

111TH CONGRESS  
*2nd Session*

COMMITTEE PRINT

COMMITTEE  
PRINT 111-A

COMPILATION  
OF  
HOMELAND SECURITY  
RELATED  
EXECUTIVE ORDERS  
(E.O. 4601 Through E.O. 13528)  
(1927-2009)

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PREPARED FOR THE USE OF THE  
COMMITTEE ON HOMELAND SECURITY  
OF THE  
HOUSE OF REPRESENTATIVES



June 2010

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 2010

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(E.O. 4601 Through E.O. 13528)

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*Prepared by*  
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## FOREWARD

The Committee would like to thank Vanessa K. Burrows, Legislative Attorney, Congressional Research Service for preparing a summary included below.

### **Brief Summary and Background on Executive Orders**

Executive orders are used by Presidents to achieve policy goals, set uniform standards for managing the executive branch, or outline a policy view intended to influence the behavior of private citizens. The Constitution does not define executive orders. The most widely accepted description of an executive order appears to be that of the House Government Operations Committee in 1957, which defined an executive order as a “directive[] or action[] by the President” that when “founded on the authority of the President derived from the Constitution or statute, . . . may have the force and effect of law.” The committee further stated that “Executive orders are generally directed to, and govern actions by, Government officials and agencies. They usually affect private individuals only indirectly.”<sup>1</sup>

Although the Constitution does not explicitly vest the President with the authority to issue executive orders, these instruments have been employed by Presidents since George Washington. Irrespective of the largely implied nature of the authority to issue executive orders, Presidents have not hesitated to wield this power over a range of often controversial subjects, such as the establishment of internment camps during WWII, and the use of executive orders to effectuate policy or other goals may have significant effects. Nevertheless, it is well established that the President may not encroach upon the lawmaking powers of the legislative branch through the issuance of executive orders.

The President’s authority for the execution and implementation of executive orders stems from constitutional and statutory authority. In the constitutional context, presidential power to issue such orders has been derived from Article II of the Constitution, which states that “the executive Power shall be vested in a President of the United States,” that “the President shall be Commander in Chief of the Army and Navy of the United States,” and that the

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<sup>1</sup>STAFF OF H. COMM. ON GOV’T OPERATIONS, 85TH CONG., 1ST SESS., EXECUTIVE ORDERS AND PROCLAMATIONS: A STUDY OF A USE OF PRESIDENTIAL POWERS (Comm. Print 1957).

President “shall take Care that the Laws be faithfully executed.”<sup>2</sup> The President’s power to issue executive orders may also derive from express or implied statutory authority.<sup>3</sup> If based on appropriate authority and published in the *Federal Register*, executive orders may have the force and effect of law, requiring courts to take judicial notice of their existence.<sup>4</sup>

The general framework for analyzing the validity of an executive order in relation to constitutional and congressional authority was delineated in *Youngstown Sheet & Tube Co. v. Sawyer*.<sup>5</sup> In that case, the Supreme Court struck down President Truman’s executive order directing the seizure of the steel mills during the Korean War. Invalidating this action, the majority held that under the Constitution, “the President’s power to see that laws are faithfully executed refutes the idea that he is to be a lawmaker.”<sup>6</sup> Specifically, Justice Black maintained that presidential authority to issue such an executive order “must stem either from an act of Congress or from the Constitution itself.”<sup>7</sup> Applying this reasoning, Justice Black’s opinion for the Court determined that as no statute or constitutional provision authorized such presidential action, the seizure order was in essence a legislative act. The Court further noted that Congress had rejected seizure as a means to settle labor disputes during consideration of the Taft-Hartley Act. Given this characterization, the Court deemed the executive order to be an unconstitutional violation of the separation of powers doctrine, explaining “the founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times.”<sup>8</sup>

The concurring opinion of Justice Jackson, which has come to be regarded as more influential than the majority opinion, set forth three types of circumstances in which presidential authority may be asserted.<sup>9</sup> First, if the President has acted according to an express or implied grant of congressional authority, presidential “authority is at its maximum.”<sup>10</sup> Second, in situations where Congress has neither granted nor denied authority to the President, the President acts in reliance only “upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain.”<sup>11</sup> Third, in instances where presidential action is “incompatible with the express or implied will of Congress,” the power of the President is at its minimum, and any such action may be supported pursuant

<sup>2</sup>U.S. CONST. ART. II, § 1, 2, and 3. See EXECUTIVE ORDERS AND PROCLAMATIONS, *supra* note 1, at 6-12.

<sup>3</sup> See *Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

<sup>4</sup> *Armstrong v. United States*, 80 U.S. 154 (1871); see also *Farkas v. Texas Instrument, Inc.*, 372 F.2d 629 (5th Cir. 1967); *Farmer v. Philadelphia Electric Co.*, 329 F.2d 3 (3d Cir. 1964); *Jenkins v. Collard*, 145 U.S. 546, 560-61 (1893).

The Federal Register Act requires that executive orders be published in the *Federal Register*. 44 U.S.C. § 1505. Furthermore, executive orders must comply with preparation, presentation and publication requirements established by an executive order issued by President Kennedy. See Exec. Order No. 11030, 27 Fed. Reg. 5847 (June 21, 1962).

<sup>5</sup> 343 U.S. 579 (1952).

<sup>6</sup> *Id.* at 587.

<sup>7</sup> *Id.* at 585.

<sup>8</sup> *Id.* at 586-89.

<sup>9</sup> *Id.* at 635-38.

<sup>10</sup> *Id.* at 635, 637.

<sup>11</sup> *Id.* at 637.

only to the President's "own constitutional powers minus any constitutional powers of Congress over the matter."<sup>12</sup>

As long as it is not constitutionally based, Congress may repeal an executive order, or terminate the underlying authority upon which the action is predicated. Congress has explicitly revoked executive orders in their entirety; nullified, modified, and expanded portions of executive orders; and used its appropriations authority to limit the effect of executive orders. Additionally, a sitting President may revoke, amend, or supersede orders that he or his predecessor issued.<sup>13</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> For example, the Homeland Security Council (HSC) was first established by executive order on October 8, 2001. Exec. Order No. 13228, 66 Fed. Reg. 51812-17 (Oct. 10, 2001). The location of the HSC was not specified in that executive order. Its organization and operation were addressed in a Homeland Security Presidential Directive on October 29, 2001, HSPD-1. See <http://www.dhs.gov/xabout/laws/gc-1213648320189.shtm#1>. Congress later reconstituted the HSC in Title IX of the Homeland Security Act of 2002, placing the HSC within the Executive Office of the President. P.L. 107-296; see 6 U.S.C. §§ 491 *et seq.* After the passage of the Homeland Security Act, the role of the HSC was addressed in another executive order. Exec. Order 13286, 68 Fed. Reg. 10627, 10627-28 (Mar. 5, 2003)(amending Executive Order 12472, which was issued on April 3, 1984).



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**Executive Orders Issued by  
President Calvin Coolidge**

(1923-1929)

EXECUTIVE ORDER 4601

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# EXECUTIVE ORDER 4601

MARCH 1, 1927

{AS AMENDED BY EO 7786, EO 7962, EO 9615, EO 10189,  
EO 13286}

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Signed:	Mar. 1, 1927
Amends:	EO 12036, January 24, 1978
Amended by:	EO 7786 EO 7962 EO 9615 EO 10189 EO 13286
Codified:	Chapter 32, Subchapter B

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For the purpose of carrying into effect the provisions of Section 12 of the Act of Congress approved July 2, 1926, relative to the authorization of a distinguished flying cross, the following rules and regulations pertaining to the award of the distinguished flying cross are promulgated:

1. a. Subject to the other special conditions prescribed in the law, the following classes of persons are eligible for the award of the distinguished flying cross:

(1) All members of the Army, Navy, Marine Corps, and Coast Guard of the United States, while participating in an aerial flight, as part of the duties incident to such membership;

(2) All members of the National Guard not in Federal service, the Organized Reserves, the Officers' Reserve Corps, the Enlisted Reserve Corps, the Naval Reserves and the Marine Corps Reserves, not on active duty, while participating in an aerial flight as part of the duties incident to such membership;

(3) Members of the military, naval or air forces of foreign governments while serving with the military or naval forces of the United States and while participating in an aerial flight.

b. Civilians are not eligible for the award of the distinguished flying cross.

2. The Secretary of Defense, and the Secretary of Homeland Security, acting for the President, will make the award of the distinguished flying cross to eligible persons in their respective departments.

3. The initial recommendation for the award of the decoration may be made by any officer having information of the facts.

4. A recommendation must be based upon the statement of a person who has personal knowledge concerning the act of heroism or extraordinary achievement or who was an eye-witness thereto, preferably the immediate commander. Such act or achievement must be described specifically and in detail. When the recommendation is made by a person who was an eye-witness to the act or achievement or who has personal knowledge thereof, that fact must be stated. When the recommendation is made by a person who was not an eye-witness to the act or achievement or who does not have personal knowledge thereof, the testimony of at least two persons who were eye-witnesses or who have personal knowledge thereof, and who so describe themselves, must accompany the recommendation. Written testimony will be in the form of certificates or affidavits.

5. Each recommendation for the award of the decoration will show, in case of the person who is being recommended, the exact status of that person at the time he displayed the heroism or extraordinary achievement upon which the recommendation is based, and will contain a specific statement that the entire service of that person, since the time he distinguished himself, has been honorable.

6. When a recommendation is supported by an official record that fact will be stated, and there will be included in the recommendation such information as will enable a prompt and certain identification of such record.

7. Each recommendation will be submitted separately and forwarded through regular channels with the views and recommendations of each commander indorsed thereon.

8. (a) For any act of heroism or extraordinary achievement performed on or before July 2, 1926, the Distinguished Flying Cross shall not be awarded after July 2, 1929, nor unless the recommendation therefore shall have been made on or before July 2, 1928. For any such act or achievement performed subsequent to July 2, 1926, the said decoration shall not be awarded after more than three years from the date of such act or achievement, nor unless the recommendation therefore shall have been made at the time of such act or achievement or within two years thereafter: Provided, that for any such act or achievement performed between December 7, 1941, and September 2, 1945, the said decoration may be awarded not later than May 2, 1952, in any case in which the written recommendation therefore shall have been made on or before May 2, 1951: And provided further, that for any such act or achievement performed during the period commencing September 3, 1945, and ending at twelve o'clock noon, December 31, 1946, the date of the termination of hostilities of World War II, as proclaimed by Proclamation No. 2714 of December 31, 1946, the said decoration may be awarded in any case in which the recommendation therefore shall have been made not later than June 30, 1947.



(b) In any case in which a recommendation for the award of the Distinguished Flying Cross has been lost and such recommendation is alleged to have been made within the applicable period of time prescribed by subdivision (a) of this paragraph, the certificate of an officer or the affidavit of an enlisted man to the effect that the recommendation was made within such applicable period of time and forwarded through official channels, accompanied by a statement of the substance of the recommendation, or preferably a copy thereof, shall be accepted, and the case considered on its merits.

9. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross, bar, or other device presented to the representative of the deceased in the following order: widow (provided she has not remarried), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

10. Not more than one of the several decorations authorized by Federal law will be awarded for the same act of heroism or extraordinary achievement.

11. Whenever the distinguished flying cross, bar, or other suitable device shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, such cross, bar, or other device shall be replaced without charge therefore by the department by which the award was made.

12. The Secretary of Defense, and the Secretary of Homeland Security may promulgate, for the service pertaining to their respective departments, such additional regulations, supplementary to these regulations and not in conflict therewith, as they may deem proper, and may from time to time alter, modify, or rescind such regulations.



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**Executive Orders Issued by  
President John F. Kennedy**

(1961-1963)

EXECUTIVE ORDERS 10113-11079

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## EXECUTIVE ORDER 10113

### DELEGATING THE AUTHORITY OF THE PRESIDENT TO PRE- SCRIBE CLOTHING ALLOWANCES, AND CASH ALLOWANCES IN LIEU THEREOF, FOR ENLISTED MEN IN THE ARMED FORCES

{AS AMENDED BY EO 13286}

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Signed:	February 24, 1950
Federal Register page and date:	15 FR 1065, February 28, 1950
Amended by:	EO 12608, September 9, 1987 EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces, it is ordered as follows:

**Sec. 1.** The Secretary of Defense with respect to enlisted men of the Army, the Navy, the Air Force, the Marine Corps, the Naval Reserve, the Marine Corps Reserve, the National Guard, the Air National Guard, the National Guard of the United States, the Air National Guard of the United States, the Organized Reserve Corps, and the Air Force Reserve, and the Secretary of the Treasury with respect to enlisted men of the Coast Guard and the Coast Guard Reserve, are hereby authorized and directed, after appropriate consultation with the Director of the Office of Management and Budget, to perform the functions vested in the President by section 505 of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), relative to prescribing the quantity and kind of clothing which shall be furnished annually to enlisted men of the aforesaid services and relative to prescribing the amount of the cash allowance to be paid to such enlisted men in any case in which clothing is not so furnished to them.

**Sec. 2.** The quantity and kind of clothing, and any cash allowances in lieu thereof, prescribed by the Secretary of Homeland Security hereunder with respect to the Coast Guard and the Coast Guard Reserve shall, so far as practicable, be in conformity with those prescribed by the Secretary of Defense with respect to the Navy and Naval Reserve, respectively.

**Sec. 3.** Existing regulations prescribing the quantity and kind of clothing furnished, and any cash allowances in lieu thereof, shall remain in effect until modified, revoked, or superseded by action taken pursuant to this order.

**Sec. 4.** The term “enlisted men” as used in this order shall be deemed to apply to enlisted persons of either sex.

**Sec. 5.** This order shall become effective on April 1, 1950, and on that date shall supersede Executive Order No. 10049, entitled “Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in Lieu Thereof, to Enlisted Men in the Armed Forces.”

## EXECUTIVE ORDER 10163

### THE ARMED FORCES RESERVE MEDAL

{AS AMENDED BY EO 10439, EO 13013, EO 13286}

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Signed:	September 25, 1950
Federal Register page and date:	15 FR 6489, September 27, 1950
Amended by:	EO 10439, March 19, 1953 EO 13013, August 6, 1996 EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

**Sec. 1.** There is hereby established the Armed Forces Reserve Medal, with accompanying appurtenances and devices, for award to members and former members of the reserve components of the armed forces of the United States as hereinafter provided.

**Sec. 2.** The Armed Forces Reserve Medal shall be of such design as the Secretary of Defense shall approve:

Provided, That the obverse face of the medal shall be of the same design in all cases, and the reverse face shall be distinctive in design with respect to each reserve component of the armed forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve:

And provided further, That the reverse face of the medal to be awarded to members of the Coast Guard Reserve shall be of such design as the Secretary of Homeland Security shall approve.

**Sec. 3.3.** The Armed Forces Reserve Medal may be awarded to members or former members of the reserve components of the Armed Forces of the United States who meet one or more of the following three criteria.

a. The member has completed a total of 10 years of honorable service in one or more of such reserve components, including annual active duty and inactive duty training as required by appropriate regulations, provided that (1) such 10 years of service was performed within a period of 12 consecutive years, (2) such service shall not include service in a regular component of the armed forces, including the Coast Guard, but (A) service in a reserve component that is concurrent, in whole or in part, with service in a regular component of the armed forces shall be included in computing the required 10 years of reserve service, and (B) any period of time during which re-

serve service is interrupted by service in a regular component of the armed forces shall be excluded in computing, and shall not be considered a break in, the said period of 12 consecutive years, and (3) such service shall not include service for which the Naval Reserve Medal or the Marine Corps Reserve Medal has been or may be awarded.

b. On or after August 1, 1990, the member was called to active duty and served under sections 12301(a), 12302, 12304, 12406 (formerly sections 672(a), 673, 673b, 3500, and 8500) and Chapter 15 of title 10, United States Code, or, in the case of the United States Coast Guard Reserve, section 712 of title 14, United States Code.

c. On or after August 1, 1990, the member volunteered and served on active duty in support of specific U.S. military operations or contingencies designated by the Secretary of Defense. Not more than one Armed Forces Reserve Medal may be awarded to any one person. The member shall receive the medal with the distinctive design of the reserve component with which the person served at the time of award or in which such person last served. The medal is awarded with the appropriate appurtenance that denotes the manner in which the award was earned, either through completion of 10 years of service, mobilization, or volunteering for, and serving on, active duty in support of operations or contingencies designated by the Secretary of Defense. For each succeeding mobilization, volunteering for, and serving on, active duty in support of operations or contingencies, or 10-year period of service as above described, and a suitable appurtenance may be awarded, to be worn with the medal in accordance with appropriate regulations.

**Sec. 5.** A member of a Naval or Marine Corps Reserve component who is eligible to receive a Naval Reserve or Marine Corps Reserve Medal may at his election be awarded, in lieu of such medal, the Armed Forces Reserve Medal.

**Sec. 6.** The Armed Forces Reserve Medal shall be awarded in lieu of the Naval Reserve and the Marine Corps Reserve Medals for service performed after twenty years from the dates on which such medals were established.

**Sec. 7.** Subject to the provisions of this order, the Armed Forces Reserve Medal shall be awarded under such regulations as the Secretaries of the military departments of the Department of Defense and the Secretary of Homeland Security shall severally prescribe. Such regulations shall, so far as practicable, be of uniform application, and regulations issued pursuant to this order by the Secretaries of the military departments of the Department of Defense shall be subject to the approval of the Secretary of Defense.



**EXECUTIVE ORDER 10179**  
**ESTABLISHING THE KOREAN SERVICE MEDAL**  
**{AS AMENDED BY EO 10429, EO 13286}**

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Signed:	November 8, 1950
Federal Register page and date:	15 FR 7665, November 11, 1950
Amended by:	EO 10429, January 17, 1953 EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

- 1.** There is hereby established the Korean Service Medal, with suitable appurtenances, for award, under such regulations as the Secretaries of the Army, Navy, and Air Force and the Secretary of Homeland Security may severally prescribe, and subject to the provisions of this order, to members of the armed forces of the United States who during any period between June 27, 1950, inclusive, and a terminal date to be fixed by the Secretary of Defense shall have served within the area or areas of military operations in the Korean theater.
- 2.** The regulations prescribed by the Secretaries of the Army, Navy, and Air Force pursuant to paragraph 1 hereof shall be uniform so far as practicable and shall be approved by the Secretary of Defense. The regulations prescribed by the Secretary of Homeland Security pursuant to paragraph 1 hereof shall, so far as practicable, be uniform with the regulations prescribed by the Secretaries of the Army, Navy, and Air Force and approved by the Secretary of Defense pursuant to the said paragraph.
- 3.** The term “Korean theater”, as used in paragraph 1 hereof, shall be defined in the regulations prescribed pursuant to the said paragraph.
- 4.** No person shall be entitled to more than one award of the Korean Service Medal.
- 5.** The Korean Service Medal may be awarded posthumously.



## EXECUTIVE ORDER 10271

### DELEGATING AUTHORITY OF THE PRESIDENT TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS OF ARMED FORCES INTO ACTIVE FEDERAL DUTY

{AS AMENDED BY EO 13286}

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Signed:	July 7, 1951
Federal Register page and date:	16 FR 6659, July 10, 1951
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 10(c) of the Universal Military Training and Service Act (62 Stat. 621), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

**1.** There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress), to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: Provided, that so much of the authority of the President under the said section 21, as amended, as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of Homeland Security.

**2.** The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.



## EXECUTIVE ORDER 10448

### ESTABLISHING THE NATIONAL DEFENSE SERVICE MEDAL

{AS AMENDED BY EO 13286}

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Signed:	April 22, 1953
Federal Register page and date:	18 FR 2391, April 24, 1953
Amended by:	EO 11265, January 11, 1966
	EO 11382, November 28, 1967
	EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established the National Defense Service Medal, with suitable appurtenances. Under such regulations as the Secretaries of the Army, Navy, and Air Force, or the Secretary of Homeland Security with regard to the Coast Guard when it is not operating as a service in the Navy, may severally prescribe, and subject to the provisions of this Order, the National Defense Service Medal shall be awarded to members of the Armed Forces of the United States who served during any period after June 26, 1950, and before July 28, 1954, or who served during any period after December 31, 1960, which the Secretary of Defense designates as being a period for which active military service merits special recognition.
2. The regulations prescribed by the Secretaries of the Army, Navy, and Air Force pursuant to paragraph 1 hereof shall be uniform so far as practicable and shall be approved by the Secretary of Defense. The regulations prescribed by the Secretary of Homeland Security pursuant to paragraph 1 hereof shall, so far as practicable, be uniform with the regulations prescribed for the other armed forces.
3. Those persons entitled to wear the National Defense Service Medal for service after June 26, 1950, and before July 28, 1954, or for service during any designated period after December 31, 1960, are also entitled to wear a bronze star on their National Defense Service Medal ribbon for each additional period of active duty designated by the Secretary of Defense pursuant to paragraph 1 as being a period for which active military service merits special recognition.
4. The National Defense Service Medal may be awarded posthumously.



## EXECUTIVE ORDER 10499

### DELEGATING FUNCTIONS CONFERRED UPON THE PRESIDENT BY SECTION 8 OF THE UNIFORMED SERVICES CONTINGENCY OPTION ACT OF 1953

{AS AMENDED BY EO 13286}

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Signed:	November 4, 1953
Federal Register page and date:	18 FR 7003, November 6, 1953
Amended by:	EO 12608, September 9, 1987 EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

**SECTION 1.** Except as otherwise provided in this order, the Secretary of Defense is hereby authorized and empowered to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 8 of the Uniformed Services Contingency Option Act of 1953, approved August 8, 1953 (Public Law 239, 83d Congress), hereinafter referred to as the Act. The Secretary of Defense, after appropriate consultation with the Secretaries of Homeland Security, Commerce, and Health, Education, and Welfare, shall prepare for each fiscal year a consolidated report on operations and financing of the benefits authorized by the Act and shall present such report to the President not later than four months following the close of the fiscal year, for transmittal by the President to the Congress.

**SEC. 2.** The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare are hereby severally authorized and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 8 of the Act of prescribing regulations for the administration of the Act; provided that the regulations prescribed by any such Secretary shall relate only to the Department of which the Secretary is the head.

**SEC. 3.** The regulations prescribed by the said Secretaries under section 2 of this order shall be subject to the approval of the Secretary of Defense; shall be designed to achieve the uniform, equitable, and economical administration of the Act; shall include uniform tables of actuarial equivalents and provision that term insur-

ance values shall be computed by uniform methods prescribed by the Board of Actuaries provided for in section 8 of the Act; and, to the extent deemed necessary, shall include (a) procedures for informing personnel of their rights, for submitting elections and claims, and for reconsideration of determinations, and (b) definitions of terms.

**SEC. 4.** Functions under section 8 of the Act with respect to the selection of a member of the Board of Actuaries from among the membership of the Society of Actuaries and the fixing of his compensation are reserved to the President.

**SEC. 5.** The meaning of the terms 'functions' and 'perform' as used in this order shall be the same as the meaning of those terms as used in chapter 4 of title 3 of the United States Code.

This order shall become effective on November 1, 1953.



## EXECUTIVE ORDER 10554

DELEGATING THE AUTHORITY OF THE PRESIDENT TO PRE-  
SCRIBE REGULATIONS AUTHORIZING OCCASIONS UPON  
WHICH THE UNIFORM MAY BE WORN BY PERSONS WHO  
HAVE SERVED HONORABLY IN THE ARMED FORCES IN  
TIME OF WAR

{AS AMENDED BY EO 13286}

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Signed:	August 18, 1954
Federal Register page and date:	19 FR 5295, August 20, 1954
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The authority vested in the President (1) by section 125 of the act of June 3, 1916, 39 Stat. 216, as amended by the first section of the act of July 6, 1953, 67 Stat. 140, and (2) by section 2 of the act of June 21, 1930, 46 Stat. 793, as amended by section 2 of said act of July 6, 1953, to prescribe regulations authorizing occasions upon which the uniform may be worn by persons who have served honorably in the armed forces of the United States in time of war is hereby delegated to the Secretary of Defense so far as it pertains to the uniforms of the Army, Navy, Air Force, and Marine Corps, and to the Secretary of Homeland Security so far as it pertains to the uniform of the Coast Guard.



