

107TH CONGRESS  
1ST SESSION

# H. R. 3026

To establish an Office of Homeland Security within the Executive Office of the President to lead, oversee, and coordinate a comprehensive national homeland security strategy to safeguard the Nation.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2001

Mr. GIBBONS (for himself, Ms. HARMAN, Mr. LAHOOD, Mr. ROEMER, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, Intelligence (Permanent Select), and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish an Office of Homeland Security within the Executive Office of the President to lead, oversee, and coordinate a comprehensive national homeland security strategy to safeguard the Nation.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Office of Homeland  
5       Security Act of 2001”.

1 **SEC. 2. OFFICE OF HOMELAND SECURITY.**

2       There is established within the Executive Office of  
3 the President an office to be known as the “Office of  
4 Homeland Security” (in this Act referred to as the “Of-  
5 fice”).

6 **SEC. 3. DIRECTOR OF HOMELAND SECURITY.**

7       (a) DIRECTOR.—The head of the Office shall be the  
8 Director of the Office of Homeland Security, who shall  
9 be appointed by the President, by and with the advice and  
10 consent of the Senate. The President shall ensure that the  
11 Director functions as a cabinet-level official.

12       (b) EXECUTIVE SCHEDULE I PAY RATE FOR DIREC-  
13 TOR.—Section 5312 of title 5, United States Code, is  
14 amended by inserting after the item relating to the Direc-  
15 tor of National Drug Control Policy the following new  
16 item:

17               “Director of the Office of Homeland Security.”.

18 **SEC. 4. RESPONSIBILITIES.**

19       Subject to the direction and control of the President,  
20 the responsibilities of the Director shall include the fol-  
21 lowing:

22               (1) Directing, in consultation with appropriate  
23 Federal and State agencies and Congress, the cre-  
24 ation of a national strategy for homeland security,  
25 as provided in section 5, to include all aspects of  
26 prevention and response to terrorist activities.

1           (2) Developing, reviewing, and approving, in  
2           collaboration with the Director of the Office of Man-  
3           agement and Budget, a national budget for home-  
4           land security.

5           (3) Reviewing programs, plans and activities of  
6           the relevant Federal agencies to insure effective im-  
7           plementation of the national homeland security  
8           strategy.

9           (4) Coordinating the planning and implementa-  
10          tion of all Federal homeland security activities with  
11          relevant Federal agencies for the purposes of remov-  
12          ing unnecessary duplication and gaps in  
13          counterterrorism activities.

14          (5) Certifying as part of the budget submission  
15          of the President to Congress the relevance and accu-  
16          racy of counterterrorism budgets from Federal agen-  
17          cies and rejecting budget requests not consistent  
18          with the national homeland security strategy.

19          (6) Directing and reviewing the development of  
20          a comprehensive national assessment on the threat  
21          to homeland security, which shall be conducted by  
22          the heads of relevant Federal agencies.

23          (7) Overseeing the appropriate sharing of infor-  
24          mation among Federal, State, and local agencies in-

1       volved in intelligence collection and law enforcement  
2       for the purpose of protecting homeland security.

3           (9) Establishing a center within the Office to  
4       analyze and publicize as appropriate lessons learned  
5       from homeland security exercises conducted by Fed-  
6       eral, State, and local government agencies and other  
7       organizations involved in terrorism response.

8           (10) Consulting regularly with Congress on all  
9       issues relating to homeland security.

10          (11) Attending meetings of the President's cab-  
11       inet and the National Security Council relating to  
12       counterterrorism and homeland security.

13          (12) Serving as the President's principal  
14       spokesperson on issues relevant to homeland secu-  
15       rity.

16   **SEC. 5. NATIONAL HOMELAND SECURITY STRATEGY.**

17       The national homeland security strategy created  
18   under section 4 shall include the following:

19           (1) A comprehensive research, development, and  
20       procurement plan for supporting homeland security.

21           (2) Mechanisms to insure the flexibility and mo-  
22       bility in Federal personnel policies and practices to  
23       achieve maximum effective use of personnel among  
24       all concerned agencies.

1           (3) Policies and procedures to maximize the col-  
2           lection, analysis, translation, exploitation, and dis-  
3           semination of, throughout the Federal Government  
4           and with State and local authorities, information rel-  
5           evant to homeland security concerns.

6           (4) Plans for improving the resources of, co-  
7           ordination among, and effectiveness of health and  
8           medical sectors for detecting and responding to ter-  
9           rorist attacks on the homeland.

10          (5) Specific measures to enhance cooperative ef-  
11          forts between the public and private sectors in pro-  
12          tecting homeland security.

13   **SEC. 6. OFFICERS AND STAFF OF OFFICE.**

14          (a) OFFICERS.—The President shall assign to the Of-  
15          fice such officers in addition to the Director, if any, as  
16          the President, in consultation with the Director, considers  
17          appropriate to discharge the responsibilities of the Office.

18          (b) STAFF.—The Director may appoint such employ-  
19          ees, and may detail employees from other agencies, as nec-  
20          essary to carry out the functions of the Office. Such em-  
21          ployees shall include individuals with relevant State and  
22          local expertise.

23   **SEC. 7. HOMELAND SECURITY ADVISORY COUNCIL.**

24          (a) ESTABLISHMENT.—There is established a Home-  
25          land Security Advisory Council. The Council shall—

1           (1) advise the President and the Director of the  
2       Office of Homeland Security on the creation and im-  
3       plementation of the national strategy for homeland  
4       security; and

5           (2) advise the Director on the operation of the  
6       Office of Homeland Security.

7       (b) CHAIR.—The Director of the Office of Homeland  
8       Security shall be the Chair of the Council.

9       (c) MEMBERS.—The members of the Council shall be  
10      the following:

11           (1) The Secretary of State.

12           (2) The Secretary of the Treasury.

13           (3) The Secretary of Defense.

14           (4) The Attorney General.

15           (5) The Secretary of Agriculture.

16           (6) The Secretary of Health and Human Serv-  
17      ices.

18           (7) The Secretary of Transportation.

19           (8) The Secretary of Veterans Affairs.

20           (9) The Director of the Office of Management  
21      and Budget.

22           (10) The Director of the Central Intelligence  
23      Agency.

24           (11) The Director of the Federal Bureau of In-  
25      vestigation.

1           (12) The Director of the Federal Emergency  
2           Management Agency.

3           (13) The Director of the Centers for Disease  
4           Control and Prevention.

5           (14) The Assistant to the President for Na-  
6           tional Security Affairs.

7           (15) Such other Federal and other officials as  
8           may be designated by the President or the Director  
9           of the Office.

10 **SEC. 8. REVIEW OF LEGAL AUTHORITIES.**

11           (a) REVIEW.—The Director of the Office of Home-  
12           land Security shall conduct a review of the legal authori-  
13           ties needed but not currently provided to prevent and re-  
14           spond effectively to terrorist threats, including legal au-  
15           thorities regarding the role of the Department of Defense  
16           in homeland security and the imposition of regulations on  
17           civilian populations and private entities during a state of  
18           emergency.

19           (b) REPORT TO CONGRESS.—The Director shall sub-  
20           mit to Congress a report of the results of the review under  
21           subsection (a). The report shall be submitted not later  
22           than 90 days after the date of the enactment of this Act  
23           and shall include recommendations for addressing short-  
24           comings in current legal authority.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such  
3 amounts as are necessary to carry out this Act.

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