1) There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. Any