## EXECUTIVE ORDER 10631

### CODE OF CONDUCT FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

{AS AMENDED BY EO 11382, EO 12017, EO 12633,  
EO 13286}

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Signed:	August 17, 1955
Federal Register page and date:	20 FR 6057, August 20, 1955
Amended by:	EO 11382, November 28, 1967
	EO 12017, November 3, 1977
	EO 12633, March 28, 1988
	EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, I hereby prescribe the Code of Conduct for Members of the Armed Forces of the United States which is attached to this order and hereby made a part thereof.

All members of the Armed Forces of the United States are expected to measure up to the standards embodied in this Code of Conduct while in combat or in captivity. To ensure achievement of these standards, members of the armed forces liable to capture shall be provided with specific training and instruction designed to better equip them to counter and withstand all enemy efforts against them, and shall be fully instructed as to the behavior and obligations expected of them during combat or captivity.

The Secretary of Defense (and the Secretary of Homeland Security with respect to the Coast Guard except when it is serving as part of the Navy) shall take such action as is deemed necessary to implement this order and to disseminate and make the said Code known to all members of the armed forces of the United States.

- I** I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.
- II** I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.
- III** If I am captured I will continue to resist by all means available. I will make every effort to escape and to aid others to escape. I will accept neither parole nor special favors from the enemy.
- IV** If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action

which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

- V** When questioned, should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.
- VI** I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

## EXECUTIVE ORDER 10637

### DELEGATING TO THE SECRETARY OF HOMELAND SECURITY CERTAIN FUNCTIONS OF THE PRESIDENT RELATING TO THE UNITED STATES COAST GUARD

{AS AMENDED BY EO 13286}

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Signed:	September 16, 1955
Federal Register page and date:	20 FR 7025, September 20, 1955
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 499 of title 14 of the United States Code, and Article 140 of the Uniform Code of Military Justice (64 Stat. 145), and as President of the United States, it is hereby ordered as follows:

#### **Section 1.**

The Secretary of Homeland Security is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 149 of title 14 of the United States Code, in his discretion, to detail officers and enlisted men of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance.

(b) The authority vested in the President by section 229 of title 14 of the United States Code to revoke the commission of any officer on the active list of the Coast Guard who, at the date of such revocation, has had less than three years of continuous service as a commissioned officer in the Coast Guard, and to prescribe regulations relating to such revocations.

(c) The authority vested in the President by section 232 of title 14 of the United States Code, in his discretion, to retire from active service any commissioned officer of the Coast Guard, upon his own application, who has completed twenty years of active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, or the Reserve Components thereof.

(d) The authority vested in the President by section 235 of title 14 of the United States Code to retire, to approve the retirement of, to place out of line of promotion, and to approve the placing out of line of promotion of, officers of the Coast Guard.

(e) The authority vested in the President by section 492 of title 14 of the United States Code to present a distinguished

service medal (including incidental items) to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility.

(f) The authority vested in the President by section 493 of title 14 of the United States Code to present the Coast Guard medal (including incidental items) to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism not involving actual conflict with an enemy.

(g) The authority vested in the President by section 494 of title 14 of the United States Code to award emblems, insignia, rosettes, and other devices, to the extent that such authority relates to the awarding of such items to be worn with the distinguished service medal or the Coast Guard medal.

(h) The authority vested in the President by section 498 of title 14 of the United States Code to make posthumous awards of decorations and to designate representatives to receive such awards, to the extent that such authority relates to the awarding of the distinguished service medal or the Coast Guard medal, or ribbons, emblems, insignia, rosettes, or other devices corresponding thereto.

(i) The authority vested in the President by section 499 of title 14 of the United States Code to make rules, regulations, and orders to the extent that they shall relate to the authority described in sections 1(f), 1(g), and 1(h) above.

(j) The authority vested in the President by the first paragraph of section 806 of the act of September 8, 1916, ch. 463, 39 Stat. 799 (15 U.S.C. 77), to direct the detention of any vessel, American or foreign, by withholding clearance or by formal notice forbidding departure; but such authority shall be exercised by the Secretary of Homeland Security only upon a finding by the President that there is reasonable ground to believe that the vessel concerned is making or giving undue or unreasonable preference or advantage to any party, or is subjecting any party to undue or unreasonable prejudice, disadvantage, injury, or discrimination, as described in the said paragraph; and the authority so vested to revoke, modify, or renew any such direction.

(k) The authority vested in the President by the second paragraph of the said section 806 of the act of September 8, 1916, to withhold clearance from one or more vessels of a belligerent country or government until such belligerent shall restore to American vessels and American citizens reciprocal liberty of commerce and equal facilities for trade, and the authority to direct that similar privileges and facilities, if any, enjoyed by vessels and citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; but such authority shall not, in either instance, be exercised by the Secretary of Homeland Security with respect to any vessel or citizen of such belligerent unless and until the President proclaims that the belligerent nation concerned is denying privileges and facilities to American vessels as described in the said paragraph.

(l) The authority vested in the President by section 963(a) of title 18 of the United States Code to detain, in accordance with the provisions of such section, any armed vessel, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and to determine, in each case, whether the proof required by such section is satisfactory.

(m) The authority vested in the President by section 967(a) of title 18 of the United States Code, during a war in which the United States is a neutral nation, to withhold clearance from or to any vessel, domestic or foreign, or, by service of formal notice upon the owner, master, or person in command or in charge of any domestic vessel not required to secure clearances, and to forbid its departure from port or from the United States, whenever there is reasonable cause to believe that such vessel is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations.

(n) The authority vested in the President by section 10(a) of the act of November 4, 1939, ch. 2, 54 Stat. 9 (22 U.S.C. 450(a)), to require the owner, master, or person in command of a vessel to give a bond to the United States, as prescribed by the said section 10(a).

(o) The authority vested in the President by section 10(b) of the act of November 4, 1939, ch. 2, 54 Stat. 9 (22 U.S.C. 450(b)), to prohibit the departure of a vessel from a port of the United States, in accordance with the provisions of the said section 10(b).

(p) The authority vested in the President by section 2 of the act of August 18, 1914, ch. 256, 38 Stat. 699 (46 U.S.C. 236), to suspend, in his discretion, by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

(q) The authority vested in the President by section 2 of the act of October 17, 1940, ch. 896, 54 Stat. 1201 (46 U.S.C. 643b) to extend, whenever in his judgment the national interest requires, the provisions of subsection (b) of section 4551, Revised Statutes, as amended, to such additional class or classes of vessels and to such waters as he may designate.

(r) The authority vested in the President by section 6 of the act of July 24, 1941, ch. 320, 55 Stat. 604, as amended (34 U.S.C. 350e), to make appointments of officers below flag rank without the advice and consent of the Senate, to the extent that such authority relates, pursuant to section 11(b) of the said act, as amended (34 U.S.C. 350j), to officers of the United States Coast Guard.

## **Sec. 2.**

The Secretary of Homeland Security is hereby designated and empowered to perform without the approval, ratification, or other action of the President the following described functions to the extent that they relate to the United States Coast Guard:

(a) The authority vested in the President by Article 4(a) of the Uniform Code of Military Justice (section 1 of the act of May 5, 1950, ch. 169, 64 Stat. 110; 50 U.S.C. 554(a)), to convene a general court-martial to try any dismissed officer, upon application by the officer concerned for trial by court-martial.

(b) The authority vested in the President by Article 4(c) and 75 of the Uniform Code of Military Justice (64 Stat. 110, 132; 50 U.S.C. 554(c), 662), to reappoint a discharged officer to such commissioned rank and precedence as the former officer would have attained had he not been dismissed, and to direct the extent to which any such reappointment shall affect the promotion status of other officers.

(c) The authority vested in the President by section 10 of the act of May 5, 1950, ch. 169, 64 Stat. 146 (50 U.S.C. 739), to drop from the rolls any officer who has been absent without authority from his place of duty for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a Federal or State penitentiary or correctional institution.

(d) The authority vested in the President by section 219 of the Armed Forces Reserve Act, approved July 9, 1952 (66 Stat. 487; 50 U.S.C. 943), to make appointments of Reserves in commissioned grades below flag officer grades.

(e) The authority vested in the President by section 221 of the said Armed Forces Reserve Act (50 U.S.C. 945) to determine the tenure in office of commissioned officers of the reserve.

(f) The authority vested in the President by section 248 of the said Armed Forces Reserve Act (50 U.S.C. 991), to effect the discharge of commissioned officers of the reserve.

(g) The authority vested in the President by section 6 of the act of February 21, 1946, ch. 34, 60 Stat. 27 (34 U.S.C. 410b), as made applicable to the Coast Guard Reserve by section 755(a) of title 14 of the United States Code, in his discretion, to place upon the retired list any officer of the Coast Guard Reserve, upon his own application, who has completed more than twenty years of active service as described in the said section 6.

**Sec. 3.**

All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

**Sec. 4.**



As used in this order, the term “functions” embraces duties, powers, responsibilities, authority, or discretion, and the term “perform” may be construed to mean “exercise”.

**Sec. 5.**

Whenever the entire Coast Guard operates as a service in the Navy, the references to the Secretary of Homeland Security in the introductory portions of sections 1 and 2 of this order shall be deemed to be references to the Secretary of the Navy.



## EXECUTIVE ORDER 10694

AUTHORIZING THE SECRETARIES OF THE ARMY, NAVY, AND  
AIR FORCE TO ISSUE CITATIONS IN THE NAME OF THE  
PRESIDENT OF THE UNITED STATES TO MILITARY AND  
NAVAL UNITS FOR OUTSTANDING PERFORMANCE IN AC-  
TION

{AS AMENDED BY EO 13286}

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Signed:	January 10, 1957
Federal Register page and date:	22 FR 253, January 12, 1957
Amended by:	EO 13286, February 28, 2003
Supersedes:	EO 9050, February 6, 1942 EO 9396, November 22, 1943

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretaries of the Army, the Navy, and the Air Force, respectively, are hereby authorized to issue a citation in the name of the President of the United States, as public evidence of deserved honor and distinction, to any organization, detachment, installation, ship, aircraft, or other unit for outstanding performance in action on or after October 16, 1941, in the case of the Navy or Marine Corps, and on or after December 7, 1941, in the case of the Army or the Air Force. Such citations may also be issued to units of armed forces of cobelligerent nations, serving with the armed forces of the United States for outstanding performance in action on or after December 7, 1941; provided that such units shall meet the standards established for the armed forces of the United States.
2. Appropriate insignia of such form and design as may be determined by the Secretary concerned may be displayed by any organization, detachment, installation, ship, aircraft, or other unit to which such citation is issued.
3. After any unit is cited pursuant to paragraph 1 hereof for outstanding performance in action, a ribbon identifying such citation shall be issued and shall become a permanent part of the uniform of those persons assigned or attached thereto who were actually present and participated in the action for which the unit was cited, or in one of the actions if more than one action is mentioned in the citation, whether they thereafter serve with such unit or with a different unit. Such persons are authorized to wear an appropriate additional device for any subsequent citation for which they are eli-

gible, made either to the same unit or to a unit to which they are subsequently assigned. If authorized by the Secretary concerned, persons assigned to a unit subsequent to an action for which it was cited, may wear the citation ribbon while so assigned.

**4.** This order supersedes Executive Orders No. 9050 of February 6, 1942, and No. 9396 of November 22, 1943.

**5.** The Secretary of the Department in which the Coast Guard is operating may exercise the same authority with respect to the Coast Guard under this order as the Secretary of the Navy may exercise with respect to the Navy and the Marine Corps under this order.

## EXECUTIVE ORDER 10789

### AUTHORIZING AGENCIES OF THE GOVERNMENT TO EXERCISE CERTAIN CONTRACTING AUTHORITY IN CONNECTION WITH NATIONAL-DEFENSE FUNCTIONS AND PRESCRIBING REGU- LATIONS GOVERNING THE EXERCISE OF SUCH AUTHORITY

{AS AMENDED BY EO 11051, EO 11382, EO 11610,  
EO 12148, EO 12919, EO 13232, EO 13286}

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Signed:	November 14, 1958
Federal Register page and date:	23 FR 8897, November 15, 1958
Amended by:	EO 11051, September 27, 1962
	EO 11382, November 28, 1967
	EO 11610, July 22, 1971
	EO 12148, July 20, 1979
	EO 12919, June 3, 1994
	EO 13232, October 20, 2001
	EO 13286, February 28, 2003

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By virtue of the authority vested in me by the act of August 28, 1958, 72 Stat. 972, hereinafter called the act, and as President of the United States, I and deeming that such action will facilitate the national defense, it is hereby ordered as follows:

#### **Part I—Department of Defense**

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefore, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, whenever, in the judgment of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, the national defense will be facilitated thereby.

1A(a) The limitation in paragraph 1 to amounts appropriated and the contract authorization provided therefore shall not apply to contractual provisions which provide that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subparagraph (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise (except as provided in sub-

paragraph (b)(2)). This exception from the limitations of paragraph 1 shall apply only to claims or losses arising out of or resulting from risks that the contract defines as unusually hazardous or nuclear in nature. Such a contractual provision shall be approved in advance by an official at a level not below that of the Secretary of a military department and may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the approving official to be appropriate under the circumstances. In deciding whether to approve the use of an indemnification provision and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost and terms of private insurance, self-insurance, other proof of financial responsibility and workmen's compensation insurance. Such approval and determination, as required by the preceding two sentences, shall be final.

(b)(1) Subparagraph (a) shall apply to claims (including reasonable expenses of litigation and settlement) or losses, not compensated by insurance or otherwise, of the following types:

(A) Claims by third persons, including employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property;

(B) Loss of, damage to, or loss of use of property of the contractor;

(C) Loss of, damage to, or loss of use of property of the Government;

(D) Claims arising (i) from indemnification agreements between the contractor and a subcontractor or subcontractors, or (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier; provided that all such arrangements were entered into pursuant to regulations prescribed or approved by the Secretaries of Defense, the Army, the Navy, or the Air Force.

(2) Indemnification and hold harmless agreements entered into pursuant to this subsection, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials which are (i) claims by the United States (other than those arising through subrogation) against the contractor or subcontractor, or (ii) losses affecting the property of such contractor or subcontractor. Regulations to be prescribed or approved by the Secretaries of Defense, the Army, the Navy or the Air Force shall define the scope of the term 'principal officials'.

(3) The United States may discharge its obligation under a provision authorized by subparagraph (a) by making payments directly to subcontractors or to third persons to whom a contractor or subcontractor may be liable.

(c) A contractual provision made under subparagraph (a) that provides for indemnification must also provide for—

- (1) notice to the United States of any claim or action against, or of any loss by, the contractor or subcontractor which is covered by such contractual provision; and
- (2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action.

**2.** The Secretaries of Defense, the Army, the Navy, and the Air Force, respectively, may exercise the authority herein conferred and, in their discretion and by their direction, may delegate such authority to any other military or civilian officers or officials of their respective departments, and may confer upon any such military or civilian officers or officials the power to make further delegations of such authority within their respective commands or organizations: Provided, that the authority herein conferred shall not be utilized to obligate the United States in an amount in excess of \$50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or by a departmental Contract Adjustment Board.

**3.** The contracts hereby authorized to be made shall include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of property or services necessary, appropriate, or convenient for the national defense, or for the invention, development, or production of, or research concerning, any such property or services, including, but not limited to, aircraft, missiles, buildings, vessels, arms, armament, equipment or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefore, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment without any restriction of any kind as to type, character, location, or form.

**4.** The Department of Defense may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance payments upon such contracts of any portion of the contract price, and may enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds. Amendments or modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making, or the form, of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

**5.** Proper records of all actions taken under the authority of the act shall be maintained within the Department of Defense. The Secretaries of Defense, the Army, the Navy, and the Air Force shall make such records available for public inspection except to the extent that they, or their duly authorized representatives, may respectively deem the disclosure of information therein to be detrimental to the national security.

**6.** The Department of Defense shall, by March 15 of each year, report to the Congress all actions taken within that department under the authority of the act during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of \$50,000, the report shall (except as the disclosure of such information may be deemed to be detrimental to the national security)—

- (a) name the contractor;
- (b) state the actual cost or estimated potential cost involved;
- (c) describe the property or services involved; and
- (d) state further the circumstances justifying the action taken.

**7.** There shall be no discrimination in any act performed hereunder against any person on the ground of race, religion, color, or national origin, and all contracts entered into, amended, or modified hereunder shall contain such nondiscrimination provision as otherwise may be required by statute or Executive order.

**8.** No claim against the United States arising under any purchase or contract made under the authority of the act and this order shall be assigned except in accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended.

**9.** Advance payments shall be made hereunder only upon obtaining adequate security.

**10.** Every contract entered into, amended, or modified pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

“The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona-fide employees or bona-fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.”

**11.** Except as provided in the Act of September 27, 1966, 80 Stat. 850, contracts entered into, amended, or modified pursuant to authority of this order shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to, such contracts or subcontracts. Before exercising the authority provided in the Act of September 27, 1966, 80 Stat. 850, the Secretaries of Defense, the Army, the Navy, or the Air Force, or their designees, shall first determine that all reasonable efforts have been made to include the clause prescribed



above and that alternate sources of supply are not reasonably available.

**12.** Nothing herein contained shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits or fees;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304(a)(15) of title 10 of the United States Code to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, finds that at the time the commitment was made it was impracticable to use normal procurement procedures.

**13.** The provisions of the Walsh-Healey Act (49 Stat. 2036), as amended, the Davis-Bacon Act (49 Stat. 1011), as amended, the Copeland Act (48 Stat. 948), as amended, and the Eight Hour Law (37 Stat. 137), as amended, if otherwise applicable, shall apply to contracts made and performed under the authority of this order.

**14.** Nothing herein contained shall prejudice anything heretofore done under Executive Order No. 9001 of December 27, 1941, or Executive Order No. 10210 of February 2, 1951, or any amendments or extensions thereof, or the continuance in force of an action heretofore taken under those orders or any amendments or extensions thereof.

**15.** Nothing herein contained shall prejudice any other authority which the Department of Defense may have to enter into, amend, or modify contracts, and to make advance payments.

**Part II—Extension of Provisions of Paragraphs 1-14**

**21.** Subject to the limitations and regulations contained in paragraphs 1 to 14, inclusive, hereof, and under any regulations prescribed by him in pursuance of the provisions of paragraph 22 hereof, the head of each of the following-named agencies is authorized to perform or exercise as to his agency, independently of any Secretary referred to in the said paragraphs 1 to 14, all the functions and authority vested by those paragraphs in the Secretaries mentioned therein:

Department of the Treasury  
 Department of the Interior  
 Department of Agriculture  
 Department of Commerce  
 Department of Health and Human Services  
 Department of Transportation

Atomic Energy Commission  
General Services Administration  
National Aeronautics and Space Administration  
Tennessee Valley Authority  
Government Printing Office  
Department of Homeland Security

**22.** The head of each agency named in paragraph 21 hereof is authorized to prescribe regulations governing the carrying out of the functions and authority vested with respect to his agency by the provisions of paragraph 21 hereof. Such regulations shall, to the extent practicable, be uniform with the regulations prescribed or approved by the Secretary of Defense under the provisions of Part I of this order.

**23.** Nothing contained herein shall prejudice any other authority which any agency named in paragraph 21 hereof may have to enter into, amend, or modify contracts and to make advance payments.

**24.** Nothing contained in this Part shall constitute authorization thereunder for the amendment of a contract negotiated under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 394), as amended by section 2(b) of the act of August 28, 1958, 72 Stat. 966, to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder.

### **Part III—Coordination with Other Authorities**

**25.** After March 1, 2003, no executive department or agency shall exercise authority granted under paragraph 1A of this order with respect to any matter that has been, or could be, designated by the Secretary of Homeland Security as a qualified anti-terrorism technology as defined in section 865 of the Homeland Security Act of 2002, unless—

(a) in the case of the Department of Defense, the Secretary of Defense has, after consideration of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002, determined that the exercise of authority under this order is necessary for the timely and effective conduct of United States military or intelligence activities; and

(b) in the case of any other executive department or agency that has authority under this order, (i) the Secretary of Homeland Security has advised whether the use of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002 would be appropriate, and (ii) the Director of the Office and Management and Budget has approved the exercise of authority under this order.

## EXECUTIVE ORDER 10865

### SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

{AS AMENDED BY EO 10909, EO 11382, EO 12038,  
EO 12829, EO 13284}

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Signed:	February 20, 1960
Federal Register page and date:	25 FR 1583, February 24, 1960
Amended by:	EO 10909, January 17, 1961 EO 11382, November 28, 1967 EO 12038, February 3, 1978 EO 12829, January 6, 1993 EO 13284, January 23, 2003

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WHEREAS it is mandatory that the United States protect itself against hostile or destructive activities by preventing unauthorized disclosures of classified information relating to the national defense; and

WHEREAS it is a fundamental principle of our Government to protect the interests of individuals against unreasonable or unwarranted encroachment; and

WHEREAS I find that the provisions and procedures prescribed by this order are necessary to assure the preservation of the integrity of classified defense information and to protect the national interest; and

WHEREAS I find that those provisions and procedures recognize the interest of individuals affected thereby and provide maximum possible safeguards to protect such interests:

NOW, THEREFORE, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

**Section 1.** When used in this order, the term 'head of a department' means the Secretary of State, the Secretary of Defense, the Secretary of Transportation, the Secretary of Energy, the Nuclear Regulatory Commission, the Administrator of the National Aeronautics and Space Administration, and, in section 4, the Attorney General. The term 'head of a department' also means the head of any department or agency, including but not limited to those referenced above with whom the Department of Defense makes an agreement to extend regulations prescribed by the Secretary of Defense concerning authorizations for access to classified information pursuant to Executive Order No. 12829.

**Sec. 2.** An authorization for access to classified information pursuant to Executive Order No. 12829 may be granted by the head of a department or his designee, including but not limited to those officials named in section 8 of this order, to an individual, hereinafter termed an "applicant", for a specific classification category only upon a finding that it is clearly consistent with the national interest to do so.

**Sec. 3.** Except as provided in section 9 of this order, an authorization for access to a specific classification category may not be finally denied or revoked pursuant to Executive Order No. 12829 by the head of a department or his designee, including, but not limited to, those officials named in section 8 of this order, unless the applicant has been given the following:

(1) A written statement of the reasons why his access authorization may be denied or revoked, which shall be as comprehensive and detailed as the national security permits.

(2) A reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons.

(3) After he has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designee, including, but not limited to, those officials named in section 8 of this order, for the purpose of supporting his eligibility for access authorization and to present evidence on his behalf.

(4) A reasonable time to prepare for that appearance.

(5) An opportunity to be represented by counsel.

(6) An opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant.

(7) A written notice of the final decision in his case which, if adverse, shall specify whether the head of the department or his designee, including, but not limited to, those officials named in section 8 of this order, found for or against him with respect to each allegation in the statement of reasons.

**Sec. 4.**

(a) An applicant shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the applicant relating to a controverted issue except that any such statement may be received and considered without affording such opportunity in the circumstances described in either of the following paragraphs:

(1) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest.

(2) The head of the department concerned or his special designee for that particular purpose has preliminarily

determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and the head of the department or such special designee has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (B) due to some other cause determined by the head of the department to be good and sufficient.

(b) Whenever procedures under paragraphs (1) or (2) of subsection (a) of this section are used (1) the applicant shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, (2) appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and (3) a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

**Sec. 5.**

(a) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that such information has been furnished to the department concerned by an investigative agency pursuant to its responsibilities in connection with assisting the head of the department concerned to safeguard classified information within industry pursuant to this order.

