

ganization 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.)

#### 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to the Department of Defense, except to the extent inconsistent with the provisions of this chapter, was technically repealed by Pub.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 Section 201 was repealed by Pub.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

#### 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 de-

partments 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, 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