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[**Presidential** Documents]
[Page 51812-51817]
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Presidential Documents

[[Page 51812]]

Executive Order 13228 of October 8, 2001

Establishing the Office of Homeland Security and
the Homeland Security Council

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

[[Page 51813]]

(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:

[[Page 51814]]

(i)

strengthen measures for protecting energy production, transmission, and distribution services and critical facilities; other utilities; telecommunications; 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. The Assistant to the President for Homeland Security shall be the individual primarily responsible for coordinating the domestic response efforts of all departments and agencies in the event of an imminent terrorist threat and during and in the immediate aftermath of a terrorist attack within the United States and shall be the principal point of contact for and to the President with respect to coordination of such efforts. 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.

[[Page 51815]]

(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.

(1) 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,

[[Page 51816]]

the Director of the Federal Emergency Management 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 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. 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. Amendments to **Executive Order** 12656. **Executive Order** 12656 of November 18, 1988, as amended, is hereby further amended as follows:

(a) Section 101(a) is amended by adding at the end of the fourth sentence: `` , except that the Homeland Security Council shall be responsible for administering such policy with respect to terrorist threats and attacks within the United States.''

(b) Section 104(a) is amended by adding at the end: `` , except that the Homeland Security Council is the principal forum for consideration of policy relating to terrorist threats and attacks within the United States.''

(c) Section 104(b) is amended by inserting the words ``and the Homeland Security Council'' after the words ``National Security Council.''

(d) The first sentence of section 104(c) is amended by inserting the words ``and the Homeland Security Council'' after the words ``National Security Council.''

(e) The second sentence of section 104(c) is replaced with the following two sentences: ``Pursuant to such procedures for the organization and management of the National Security Council and Homeland Security Council

[[Page 51817]]

processes as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of and management of those processes as the President may establish. The Director of the Federal Emergency Management Agency also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council and the Homeland Security Council on implementation of national security emergency preparedness policy.''

(f) Section 201(7) is amended by inserting the words ``and the Homeland Security Council'' after the words ``National Security Council.''

(g) Section 206 is amended by inserting the words ``and the Homeland Security Council'' after the words ``National Security Council.''

(h) Section 208 is amended by inserting the words ``or the Homeland Security Council'' after the words ``National Security Council.''

(**Presidential Sig.**)B

THE WHITE HOUSE,

October 8, 2001.

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