(b) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the applicant, may be received and considered provided that: (1) the head of the department concerned or his special designee for that purpose has made a preliminary determination that such physical evidence appears to be material, (2) the head of the department concerned or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security, and (3) to the extent that the national security permits, a summary or description of such physical evidence is made available to the applicant. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered. In such instances a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

**Sec. 6.** The head of a department of United State or his representative, may issue, in appropriate cases, invitations and requests to

appear and testify in order that the applicant may have the opportunity to cross-examine as provided by this order. Whenever a witness is so invited or requested to appear and testify at a proceeding and the witness is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, and the proceeding involves the activity in connection with which the witness is employed, travel expenses and per diem are authorized as provided by the Standardized Government Travel Regulations or the Joint Travel Regulations, as appropriate. In all other cases (including non-Government employees as well as officers or employees of the executive branch of the Government or members of the armed forces of the United States not covered by the foregoing sentence), transportation in kind and reimbursement for actual expenses are authorized in an amount not to exceed the amount payable under Standardized Government Travel Regulations. An office or employee of the executive branch of the Government or a member of the armed forces of the United States who is invited or requested to appear pursuant to this paragraph shall be deemed to be in the performance of his official duties. So far as the national security permits, the head of the investigative agency involved shall cooperate with the Secretary, the Administrator, or the head of the other department or agency, as the case may be, in identifying persons who have made statements adverse to the applicant and in assisting him in making them available for cross-examination. If a person so invited is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, the head of the department or agency concerned shall cooperate in making that person available for cross-examination.

**Sec. 7.** Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.

**Sec. 8.** Except as otherwise specified in the preceding provisions of this order, any authority vested in the head of a department by this order may be delegated to the deputy of that department, or the principal assistant to the head of that department, as the case may be.

**Sec. 9.** Nothing contained in this order shall be deemed to limit or affect the responsibility and powers of the head of a department to deny or revoke access to a specific classification category if the security of the nation so requires. Such authority may not be delegated and may be exercised only when the head of a department determines that the procedures prescribed in sections 3, 4, and 5 cannot be invoked consistently with the national security and such determination shall be conclusive.

## EXECUTIVE ORDER 10977

### ESTABLISHING THE ARMED FORCES EXPEDITIONARY MEDAL

{AS AMENDED BY EO 11382, EO 13286}

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Signed:	December 4, 1961
Federal Register page and date:	26 FR 11471, December 5, 1961
Amended by:	EO 11382, November 28, 1967 EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

**SECTION 1.** There is hereby established the Armed Forces Expeditionary Medal, with ribbons and appurtenances, for award to personnel of the Armed Forces of the United States who after July 1, 1958:

(a) Participate, or have participated, as members of United States military units in a United States military operation in which personnel of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers; and

(b) Encounter, incident to such participation, foreign armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize.

**SEC. 2.** The medal, with ribbons and appurtenances, shall be of appropriate design approved by the Secretary of Defense and shall be awarded by the Secretary of the military department directly concerned, and by the Secretary of Homeland Security with respect to the United States Coast Guard, under uniform regulations to be issued by the Secretary of Defense.

**SEC. 3.** The medal shall be awarded only for operations for which no other United States campaign medal is approved. For operations in which personnel of only one military department participate, the medal shall be awarded only if there is no other suitable award available to that department. No more than one medal shall be awarded to any one person, but for each succeeding operation justifying such award a suitable device may be awarded to be worn on the medal or ribbon as prescribed by appropriate regulations.

**SEC. 4.** The medal may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased

as may be deemed appropriate by the Secretary of the department concerned.



## EXECUTIVE ORDER 11016

### AUTHORIZING AWARD OF THE PURPLE HEART

{AS AMENDED BY EO 11382, EO 12464, EO 13286}

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Signed:	April 25, 1962
Federal Register page and date:	27 FR 4139; May 1, 1962
Amended by:	EO 11382, November 28, 1967 EO 12464, February 23, 1984 EO 13286, February 28, 2003

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WHEREAS General George Washington, at Newburg-on-the-Hudson, on August 7, 1782, during the War of the Revolution, issued an Order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or Decoration of the Purple Heart; and

WHEREAS the award of that decoration ceased with the closing of the War of the Revolution and was revived on February 22, 1932, out of respect to the memory and military achievements of General George Washington, by War Department General Orders No. 3:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. The Secretary of a military department, or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, to any member of an armed force under the jurisdiction of that department and any civilian national of the United States who, while serving under competent authority in any capacity with an armed force of that department, has been, or may hereafter be, wounded—

- (a) in any action against an enemy of the United States;
- (b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;
- (c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;
- (d) as the result of an act of any such enemy or opposing armed force;
- (e) as the result of an act of any hostile foreign force;

(f) after March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack for the purposes of this Order by the Secretary of the department concerned, or jointly by the Secretaries of the departments concerned if persons from more than one department are wounded in the attack; or

(g) after March 28, 1973, as a result of military operations, while serving outside the territory of the United States as part of a peacekeeping force.

**2.** The Secretary of a military department, or the Secretary of Homeland Security, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, posthumously, to any person covered by, and under the circumstances described in, —

(a) paragraphs 1 (a)-(e) who, after April 5, 1917; or

(b) paragraphs i (f)-(g) who, after March 28, 1973, has been, or may hereafter be, killed, or who has died or may hereafter die after being wounded.

**3.** A wound for which the award is made must have required treatment by a medical officer.

**4.** The Purple Heart shall be forwarded to the next of kin of any person entitled to the posthumous award, without respect to whether a previous award has been made to such person, except that if the award results from service before December 7, 1941, the Purple Heart shall be forwarded to such next of kin upon his application therefor to the Secretary of the department concerned.

**5.** Except as authorized in paragraph 4, not more than one Purple Heart shall be awarded to any person, but for each subsequent award a Gold Star, or other suitable device, shall be awarded to be worn with the Purple Heart as prescribed by appropriate regulations to be issued by the Secretary of the department concerned.

**6.** When authorized by the Secretary of the department concerned, while the award of the Purple Heart may be made by subordinate military commanders, or such other appropriate officers as the Secretary concerned may designate.

**7.** The Secretary of the department concerned may prescribe such regulations as he considers appropriate to carry out this order. The regulations of the Secretaries of the departments with respect to the award of the Purple Heart shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

**8.** This order supersedes Executive Order No. 10409 of November 12, 1952, entitled "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps, or Coast Guard of the United States". However, existing regulations prescribed pursuant to that order, together with regulations prescribed under the authority of General Orders No. 3, War Department, February 22, 1932, shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed by the Secretary of the department concerned under this order.

**EXECUTIVE ORDER 11046**  
**AUTHORIZING AWARD OF THE BRONZE STAR MEDAL**  
**{AS AMENDED BY EO 11382, EO 13286}**

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Signed:	August 24, 1962
Federal Register page and date:	27 FR 8575; August 28, 1962
Amended by:	EO 11382, November 28, 1967 EO 13286, February 28, 2003
Supersedes:	EO 9419, February 4, 1944

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

**1.** The Bronze Star Medal, with accompanying ribbons and appurtenances, which was first established by Executive Order No. 9419 of February 4, 1944, may be awarded by the Secretary of a military department or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders, or other appropriate officers as the Secretary concerned may designate to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, after December 6, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight—

(a) while engaged in an action against an enemy of the United States;

(b) while engaged in military operations involving conflict with an opposing foreign force; or

(c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

**2.** The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

**3.** No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be

awarded to be worn with the medal as prescribed by appropriate regulations.

**4.** The Bronze Star Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

**5.** This order shall supersede Executive Order No. 9419 of February 4, 1944, entitled "Bronze Star Medal". However, existing regulations prescribed under that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed under this order by the Secretary of the department concerned.

## EXECUTIVE ORDER 11079

### AUTHORIZING AWARD OF THE BRONZE STAR MEDAL

{AS AMENDED BY EO 11382, EO 12608, EO 13286}

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Signed:	January 25, 1963
Federal Register page and date:	28 FR 819; January 29, 1963
Amended by:	EO 11382, November 28, 1967
	EO 12608, September 9, 1987
	EO 13286, February 28, 2003

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By virtue of the authority vested in me by Section 2603 of Title 10, United States Code, I hereby designate the Secretary of Defense with respect to members of the Army, Navy, Air Force, and Marine Corps, the Secretary of Homeland Security, with respect to members of the Coast Guard when it is not operating as a service in the Navy, and the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, to prescribe regulations under which members of the Armed Forces and commissioned officers of the Public Health Service may accept fellowships, scholarships, or grants from corporations, funds, foundations, or educational institutions organized and operated primarily for scientific, literary, or educational purposes. To the extent practicable, such regulations shall be uniform.



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**Executive Orders Issued by  
President Lyndon B. Johnson**

(1963-1969)

EXECUTIVE ORDERS 11139-11448

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## EXECUTIVE ORDER 11139

### AUTHORIZING ACCEPTANCE OF THE UNITED NATIONS MEDAL AND SERVICE RIBBON

{AS AMENDED BY EO 11382, EO 12608, EO 13286}

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Signed:	January 7, 1964
Federal Register page and date:	29 FR 227; January 9, 1964
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, I hereby authorize the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security, with respect to members of the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations under which the United Nations Medal and Service Ribbon may be accepted by members of the armed forces who have been determined eligible for consideration in accordance with the Regulations for the United Nations Medal, promulgated by the United Nations Organization on July 30, 1959. A determination that service with the United Nations in a particular geographic area or for a particular purpose constitutes a justifiable basis for authorizing acceptance of the United Nations Medal and Service Ribbon by eligible members of the armed forces of the United States shall be made with the concurrence of the Secretary of State.



## EXECUTIVE ORDER 11190

### PROVIDING FOR THE SCREENING OF THE READY RESERVE OF THE ARMED FORCES

{AS AMENDED BY EO 11382, EO 13286}

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Signed:	December 29, 1964
Federal Register page and date:	29 FR 19183; December 31, 1964
Amended by:	EO 11382, November 28, 1967 EO 13286, February 28, 2003
Revokes:	EO 10651, January 6, 1956

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

**Section 1.** There is delegated to the Secretary of Defense (and to the Secretary of Homeland Security with regard to the United States Coast Guard) the authority vested in the President by section 271 of title 10 of the United States Code to prescribe regulations for the screening of units and members of the Ready Reserve of the Armed Forces.

**Sec. 2.** Executive Order No. 10651 of January 6, 1956, is revoked.



EXECUTIVE ORDER 11231  
ESTABLISHING THE VIETNAM SERVICE MEDAL  
{AS AMENDED BY EO 11382, EO 13286}

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Signed:	July 8, 1965
Federal Register page and date:	30 FR 8665; July 9, 1965
Amended by:	EO 11382, November 28, 1967 EO 13286, February 28, 2003

Terminal date for receiving the medal was set as March 28, 1973, by the Secretary of Defense in a memo (DOD Instruction 1348.15) dated January 26, 1973. A soldier serving in Vietnam after that date was not eligible for medal

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

**Section 1.** There is hereby established the Vietnam Service Medal with suitable appurtenances. Except as limited in section 2 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Vietnam Service Medal shall be awarded to members of the armed forces who serve in Vietnam or contiguous waters or air space, as defined by such regulations, after July 3, 1965, and before a terminal date to be prescribed by the Secretary of Defense.

**Sec. 2.** Notwithstanding section 3 of the Executive Order No. 10977 of December 4, 1961, establishing the Armed Forces Expeditionary Medal, any member who qualified for that medal by reason of service in Vietnam between July 1, 1958, and July 4, 1965, shall remain qualified for that medal. Upon application, any such member may be awarded the Vietnam Service Medal in lieu of the Armed Forces Expeditionary Medal, but no person may be awarded both medals by reason of service in Vietnam and no person shall be entitled to more than one award of the Vietnam Service Medal.

**Sec. 3.** The Vietnam Service Medal may be awarded posthumously.



## EXECUTIVE ORDER 11239

### ENFORCEMENT OF THE CONVENTION FOR SAFETY OF LIFE AT SEA, 1960

{AS AMENDED BY EO 11382, EO 13286}

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Signed:	July 31, 1965
Federal Register page and date:	30 FR 9671; August 4, 1965
Revokes:	EO 7548, February 5, 1937
Supersedes in part:	EO 10402, October 30, 1952
Amended by:	EO 11382, November 28, 1967 EO 13286, February 28, 2003
Superseded in part by:	EO 12234, September 3, 1980

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WHEREAS under Article I of the International Convention for Safety of Life at Sea, signed at London on June 17, 1960, ratified by the United States of America, and proclaimed by the President on March 24, 1965 (TIAS 5780), hereinafter sometimes referred to as the Convention, the Government of the United States of America, together with the governments of the other countries which have become parties to the Convention, undertakes to give effect to the provisions of the Convention and of the Regulations annexed thereto, to promulgate all laws, decrees, orders, and regulations, and to take all other steps which may be necessary to give the Convention full and complete effect, so as to insure that, from the point of view of safety of life, a ship is fit for the service for which it is intended; and

WHEREAS it is expedient and necessary, in order that the Government of the United States of America may give full and complete effect to the Convention, that several departments and agencies of the Executive Branch of the Government perform functions and duties thereunder; and

WHEREAS, in accordance with Article XI thereof, the Convention came into force on May 26, 1965:

NOW, THEREFORE, by virtue of the authority vested in me by Section 301 of Title 3 of the United States Code and as President of the United States of America, it is ordered as follows:

**SECTION 1.** The Secretary of State, the Secretary of Homeland Security (acting through the Coast Guard), the Secretary of Commerce (acting through the Weather Bureau), and the Federal Communications Commission, respectively, are hereby directed, in relation to the fulfillment of the obligations undertaken by the Government of the United States of America under the Convention, to perform the functions and duties therein prescribed and undertaken

which appertain to the functions and duties which they severally are now authorized or directed by law to perform. Each of the Secretaries and the Commission shall cooperate and assist the others in carrying out the duties imposed by the Convention and by this order.

**SEC. 2.** The Secretary of Homeland Security (acting through the Coast Guard), or such other agency as may be authorized by law so to do, shall issue certificates as required by the Convention, and in any case in which a certificate is to include matter which appertains to the functions and duties directed or authorized by law to be performed by the head of any department or agency other than the head of the issuing agency, the head of the issuing agency shall first ascertain from the head of the other department or agency his decision with respect to such matter, and such decision shall be final and binding.

**SEC. 3.** In the performance of functions and duties described in Sections 1 and 2 of this order, the Secretary of Homeland Security (acting through the Coast Guard) may avail himself of the services of the American Bureau of Shipping so long as that Bureau is operated in compliance with Section 25 of the Act of June 5, 1920, as amended (46 U.S.C. 881), and may make all necessary provisions for the performance by the Bureau of specified duties undertaken under the Convention and to permit the Bureau to issue cargo ship safety construction certificates to those cargo vessels found to be in compliance with the Convention, which are classed by the Bureau. The Secretary of the Treasury (acting through the Coast Guard) shall establish all necessary regulations required to carry out in the most effective manner the provisions of the Convention.

**SEC. 4.** Whenever the Coast Guard operates as a service in the Navy, the functions to be performed by the Secretary of Homeland Security (acting through the Coast Guard) under this order shall vest in and be performed by the Secretary of the Navy (acting through the Coast Guard).

**SEC. 5.**

(a) This order supersedes Executive Order No. 10402 of October 30, 1952, entitled 'Enforcement of the Convention for Safety of Life at Sea, 1948,' to the extent that the International Convention for Safety of Life at Sea signed at London on June 17, 1960, replaces and abrogates the International Convention for Safety of Life at Sea signed at London on June 10, 1948.

(b) Executive Order No. 7548 of February 5, 1937, entitled 'Enforcement of the Convention for Safety of Life at Sea, 1929,' is hereby revoked.



## EXECUTIVE ORDER 11366

### ASSIGNING AUTHORITY TO ORDER CERTAIN PERSONS IN THE READY RESERVE TO ACTIVE DUTY

{AS AMENDED BY EO 13286}

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Signed:	August 4, 1967
Federal Register page and date:	32 FR 11411; August 8, 1967
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 673a of title 10 of the United States Code, and by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

#### **Section 1.**

(a) The Secretary of Defense is hereby authorized and empowered to exercise the authority vested in the President by section 673a of title 10 of the United States Code, to order to active duty any member of the Ready Reserve of an armed force (except the Coast Guard when not operating as a service in the Navy) who—

(1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;

(2) has not fulfilled his statutory reserve obligation;

and

(3) has not served on active duty for a total of 24 months.

(b) In pursuance of the provisions of section 673a of title 10 of the United States Code, the Secretary of Defense is hereby authorized to require a member ordered to active duty under the authority of this Order to serve on active duty until his total service on active duty equals 24 months. If the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under this authority would expire before he has served the required period of active duty prescribed herein, his enlistment or period of military service may be extended until he has served the required period.

(c) In pursuance of the provisions of section 673a of title 10 of the United States Code, and in order to achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this authority, appropriate consideration shall be given to—

(1) family responsibilities; and

(2) employment necessary to maintain the national health, safety, or interest.

**Sec. 2.**

The Secretary of Homeland Security is hereby authorized and empowered to exercise the authority vested in the President by section 673a of title 10 of the United States Code, with respect to any member of the Ready Reserve of the Coast Guard when it is not operating as a service in the Navy, under the same conditions as such authority may be exercised by the Secretary of Defense under this Order with respect to any member of the Ready Reserve of any other armed force.

**Sec. 3.**

(a) The Secretary of Defense may designate any of the Secretaries of the military departments of the Department of Defense to exercise the authority vested in him by section 1 of this Order.

(b) The Secretary of Homeland Security may designate the Commandant of the United States Coast Guard to exercise the authority vested in him by section 2 of this Order.

**Sec. 4.**

Executive Order No. 11327 of February 15, 1967, is superseded except with respect to members of the Ready Reserve ordered to active duty under the authority of that Order.

## EXECUTIVE ORDER 11423

PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS  
HERETOFORE PERFORMED BY THE PRESIDENT WITH RE-  
SPECT TO CERTAIN FACILITIES CONSTRUCTED AND MAIN-  
TAINED ON THE BORDERS OF THE UNITED STATES

{AS AMENDED BY EO 12847, EO 13284, EO 13337}

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Signed:	August 16, 1968
Federal Register page and date:	33 FR 11741; August 20, 1968
Amended by:	EO 12847, May 17, 1993 EO 13284, January 23, 2003 EO 13337, April 30, 2004

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WHEREAS the proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance at the borders of the United States of facilities connecting the United States with a foreign country; and

WHEREAS such executive permission has from time to time been sought and granted in the form of Presidential permits for the construction, connection, operation, and maintenance at the borders of the United States of such border crossing facilities as water supply and oil pipelines, aerial tramways and cable cars, submarine cables, and lines for the transmission of electric energy; and

WHEREAS Executive Order No. 10485 of September 3, 1953, empowers the Federal Power Commission<sup>1</sup> to issue permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country and for the importation or exportation of natural gas to or from a foreign country; and

WHEREAS Executive Order No. 10530 of May 10, 1954, empowers the Federal Communications Commission to issue and revoke licenses to land submarine cables in the United States; and

WHEREAS it is desirable to provide a systematic method in connection with the issuance of permits for the construction and maintenance of other such facilities connecting the United States with a foreign country:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces of the United States and in conformity with the provisions of Section 301 of Title 3, United States Code, it is ordered as follows:

**Section 1.** Except with respect to facilities covered by Executive Order Nos. 10485 and 10530, and by section 1(a) of the Executive Order of April 30, 2004, entitled “Issuance of Permits with Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States” (the order of April 30, 2004), the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (i) pipelines, conveyor belts, and similar facilities for the exportation or importation of all products, except those specified in section 1(a) of the order of April 30, 2004, to or from a foreign country; (ii) facilities for the exportation or importation of water or sewage to or from a foreign country; (iii) facilities for the transportation of persons or things, or both, to or from a foreign country; (iv) bridges, to the extent that congressional authorization is not required; (v) similar facilities above or below ground; and (vi) border crossings for land transportation, including motor and rail vehicles, to or from a foreign country, whether or not in conjunction with the facilities identified in (iii) above.

(b) With respect to applications received pursuant to subsection (a)(i) above, the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Homeland Security, the Interstate Commerce Commission, and the Director of the Office of Emergency Planning. With respect to applications received pursuant to subsection (a)(ii) above, the Secretary of State shall request the views of the Secretary of Defense and the Secretary of the Interior. With respect to applications received pursuant to subsection (a)(iii), (iv), (v), or (vi) above, the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, and the Secretary of Transportation.

(c) The Secretary of State may also consult with such other department and agency heads and with such state and local government officials as he deems appropriate with respect to each application. All federal government officials consulted by the Secretary of State pursuant to this section shall provide such information and render such assistance as he may request, consistent with their competence and authority.

(d) If the Secretary of State finds, after consideration of the views obtained pursuant to subsections (b) and (c), that issuance of a permit to the applicant would serve the national interest, he shall prepare a permit, in such form and with such terms and conditions as the national interest may in his judgment require, and shall notify the officials required to be consulted under subsection (b) above of his proposed determination that the permit be issued.

(e) If the Secretary of State finds, after considerations of the views obtained pursuant to subsections (b) and (c), that issuance of a permit to the applicant would not serve the national interest, he shall notify the officials required to be con-

sulted under subsection (b) above of his proposed determination that the application be denied.

(f) The Secretary of State shall issue or deny the permit in accordance with his proposed determination unless, within fifteen days after notification pursuant to subsection (d) or (e) above, an official required to be consulted under subsection (b) above shall notify the Secretary of State that he disagrees with the Secretary's proposed determination and requests the Secretary to refer the application to the President. In the event of such a request, the Secretary of State shall refer the application, together with statements of the views of the several officials involved, to the President for his consideration and final decision.

**Sec. 2.**

(a) The Secretary of State may provide for the publication in the *Federal Register* of notice of receipt of applications, for the receipt of public comments on applications, and for publication in the *Federal Register* of notice of issuance or denial of applications.

(b) The Secretary of State is authorized to issue such further rules and regulations, and to prescribe such further procedures, as he may from time to time deem necessary or desirable for the exercise of the authority conferred upon him by this order.

**Sec. 3.** The authority of the Secretary of State hereunder is supplemental to, and does not supersede, existing authorities or delegations relating to importation, exportation, transmission, or transportation to or from a foreign country. All permits heretofore issued with respect to matters described in Section 1 of this order, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the President or, upon compliance with the procedures provided for in this order, by the Secretary of State.



## EXECUTIVE ORDER 11438

### PRESCRIBING PROCEDURES GOVERNING INTERDEPARTMENTAL CASH AWARDS TO THE MEMBERS OF THE ARMED FORCES

{AS AMENDED BY EO 12107, EO 13286}

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Signed:	December 3, 1968
Federal Register page and date:	33 FR 18085; December 5, 1968
Amended by:	EO 12107, December 28, 1978 EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 1124(b) and (e) of title 10, United States Code, and section 301 of title 3, United States Code, and as President of the United States, it is ordered as follows:

**Section 1.** Any suggestion, invention, or scientific achievement by a member of the armed forces that contributes to the efficiency, economy, or other improvement of operations of the Government of the United States through its adoption or use by an executive department or agency other than the executive department having jurisdiction over the armed force of the member concerned may be the basis for honorary recognition or a cash award by the Secretary of Homeland Security in the case of a member of the Coast Guard when it is not operating as a service in the Navy or by the Secretary of Defense in the case of any other member of the armed forces.

**Sec. 2.** An executive department or agency that adopts or uses the suggestion, invention, or scientific achievement of a member of the armed forces who is not under its jurisdiction may recommend to the Department of Defense or to the Department of Homeland Security, as appropriate, a cash award or honorary recognition of the member and shall justify its recommendation with appropriate documentation and explanation of how the suggestion, invention, or scientific achievement contributes to the efficiency, economy, or other improvement of the operations of the Government of the United States. Awards shall be made under regulations to be prescribed by the Secretary of Defense or the Secretary of Homeland Security, as appropriate. The regulations of the Department of Defense and Department of Homeland Security may include designations of officials to whom authority for receiving, evaluating, and making awards may be assigned.

**Sec. 3.** No cash awards hereunder for a single suggestion, invention, or scientific achievement may exceed \$25,000 regardless of the number of agencies or departments which may adopt or use the suggestion, invention, or scientific achievement.

