

SUBCHAPTER IX—NATIONAL HOMELAND  
SECURITY COUNCIL

**§ 491. National Homeland Security Council**

There is established within the Executive Office of the President a council to be known as the “Homeland Security Council” (in this subchapter referred to as the “Council”).

(Pub. L. 107–296, title IX, §901, Nov. 25, 2002, 116 Stat. 2258.)

**§ 492. Function**

The function of the Council shall be to advise the President on homeland security matters.

(Pub. L. 107–296, title IX, §902, Nov. 25, 2002, 116 Stat. 2258.)

**§ 493. Membership**

**(a) Members**

The members of the Council shall be the following:

- (1) The President.
- (2) The Vice President.
- (3) The Secretary of Homeland Security.
- (4) The Attorney General.
- (5) The Secretary of Defense.
- (6) Such other individuals as may be designated by the President.

**(b) Attendance of Chairman of Joint Chiefs of Staff at meetings**

The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chairman of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Council and subject to the direction of the President, attend and participate in meetings of the Council.

(Pub. L. 107–296, title IX, §903, Nov. 25, 2002, 116 Stat. 2258; Pub. L. 109–163, div. A, title IX, §908(b), Jan. 6, 2006, 119 Stat. 3404.)

**Editorial Notes**

AMENDMENTS

2006—Pub. L. 109–163 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**§ 494. Other functions and activities**

For the purpose of more effectively coordinating the policies and functions of the United States Government relating to homeland security, the Council shall—

- (1) assess the objectives, commitments, and risks of the United States in the interest of homeland security and to<sup>1</sup> make resulting recommendations to the President;
- (2) oversee and review homeland security policies of the Federal Government and to<sup>1</sup> make resulting recommendations to the President; and
- (3) perform such other functions as the President may direct.

(Pub. L. 107–296, title IX, §904, Nov. 25, 2002, 116 Stat. 2259.)

**§ 495. Staff composition**

The Council shall have a staff, the head of which shall be a civilian Executive Secretary,

who shall be appointed by the President. The President is authorized to fix the pay of the Executive Secretary at a rate not to exceed the rate of pay payable to the Executive Secretary of the National Security Council.

(Pub. L. 107–296, title IX, §905, Nov. 25, 2002, 116 Stat. 2259.)

**§ 496. Relation to the National Security Council**

The President may convene joint meetings of the Homeland Security Council and the National Security Council with participation by members of either Council or as the President may otherwise direct.

(Pub. L. 107–296, title IX, §906, Nov. 25, 2002, 116 Stat. 2259.)

SUBCHAPTER X—CONSTRUCTION

**§ 511. Information security responsibilities of certain agencies**

**(1) National security responsibilities**

(A) Nothing in this chapter (including any amendment made by this chapter) shall supersede any authority of the Secretary of Defense, the Director of Central Intelligence, or other agency head, as authorized by law and as directed by the President, with regard to the operation, control, or management of national security systems, as defined by section 3552(b)(5)<sup>1</sup> of title 44.

(B) Omitted

**(2) Atomic Energy Act of 1954**

Nothing in this chapter shall supersede any requirement made by or under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted Data or Formerly Restricted Data shall be handled, protected, classified, downgraded, and declassified in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(Pub. L. 107–296, title X, §1001(c), Nov. 25, 2002, 116 Stat. 2267; Pub. L. 113–283, §2(e)(3)(B), Dec. 18, 2014, 128 Stat. 3087.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

The Atomic Energy Act of 1954, referred to in par. (2), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 1001(c) of Pub. L. 107–296. Par. (1)(B) of section 1001(c) of Pub. L. 107–296 amended section 2224 of Title 10, Armed Forces.

AMENDMENTS

2014—Par. (1)(A). Pub. L. 113–283 substituted “section 3552(b)(5)” for “section 3532(3)”.

<sup>1</sup> So in original. The word “to” probably should not appear.

<sup>1</sup> So in original. Probably should be “3552(b)(6)”.

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

## SHORT TITLE

For short title of title X of Pub. L. 107-296, which enacted this subchapter, as the "Federal Information Security Management Act of 2002", see section 1001(a) of Pub. L. 107-296, set out as a note under section 101 of this title.

**§ 512. Construction**

Nothing in this chapter, or the amendments made by this chapter, affects the authority of the National Institute of Standards and Technology or the Department of Commerce relating to the development and promulgation of standards or guidelines under paragraphs (1) and (2) of section 278g-3(a) of title 15.

(Pub. L. 107-296, title X, §1006, Nov. 25, 2002, 116 Stat. 2273.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

**§ 513. Federal air marshal program****(1) Sense of Congress**

It is the sense of Congress that the Federal air marshal program is critical to aviation security.

**(2) Limitation on statutory construction**

Nothing in this chapter, including any amendment made by this chapter, shall be construed as preventing the Under Secretary of Transportation for Security from implementing and training Federal air marshals.

(Pub. L. 107-296, title XIV, § 1402(c), Nov. 25, 2002, 116 Stat. 2305.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in par. (2), was in the original "this Act", meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Reference to Under Secretary of Transportation for Security deemed to refer to Administrator of the Transportation Security Administration, see section

1994 of Pub. L. 115-254, set out as a note under section 114 of Title 49, Transportation.

## SUBCHAPTER XI—DEPARTMENT OF JUSTICE DIVISIONS

## PART A—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

**§ 521. Legal status of EOIR****(a)<sup>1</sup> Existence of EOIR**

There is in the Department of Justice the Executive Office for Immigration Review, which shall be subject to the direction and regulation of the Attorney General under section 1103(g) of title 8.

(Pub. L. 107-296, title XI, §1101, Nov. 25, 2002, 116 Stat. 2273.)

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Pub. L. 107-296, title XI, §1104, as added by Pub. L. 108-7, div. L, §105(a)(3), Feb. 20, 2003, 117 Stat. 531, provided that: "The provisions of this subtitle [subtitle A (§§1101-1104) of title XI of Pub. L. 107-296, enacting this part and amending section 1103 of Title 8, Aliens and Nationality] shall take effect on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Department of Homeland Security [functions transferred Mar. 1, 2003]".

**§ 522. Statutory construction**

Nothing in this chapter, any amendment made by this chapter, or in section 1103 of title 8, shall be construed to limit judicial deference to regulations, adjudications, interpretations, orders, decisions, judgments, or any other actions of the Secretary of Homeland Security or the Attorney General.

(Pub. L. 107-296, title XI, §1103, Nov. 25, 2002, 116 Stat. 2274.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Department of Homeland Security (Mar. 1, 2003), see section 1104 of Pub. L. 107-296, as added by Pub. L. 108-7, set out as a note under section 521 of this title.

<sup>1</sup> So in original. No subsec. (b) has been enacted.