**Sec. 4.** Funds to cover the costs of cash awards to members of the armed forces shall be transferred from the account of any executive department or agency which recommends the award to the appropriate account of the Department of Homeland Security or the Department of Defense, as the case may be. When several executive departments or agencies benefit from the adoption or use of the suggestion, invention, or scientific achievement, the amount transferred from each such benefiting department or agency to the Department of Homeland Security or the Department of Defense to cover the proportionate share of the cost of the cash award shall be determined under procedures prescribed by the Office of Personnel Management in accordance with the same guidelines and standards applying to awards to civilian employees.



## EXECUTIVE ORDER 11446

### AUTHORIZING THE ACCEPTANCE OF SERVICE MEDALS AND RIBBONS FROM MULTILATERAL ORGANIZATIONS OTHER THAN THE UNITED NATIONS

{AS AMENDED BY EO 13286}

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Signed:	January 16, 1969
Federal Register page and date:	34 FR 803; January 18, 1969
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, I hereby authorize the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security, with respect to members of the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations for the acceptance of medals and ribbons which are offered by multilateral organizations, other than the United Nations, to members of the Armed Forces of the United States in recognition of service conducted under the auspices of those organizations. A determination that service for a multilateral organization in a particular geographical area or for a particular purpose constitutes a justifiable basis for authorizing acceptance of the medal or ribbon offered to eligible members of the Armed Forces of the United States shall be made with the concurrence of the Secretary of State.



EXECUTIVE ORDER 11448  
ESTABLISHING THE MERITORIOUS SERVICE MEDAL  
{AS AMENDED BY EO 12312, EO 13286}

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Signed:	January 16, 1969
Federal Register page and date:	34 FR 915; January 22, 1969
Amended by:	EO 12312, July 2, 1981 EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

**Section 1.** There is hereby established a Meritorious Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of a military department or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders or other appropriate officers as the Secretary concerned may designate, to any member of the armed forces of the United States, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself by outstanding meritorious achievement or service.

**Sec. 2.** The Meritorious Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

**Sec. 3.** No more than one Meritorious Service Medal shall be awarded to any one person, but for each succeeding outstanding meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

**Sec. 4.** The Meritorious Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.



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**Executive Orders Issued by  
President Richard M. Nixon**

(1969-1974)

EXECUTIVE ORDERS 11623-11645

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## EXECUTIVE ORDER 11623

### DELEGATING TO THE DIRECTOR OF SELECTIVE SERVICE AUTHORITY TO ISSUE RULES AND REGULATIONS UNDER THE MILITARY SELECTIVE SERVICE ACT

{AS AMENDED BY EO 12608, EO 13286}

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Signed:	October 12, 1971
Federal Register page and date:	36 FR 19963; October 14, 1971
Amended by:	EO 12608, September 9, 1987 EO 13286, February 28, 2003

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By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 *et seq.*, hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

**Section 1.** The Director of Selective Service (hereinafter referred to as the Director) is authorized to prescribe the necessary rules and regulations to carry out the provisions of the Act. Regulations heretofore issued by the President to carry out such provisions shall continue in effect until amended or revoked by the Director pursuant to the authority conferred by this Order.

**Sec. 2.**

(a) In carrying out the provisions of this Order, the Director shall cause any rule or regulation which he proposes to issue hereunder to be published in the *Federal Register* as required by section 13(b) of the Act. Prior to such publication, the Director shall request the views of the Secretary of Defense, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Homeland Security (when the Coast Guard is serving under the Department of Transportation), the Director of the Office of Emergency Preparedness, and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow not less than 10 days for the submission of such views before publication of the proposed rule or regulation.

(b) Any proposed rule or regulation as published by the Director shall be furnished to the officials required to be consulted pursuant to subsection (a). The Director may (not less than 30 days after publication in the *Federal Register*) issue such rule or regulation as published unless, within 10 days

after being furnished with the proposed rule or regulation as published, any such official shall notify the Director that he disagrees therewith and requests that the matter be referred to the President for decision.

(c) Any rule or regulation issued by the Director pursuant to this Order shall be published in the *Federal Register* with (1) a statement reciting compliance with the prepublication requirement of section 13(b) of the Act, and (2) either (i) approval of such rule or regulation by the President, or (ii) a certification of the Director that he has requested the views of the officials required to be consulted pursuant to subsection (a) and that none of them has timely requested that the matter be referred to the President for decision. Such rule or regulation shall be effective upon such publication in the *Federal Register* or on such later date as may be specified therein.

**Sec. 3.** Nothing in this Order shall be deemed to (i) authorize the exercise by the Director of the President's authority to waive the requirements of section 13(b) of the Act, or (ii) derogate from the authority of the President himself to waive the requirements of such section 13(b), or (iii) derogate from the authority of the President himself to issue such rules or regulations as he may deem necessary to carry out the provisions of the Act.



## EXECUTIVE ORDER 11645

### AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY TO PRESCRIBE CERTAIN REGULATIONS RELATING TO COAST GUARD HOUSING

{AS AMENDED BY EO 13286}

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Signed:	February 8, 1972
Federal Register page and date:	37 FR 2923; February 10, 1972
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

**Section 1.** The Secretary of Homeland Security is designated and empowered to prescribe (or, under a delegation of the Secretary's authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

**Sec. 2.** Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Homeland Security in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.



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**Executive Orders Issued by  
President Gerald R. Ford**  
(1974-1977)  
EXECUTIVE ORDERS 11858-11965

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# EXECUTIVE ORDER 11858

## FOREIGN INVESTMENT IN THE UNITED STATES

{AS AMENDED BY EO 12188, EO 12661, EO 12860,  
EO 13286, EO 13456}

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Signed:	May 7, 1975
Federal Register page and date:	40 FR 20263; May 9, 1975
Amended by:	EO 12188, January 2, 1980
	EO 12661, December 27, 1988
	EO 12860, September 3, 1993
	EO 13286, February 28, 2003
	EO 13456, January 23, 2008

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2170), and section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Policy.** International investment in the United States promotes economic growth, productivity, competitiveness, and job creation. It is the policy of the United States to support unequivocally such investment, consistent with the protection of the national security.

**Sec. 2. Definitions.** (a) The “Act” as used in this order means section 721 of the Defense Production Act of 1950, as amended.

(b) Terms used in this order that are defined in subsection 721(a) of the Act shall have the same meaning in this order as they have in such subsection.

(c) “Risk mitigation measure” as used in this order means any provision of a risk mitigation agreement or a condition to which section 7 of this order refers.

**Sec. 3. Establishment.** (a) There is hereby established the Committee on Foreign Investment in the United States (the “Committee”) as provided in the Act.

(b) In addition to the members specified in the Act, the following heads of departments, agencies, or offices shall be members of the Committee:

- (i) The United States Trade Representative;
- (ii) The Director of the Office of Science and Technology Policy; and
- (iii) The heads of any other executive department, agency, or office, as the President or the Secretary of the Treasury determines appropriate, on a case-by-case basis.

(c) The following officials (or their designees) shall observe and, as appropriate, participate in and report to the President on the Committee's activities:

- (i) The Director of the Office of Management and Budget;
- (ii) The Chairman of the Council of Economic Advisers;
- (iii) The Assistant to the President for National Security Affairs;
- (iv) The Assistant to the President for Economic Policy; and
- (v) The Assistant to the President for Homeland Security and Counterterrorism.

**Sec. 4. Duties of the Secretary of the Treasury.**

(a) The functions of the President under subsections (b)(1)(A) (relating to review and consideration after notification), (b)(1)(D) (relating to unilateral initiation of review and consideration), and (m)(3)(A) (relating to inclusion in annual report and designation) of the Act are assigned to the Secretary of the Treasury.

(b) The Secretary of the Treasury shall perform the function of issuance of regulations under section 721(h) of the Act. The Secretary shall consult the Committee with respect to such regulations prior to any notice and comment and prior to their issuance.

(c) Except as otherwise provided in the Act or this order, the chairperson shall have the authority, exclusive of the heads of departments or agencies, after consultation with the Committee:

- (i) to act, or authorize others to act, on behalf of the Committee; and
- (ii) to communicate on behalf of the Committee with the Congress and the public.

(d) The chairperson shall coordinate the preparation of and transmit the annual report to the Congress provided for in the Act and may assign to any member of the Committee, as the chairperson determines appropriate and consistent with the Act, responsibility for conducting studies and providing analyses necessary for the preparation of the report.

(e) After consultation with the Committee, the chairperson may request that the Director of National Intelligence begin preparing the analysis required by the Act at any time, including prior to acceptance of the notice of a transaction, in accordance with otherwise applicable law. The Director of National Intelligence shall provide the Director's analysis as soon as possible and consistent with section 721(b)(4) of the Act.

**Sec. 5. Lead Agency.**

(a) The lead agency or agencies ("lead agency") shall have primary responsibility, on behalf of the Committee, for the specific activity for which the Secretary of the Treasury designates it a lead agency.

(b) In acting on behalf of the Committee, the lead agency shall keep the Committee fully informed of its activities. In ad-

dition, the lead agency shall notify the chairperson of any material action that the lead agency proposes to take on behalf of the Committee, sufficiently in advance to allow adequate time for the chairperson to consult the Committee and provide the Committee's direction to the lead agency not to take, or to amend, such action.

**Sec. 6. Reviews and Investigations.**

(a) Any member of the Committee may conduct its own inquiry with respect to the potential national security risk posed by a transaction, but communication with the parties to a transaction shall occur through or in the presence of the lead agency, or the chairperson if no lead agency has been designated.

(b) The Committee shall undertake an investigation of a transaction in any case, in addition to the circumstances described in the Act, in which following a review a member of the Committee advises the chairperson that the member believes that the transaction threatens to impair the national security of the United States and that the threat has not been mitigated.

(c) The Committee shall send a report to the President requesting the President's decision with respect to a review or investigation of a transaction in the following circumstances:

(i) the Committee recommends that the President suspend or prohibit the transaction;

(ii) the Committee is unable to reach a decision on whether to recommend that the President suspend or prohibit the transaction; or

(iii) the Committee requests that the President make a determination with regard to the transaction.

(d) Upon completion of a review or investigation of a transaction, the lead agency shall prepare for the approval of the chairperson the appropriate certified notice or report to the Congress called for under the Act. The chairperson shall transmit such notice or report to the Congress, as appropriate.

**Sec. 7. Risk Mitigation.**

(a) The Committee, or any lead agency acting on behalf of the Committee, may seek to mitigate any national security risk posed by a transaction that is not adequately addressed by other provisions of law by entering into a mitigation agreement with the parties to a transaction or by imposing conditions on such parties.

(b) Prior to the Committee or a department or agency proposing risk mitigation measures to the parties to a transaction, the department or agency seeking to propose any such measure shall prepare and provide to the Committee a written statement that: (1) identifies the national security risk posed by the transaction based on factors including the threat (taking into account the Director of National Intelligence's threat analysis), vulnerabilities, and potential consequences; and (2) sets forth the risk mitigation measures the department or agency believes are reasonably necessary to address the risk. If the Committee agrees that mitigation is appropriate and approves the

risk mitigation measures, the lead agency shall seek to negotiate such measures with the parties to the transaction.

(c) A risk mitigation measure shall not, except in extraordinary circumstances, require that a party to a transaction recognize, state its intent to comply with, or consent to the exercise of any authorities under existing provisions of law.

(d) The lead agency designated for the purpose of monitoring a risk mitigation measure shall seek to ensure that adequate resources are available for such monitoring. When designating a lead agency for those purposes, the Secretary of the Treasury shall consider the agency's views on the adequacy of its resources for such purposes.

(e)(i) Nothing in this order shall be construed to limit the ability of a department or agency, in the exercise of authorities other than those provided under the Act, to:

(A) conduct inquiries with respect to a transaction;

(B) communicate with the parties to a transaction;

or

(C) negotiate, enter into, impose, or enforce contractual provisions with the parties to a transaction.

(ii) A department or agency shall not condition actions or the exercise of authorities to which paragraph (i) of this subsection refers upon the exercise, or forbearance in the exercise, of its authority under the Act or this order, and no authority under the Act shall be available for the enforcement of such actions or authorities.

(f) The Committee may initiate a review of a transaction that has previously been reviewed by the Committee only in the extraordinary circumstances provided in the Act.

#### **Sec. 8. Additional Assignments to the Committee.**

In addition to the functions assigned to the Committee by the Act, the Committee shall review the implementation of the Act and this order and report thereon from time to time to the President, together with such recommendations for policy, administrative, or legislative proposals as the Committee determines appropriate.

#### **Sec. 9. Duties of the Secretary of Commerce.**

The Secretary of Commerce shall:

(a) obtain, consolidate, and analyze information on foreign investment in the United States;

(b) monitor and, where necessary, improve procedures for the collection and dissemination of information on foreign investment in the United States;

(c) prepare for the public, the President or heads of departments or agencies, as appropriate, reports, analyses of trends, and analyses of significant developments in appropriate categories of foreign investment in the United States; and

(d) compile and evaluate data on significant transactions involving foreign investment in the United States.

#### **Sec. 10. General Provisions.**

(a) The heads of departments and agencies shall provide, as appropriate and to the extent permitted by law, such infor-



mation and assistance as the Committee may request to implement the Act and this order.

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

(i) authority granted by law to a department or agency or the head thereof;

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

(iii) existing mitigation agreements.

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

(d) Officers of the United States with authority or duties under the Act or this order shall ensure that, in carrying out the Act and this order, the actions of departments, agencies, and the Committee are consistent with the President's constitutional authority to:

(i) conduct the foreign affairs of the United States;

(ii) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties;

(iii) recommend for congressional consideration such measures as the President may judge necessary and expedient; and

(iv) supervise the unitary executive branch.

**Sec. 11. Revocation.**

Section 801 of Executive Order 12919 of June 3, 1994, is revoked.



## EXECUTIVE ORDER 11926

### THE VICE PRESIDENTIAL SERVICE BADGE

{AS AMENDED BY EO 13286, EO 13373}

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Signed:	July 19, 1976
Federal Register page and date:	41 FR 29805; July 20, 1976
Amended by:	EO 13286, February 28, 2003 EO 13373, March 10, 2005

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By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

**Section 1.** There is established a Vice Presidential Service Badge to be awarded in the name of the Vice President of the United States of America to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service who have been assigned to duty in the Office of the Vice President for a period of at least one year subsequent to December 19, 1974, or who have been assigned to perform duties predominantly for the Vice President for a period of at least one year subsequent to January 20, 2001, in the implementation of Public Law 93-346, as amended, or in military units and support facilities to which section 1 of Executive Order 12793 of March 20, 1992, as amended, refers.

**Sec. 2.** The Vice Presidential Service Badge may be awarded, upon recommendation of the Vice President's designee (with the concurrence of the Director of the White House Military Office in the case of personnel in military units or support facilities to which section 1 of Executive Order 12793, as amended, refers), by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Homeland Security, to military personnel of their respective services who have been assigned to duty in the Office of the Vice President and, in the case of members of the commissioned corps of the National Oceanic and Atmospheric Administration or the commissioned corps of the Public Health Service so assigned, by the Secretary of Commerce or the Secretary of Health and Human Services, respectively.

**Sec. 3.** The Vice Presidential Service Badge shall be accompanied by a certificate, the design of which is attached hereto and is made a part of this Order. The Vice Presidential Service Badge shall con-

sist of a white enameled disc surrounded by 27 gold rays radiating from the center, 1 15 / 16 inches in diameter overall. Superimposed on the white disc shall be a gold color device taken from the seal of the Vice President of the United States. The overall design of the badge shall be as shown at the top of the certificate which accompanies the Badge and which is attached to this Order.

**Sec. 4.** Upon award, the Vice Presidential Service Badge may be worn as a part of the uniform of an individual both during and after his assignment to duty in the Office of the Vice President.

**Sec. 5.** Only one Vice Presidential Service Badge shall be awarded to an individual. It may be awarded posthumously.

**Sec. 6.** Notwithstanding the provisions of Sections 1 and 2 of this Order, any member of the Army, Navy, Air Force, Marine Corps, and Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service,, who has been assigned to duty in the Office of the Vice President, is authorized, unless otherwise directed by the Director of the White House Military Office in the case of personnel in military units or support facilities to which section 1 of Executive Order 12793, as amended, refers, to wear the Vice Presidential Service Badge on his or her uniform commencing on the first day of such duty and thereafter while assigned to such duty.

**Sec. 7.** Executive Order No. 11544 of July 8, 1970, is hereby superseded; however, individuals previously awarded a Vice Presidential Service Badge under that Order are authorized to continue to wear such badge as part of their uniform.

## EXECUTIVE ORDER 11965

### ESTABLISHING THE HUMANITARIAN SERVICE MEDAL

{AS AMENDED BY EO 13286}

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Signed:	January 19, 1977
Federal Register page and date:	42 FR 4329; January 24, 1977
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces, it is hereby ordered as follows:

**Section 1.** There is hereby established a Humanitarian Service Medal with accompanying ribbons and appurtenances for award by the Secretary of Defense or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a Service in the Navy. Individuals eligible for the medal are members of the Armed Forces of the United States (including Reserve Components) who, subsequent to April 1, 1975, distinguished themselves by meritorious participation in a military act or operation of a humanitarian nature. The Secretary of Defense and the Secretary of Homeland Security for the Coast Guard will determine types of acts or operations that warrant award of the medal.

**Sec. 2.** The Humanitarian Service Medal and ribbons and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense and shall be awarded by the Secretary of Defense and the Secretary of Homeland Security for the Coast Guard under uniform regulations, as prescribed by the Secretary of Defense. The regulations shall place the Humanitarian Service Medal in an order of precedence immediately after the Vietnam Service Medal.

**Sec. 3.** No more than one Humanitarian Service Medal shall be awarded to any one person, but for each subsequent participation in a humanitarian act or operation justifying such an award, a suitable device may be awarded to be worn with that medal as prescribed by appropriate regulations of the Military Departments.

**Sec. 4.** The Humanitarian Service Medal or device may be awarded posthumously, and when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Defense or the Secretary of Homeland Security.



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**Executive Orders Issued by**  
**President Jimmy Carter**  
(1977-1981)  
EXECUTIVE ORDERS 12002-12260

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## EXECUTIVE ORDER 12002

### ADMINISTRATION OF THE EXPORT ADMINISTRATION ACT OF 1969, AS AMENDED

{AS AMENDED BY EO 12755, EO 13286}

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Signed:	July 7, 1977
Federal Register page and date:	42 FR 35623; July 11, 1977
Amended by:	EO 12755, March 12, 1991 EO 13286, February 28, 2003

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By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401, *et seq.*), and as President of the United States of America, it is hereby ordered as follows:

**SECTION 1.** Except as provided in Section 2, the power, authority, and discretion conferred upon the President by the provisions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401, *et seq.*), hereinafter referred to as the Act, are delegated to the Secretary, of Commerce, with the power of successive redelegation.

**SEC. 2.** (a) The power, authority and discretion conferred upon the President in Sections 4(h) and 4(1) of the Act are retained by the President.

(b) The power, authority and discretion conferred upon the President in Section 3(8) of the Act, which directs that every reasonable effort be made to secure the removal or reduction of assistance by foreign countries to international terrorists through cooperation and agreement, are delegated to the Secretary of State, with the power of successive redelegation.

**SEC. 3.** The Export Administration Review Board, hereinafter referred to as the Board, which was established by Executive Order No. 11533 of June 4, 1970, as amended, is hereby continued. The Board shall continue to have as its members, the Secretary of Commerce, who shall be Chairman of the Board, the Secretary of State, and the Secretary of Defense. The Secretary of Energy, the Secretary of Homeland Security, and the Director of the United States Arms Control and Disarmament Agency shall be members of the Board, and shall participate in meetings that consider issues involving nonproliferation of armaments and other issues within their respective statutory and policy-making authorities. The Chairman of the Joint Chiefs of Staff and the Director of Central

Intelligence shall be non-voting members of the Board. No alternate Board members shall be designated, but the acting head or deputy head of any department or agency may serve in lieu of the head of the concerned department or agency. The Board may invite the heads of other United States Government departments or agencies, other than the agencies represented by the Board members, to participate in the activities of the Board when matters of interest to such departments or agencies are under consideration.

**SEC. 4.** The Secretary of Commerce may from time to time refer to the Board such particular export license matters, involving questions of national security or other major policy issues, as the Secretary shall select. The Secretary of Commerce shall also refer to the Board any other such export license matter, upon the request of any other member of the Board or of the head of any other United States Government department or agency having any interest in such matter. The Board shall consider the matters so referred to it, giving due consideration to the foreign policy of the United States, the national security, concerns about the non-proliferation of armaments, and the domestic economy, and shall make recommendation thereon to the Secretary of Commerce.

**SEC. 5.** The President may at any time (a) prescribe rules and regulations applicable to the power, authority, and discretion referred to in this Order, and (b) communicate to the Secretary of Commerce such specific directives applicable thereto as the President shall determine. The Secretary of Commerce shall from time to time report to the President upon the administration of the Act and, as the Secretary deems necessary, may refer to the President recommendations made by the Board under Section 4 of this Order. Neither the provisions of this section nor those of Section 4 shall be construed as limiting the provisions of Section 1 of this Order.

**SEC. 6.** All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under, or continued in existence by, the Executive orders revoked in Section 7 of this Order, and not revoked administratively or legislatively, shall remain in full force and effect under this Order until amended, modified, or terminated by proper authority. The revocations in Section 7 of this Order shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under those Orders during the period those Orders were in effect.

**SEC. 7.** Executive Order No. 11533 of June 4, 1970, Executive Order No. 11683 of August 29, 1972, Executive Order No. 11798 of August 14, 1974, Executive Order No. 11818 of November 5, 1974, Executive Order No. 11907 of March 1, 1976, and Executive Order No. 11940 of September 30, 1976 are hereby revoked.

## EXECUTIVE ORDER 12127

### FEDERAL EMERGENCY MANAGEMENT AGENCY

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Signed:  
Federal Register page and date:

March 31, 1979  
44 FR 19367; April 3, 1979

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By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 304 of Reorganization Plan No. 3 of 1978, and in order to provide for the orderly activation of the Federal Emergency Management Agency, it is hereby ordered as follows:

**1-101.** Reorganization Plan No. 3 of 1978 (43 FR 41943), which establishes the Federal Emergency Management Agency, provides for the transfer of functions, and the transfer and abolition of agencies and offices, is hereby effective.

**1-102.** The Director of the Office of Management and Budget shall, in accord with Section 302 of the Reorganization Plan, provide for all the appropriate transfers, including those transfers related to all the functions transferred from the Department of Commerce, the Department of Housing and Urban Development, and the President.

**1-103.** (a) The functions transferred from the Department of Commerce are those vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration (now the United States Fire Administration (Sec. 2(a) of Public Law 95-422)), and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 *et seq.*), but not including any functions vested by the amendments made to other acts by Sections 18 and 23 of that Act (15 U.S.C. 278f and 1511). The functions vested in the Administrator by Sections 24 and 25 of that Act, as added by Sections 3 and 4 of Public Law 95-422 (15 U.S.C. 2220 and 2221), are not transferred to the Director of the Federal Emergency Management Agency. Those functions are transferred with the Administrator and remain vested in him. (Section 201 of the Plan.)

(b) There was also transferred from the Department of Commerce any function concerning the Emergency Broadcast System which was transferred to the Secretary of Commerce by Section 5B of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

**1-104.** The functions transferred from the Department of Housing and Urban Development are those vested in the Secretary of Housing and Urban Development pursuant to Section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), and the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 *et seq.*), and Section 520(b) of the National Housing Act, as amended (12 U.S.C. 1735d(b)), to the extent necessary to borrow from the Treasury to make payments for reinsured and directly insured losses, and Title XII of the National Housing Act, as amended (12 U.S.C. 1749bbb *et seq.*), and as explained in Section 1 of the National Insurance Development Act of 1975 (Section 1 of Public Law 94-13 at 12 U.S.C. 1749bbb note)). (Section 202 of the Plan.)

**1-105.** The functions transferred from the President are those concerning the Emergency Broadcast System which were transferred to the President by Section 5 of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

**1-106.** This Order shall be effective Sunday, April 1, 1979.

## EXECUTIVE ORDER 12139

### EXERCISE OF CERTAIN AUTHORITY RESPECTING ELECTRONIC SURVEILLANCE

{AS AMENDED BY EO 13383, EO 13475}

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Signed:	May 23, 1979
Federal Register page and date:	44 FR 30311; May 25, 1979
Amends:	EO 12036, January 24, 1978
Amended by:	EO 12333, December 4, 1981
	EO 13383, July 15, 2005
	EO 13475, October 7, 2008

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By the authority vested in me as President by Sections 102 and 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802 and 1804), in order to provide as set forth in that Act for the authorization of electronic surveillance for foreign intelligence purposes, it is hereby ordered as follows:

**Section 1-101.** Pursuant to Section 102(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802 (a)), the Attorney General is authorized to approve electronic surveillance to acquire foreign intelligence information without a court order, but only if the Attorney General makes the certifications required by that Section.

**Section 1-102.** Pursuant to Section 102(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802 (b)), the Attorney General is authorized to approve applications to the court having jurisdiction under Section 103 of that Act (50 U.S.C. 1803) to obtain orders for electronic surveillance for the purpose of obtaining foreign intelligence information.

**Section 1-103.** Pursuant to Section 104(a)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 (a)(6)), the following officials, each of whom is employed in the area of national security or defense, is designated to make the certifications required by Section 104(a)(6) of the Act in support of applications to conduct electronic surveillance:

- (a) Secretary of State;
- (b) Secretary of Defense;
- (c) Director of Central Intelligence;
- (d) Director of the Federal Bureau of Investigation;
- (e) Deputy Secretary of State;
- (f) Deputy Secretary of Defense;
- (g) Deputy Director of National Intelligence;

(h) Principal Deputy Director of National Intelligence; and

(i) Deputy Director of the Federal Bureau of Investigation.

None of the above officials, nor anyone officially acting in that capacity, may exercise the authority to make the above certifications, unless that official has been appointed by the President with the advice and consent of the Senate. The requirement of the preceding sentence that the named official must be appointed by the President with the advice and consent of the Senate does not apply to the Deputy Director of the Federal Bureau of Investigation.

**Section 1-104.** Section 2-202 of Executive Order No. 12036 is amended by inserting the following at the end of that section:

“Any electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act as well as this Order.”.

**Section 1-105.** Section 2-203 of Executive Order No. 12036 is amended by inserting the following at the end of that section:

“Any monitoring which constitutes electronic surveillance as defined in the Foreign Intelligence Surveillance Act of 1978 shall be conducted in accordance with that Act as well as this Order.”.

(2) notify an agency if it believes that a major information system requires outside assistance;

(3) provide guidance on the implementation of this order and on the management of information resources to the executive agencies and to the Boards established by this order; and

(4) evaluate the effectiveness of the management structure set out in this order after 3 years and make recommendations for any appropriate changes.

**Sec. 7. General Services Administration.**

Under the direction of OMB, the Administrator of General Services shall:

(1) continue to manage the FTS2000 program and coordinate the follow on to that program, on behalf of and with the advice of customer agencies;

(2) develop, maintain, and disseminate for the use of the Federal community, as requested by OMB or the agencies, recommended methods and strategies for the development and acquisition of information technology;

(3) conduct and manage outreach programs in cooperation with agency managers;

(4) be a focal point for liaison on information resources management, including Federal information technology, with State and local governments, and with nongovernmental international organizations subject to prior consultation with the Secretary of State to ensure such liaison would be consistent with and support overall United States foreign policy objectives;

(5) support the activities of the Secretary of State for liaison, consultation, and negotiation with intergovernmental organizations in information resources management matters;

(6) assist OMB, as requested, in evaluating agencies' performance-based management tracking systems and agencies' achievement of cost, schedule, and performance goals; and

(7) provide support and assistance to the interagency groups established in this order.

**Sec. 8. Department of Commerce.**

The Secretary of Commerce shall carry out the standards responsibilities under the Computer Security Act of 1987, as amended by the Information Technology Act, taking into consideration the recommendations of the agencies, the CIO Council, and the Services Board.

**Sec. 9. Department of State.**

(a) The Secretary of State shall be responsible for liaison, consultation, and negotiation with foreign governments and intergovernmental organizations on all matters related to information resources management, including Federal information technology. The Secretary shall further ensure, in consultation with the Secretary of Commerce, that the United States is represented in the development of international standards and recommendations affecting information technology. In the exercise of these responsibilities, the Secretary shall consult, as appropriate, with affected domestic agencies, organizations, and other members of the public.

(b) The Secretary of State shall advise the Director on the development of United States positions and policies on international information policy and technology issues affecting Federal Government activities and the development of international information technology standards.

**Sec. 10. Definitions.**

(a) "Executive agency" has the meaning given to that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(b) "Information Technology" has the meaning given that term in section 5002 of the Information Technology Act.

(c) "Information resources" has the meaning given that term in section 3502(6) of title 44, United States Code.

(d) "Information resources management" has the meaning given that term in section 3502(7) of title 44, United States Code.

(e) "Information system" has the meaning given that term in section 3502(8) of title 44, United States Code.

(f) "Affinity group" means any interagency group focussed on a business or technology area with common information technology or customer requirements. The functions of an affinity group can include identifying common program goals and requirements; identifying opportunities for sharing information to improve quality and effectiveness; reducing costs and burden on the public; and recommending protocols and other standards, including security standards, to the National Institute of Standards and Technology for Government wide applicability, for action in accordance with the Computer Security Act of 1987, as amended by the Information Technology Act.

(g) "National security system" means any telecommunications or information system operated by the United States Government, the function, operation, or use of which

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces; (4) involves equipment that is an integral part of a weapon or weapons system; or (5) is critical to the direct fulfillment of military or intelligence missions, but excluding any system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

**Sec. 11. Applicability to National Security Systems.** The heads of executive agencies shall apply the policies and procedures established in this order to national security systems in a manner consistent with the applicability and related limitations regarding such systems set out in the Information Technology Act.

**Sec. 12. Judicial Review.** Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



## EXECUTIVE ORDER 12146

### MANAGEMENT OF FEDERAL LEGAL RESOURCES

{AS AMENDED BY EO 12608, EO 13286}

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Signed:	July 18, 1979
Federal Register page and date:	44 FR 42657; July 20, 1979
Amended by:	EO 12608, September 9, 1987 EO 13286, February 28, 2003

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

#### **1.1 Establishment of the Federal Legal Council.**

**1-101.** There is hereby established the Federal Legal Council, which shall be composed of the Attorney General and the representatives of not more than 16 other agencies. The agency representative shall be designated by the head of the agency.

**1-102.** The initial membership of the Council, in addition to the Attorney General, shall consist of representatives designated by the heads of the following agencies:

- (a) The Department of Commerce.
- (b) The Department of Defense.
- (c) The Department of Energy.
- (d) The Environmental Protection Agency.
- (e) The Equal Employment Opportunity Commission.
- (f) The Federal Trade Commission.
- (g) The Department of Health, and Human Services.
- (h) The Interstate Commerce Commission.
- (i) The Department of Labor.
- (j) The National Labor Relations Board.
- (k) The Securities and Exchange Commission.
- (l) The Department of State.
- (m) The Department of the Treasury.
- (n) The Department of Homeland Security.
- (o) The United States Postal Service. and
- (p) The Veterans Administration.

-103. The initial members of the Council shall serve for a term of two years. Thereafter, the agencies which compose the membership shall be designated annually by the Council and at least five positions on the Council, other than that held by the Attorney General, shall rotate annually.

**1-104.** In addition to the above members, the Directors of the Office of Management and Budget and the Office of Personnel Management, or their designees, shall be advisory members of the Council.

**1-105.** The Attorney General shall chair the Council and provide staff for its operation. Representatives of agencies that are not members of the Council may serve on or chair subcommittees of the Council.

**1-2. Functions of the Council.**

**1-201.** The Council shall promote: (a) coordination and communication among Federal legal offices;

(b) improved management of Federal lawyers, associated support personnel, and information systems;

(c) improvements in the training provided to Federal lawyers;

(d) the facilitation of the personal donation of pro bono legal services by Federal attorneys;

(e) the use of joint or shared legal facilities in field offices; and

(f) the delegation of legal work to field offices.

**1-202.** The Council shall study and seek to resolve problems in the efficient and effective management of Federal legal resources that are beyond the capacity or authority of individual agencies to resolve.

**1-203.** The Council shall develop recommendations for legislation and other actions: (a) to increase the efficient and effective operation and management of Federal legal resources, including those matters specified in Section 1-201, and (b) to avoid inconsistent or unnecessary litigation by agencies.

**1-3. Litigation Notice System.**

**1-301.** The Attorney General shall establish and maintain a litigation notice system that provides timely information about all civil litigation pending in the courts in which the Federal Government is a party or has a significant interest.

**1-302.** The Attorney General shall issue rules to govern operation of the notice system. The rules shall include the following requirements: (a) All agencies with authority to litigate cases in court shall promptly notify the Attorney General about those cases that fall in classes or categories designated from time to time by the Attorney General. (b) The Attorney General shall provide all agencies reasonable access to the information collected in the litigation notice system.

**1-4. Resolution of Interagency Legal Disputes.**

**1-401.** Whenever two or more Executive agencies are unable to resolve a legal dispute between them, including the question of which has jurisdiction to administer a particular program or to regulate a particular activity, each agency is encouraged to submit the dispute to the Attorney General.

**1-402.** Whenever two or more Executive agencies whose heads serve at the pleasure of the President are unable to resolve such a legal dispute, the agencies shall submit the dispute to the Attor-

ney General prior to proceeding in any court, except where there is specific statutory vesting of responsibility for a resolution elsewhere.

**1-5. Access to Legal Opinions.**

**1-501.** In addition to the disclosure now required by law, all agencies are encouraged to make available for public inspection and copying other opinions of their legal officers that are statements of policy or interpretation that have been adopted by the agency, unless the agency determines that disclosure would result in demonstrable harm.

**1-502.** All agencies are encouraged to make available on request other legal opinions, when the agency determines that disclosure would not be harmful.

**1-6. Automated Legal Research and Information Systems.**

**1-601.** The Attorney General, in coordination with the Secretary of Defense and other agency heads, shall provide for a computerized legal research system that will be available to all Federal law offices on a reimbursable basis. The system may include in its data base such Federal regulations, case briefs, and legal opinions, as the Attorney General deems appropriate.

**1-602.** The Federal Legal Council shall provide leadership for all Federal legal offices in establishing appropriate word processing and management information systems.

**1-7. Responsibilities of the Agencies.**

**1-701.** Each agency shall (a) review the management and operation of its legal activities and report in one year to the Federal Legal Council all steps being taken to improve those operations, and (b) cooperate with the Federal Legal Council and the Attorney General in the performance of the functions provided by this Order.

**1-702.** To the extent permitted by law, each agency shall furnish the Federal Legal Council and the Attorney General with reports, information and assistance as requested to carry out the provisions of this Order.



## EXECUTIVE ORDER 12147

### FEDERAL EMERGENCY MANAGEMENT AGENCY

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Signed:  
Federal Register page and date:

March 31, 1979  
44 FR 19367; April 3, 1979

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By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 304 of Reorganization Plan No. 3 of 1978, and in order to provide for the orderly activation of the Federal Emergency Management Agency, it is hereby ordered as follows:

**1-101.** Reorganization Plan No. 3 of 1978 (43 FR 41943), which establishes the Federal Emergency Management Agency, provides for the transfer of functions, and the transfer and abolition of agencies and offices, is hereby effective.

**1-102.** The Director of the Office of Management and Budget shall, in accord with Section 302 of the Reorganization Plan, provide for all the appropriate transfers, including those transfers related to all the functions transferred from the Department of Commerce, the Department of Housing and Urban Development, and the President.

**1-103.** (a) The functions transferred from the Department of Commerce are those vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration (now the United States Fire Administration (Sec. 2(a) of Public Law 95-422)), and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 *et seq.*), but not including any functions vested by the amendments made to other acts by Sections 18 and 23 of that Act (15 U.S.C. 278f and 1511). The functions vested in the Administrator by Sections 24 and 25 of that Act, as added by Sections 3 and 4 of Public Law 95-422 (15 U.S.C. 2220 and 2221), are not transferred to the Director of the Federal Emergency Management Agency. Those functions are transferred with the Administrator and remain vested in him. (Section 201 of the Plan.)

(b) There was also transferred from the Department of Commerce any function concerning the Emergency Broadcast System which was transferred to the Secretary of Commerce by Section 5B of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

**1-104.** The functions transferred from the Department of Housing and Urban Development are those vested in the Secretary of Housing and Urban Development pursuant to Section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), and the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 *et seq.*), and Section 520(b) of the National Housing Act, as amended (12 U.S.C. 1735d(b)), to the extent necessary to borrow from the Treasury to make payments for reinsured and directly insured losses, and Title XII of the National Housing Act, as amended (12 U.S.C. 1749bbb *et seq.*), and as explained in Section 1 of the National Insurance Development Act of 1975 (Section 1 of Public Law 94-13 at 12 U.S.C. 1749bbb note)). (Section 202 of the Plan.)

**1-105.** The functions transferred from the President are those concerning the Emergency Broadcast System which were transferred to the President by Section 5 of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

**1-106.** This Order shall be effective Sunday, April 1, 1979.

# EXECUTIVE ORDER 12148

## FEDERAL EMERGENCY MANAGEMENT

{AS AMENDED BY EO 12155, EO 12156, EO 12319,  
EO 12379, EO 12381, EO 12657, EO 12673, EO 13286}

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Signed:	July 20, 1979
Federal Register page and date:	44 FR 43239; July 24, 1979
Amended by:	EO 12155, September 10, 1979 EO 12156, September 10, 1979 EO 12319, September 9, 1981 EO 12356, April 2, 1982 EO 12379, August 17, 1982 EO 12381, September 8, 1982 EO 12657, November 18, 1988 EO 12673, March 23, 1989 EO 13286, February 28, 2003
Superseded or revoked in part by:	EO 12919, June 3, 1994 EO 12657, November 18, 1988

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By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), the Disaster Relief Act of 1970, as amended (42 U.S.C. Chapter 58 note), the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121 *et seq.*), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), Section 4 of Public Law 92-385 (86 Stat. 556), Section 43 of the Act of August 10, 1956, as amended (50 U.S.C. App. 2285), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98 *et seq.*), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and in order to transfer emergency functions to the Department of Homeland Security, it is hereby ordered as follows:

### **Section 1. Transfers or Reassignments**

#### **1-1. Transfer or Reassignment of Existing Functions.**

**1-101.** All functions vested in the President that have been delegated or assigned to the Defense Civil Preparedness Agency, Department of Defense, are transferred or reassigned to the Secretary of Homeland Security.

**1-102.** All functions vested in the President that have been delegated or assigned to the Federal Disaster Assistance Administration, Department of Housing and Urban Development, are transferred or reassigned to the Secretary of Homeland Security, including any of those functions redelegated or reassigned to the Department of Commerce with respect to assistance to communities in the development of readiness plans for severe weather-related emergencies.

**1-103.** All functions vested in the President that have been delegated or assigned to the Federal Preparedness Agency, General Services Administration, are transferred or reassigned to the Secretary of Homeland Security.

**1-104.** All functions vested in the President by the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), including those functions performed by the Office of Science and Technology Policy, are delegated, transferred, or reassigned to the Secretary of Homeland Security.

## **1-2. Transfer or Reassignment of Resources.**

**1-201.** The records, property, personnel and positions, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, reassigned, or redelegated by this Order are hereby transferred to the Secretary of Homeland Security.

**1-202.** The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

## **Section 2. Management of Emergency Planning and Assistance**

### **2-1. General.**

**2-101.** The Secretary of Homeland Security shall establish Federal policies for, and coordinate, all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies.

**2-102.** The Director shall periodically review and evaluate the civil defense and civil emergency functions of the Executive agencies. In order to improve the efficiency and effectiveness of those functions, the Director shall recommend to the President alternative methods of providing Federal planning, management, mitigation, and assistance.

**2-103.** The Director shall be responsible for the coordination of efforts to promote dam safety, for the coordination of natural and nuclear disaster warning systems, and for the coordination of preparedness and planning to reduce the consequences of major terrorist incidents.

**2-104.** The Director shall represent the President in working with State and local governments and private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response, and recovery programs.



**2-105.** The Director shall provide an annual report to the President for subsequent transmittal to the Congress on the functions of the Federal Emergency Management Agency. The report shall assess the current overall state of effectiveness of Federal civil defense and civil emergency functions, organizations, resources, and systems and recommend measures to be taken to improve planning, management, assistance, and relief by all levels of government, the private sector, and volunteer organizations.

## **2-2. Implementation.**

**2-201.** In executing the functions under this Order, the Director shall develop policies which provide that all civil defense and civil emergency functions, resources, and systems of Executive agencies are:

- (a) founded on the use of existing organizations, resources, and systems to the maximum extent practicable;
- (b) integrated effectively with organizations, resources, and programs of State and local governments, the private sector and volunteer organizations; and
- (c) developed, tested and utilized to prepare for, mitigate, respond to and recover from the effects on the population of all forms of emergencies.

**2-202.** Assignments of civil emergency functions shall, whenever possible, be based on extensions (under emergency conditions) of the regular missions of the Executive agencies.

**2-203.** For purposes of this Order, "civil emergency" means any accidental, natural, man-caused, or wartime emergency or threat thereof, which causes or may cause substantial injury or harm to the population or substantial damage to or loss of property.

**2-204.** In order that civil defense planning continues to be fully compatible with the Nation's overall strategic policy, and in order to maintain an effective link between strategic nuclear planning and nuclear attack preparedness planning, the development of civil defense policies and programs by the Secretary of Homeland Security shall be subject to oversight by the Secretary of Defense and the National Security Council.

**2-205.** To the extent authorized by law and within available resources, the Secretary of Defense shall provide the Secretary of Homeland Security with support for civil defense programs in the areas of program development and administration, technical support, research, communications, transportation, intelligence, and emergency operations.

**2-206.** All Executive agencies shall cooperate with and assist the Director in the performance of his functions.

## **2-3. Transition Provisions.**

**2-301.** The functions which have been transferred, reassigned, or redelegated by Section 1 of this Order are recodified and revised as set forth in this Order at Section 4, and as provided by the amendments made at Section 5 to the provisions of other Orders.

**2-302.** Notwithstanding the revocations, revisions, codifications, and amendments made by this Order, the Director may continue

to perform the functions transferred to him by Section 1 of this Order, except where they may otherwise be inconsistent with the provisions of this Order.

### **Section 3. Federal Emergency Management Council**

#### **3-1. Establishment of the Council.**

**3-101.** There is hereby established the Emergency Management Council.

**3-102.** The Council shall be composed of the Secretary of Homeland Security, who shall be the Chairman, the Director of the Office of Management and Budget and such others as the President may designate.

#### **3-2. Functions of the Council.**

**3-201.** The Council shall advise and assist the President in the oversight and direction of Federal emergency programs and policies.

**3-202.** The Council shall provide guidance to the Director of the Federal Emergency Management Agency in the performance of functions vested in him.

#### **3-3. Administrative and General Provisions.**

**3-301.** The heads of Executive agencies shall cooperate with and assist the Council in the performance of its functions.

**3-302.** The Secretary of Homeland Security shall provide the Council with such administrative services and support as may be necessary or appropriate.

### **Section 4. Delegations**

#### **4-1. Delegation of Functions Transferred to the President.**

**4-101.** [Revoked]

**4-102.** The functions vested in the Director of the Office of Defense Mobilization by Sections 103 and 303 of the National Security Act of 1947, as amended by Sections 8 and 50 of the Act of September 3, 1954 (Public Law 779; 68 Stat. 1228 and 1244) (50 U.S.C. 404 and 405), were transferred to the President by Section 1(a) of Reorganization Plan No. 1 of 1958, as amended (50 U.S.C. App. 2271 note), and they are hereby delegated to the Secretary of Homeland Security.

**4-103.** (a) The functions vested in the Federal Civil Defense Administration or its Administrator by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), were transferred to the President by Reorganization Plan No. 1 of 1958, and they are hereby delegated to the Secretary of Homeland Security.

(b) Excluded from the delegation in subsection (a) is the function under Section 205(a)(4) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2286(a)(4)), relating to the establishment and maintenance of personnel standards on the merit basis that was delegated to the Director of the Office of Personnel Management by Section 1(b) of Executive Order No. 11589, as amended (Section 2-101(b) of Executive Order No. 12107).

**4-104.** The Secretary of Homeland Security is authorized to redelegate, in accord with the provisions of Section 1(b) of Reorganization Plan No. 1 of 1958 (50 U.S.C. App. 2271 note), any of the functions delegated by Sections 4-101, 4-102, and 4-103 of this Order.

**4-105.** The functions vested in the Administrator of the Federal Civil Defense Administration by Section 43 of the Act of August 10, 1956 (70A Stat. 636) were transferred to the President by Reorganization Plan No. 1 of 1958, as amended (50 U.S.C. App. 2271 note), were subsequently revested in the Director of the Office of Civil and Defense Mobilization by Section 512 of Public Law 86-500 (50 U.S.C. App. 2285) [the office was changed to Office of Emergency Planning by Public Law 87-296 (75 Stat. 630) and to the Office of Emergency Preparedness by Section 402 of Public Law 90-608 (82 Stat. 1194)], were again transferred to the President by Section 1 of Reorganization Plan No. 1 of 1973 (50 U.S.C. App. 2271 note), and they are hereby delegated to the Secretary of Homeland Security.

**4-106.** The functions vested in the Director of the Office of Emergency Preparedness by Section 16 of the Act of September 23, 1950, as amended (20 U.S.C. 646), and by Section 7 of the Act of September 30, 1950, as amended (20 U.S.C. 241-1), were transferred to the President by Section 1 of Reorganization Plan No. 1 of 1973 (50 U.S.C. App. 2271 note), and they are hereby delegated to the Secretary of Homeland Security.

**4-107.** That function vested in the Director of the Office of Emergency Preparedness by Section 762(a) of the Higher Education Act of 1965, as added by Section 161(a) of the Education Amendments of 1972, and as further amended (20 U.S.C. 1132d-l(a)), to the extent transferred to the President by Reorganization Plan No. 1 of 1973 (50 U.S.C. App. 2271 note), is hereby delegated to the Secretary of Homeland Security.

#### **4-2. Delegation of Functions Vested in the President.**

**4-201.** The functions vested in the President by the Disaster Relief Act of 1970, as amended (42 U.S.C. Chapter 58 note), are hereby delegated to the Secretary of Homeland Security.

**4-202.** The functions (related to grants for damages resulting from hurricane and tropical storm Agnes) vested in the President by Section 4 of Public Law 92-385 (86 Stat. 556) are hereby delegated to the Secretary of Homeland Security.

**4-203.** The functions vested in the President by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*), except those functions vested in the President by Section 401 (relating to the declaration of major disasters and emergencies), Section 501 (relating to the declaration of emergencies), Section 405 (relating to the repair, reconstruction, restoration, or replacement of Federal facilities), and Section 412 (relating to food coupons and distribution), are hereby delegated to the Secretary of Homeland Security.

**4-204.** The functions vested in the President by the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 *et seq.*), are delegated to the Secretary of Homeland Security.

**4-205.** Effective July 30, 1979, the functions vested in the President by Section 4(h) of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b(h)), are hereby delegated to the Secretary of Homeland Security.

**4-206.** Effective July 30, 1979, the functions vested in the President by Section 204(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(f)), are hereby delegated to the Secretary of Homeland Security.

**4-207.** The functions vested in the President by Section 502 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2302), are delegated to the Secretary of Homeland Security.

## **Section 5. Other Executive Orders**

### **5-1. Revocations.**

**5-101.** Executive Order No. 10242, as amended, entitled “Prescribing Regulations Governing the Exercise by the Federal Civil Defense Administrator of Certain Administrative Authority Granted by the Federal Civil Defense Act of 1950”, is revoked.

**5-102.** Sections 1 and 2 of Executive Order No. 10296, as amended, entitled “Providing for the Performance of Certain Defense Housing and Community Facilities and Service Functions”, are revoked.

**5-103.** Executive Order No. 10494, as amended, relating to the disposition of remaining functions, is revoked.

**5-104.** Executive Order No. 10529, as amended, relating to federal employee participation in State and local civil defense programs, is revoked.

**5-105.** Section 3 of Executive Order No. 10601, as amended, which concerns the Commodity Set Aside, is revoked.

**5-106.** Executive Order No. 10634, as amended, relating to loans for facilities destroyed or damaged by a major disaster, is revoked.

**5-107.** Section 4(d)(2) of Executive Order No. 10900, as amended, which concerns foreign currencies made available to make purchases for the supplemental stockpile, is revoked.

**5-108.** Executive Order 10952, as amended, entitled “Assigning Civil Defense Responsibilities to the Secretary of Defense and Others”, is revoked.

**5-109.** Executive Order 11051, as amended, relating to responsibilities of the Office of Emergency Preparedness, is revoked.

**5-110.** Executive Order 11415, as amended, relating to the Health Resources Advisory Committee, is revoked.

**5-111.** Executive Order 11795, as amended, entitled “Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974”, is revoked, except for Section 3 thereof.

**5-112.** Executive Order 11725, as amended, entitled “Transfer of Certain Functions of the Office of Emergency Preparedness”, is revoked.

**5-113.** Executive Order 11749, as amended, entitled “Consolidating Disaster Relief Functions Assigned to the Secretary of Housing and Urban Development” is revoked.

**5-2. Amendments.**

**5-201.** Executive Order No. 10421, as amended, relating to physical security of defense facilities is further amended by (a) substituting the “Director of the Federal Emergency Management Agency” for “Director of the Office of Emergency Planning” in Sections 1 (a), 1 (c), and 6 (b); and, (b) substituting “Federal Emergency Management Agency” for “Office of Emergency Planning” in Sections 6(b) and 7(b).

**5-202.** Executive Order No. 10480, as amended, is further amended by (a) substituting “Director of the Federal Emergency Management Agency” for “Director of the office of Emergency Planning” in Sections 101(a), 101(b), 201(a), 201 (b), 301, 304, 307, 308, 310(b), 311(b), 312, 313, 401(b), 401(e), and 605; and, (b) substituting “Director of the Federal Emergency Management Agency” for “Administrator of General Services” in Section 610.

**5-203.** Section 3(d) of Executive Order No. 10582, as amended, which relates to determinations under the Buy American Act is amended by deleting “Director of the Office of Emergency Planning” and substituting therefor “Director of the Federal Emergency Management Agency”.

**5-204.** Paragraph 21 of Executive Order No. 10789, as amended, is further amended by adding “The Federal Emergency Management Agency” after “Government Printing Office”.

**5-205.** Executive Order No. 11179, as amended, concerning the National Defense Executive Reserve, is further amended by deleting “Director of the Office of Emergency Planning” in Section 2 and substituting therefor “Director of the Federal Emergency Management Agency”.

**5-206.** Section 7 of Executive Order No. 11912, as amended, concerning energy policy and conservation, is further amended by deleting “Administrator of General Services” and substituting therefor “Director of the Federal Emergency Management Agency”.

**5-207.** Section 2(d) of Executive Order No. 11988 entitled “Floodplain Management” is amended by deleting “Federal Insurance Administration” and substituting therefor “Director of the Federal Emergency Management Agency”.

**5-208.** Section 5-3 of Executive Order No. 12046 of March 29, 1978, is amended by deleting “General Services Administration” and substituting therefor “Federal Emergency Management Agency” and by deleting “Administrator of General Services” and substituting therefor “Director of the Federal Emergency Management Agency”.

**5-209.** Section 1-201 of Executive Order No. 12065 is amended by adding “The Director of the Federal Emergency Management Agency” after “The Administrator, National Aeronautics and Space Administration” and by deleting “Director, Federal Preparedness Agency and to the” from the parentheses after “The Administrator of General Services”.

**5-210.** Section 1-102 of Executive Order No. 12075 of August 16, 1978, is amended by adding in alphabetical order “(p) Federal Emergency Management Agency”.

**5-211.** Section 1-102 of Executive Order No. 12083 of September 27, 1978 is amended by adding in alphabetical order “(x) the Director of the Federal Emergency Management Agency”.

**5-212.** Section 9.11 (b) of Civil Service Rule IX (5 CFR Part 9) is amended by deleting “the Defense Civil Preparedness Agency and”.

**5-213.** Section 3(2) of each of the following described Executive orders is amended by adding “Federal Emergency Management Agency” immediately after “Department of Transportation”.

(a) Executive Order No. 11331 establishing the Pacific Northwest River Basins Commission.

(b) Executive Order No. 11345, as amended, establishing the Great Lakes Basin Commission.

(c) Executive Order No. 11371, as amended, establishing the New England River Basins Commission.

(d) Executive Order No. 11578, as amended, establishing the Ohio River Basin Commission.

(e) Executive Order No. 11658, as amended, establishing the Missouri River Basin Commission.

(f) Executive Order No. 11659, as amended, establishing the Upper Mississippi River Basin Commission.

**5-214.** Executive Order No. 11490, as amended, is further amended as follows:

(a) Delete the last sentence of Section 102 (a) and substitute therefor the following: “The activities undertaken by the departments and agencies pursuant to this Order, except as provided in Section 3003, shall be in accordance with guidance provided by, and subject to, evaluation by the Director of the Federal Emergency Management Agency.”

(b) Delete Section 103 entitled “Presidential Assistance” and substitute the following new Section 103: “Sec. 103 General Coordination. The Director of the Federal Emergency Management Agency (FEMA) shall determine national preparedness goals and policies for the performance of functions under this Order and coordinate the performance of such functions with the total national preparedness programs.”

(c) Delete the portion of the first sentence of Section 401 prior to the colon and insert the following: “The Secretary of Defense shall perform the following emergency preparedness functions”.

(d) Delete “Director of the Federal Preparedness Agency (GSA)” or “the Federal Preparedness Agency (GSA)” and substitute therefor “Director, FEMA”, in Sections 401 (3), 401 (4), 401 (5), 401 (9), 401 (10), 401 (14), 401 (15), 401(16), 401(19), 401(21), 401(22), 501(8), 601(2), 904(2), 1102(2), 1204 (2), 1401(a), 1701, 1702, 2003, 2004, 2801(5), 3001, 3002(2), 3004, 3005, 3006, 3008, 3010, and 3013.

(e) The number assigned to this Order shall be substituted for “11051 of September 27, 1962” in Section 3001, and for “11051” in Sections 1802, 2002(3), 3002 and 3008 (1).

(f) The number assigned to this Order shall be substituted for "10952" in Sections 1103, 1104, 1205, and 3002.

(g) Delete "Department of Defense" in Sections 502, 601 (1), 804, 905, 1103, 1104, 1106(4), 1205, 2002(8), the first sentence of Section 3002, and Sections 3008(1) and 3010 and substitute therefor "Director of the Federal Emergency Management Agency."

**Section 6.**

This Order is effective July 15, 1979.





## EXECUTIVE ORDER 12160

### PROVIDING FOR ENHANCEMENT AND COORDINATION OF FEDERAL CONSUMER PROGRAMS

{AS AMENDED BY EO 12265, EO 13286}

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Signed:	September 26, 1979
Federal Register page and date:	44 FR 55787; September 28, 1979
Amended by:	EO 12265, January 15, 1981 EO 13286, February 28, 2003

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By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

#### **1-1. Establishment of the Consumer Affairs Council.**

**1-101.** There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

**1-102.** The Council shall consist of representatives of the following agencies and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health and Human Services.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.
- (m) Department of Homeland Security
- (n) ACTION Agency.
- (o) Administrative Conference of the United States.
- (p) Community Services Administration.
- (q) Department of Education.
- (r) Environmental Protection Agency.
- (s) Equal Employment Opportunity Commission.
- (t) General Services Administration.
- (u) Small Business Administration.
- (v) Tennessee Valley Authority.

(w) Veterans Administration.

(x) Commission on Civil Rights is invited to participate.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

#### **1-2. Functions of the Council.**

**1-201.** The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and inter-agency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

#### **1-3. Designation and Functions of the Chairperson.**

**1-301.** The President shall designate the Chairperson of the Council (hereinafter referred to as the "Chairperson").

**1-302.** The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

**1-303.** The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

#### **1-4. Consumer Program Reforms.**

**1-401.** The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) Consumer Affairs Perspective. Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

(b) Consumer Participation. Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decision making. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decision-makers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

(c) Informational Materials. Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the marketplace for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open

to the public materials designed to make those meetings comprehensible to them.

(d) Education and Training. Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

(e) Complaint Handling. Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

**1-402.** The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

#### **1-5. Implementation of Consumer Program Reforms.**

**1-501.** Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1-4 above. Each agency shall publish its draft consumer program in the *Federal Register* and shall give the public 60 days to comment on the program. A copy of the program shall be sent to the Council.

**1-502.** Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the *Federal Register*. Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

**1-503.** Each agency's consumer program shall take effect no later than 30 days after its final publication in the *Federal Register*.

**1-504.** The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

**1-505.** The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

#### **1-6. Budget Review.**

**1-601.** Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

**1-7. Civil Service Initiatives.**

**1-701.** In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

- (a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;
- (b) the recruitment and selection of employees for the performance of consumer affairs duties; and
- (c) the training and development of employees for the performance of such duties.

**1-8. Administrative Provisions.**

**1-801.** Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

**1-802.** The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

**1-803.** The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

**1-804.** The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

**1-9. Definitions.**

**1-901.** "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

**1-902.** "Agency" or "agencies" mean any department or agency in the executive branch of the Federal government, except that the term shall not include:

- (a) independent regulatory agencies, except as noted in subsection 1-804;

(b) agencies to the extent that their activities fall within the categories excepted in Sections 6 (b) (2), (3), (4),and (6)of Executive Order No. 12044.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.



## EXECUTIVE ORDER 12188

### INTERNATIONAL TRADE FUNCTIONS

{AS AMENDED BY EO 12292, EO 13118, EO 13286}

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Signed:	January 2, 1980
Federal Register page and date:	45 FR 989; January 4, 1980
Revoked in part by:	EO 12292, February 23, 1981
Amended by:	EO 13118, March 31, 1999 EO 13286, February 28, 2003

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By the authority vested in me by the Trade Agreements Act of 1979, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, Reorganization Plan No. 3 of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

**SECTION 1-101. The United States Trade Representative.**

(a) Except as may be otherwise expressly provided by law, the United States Trade Representative (hereinafter referred to as the "Trade Representative") shall be chief representative of the United States for:

(1) all activities of, or under the auspices of, the General Agreement on Tariffs and Trade;

(2) discussions, meetings, and negotiations in the Organization for Economic Cooperation and Development when trade or commodity issues are the primary issues under consideration;

(3) negotiations in the United Nations Conference on Trade and Development and other multilateral institutions when trade or commodity issues are the primary issues under consideration;

(4) other bilateral or multilateral negotiations when trade, including East-West trade, or commodities is the primary issue under consideration;

(5) negotiations under sections 704 and 734 of the Tariff Act of 1930 (19 U.S.C. 1671c and 1673c); and

(6) negotiations concerning direct investment incentives and disincentives and bilateral investment issues concerning barriers to investment.

For purposes of this subsection, the term "negotiations" includes discussions and meetings with foreign governments and instrumentalities primarily concerning preparations for formal negotiations and policies regarding im-

plementation of agreements resulting from such negotiations.

(b) The Trade Representative, in consultation with the Trade Negotiating Committee, shall invite such members of the Trade Negotiating Committee and representatives of other departments or agencies as may be appropriate to participate in the negotiations and other activities listed in subsection (a).

(c) The Trade Representative, in consultation with the Trade Negotiating Committee, may delegate to any member of the Trade Negotiating Committee, or to any other appropriate department or agency, primary responsibility for representing the United States in any of the negotiations and other activities set forth in subsection (a).

(d) The Trade Representative, or any department or agency to which responsibility for representing the United States in a negotiation or other activity has been delegated pursuant to subsection (c), shall consult with the Trade Policy Committee and with any affected regulatory agencies on the policy issues arising in connection with the negotiations and other activities listed in subsection (a).

**SECTION 1-102. The Trade Policy Committee.**

(a) As provided by section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), the Trade Policy Committee (hereinafter referred to as the "Committee") is continued. The Committee shall have the functions specified by law or by the President, including those specified in section 1 (b) (3) of Reorganization Plan No. 3 of 1979.

(b) The Committee shall be composed of the following:

- (1) The Trade Representative, who shall be Chair
- (2) The Secretary of Commerce, who shall be Vice Chair
- (3) The Secretary of State
- (4) The Secretary of the Treasury
- (5) The Secretary of Defense
- (6) The Attorney General
- (7) The Secretary of the Interior
- (8) The Secretary of Agriculture
- (9) The Secretary of Labor
- (10) The Secretary of Transportation
- (11) The Secretary of Energy
- (12) The Secretary of Homeland Security
- (13) The Director of the Office of Management and Budget
- (14) The Chairman of the Council of Economic Advisers
- (15) The Assistant to the President for National Security Affairs
- (16) Administrator of the United States Agency for International Development.

The Chair and any member of the Committee may designate a subordinate officer whose status is not below that of an Assistant Secretary to serve in his stead when he is unable to attend any meetings of the Committee. The



Chair may invite representatives from other agencies to attend the meetings of the Committee.

(b) (1) There is established, as a subcommittee of the Committee, a Trade Negotiating Committee which shall advise the Trade Representative on the management of negotiations referred to in section 1-101 (a) of this order. The members of such subcommittee shall be the Trade Representative (Chair), the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(2) The Trade Representative, with the advice of the Committee, may create additional subcommittees thereof.

(c) In advising the President on international trade and related matters, the Trade Representative shall take into account and reflect the views of the members of the Committee and of other interested agencies.

**SECTION 1-103. Delegation of Functions.**

(a) The function vested in the President by section 412(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2542 (b)) is delegated to the Secretary of Commerce with regard to the technical office established under section 412 (a) (1) of such Act and to the Secretary of Agriculture with regard to the technical office established under section 412(a)(2) of such Act. In prescribing the functions of each technical office, the Secretary concerned shall consult with the Trade Representative and with all affected regulatory agencies. The functions delegated by this section shall be exercised in coordination with the Trade Representative.

(b) The functions of the President under sections 2(b) and 303 of the Trade Agreements Act of 1979 (19 U.S.C. 2503 (b) and 2513) and section 701(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)) are delegated to the Trade Representative, who shall exercise such authority with the advice of the Trade Policy Committee.

**SECTION 1-104. Authority Under the Foreign Service Act and Related Laws.**

(a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish a Foreign Commercial Service in the Department of Commerce, and a category of career officers of the Foreign Commercial Service to be known as Foreign Commercial Officers. For purposes of the utilization by the Secretary of the authorities granted to the Secretary under this section, the terms "Foreign Service" and "Foreign Service Officer" shall be construed to mean "Foreign Commercial Service" and "Foreign Commercial Officer", respectively.

(b) [REVOKED]

(c) The Board of the Foreign Service and the Board of Examiners for the Foreign Service established by Executive Order 11264 of December 31, 1965, as amended, shall exercise with respect to Foreign Service personnel of the Department of Commerce the functions delegated to them by that order with respect to Foreign Service personnel of the Department of State. The Boards shall perform such additional functions with

respect to Foreign Service personnel of the Department of Commerce as the Secretary may from time to time delegate or otherwise assign, consistent with the functions of such boards.

**SECTION 1-105. Prior Executive Orders and Determination.**

(a) Section 1(b) of Executive Order 11269 of February 14, 1966, as amended, is amended by adding "the United States Trade Representative," after "the Secretary of State,".

(b) (1) Section 1 of Executive Order 11539 of June 30, 1970, is amended to read as follows:

"Section 1. The United States Trade Representative, with the concurrence of the Secretary of Agriculture and the Secretary of State, is authorized to negotiate bilateral agreements with representatives of governments of foreign countries limiting the export from the respective countries and the importation into the United States of (1) fresh, chilled, or frozen cattle meat, (2) fresh, chilled, or frozen meat of goats and sheep (except lambs), and (3) prepared and preserved beef and veal (except sausage) if articles are prepared, whether fresh, chilled, or frozen, but not otherwise preserved, that are the products of such countries."

(2) Section 4 of such order is amended by striking out "the Secretary of State" and inserting in lieu thereof "the United States Trade Representative".

(c) The last sentence of section 1 (a) of Executive Order 11651 of March 3, 1972, as amended, is amended to read as follows: "The United States Trade Representative, or his designee, also shall be a member of the Committee."

(d) The first sentence of section 3 of Executive Order 11703 of February 7, 1973, is amended to read as follows: "The Oil Policy Committee shall henceforth consist of the United States Trade Representative, chair, and the Secretaries of State, Treasury, Defense, the Interior, Commerce and Energy, the Attorney General, and the Chairman of the Council of Economic Advisers, as members."

(e) Sections 2(b) and 3(a), the first sentence of section 3(c), and sections 3 (e), 3(f), and 6 of Executive Order 11846 of March 27, 1975, as amended, are revoked.

(f) (1) Section 1(a)(5) of Executive Order 11858 of May 7, 1975, is amended to read: "(5) The United States Trade Representative".

(2) Section 1(a) (6) of such order is amended to read: "(6) The Chairman of the Council of Economic Advisers".

(g) Executive Order 12096 of November 2, 1978, is revoked.

(h) The last paragraph of the Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (dated December 14, 1979) (44 FR 74781, at 74784; December 18, 1979), delegating functions under section 2 (b) of the Trade Agreements Act of 1979 and section 701 (b) of the Tariff Act of 1930, is revoked.

(i) Any reference to the Office of the Special Representative for Trade Negotiations or to the Special Representative for Trade Negotiations in any Executive order, Proclamation, or other document shall be deemed to refer to the Office of the

United States Trade Representative or to the United States Trade Representative, respectively.

**SECTION 1-106. Incidental Transfers and Reassignments.**

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions transferred or reassigned by the provisions of this order as the Director of the Office of Management and Budget shall determine shall be transferred or reassigned for use in connection with such functions.

**SECTION 1-107. Effective Dates.**

(a) Sections 1, 2(a), 2(b)(2), 2(c), 2(d), 3, 4, 5(a), 5(b) (2), 5 (c) through (e), and 6 through 8 of Reorganization Plan No. 3 of 1979, and the provisions of this order, shall take effect as of January 2, 1980.

(b) Section 5(b) (1) of such plan shall take effect as of April 1, 1980.



## EXECUTIVE ORDER 12208

### CONSULTATIONS ON THE ADMISSION OF REFUGEES

{AS AMENDED BY EO 12608, EO 13118, EO 13286}

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Signed:	April 15, 1980
Federal Register page and date:	45 FR 25789; April 16, 1980
Amended by:	EO 12608, September 9, 1987 EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and laws of the United States of America, including the Refugee Act of 1980 (P.L. 96-212; 8 U.S.C. 1101 note), the Immigration and Nationality Act, as amended (8 U.S.C. 1101 *et seq.*), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

**1-101.** Exclusive of the functions otherwise delegated, or reserved to the President, by this Order, there are hereby delegated to the Secretary of State and the Secretary of Homeland Security, or either of them, the functions of initiating and carrying out appropriate consultations with members of the Committees on the Judiciary of the Senate and of the House of Representatives for purposes of Sections 101 (a) (42) (B) and 207(a), (b), (d), and (e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 (a) (42) (B) and 1157(a), (b), (d), and (e)).

**1-102.** There are reserved to the President the following functions under the Immigration and Nationality Act, as amended:

(a) To specify special circumstances for purposes of qualifying persons as refugees under Section 101 (a) (42) (B).

(b) To make determinations under Sections 207(a)(1), 207(a)(2), 207(a) (3) and 207(b).

(c) To fix the number of refugees to be admitted under Section 207(b).

**1-103.** Except to the extent inconsistent with this Order, all actions previously taken pursuant to any function delegated or assigned by this Order shall be deemed to have been taken and authorized by this Order.



## EXECUTIVE ORDER 12260

### AGREEMENT ON GOVERNMENT PROCUREMENT

{AS AMENDED BY EO 12347, EO 12388, EO 12474,  
EO 13118, EO 13284}

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Signed:	December 31, 1980
Federal Register page and date:	46 FR 1653; January 6, 1981
Amended by:	EO 12347, February 23, 1982
	EO 12388, October 14, 1982
	EO 12474, April 17, 1984
	EO 13118, March 31, 1999
	EO 13284, January 23, 2003

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By the authority vested in me as President by the Constitution and statutes of the United States of America, including Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511-2518), and Section 301 of Title 3 of the United States Code, and in order to implement the Agreement on Government Procurement, as defined in 19 U.S.C. 2518(1), it is hereby ordered as follows:

#### **1-1. Responsibilities.**

**1-101.** The obligations of the Agreement on Government Procurement (Agreement on Government Procurement, General Agreement on Tariffs and Trade, 12 April 1979, Geneva (GATT 1979)) apply to any procurement of eligible products by the Executive agencies listed in the Annex to this Order (eligible products are defined in Section 308 of the Trade Agreements Act of 1979; 19 U.S.C. 2518(4)). Such procurement shall be in accord with the policies and procedures of the Office of Federal Procurement Policy (41 U.S.C. 401 *et seq.*).

**1-102.** The United States Trade Representative, hereinafter referred to as the Trade Representative, shall be responsible for interpretation of the Agreement. The Trade Representative shall seek the advice of the interagency organization established under Section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)) and consult with affected Executive agencies, including the Office of Federal Procurement Policy.

**1-103.** The interpretation of Article VIII:1 of the Agreement shall be subject to the concurrence of the Secretary of Defense.

**1-104.** The Trade Representative shall determine, from time to time, the dollar equivalent of 150,000 Special Drawing Right units and shall publish that determination in the *Federal Register*. Procurement of less than 150,000 Special Drawing Right units is not

subject to the Agreement or this Order (Article I:1(b) of the Agreement).

**1-105.** In order to ensure coordination of international trade policy with regard to the implementation of the Agreement, agencies shall consult in advance with the Trade Representative about negotiations with foreign governments or instrumentalities which concern government procurement.

**1-2. Delegations and Authorization.**

**1-201.** The functions vested in the President by Sections 301, 302, 304, 305(c) and 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2511, 2512, 2514, 2515(c) and 2516) are delegated to the Trade Representative.

**1-202.** Notwithstanding the delegation in Section 1-201, the Secretary of Defense is authorized, in accord with Section 302(b)(3) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(b)(3)), to waive the prohibitions specified therein.

**Annex**

1. ACTION
2. Administrative Conference of the United States
3. American Battle Monuments Commission
4. Board for International Broadcasting
5. Civil Aeronautics Board<sup>1</sup>
6. Commission on Civil Rights
7. Commodity Futures Trading Commission
8. Consumer Product Safety Commission
9. Department of Agriculture (The Agreement on Government Procurement does not apply to procurement of agricultural products made in furtherance of agricultural support programs or human feeding programs)
10. Department of Commerce
11. Department of Defense (Excludes Corps of Engineers)
12. Department of Education
13. Department of Health and Human Services
14. Department of Homeland Security
15. Department of Housing and Urban Development
16. Department of the Interior (Excludes the Bureau of Reclamation)
17. Department of Justice
18. Department of Labor
19. Department of State
20. Department of the Treasury
21. Environmental Protection Agency
22. Equal Employment Opportunity Commission
23. Executive Office of the President
24. Export-Import Bank of the United States
25. Farm Credit Administration
26. Federal Communications Commission
27. Federal Deposit Insurance Corporation
28. Federal Home Loan Bank Board
29. Federal Maritime Commission
30. Federal Mediation and Conciliation Service
31. Federal Trade Commission



32. General Services Administration (Purchases by the Tools Commodity Center, and the Region 9 Office in San Francisco, California are not included)
33. Interstate Commerce Commission
34. Merit Systems Protection Board
35. National Aeronautics and Space Administration
36. National Credit Union Administration
37. National Labor Relations Board
38. National Mediation Board
39. National Science Foundation
40. National Transportation Safety Board
41. Nuclear Regulatory Commission
42. Office of Personnel Management
43. Overseas Private Investment Corporation
44. Panama Canal Commission
45. Railroad Retirement Board
46. Securities and Exchange Commission
47. Selective Service System
48. Smithsonian Institution
49. United States Arms Control and Disarmament Agency
50. United States Information Agency
51. United States Agency for International Development
52. United States International Trade Commission
53. Veterans Administration
54. Maritime Administration of the Department of Transportation
55. The Peace Corps



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**Executive Orders Issued by  
President Ronald Reagan**

(1981-1989)

EXECUTIVE ORDERS 12333-12657

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# EXECUTIVE ORDER 12333

## UNITED STATES INTELLIGENCE ACTIVITIES

{AS AMENDED BY EO 13284, EO 13355, EO 13470}

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Signed:	December 4, 1981
Federal Register page and date:	46 FR 59941; December 8, 1981
Amends:	EO 12139, May 23, 1979
Amended by:	EO 13284, January 23, 2003; EO 13355, August 27, 2004; EO 13470, July 30, 2008
Revokes:	EO 12036, January 24, 1978

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### PREAMBLE

Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence possible. For that purpose, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including the National Security Act of 1947, as amended, (Act) and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

#### PART 1 GOALS, DIRECTIONS, DUTIES, AND RESPONSIBILITIES WITH RESPECT TO UNITED STATES INTELLIGENCE EFFORTS

**1.1 Goals.** The United States intelligence effort shall provide the President, the National Security Council, and the Homeland Security Council with the necessary information on which to base decisions concerning the development and conduct of foreign, defense, and economic policies, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) All means, consistent with applicable Federal law and this order, and with full consideration of the rights of United States persons, shall be used to obtain reliable intelligence information to protect the United States and its interests.

(b) The United States Government has a solemn obligation, and shall continue in the conduct of intelligence activities under this order, to protect fully the legal rights of all United

States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.

(c) Intelligence collection under this order should be guided by the need for information to respond to intelligence priorities set by the President.

(d) Special emphasis should be given to detecting and countering:

(1) Espionage and other threats and activities directed by foreign powers or their intelligence services against the United States and its interests;

(2) Threats to the United States and its interests from terrorism; and

(3) Threats to the United States and its interests from the development, possession, proliferation, or use of weapons of mass destruction.

(e) Special emphasis shall be given to the production of timely, accurate, and insightful reports, responsive to decision makers in the executive branch, that draw on all appropriate sources of information, including open source information, meet rigorous analytic standards, consider diverse analytic viewpoints, and accurately represent appropriate alternative views.

(f) State, local, and tribal governments are critical partners in securing and defending the United States from terrorism and other threats to the United States and its interests. Our national intelligence effort should take into account the responsibilities and requirements of State, local, and tribal governments and, as appropriate, private sector entities, when undertaking the collection and dissemination of information and intelligence to protect the United States.

(g) All departments and agencies have a responsibility to prepare and to provide intelligence in a manner that allows the full and free exchange of information, consistent with applicable law and presidential guidance.

## **1.2 The National Security Council.**

(a) Purpose. The National Security Council (NSC) shall act as the highest ranking executive branch entity that provides support to the President for review of, guidance for, and direction to the conduct of all foreign intelligence, counterintelligence, and covert action, and attendant policies and programs.

(b) Covert Action and Other Sensitive Intelligence Operations. The NSC shall consider and submit to the President a policy recommendation, including all dissents, on each proposed covert action and conduct a periodic review of ongoing covert action activities, including an evaluation of the effectiveness and consistency with current national policy of such activities and consistency with applicable legal requirements. The NSC shall perform such other functions related to covert action as the President may direct, but shall not undertake the conduct of covert actions. The NSC shall also review proposals for other sensitive intelligence operations.

**1.3 Director of National Intelligence.** Subject to the authority, direction, and control of the President, the Director of National Intelligence (Director) shall serve as the head of the Intelligence Community, act as the principal adviser to the President, to the NSC, and to the Homeland Security Council for intelligence matters related to national security, and shall oversee and direct the implementation of the National Intelligence Program and execution of the National Intelligence Program budget. The Director will lead a unified, coordinated, and effective intelligence effort. In addition, the Director shall, in carrying out the duties and responsibilities under this section, take into account the views of the heads of departments containing an element of the Intelligence Community and of the Director of the Central Intelligence Agency.

(a) Except as otherwise directed by the President or prohibited by law, the Director shall have access to all information and intelligence described in section 1.5(a) of this order. For the purpose of access to and sharing of information and intelligence, the Director:

(1) Is hereby assigned the function under section 3(5) of the Act, to determine that intelligence, regardless of the source from which derived and including information gathered within or outside the United States, pertains to more than one United States Government agency; and

(2) Shall develop guidelines for how information or intelligence is provided to or accessed by the Intelligence Community in accordance with section 1.5(a) of this order, and for how the information or intelligence may be used and shared by the Intelligence Community. All guidelines developed in accordance with this section shall be approved by the Attorney General and, where applicable, shall be consistent with guidelines issued pursuant to section 1016 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458) (IRTPA).

(b) In addition to fulfilling the obligations and responsibilities prescribed by the Act, the Director:

(1) Shall establish objectives, priorities, and guidance for the Intelligence Community to ensure timely and effective collection, processing, analysis, and dissemination of intelligence, of whatever nature and from whatever source derived;

(2) May designate, in consultation with affected heads of departments or Intelligence Community elements, one or more Intelligence Community elements to develop and to maintain services of common concern on behalf of the Intelligence Community if the Director determines such services can be more efficiently or effectively accomplished in a consolidated manner;

(3) Shall oversee and provide advice to the President and the NSC with respect to all ongoing and proposed covert action programs;

(4) In regard to the establishment and conduct of intelligence arrangements and agreements with foreign governments and international organizations:

(A) May enter into intelligence and counterintelligence arrangements and agreements with foreign governments and international organizations;

(B) Shall formulate policies concerning intelligence and counterintelligence arrangements and agreements with foreign governments and international organizations; and

(C) Shall align and synchronize intelligence and counterintelligence foreign relationships among the elements of the Intelligence Community to further United States national security, policy, and intelligence objectives;

(5) Shall participate in the development of procedures approved by the Attorney General governing criminal drug intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

(6) Shall establish common security and access standards for managing and handling intelligence systems, information, and products, with special emphasis on facilitating:

(A) The fullest and most prompt access to and dissemination of information and intelligence practicable, assigning the highest priority to detecting, preventing, preempting, and disrupting terrorist threats and activities against the United States, its interests, and allies; and

(B) The establishment of standards for an interoperable information sharing enterprise that facilitates the sharing of intelligence information among elements of the Intelligence Community;

(7) Shall ensure that appropriate departments and agencies have access to intelligence and receive the support needed to perform independent analysis;

(8) Shall protect, and ensure that programs are developed to protect, intelligence sources, methods, and activities from unauthorized disclosure;

(9) Shall, after consultation with the heads of affected departments and agencies, establish guidelines for Intelligence Community elements for:

(A) Classification and declassification of all intelligence and intelligence-related information classified under the authority of the Director or the authority of the head of a department or Intelligence Community element; and

(B) Access to and dissemination of all intelligence and intelligence-related information, both in its final form and in the form when initially gathered, to include intelligence originally classified by the head of a department or Intelligence Community element, except that access to and dissemination of information concerning United States persons shall be governed by procedures developed in accordance with Part 2 of this order;



(10) May, only with respect to Intelligence Community elements, and after consultation with the head of the originating Intelligence Community element or the head of the originating department, declassify, or direct the declassification of, information or intelligence relating to intelligence sources, methods, and activities. The Director may only delegate this authority to the Principal Deputy Director of National Intelligence;

(11) May establish, operate, and direct one or more national intelligence centers to address intelligence priorities;

(12) May establish Functional Managers and Mission Managers, and designate officers or employees of the United States to serve in these positions.

(A) Functional Managers shall report to the Director concerning the execution of their duties as Functional Managers, and may be charged with developing and implementing strategic guidance, policies, and procedures for activities related to a specific intelligence discipline or set of intelligence activities; set training and tradecraft standards; and ensure coordination within and across intelligence disciplines and Intelligence Community elements and with related non-intelligence activities. Functional Managers may also advise the Director on: the management of resources; policies and procedures; collection capabilities and gaps; processing and dissemination of intelligence; technical architectures; and other issues or activities determined by the Director.

(i) The Director of the National Security Agency is designated the Functional Manager for signals intelligence;

(ii) The Director of the Central Intelligence Agency is designated the Functional Manager for human intelligence; and

(iii) The Director of the National Geospatial-Intelligence Agency is designated the Functional Manager for geospatial intelligence.

(B) Mission Managers shall serve as principal substantive advisors on all or specified aspects of intelligence related to designated countries, regions, topics, or functional issues;

(13) Shall establish uniform criteria for the determination of relative priorities for the transmission of critical foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such communications;

(14) Shall have ultimate responsibility for production and dissemination of intelligence produced by the Intelligence Community and authority to levy analytic tasks on intelligence production organizations within the Intelligence Community, in consultation with the heads of the Intelligence Community elements concerned;

(15) May establish advisory groups for the purpose of obtaining advice from within the Intelligence Community to carry out the Director's responsibilities, to include Intelligence Community executive management committees composed of senior Intelligence Community leaders. Advisory groups shall consist of representatives from elements of the Intelligence Community, as designated by the Director, or other executive branch departments, agencies, and offices, as appropriate;

(16) Shall ensure the timely exploitation and dissemination of data gathered by national intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government elements, including military commands;

(17) Shall determine requirements and priorities for, and manage and direct the tasking, collection, analysis, production, and dissemination of, national intelligence by elements of the Intelligence Community, including approving requirements for collection and analysis and resolving conflicts in collection requirements and in the tasking of national collection assets of Intelligence Community elements (except when otherwise directed by the President or when the Secretary of Defense exercises collection tasking authority under plans and arrangements approved by the Secretary of Defense and the Director);

(18) May provide advisory tasking concerning collection and analysis of information or intelligence relevant to national intelligence or national security to departments, agencies, and establishments of the United States Government that are not elements of the Intelligence Community; and shall establish procedures, in consultation with affected heads of departments or agencies and subject to approval by the Attorney General, to implement this authority and to monitor or evaluate the responsiveness of United States Government departments, agencies, and other establishments;

(19) Shall fulfill the responsibilities in section 1.3(b)(17) and (18) of this order, consistent with applicable law and with full consideration of the rights of United States persons, whether information is to be collected inside or outside the United States;

(20) Shall ensure, through appropriate policies and procedures, the deconfliction, coordination, and integration of all intelligence activities conducted by an Intelligence Community element or funded by the National Intelligence Program. In accordance with these policies and procedures:

(A) The Director of the Federal Bureau of Investigation shall coordinate the clandestine collection of foreign intelligence collected through human sources or through human-enabled means and counterintelligence activities inside the United States;

(B) The Director of the Central Intelligence Agency shall coordinate the clandestine collection of foreign intelligence collected through human sources or

through human-enabled means and counterintelligence activities outside the United States;

(C) All policies and procedures for the coordination of counterintelligence activities and the clandestine collection of foreign intelligence inside the United States shall be subject to the approval of the Attorney General; and

(D) All policies and procedures developed under this section shall be coordinated with the heads of affected departments and Intelligence Community elements;

(21) Shall, with the concurrence of the heads of affected departments and agencies, establish joint procedures to deconflict, coordinate, and synchronize intelligence activities conducted by an Intelligence Community element or funded by the National Intelligence Program, with intelligence activities, activities that involve foreign intelligence and security services, or activities that involve the use of clandestine methods, conducted by other United States Government departments, agencies, and establishments;

(22) Shall, in coordination with the heads of departments containing elements of the Intelligence Community, develop procedures to govern major system acquisitions funded in whole or in majority part by the National Intelligence Program;

(23) Shall seek advice from the Secretary of State to ensure that the foreign policy implications of proposed intelligence activities are considered, and shall ensure, through appropriate policies and procedures, that intelligence activities are conducted in a manner consistent with the responsibilities pursuant to law and presidential direction of Chiefs of United States Missions; and

(24) Shall facilitate the use of Intelligence Community products by the Congress in a secure manner.

(c) The Director's exercise of authorities in the Act and this order shall not abrogate the statutory or other responsibilities of the heads of departments of the United States Government or the Director of the Central Intelligence Agency. Directives issued and actions taken by the Director in the exercise of the Director's authorities and responsibilities to integrate, coordinate, and make the Intelligence Community more effective in providing intelligence related to national security shall be implemented by the elements of the Intelligence Community, provided that any department head whose department contains an element of the Intelligence Community and who believes that a directive or action of the Director violates the requirements of section 1018 of the IRTPA or this subsection shall bring the issue to the attention of the Director, the NSC, or the President for resolution in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments.

(d) Appointments to certain positions.

(1) The relevant department or bureau head shall provide recommendations and obtain the concurrence of the Director for the selection of: the Director of the National Security Agency, the Director of the National Reconnaissance Office, the Director of the National Geospatial-Intelligence Agency, the Under Secretary of Homeland Security for Intelligence and Analysis, the Assistant Secretary of State for Intelligence and Research, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, the Assistant Secretary for Intelligence and Analysis of the Department of the Treasury, and the Executive Assistant Director for the National Security Branch of the Federal Bureau of Investigation. If the Director does not concur in the recommendation, the department head may not fill the vacancy or make the recommendation to the President, as the case may be. If the department head and the Director do not reach an agreement on the selection or recommendation, the Director and the department head concerned may advise the President directly of the Director's intention to withhold concurrence.

(2) The relevant department head shall consult with the Director before appointing an individual to fill a vacancy or recommending to the President an individual be nominated to fill a vacancy in any of the following positions: the Under Secretary of Defense for Intelligence; the Director of the Defense Intelligence Agency; uniformed heads of the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps above the rank of Major General or Rear Admiral; the Assistant Commandant of the Coast Guard for Intelligence; and the Assistant Attorney General for National Security.

(e) Removal from certain positions.

(1) Except for the Director of the Central Intelligence Agency, whose removal the Director may recommend to the President, the Director and the relevant department head shall consult on the removal, or recommendation to the President for removal, as the case may be, of: the Director of the National Security Agency, the Director of the National Geospatial-Intelligence Agency, the Director of the Defense Intelligence Agency, the Under Secretary of Homeland Security for Intelligence and Analysis, the Assistant Secretary of State for Intelligence and Research, and the Assistant Secretary for Intelligence and Analysis of the Department of the Treasury. If the Director and the department head do not agree on removal, or recommendation for removal, either may make a recommendation to the President for the removal of the individual.

(2) The Director and the relevant department or bureau head shall consult on the removal of: the Executive Assistant Director for the National Security Branch of the Federal Bureau of Investigation, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, the Director of the National Reconnaissance Office, the Assistant Commandant of the Coast Guard for In-

telligence, and the Under Secretary of Defense for Intelligence. With respect to an individual appointed by a department head, the department head may remove the individual upon the request of the Director; if the department head chooses not to remove the individual, either the Director or the department head may advise the President of the department head's intention to retain the individual. In the case of the Under Secretary of Defense for Intelligence, the Secretary of Defense may recommend to the President either the removal or the retention of the individual. For uniformed heads of the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps, the Director may make a recommendation for removal to the Secretary of Defense.

(3) Nothing in this subsection shall be construed to limit or otherwise affect the authority of the President to nominate, appoint, assign, or terminate the appointment or assignment of any individual, with or without a consultation, recommendation, or concurrence.

**1.4 The Intelligence Community.** Consistent with applicable Federal law and with the other provisions of this order, and under the leadership of the Director, as specified in such law and this order, the Intelligence Community shall:

(a) Collect and provide information needed by the President and, in the performance of executive functions, the Vice President, the NSC, the Homeland Security Council, the Chairman of the Joint Chiefs of Staff, senior military commanders, and other executive branch officials and, as appropriate, the Congress of the United States;

(b) In accordance with priorities set by the President, collect information concerning, and conduct activities to protect against, international terrorism, proliferation of weapons of mass destruction, intelligence activities directed against the United States, international criminal drug activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(c) Analyze, produce, and disseminate intelligence;

(d) Conduct administrative, technical, and other support activities within the United States and abroad necessary for the performance of authorized activities, to include providing services of common concern for the Intelligence Community as designated by the Director in accordance with this order;

(e) Conduct research, development, and procurement of technical systems and devices relating to authorized functions and missions or the provision of services of common concern for the Intelligence Community;

(f) Protect the security of intelligence related activities, information, installations, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Intelligence Community elements as are necessary;

(g) Take into account State, local, and tribal governments' and, as appropriate, private sector entities' information needs relating to national and homeland security;

(h) Deconflict, coordinate, and integrate all intelligence activities and other information gathering in accordance with section 1.3(b)(20) of this order; and

(i) Perform such other functions and duties related to intelligence activities as the President may direct.

**1.5 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.** The heads of all departments and agencies shall:

(a) Provide the Director access to all information and intelligence relevant to the national security or that otherwise is required for the performance of the Director's duties, to include administrative and other appropriate management information, except such information excluded by law, by the President, or by the Attorney General acting under this order at the direction of the President;

(b) Provide all programmatic and budgetary information necessary to support the Director in developing the National Intelligence Program;

(c) Coordinate development and implementation of intelligence systems and architectures and, as appropriate, operational systems and architectures of their departments, agencies, and other elements with the Director to respond to national intelligence requirements and all applicable information sharing and security guidelines, information privacy, and other legal requirements;

(d) Provide, to the maximum extent permitted by law, subject to the availability of appropriations and not inconsistent with the mission of the department or agency, such further support to the Director as the Director may request, after consultation with the head of the department or agency, for the performance of the Director's functions;

(e) Respond to advisory tasking from the Director under section 1.3(b)(18) of this order to the greatest extent possible, in accordance with applicable policies established by the head of the responding department or agency;

(f) Ensure that all elements within the department or agency comply with the provisions of Part 2 of this order, regardless of Intelligence Community affiliation, when performing foreign intelligence and counterintelligence functions;

(g) Deconflict, coordinate, and integrate all intelligence activities in accordance with section 1.3(b)(20), and intelligence and other activities in accordance with section 1.3(b)(21) of this order;

(h) Inform the Attorney General, either directly or through the Federal Bureau of Investigation, and the Director of clandestine collection of foreign intelligence and counterintelligence activities inside the United States not coordinated with the Federal Bureau of Investigation;

(i) Pursuant to arrangements developed by the head of the department or agency and the Director of the Central Intelligence Agency and approved by the Director, inform the Direc-

tor and the Director of the Central Intelligence Agency, either directly or through his designee serving outside the United States, as appropriate, of clandestine collection of foreign intelligence collected through human sources or through human-enabled means outside the United States that has not been coordinated with the Central Intelligence Agency; and

(j) Inform the Secretary of Defense, either directly or through his designee, as appropriate, of clandestine collection of foreign intelligence outside the United States in a region of combat or contingency military operations designated by the Secretary of Defense, for purposes of this paragraph, after consultation with the Director of National Intelligence.

**1.6 Heads of Elements of the Intelligence Community. The heads of elements of the Intelligence Community shall:**

(a) Provide the Director access to all information and intelligence relevant to the national security or that otherwise is required for the performance of the Director's duties, to include administrative and other appropriate management information, except such information excluded by law, by the President, or by the Attorney General acting under this order at the direction of the President;

(b) Report to the Attorney General possible violations of Federal criminal laws by employees and of specified Federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department, agency, or establishment concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(c) Report to the Intelligence Oversight Board, consistent with Executive Order 13462 of February 29, 2008, and provide copies of all such reports to the Director, concerning any intelligence activities of their elements that they have reason to believe may be unlawful or contrary to executive order or presidential directive;

(d) Protect intelligence and intelligence sources, methods, and activities from unauthorized disclosure in accordance with guidance from the Director;

(e) Facilitate, as appropriate, the sharing of information or intelligence, as directed by law or the President, to State, local, tribal, and private sector entities;

(f) Disseminate information or intelligence to foreign governments and international organizations under intelligence or counterintelligence arrangements or agreements established in accordance with section 1.3(b)(4) of this order;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of information or intelligence resulting from criminal drug intelligence activities abroad if they have intelligence responsibilities for foreign or domestic criminal drug production and trafficking; and

(h) Ensure that the inspectors general, general counsels, and agency officials responsible for privacy or civil liberties protection for their respective organizations have access to any

information or intelligence necessary to perform their official duties.

**1.7 Intelligence Community Elements.** Each element of the Intelligence Community shall have the duties and responsibilities specified below, in addition to those specified by law or elsewhere in this order. Intelligence Community elements within executive departments shall serve the information and intelligence needs of their respective heads of departments and also shall operate as part of an integrated Intelligence Community, as provided in law or this order.

(a) THE CENTRAL INTELLIGENCE AGENCY. The Director of the Central Intelligence Agency shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence;

(2) Conduct counterintelligence activities without assuming or performing any internal security functions within the United States;

(3) Conduct administrative and technical support activities within and outside the United States as necessary for cover and proprietary arrangements;

(4) Conduct covert action activities approved by the President. No agency except the Central Intelligence Agency (or the Armed Forces of the United States in time of war declared by the Congress or during any period covered by a report from the President to the Congress consistent with the War Powers Resolution, Public Law 93-148) may conduct any covert action activity unless the President determines that another agency is more likely to achieve a particular objective;

(5) Conduct foreign intelligence liaison relationships with intelligence or security services of foreign governments or international organizations consistent with section 1.3(b)(4) of this order;

(6) Under the direction and guidance of the Director, and in accordance with section 1.3(b)(4) of this order, coordinate the implementation of intelligence and counterintelligence relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments or international organizations; and

(7) Perform such other functions and duties related to intelligence as the Director may direct.

(b) THE DEFENSE INTELLIGENCE AGENCY. The Director of the Defense Intelligence Agency shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence to support national and departmental missions;

(2) Collect, analyze, produce, or, through tasking and coordination, provide defense and defense-related intelligence for the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, combatant commanders, other De-



fense components, and non-Defense agencies;(3) Conduct counterintelligence activities;

(4) Conduct administrative and technical support activities within and outside the United States as necessary for cover and proprietary arrangements;

(5) Conduct foreign defense intelligence liaison relationships and defense intelligence exchange programs with foreign defense establishments, intelligence or security services of foreign governments, and international organizations in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order;

(6) Manage and coordinate all matters related to the Defense Attaché system; and

(7) Provide foreign intelligence and counterintelligence staff support as directed by the Secretary of Defense.

(c) THE NATIONAL SECURITY AGENCY. The Director of the National Security Agency shall:

(1) Collect (including through clandestine means), process, analyze, produce, and disseminate signals intelligence information and data for foreign intelligence and counterintelligence purposes to support national and departmental missions;

(2) Establish and operate an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense, after coordination with the Director;

(3) Control signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(4) Conduct administrative and technical support activities within and outside the United States as necessary for cover arrangements;

(5) Provide signals intelligence support for national and departmental requirements and for the conduct of military operations;

(6) Act as the National Manager for National Security Systems as established in law and policy, and in this capacity be responsible to the Secretary of Defense and to the Director;

(7) Prescribe, consistent with section 102A(g) of the Act, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling, and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the National Security Agency, and exercise the necessary supervisory control to ensure compliance with the regulations; and

(8) Conduct foreign cryptologic liaison relationships in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(d) THE NATIONAL RECONNAISSANCE OFFICE. The Director of the National Reconnaissance Office shall:

(1) Be responsible for research and development, acquisition, launch, deployment, and operation of overhead systems and related data processing facilities to collect intelligence and information to support national and departmental missions and other United States Government needs; and

(2) Conduct foreign liaison relationships relating to the above missions, in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(e) THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY. The Director of the National Geospatial-Intelligence Agency shall:

(1) Collect, process, analyze, produce, and disseminate geospatial intelligence information and data for foreign intelligence and counterintelligence purposes to support national and departmental missions;

(2) Provide geospatial intelligence support for national and departmental requirements and for the conduct of military operations;

(3) Conduct administrative and technical support activities within and outside the United States as necessary for cover arrangements; and

(4) Conduct foreign geospatial intelligence liaison relationships, in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(f) THE INTELLIGENCE AND COUNTERINTELLIGENCE ELEMENTS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS. The Commanders and heads of the intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps shall:

(1) Collect (including through clandestine means), produce, analyze, and disseminate defense and defense-related intelligence and counterintelligence to support departmental requirements, and, as appropriate, national requirements;

(2) Conduct counterintelligence activities;

(3) Monitor the development, procurement, and management of tactical intelligence systems and equipment and conduct related research, development, and test and evaluation activities; and

(4) Conduct military intelligence liaison relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(g) INTELLIGENCE ELEMENTS OF THE FEDERAL BUREAU OF INVESTIGATION. Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the intelligence elements of the Federal Bureau of Investigation shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence to support national and departmental missions, in accordance with procedural guidelines approved by the Attorney General, after consultation with the Director;

(2) Conduct counterintelligence activities; and

(3) Conduct foreign intelligence and counterintelligence liaison relationships with intelligence, security, and law enforcement services of foreign governments or international organizations in accordance with sections 1.3(b)(4) and 1.7(a)(6) of this order.

(h) THE INTELLIGENCE AND COUNTERINTELLIGENCE ELEMENTS OF THE COAST GUARD. The Commandant of the Coast Guard shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence including defense and defense-related information and intelligence to support national and departmental missions;

(2) Conduct counterintelligence activities;

(3) Monitor the development, procurement, and management of tactical intelligence systems and equipment and conduct related research, development, and test and evaluation activities; and

(4) Conduct foreign intelligence liaison relationships and intelligence exchange programs with foreign intelligence services, security services or international organizations in accordance with sections 1.3(b)(4), 1.7(a)(6), and, when operating as part of the Department of Defense, 1.10(i) of this order.

(i) THE BUREAU OF INTELLIGENCE AND RESEARCH, DEPARTMENT OF STATE; THE OFFICE OF INTELLIGENCE AND ANALYSIS, DEPARTMENT OF THE TREASURY; THE OFFICE OF NATIONAL SECURITY INTELLIGENCE, DRUG ENFORCEMENT ADMINISTRATION; THE OFFICE OF INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY; AND THE OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE, DEPARTMENT OF ENERGY. The heads of the Bureau of Intelligence and Research, Department of State; the Office of Intelligence and Analysis, Department of the Treasury; the Office of National Security Intelligence, Drug Enforcement Administration; the Office of Intelligence and Analysis, Department of Homeland Security; and the Office of Intelligence and Counterintelligence, Department of Energy shall:

(1) Collect (overtly or through publicly available sources), analyze, produce, and disseminate information, intelligence, and counterintelligence to support national and departmental missions; and

(2) Conduct and participate in analytic or information exchanges with foreign partners and international organizations in accordance with sections 1.3(b)(4) and 1.7(a)(6) of this order.

(j) **THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.** The Director shall collect (overtly or through publicly available sources), analyze, produce, and disseminate information, intelligence, and counterintelligence to support the missions of the Office of the Director of National Intelligence, including the National Counterterrorism Center, and to support other national missions.

**1.8 The Department of State.** In addition to the authorities exercised by the Bureau of Intelligence and Research under sections 1.4 and 1.7(i) of this order, the Secretary of State shall:

(a) Collect (overtly or through publicly available sources) information relevant to United States foreign policy and national security concerns;

(b) Disseminate, to the maximum extent possible, reports received from United States diplomatic and consular posts;

(c) Transmit reporting requirements and advisory taskings of the Intelligence Community to the Chiefs of United States Missions abroad; and

(d) Support Chiefs of United States Missions in discharging their responsibilities pursuant to law and presidential direction.

**1.9 The Department of the Treasury.** In addition to the authorities exercised by the Office of Intelligence and Analysis of the Department of the Treasury under sections 1.4 and 1.7(i) of this order the Secretary of the Treasury shall collect (overtly or through publicly available sources) foreign financial information and, in consultation with the Department of State, foreign economic information.

**1.10 The Department of Defense.** The Secretary of Defense shall:

(a) Collect (including through clandestine means), analyze, produce, and disseminate information and intelligence and be responsive to collection tasking and advisory tasking by the Director;

(b) Collect (including through clandestine means), analyze, produce, and disseminate defense and defense-related intelligence and counterintelligence, as required for execution of the Secretary's responsibilities;

(c) Conduct programs and missions necessary to fulfill national, departmental, and tactical intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components and coordinate counterintelligence activities in accordance with section 1.3(b)(20) and (21) of this order;

(e) Act, in coordination with the Director, as the executive agent of the United States Government for signals intelligence activities;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director, within the United States Government;

(g) Carry out or contract for research, development, and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain defense intelligence relationships and defense intelligence exchange programs with selected cooperative foreign defense establishments, intelligence or security services of foreign governments, and international organizations, and ensure that such relationships and programs are in accordance with sections 1.3(b)(4), 1.3(b)(21) and 1.7(a)(6) of this order;

(j) Conduct such administrative and technical support activities within and outside the United States as are necessary to provide for cover and proprietary arrangements, to perform the functions described in sections (a) through (i) above, and to support the Intelligence Community elements of the Department of Defense; and

(k) Use the Intelligence Community elements within the Department of Defense identified in section 1.7(b) through (f) and, when the Coast Guard is operating as part of the Department of Defense,

(h) above to carry out the Secretary of Defense's responsibilities assigned in this section or other departments, agencies, or offices within the Department of Defense, as appropriate, to conduct the intelligence missions and responsibilities assigned to the Secretary of Defense.

**1.11 The Department of Homeland Security.** In addition to the authorities exercised by the Office of Intelligence and Analysis of the Department of Homeland Security under sections 1.4 and 1.7(i) of this order, the Secretary of Homeland Security shall conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President or the Vice President of the United States, the Executive Office of the President, and, as authorized by the Secretary of Homeland Security or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against use of such surveillance equipment, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of Homeland Security and the Attorney General.

**1.12 The Department of Energy.** In addition to the authorities exercised by the Office of Intelligence and Counterintelligence of the Department of Energy under sections 1.4 and 1.7(i) of this order, the Secretary of Energy shall:

(a) Provide expert scientific, technical, analytic, and research capabilities to other agencies within the Intelligence Community, as appropriate;

(b) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(c) Participate with the Department of State in overtly collecting information with respect to foreign energy matters.

**1.13 The Federal Bureau of Investigation.** In addition to the authorities exercised by the intelligence elements of the Federal Bureau of Investigation of the Department of Justice under sections 1.4 and 1.7(g) of this order and under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the Federal Bureau of Investigation shall provide technical assistance, within or outside the United States, to foreign intelligence and law enforcement services, consistent with section 1.3(b)(20) and (21) of this order, as may be necessary to support national or departmental missions.

## PART 2 CONDUCT OF INTELLIGENCE ACTIVITIES

**2.1 Need.** Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to informed decisionmaking in the areas of national security, national defense, and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative, and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

**2.2 Purpose.** This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities, the spread of weapons of mass destruction, and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

**2.3 Collection of information.** Elements of the Intelligence Community are authorized to collect, retain, or disseminate information concerning United States persons only in accordance with procedures established by the head of the Intelligence Community element concerned or by the head of a department containing such element and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order, after consultation with the Director. Those procedures shall permit collection, retention, and dissemination of the following types of information:

(a) Information that is publicly available or collected with the consent of the person concerned;

(b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the Federal Bureau of Investigation (FBI) or, when significant foreign intelligence is sought, by other authorized elements of the Intelligence Community, provided that no foreign intelligence collection by such elements

may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;

(c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international drug or international terrorism investigation;

(d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims, or hostages of international terrorist organizations;

(e) Information needed to protect foreign intelligence or counterintelligence sources, methods, and activities from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other elements of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence element contractors or their present or former employees, or applicants for such employment or contracting;

(f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(g) Information arising out of a lawful personnel, physical, or communications security investigation;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Incidentally obtained information that may indicate involvement in activities that may violate Federal, state, local, or foreign laws; and

(j) Information necessary for administrative purposes.

In addition, elements of the Intelligence Community may disseminate information to each appropriate element within the Intelligence Community for purposes of allowing the recipient element to determine whether the information is relevant to its responsibilities and can be retained by it, except that information derived from signals intelligence may only be disseminated or made available to Intelligence Community elements in accordance with procedures established by the Director in coordination with the Secretary of Defense and approved by the Attorney General.

**2.4 Collection Techniques.** Elements of the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Elements of the Intelligence Community are not authorized to use such techniques as electronic surveillance, unconsented physical searches, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the Intelligence Community element concerned or the head of a department containing such element and approved by the Attorney General, after consultation with the Director. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The Central Intelligence Agency (CIA) to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by elements of the Intelligence Community other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession;

(c) Physical surveillance of a United States person in the United States by elements of the Intelligence Community other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence element contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a non-intelligence element of a military service; and

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

**2.5 Attorney General Approval.** The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. The authority delegated pursuant to this paragraph, including the authority to approve the use of electronic surveillance as defined in the Foreign Intelligence Surveillance Act of 1978, as amended, shall be exercised in accordance with that Act.

**2.6 Assistance to Law Enforcement and other Civil Authorities.** Elements of the Intelligence Community are authorized to:

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property, and facilities of any element of the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the general counsel of the providing element or department; and



(d) Render any other assistance and cooperation to law enforcement or other civil authorities not precluded by applicable law.

**2.7 Contracting.** Elements of the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

**2.8 Consistency With Other Laws.** Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

**2.9 Undisclosed Participation in Organizations Within the United States.** No one acting on behalf of elements of the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any element of the Intelligence Community without disclosing such person's intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the Intelligence Community element concerned or the head of a department containing such element and approved by the Attorney General, after consultation with the Director. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the Intelligence Community element head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

**2.10 Human Experimentation.** No element of the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented as required by those guidelines.

**2.11 Prohibition on Assassination.** No person employed by or acting on behalf of the United States Government shall engage in or conspire to engage in assassination.

**2.12 Indirect Participation.** No element of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

**2.13 Limitation on Covert Action.** No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.

## PART 3 GENERAL PROVISIONS

**3.1 Congressional Oversight.** The duties and responsibilities of the Director and the heads of other departments, agencies, elements, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be implemented in accordance with applicable law, including title V of the Act. The requirements of applicable law, including title V of the Act, shall apply to all covert action activities as defined in this Order.

**3.2 Implementation.** The President, supported by the NSC, and the Director shall issue such appropriate directives, procedures, and guidance as are necessary to implement this order. Heads of elements within the Intelligence Community shall issue appropriate procedures and supplementary directives consistent with this order. No procedures to implement Part 2 of this order shall be issued without the Attorney General's approval, after consultation with the Director. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an element in the Intelligence Community (or the head of the department containing such element) other than the FBI. In instances where the element head or department head and the Attorney General are unable to reach agreements on other than constitutional or other legal grounds, the Attorney General, the head of department concerned, or the Director shall refer the matter to the NSC.

**3.3 Procedures.** The activities herein authorized that require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order 12333. New procedures, as required by Executive Order 12333, as further amended, shall be established as expeditiously as possible. All new procedures promulgated pursuant to Executive Order 12333, as amended, shall be made available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**3.4 References and Transition.** References to "Senior Officials of the Intelligence Community" or "SOICs" in executive orders or other Presidential guidance, shall be deemed references to the heads of elements in the Intelligence Community, unless the President otherwise directs; references in Intelligence Community or Intelligence Community element policies or guidance, shall be deemed to be references to the heads of elements of the Intelligence Community, unless the President or the Director otherwise directs.

**3.5 Definitions.** For the purposes of this Order, the following terms shall have these meanings:

- (a) Counterintelligence means information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or their agents, or international terrorist organizations or activities.

(b) Covert action means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include:

(1) Activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;

(2) Traditional diplomatic or military activities or routine support to such activities;

(3) Traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

(4) Activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

(c) Electronic surveillance means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

(d) Employee means a person employed by, assigned or detailed to, or acting for an element within the Intelligence Community.

(e) Foreign intelligence means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.

(f) Intelligence includes foreign intelligence and counterintelligence.

(g) Intelligence activities means all activities that elements of the Intelligence Community are authorized to conduct pursuant to this order.

(h) Intelligence Community and elements of the Intelligence Community refers to:

(1) The Office of the Director of National Intelligence;

(2) The Central Intelligence Agency;

(3) The National Security Agency;

(4) The Defense Intelligence Agency;

(5) The National Geospatial-Intelligence Agency;

(6) The National Reconnaissance Office;

(7) The other offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(8) The intelligence and counterintelligence elements of the Army, the Navy, the Air Force, and the Marine Corps;

(9) The intelligence elements of the Federal Bureau of Investigation;

(10) The Office of National Security Intelligence of the Drug Enforcement Administration;

(11) The Office of Intelligence and Counterintelligence of the Department of Energy;

(12) The Bureau of Intelligence and Research of the Department of State;

(13) The Office of Intelligence and Analysis of the Department of the Treasury;

(14) The Office of Intelligence and Analysis of the Department of Homeland Security;

(15) The intelligence and counterintelligence elements of the Coast Guard; and

(16) Such other elements of any department or agency as may be designated by the President, or designated jointly by the Director and the head of the department or agency concerned, as an element of the Intelligence Community.

(i) National Intelligence and Intelligence Related to National Security means all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that pertains, as determined consistent with any guidance issued by the President, or that is determined for the purpose of access to information by the Director in accordance with section 1.3(a)(1) of this order, to pertain to more than one United States Government agency; and that involves threats to the United States, its people, property, or interests; the development, proliferation, or use of weapons of mass destruction; or any other matter bearing on United States national or homeland security.

(j) The National Intelligence Program means all programs, projects, and activities of the Intelligence Community, as well as any other programs of the Intelligence Community designated jointly by the Director and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(k) United States person means a United States citizen, an alien known by the intelligence element concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

**3.6 Revocation.** Executive Orders 13354 and 13355 of August 27, 2004, are revoked; and paragraphs 1.3(b)(9) and (10) of Part 1 supersede provisions within Executive Order 12958, as amended, to the extent such provisions in Executive Order 12958, as amended, are inconsistent with this Order.

**3.7 General Provisions.**

(a) Consistent with section 1.3(c) of this order, nothing in this order shall be construed to impair or otherwise affect:

(1) Authority granted by law to a department or agency, or the head thereof; or

(2) Functions of the Director of the Office of Management and Budget relating to budget, 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 intended only to improve the internal management of the executive branch and 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.



# EXECUTIVE ORDER 12341

## CUBAN AND HAITIAN ENTRANTS

{AS AMENDED BY EO 12347, EO 12388, EO 12474,  
EO 13118, EO 13284}

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Signed:	January 21, 1982
Federal Register page and date:	47 FR 3341; January 25, 1982
Amended by:	EO 13286, February 28, 2003
Revokes:	
EO 12251, November 15, 1980	

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By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

**Section 1.** The functions vested in the President by Sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

**Sec. 2.** The Secretary of Homeland Security shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Attorney General.

**Sec. 3.** All actions taken pursuant to Executive Order No. 12251 shall continue in effect until superseded by actions under this Order.

**Sec. 4.** Executive Order No. 12251 of November 15, 1980, is revoked.





## EXECUTIVE ORDER 12382

### PRESIDENT'S NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE

{AS AMENDED BY EO 13286}

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Signed:	September 13, 1982
Federal Register page and date:	47 FR 40531; September 15, 1982
Continued by:	EO 12399, December 31, 1982 EO 12454, December 29, 1983 EO 12534, September 30, 1985 EO 12610, September 30, 1987 EO 12692, September 29, 1989 EO 12774, September 27, 1991 EO 12869, September 30, 1993 EO 12974, September 29, 1995 EO 13062, September 29, 1997 EO 13138, September 30, 1999 EO 13225, September 28, 2001 EO 13286, February 28, 2003 EO 13316, September 17, 2003 EO 13385, September 29, 2005 EO 13446, September 28, 2007 EO 13511, September 29, 2009
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on National Security Telecommunications, it is hereby ordered as follows:

#### **Section 1. Establishment.**

(a) There is established the President's National Security Telecommunications Advisory Committee which shall be composed of no more than 30 members. These members shall have particular knowledge and expertise in the field of telecommunications and represent elements of the Nation's telecommunications industry. Members of the Committee shall be appointed by the President.

(b) The President shall annually designate a Chairman and a Vice Chairman from among the members of the Committee.

(c) To assist the Committee in carrying out its functions, the Committee may establish appropriate subcommittees or working groups composed, in whole or in part, of individuals who are not members of the Committee.

**Sec. 2. Functions.**

(a) The Committee shall provide to the President, through the Secretary of Homeland Security, among other things, information and advice from the perspective of the telecommunications industry with respect to the implementation of Presidential Directive 53 (PD/NSC-53), National Security Telecommunications Policy.

(b) The Committee shall provide information and advice to the President through the Secretary of Homeland Security regarding the feasibility of implementing specific measures to improve the telecommunications aspects of our national security posture.

(c) The Committee shall provide technical information and advice in the identification and solution of problems which the Committee considers will affect national security telecommunications capability.

(d) In the performance of its advisory duties, the Committee shall conduct reviews and assessments of the effectiveness of the implementation of PD/NSC-53, National Security Telecommunications Policy.

(e) The Committee shall periodically report on matters in this Section to the President through the Secretary of Homeland Security, in his capacity as Executive Agent for the National Communications System.

**Sec. 3. Administration.**

(a) The heads of Executive agencies shall, to the extent permitted by law, provide the Committee such information with respect to national security telecommunications matters as it may require for the purpose of carrying out its functions. Information supplied to the Committee shall not, to the extent permitted by law, be available for public inspection.

(b) Members of the Committee shall serve without any compensation for their work on the Committee. However, to the extent permitted by law, they shall be entitled to travel expenses, including per diem in lieu of subsistence.

(c) Any expenses of the Committee shall, to the extent permitted by law, be paid from funds available to the Secretary of Homeland Security.

**Sec. 4. General.**

(a) Notwithstanding any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Secretary of Homeland Security, in accord with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Committee shall terminate on September 30, 2011, unless sooner extended.

## EXECUTIVE ORDER 12472

### ASSIGNMENT OF NATIONAL SECURITY AND EMERGENCY PREPAREDNESS TELECOMMUNICATIONS FUNCTIONS

{AS AMENDED BY EO 13286, EO 13407}

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Signed:	April 3, 1984
Federal Register page and date:	49 FR 13471; April 5, 1984
Amends:	EO 12046, March 27, 1978
Amended by:	EO 13286, February 28, 2003 EO 13407, June 26, 2006

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By the authority vested in me as President by the Constitution and laws of the United States of America, including the Communications Act of 1934, as amended (47 U.S.C. 151), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251), the Disaster Relief Act of 1974 (42 U.S.C. 5121), Section 5 of Reorganization Plan No. 1 of 1977 (3 C.F.R. 197, 1978 Comp.1), and Section 203 of Reorganization Plan No. 3 of 1978 (3 C.F.R. 389, 1978 Comp.2), and in order to provide for the consolidation of assignment and responsibility for improved execution of national security and emergency preparedness telecommunications functions, it is hereby ordered as follows:

#### **Section 1. The National Communications System.**

(a) There is hereby established the National Communications System (NCS). The NCS shall consist of the telecommunications assets of the entities represented on the NCS Committee of Principals and an administrative structure consisting of the Executive Agent, the NCS Committee of Principals and the Manager. The NCS Committee of Principals shall consist of representatives from those Federal departments, agencies or entities, designated by the President, which lease or own telecommunications facilities or services of significance to national security or emergency preparedness, and, to the extent permitted by law, other Executive entities which bear policy, regulatory or enforcement responsibilities of importance to national security or emergency preparedness telecommunications capabilities.

(b) The mission of the NCS shall be to assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget in:

(1) the exercise of the telecommunications functions and responsibilities set forth in Section 2 of this Order; and

(2) the coordination of the planning for and provision of national security and emergency preparedness communications for the Federal government under all circumstances, including crisis or emergency, attack, recovery and reconstitution.

(c) The NCS shall seek to ensure that a national telecommunications infrastructure is developed which:

(1) Is responsive to the national security and emergency preparedness needs of the President and the Federal departments, agencies and other entities, including telecommunications in support of national security leadership and continuity of government;

(2) Is capable of satisfying priority telecommunications requirements under all circumstances through use of commercial, government and privately owned telecommunications resources;

(3) Incorporates the necessary combination of hardness, redundancy, mobility, connectivity, interoperability, restorability and security to obtain, to the maximum extent practicable, the survivability of national security and emergency preparedness telecommunications in all circumstances, including conditions of crisis or emergency; and

(4) Is consistent, to the maximum extent practicable, with other national telecommunications policies.

(d) To assist in accomplishing its mission, the NCS shall:

(1) serve as a focal point for joint industry-government national security and emergency preparedness telecommunications planning; and

(2) establish a joint industry-government National Coordinating Center which is capable of assisting in the initiation, coordination, restoration and reconstitution of national security or emergency preparedness telecommunications services or facilities under all conditions of crisis or emergency.

(e) The Secretary of Homeland Security is designated as the Executive Agent for the NCS. The Executive Agent shall:

(1) Designate the Manager of the NCS;

(2) Ensure that the NCS conducts unified planning and operations, in order to coordinate the development and maintenance of an effective and responsive capability for meeting the domestic and international national security and emergency preparedness telecommunications needs of the Federal government;

(3) Ensure that the activities of the NCS are conducted in conjunction with the emergency management activities of the Department of Homeland Security;

(4) Recommend, in consultation with the NCS Committee of Principals, to the National Security Council, the Homeland Security Council, the Director of the Office of

Science and Technology Policy, or the Director of the Office of Management and Budget, as appropriate:

- a. The assignment of implementation or other responsibilities to NCS member entities;
- b. New initiatives to assist in the exercise of the functions specified in Section 2; and
- c. Changes in the composition or structure of the NCS;

(5) Oversee the activities of and provide personnel and administrative support to the Manager of the NCS;

(6) Provide staff support and technical assistance to the National Security Telecommunications Advisory Committee established by Executive Order No. 12382, as amended; and

(7) Perform such other duties as are from time to time assigned by the President or his authorized designee.

(f) The NCS Committee of Principals shall:

(1) Serve as the forum in which each member of the Committee may review, evaluate, and present views, information and recommendations concerning ongoing or prospective national security or emergency preparedness telecommunications programs or activities of the NCS and the entities represented on the Committee;

(2) Serve as the forum in which each member of the Committee shall report on and explain ongoing or prospective telecommunications plans and programs developed or designed to achieve national security or emergency preparedness telecommunications objectives;

(3) Provide comments or recommendations, as appropriate, to the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Executive Agent, or the Manager of the NCS, regarding ongoing or prospective activities of the NCS; and

(4) Perform such other duties as are from time to time assigned by the President or his authorized designee.

(g) The Manager of the NCS shall:

(1) Develop for consideration by the NCS Committee of Principals and the Executive Agent:

a. A recommended evolutionary telecommunications architecture designed to meet current and future Federal government national security and emergency preparedness telecommunications requirements;

b. Plans and procedures for the management, allocation and use, including the establishment of priorities or preferences, of Federally owned or leased telecommunications assets under all conditions of crisis or emergency;

c. Plans, procedures and standards for minimizing or removing technical impediments to the interoperability of government-owned and/or commercially-provided telecommunications systems;

d. Test and exercise programs and procedures for the evaluation of the capability of the Nation's telecommunications resources to meet national security or emergency preparedness telecommunications requirements; and

e. Alternative mechanisms for funding, through the budget review process, national security or emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities. Those mechanisms recommended by the NCS Committee of Principals and the Executive Agent shall be submitted to the Director of the Office of Management and Budget.

(2) Implement and administer any approved plans or programs as assigned, including any system of priorities and preferences for the provision of communications service, in consultation with the NCS Committee of Principals and the Federal Communications Commission, to the extent practicable or otherwise required by law or regulation;

(3) Chair the NCS Committee of Principals and provide staff support and technical assistance thereto;

(4) Serve as a focal point for joint industry-government planning, including the dissemination of technical information, concerning the national security or emergency preparedness telecommunications requirements of the Federal government;

(5) Conduct technical studies or analyses, and examine research and development programs, for the purpose of identifying, for consideration by the NCS Committee of Principals and the Executive Agent, improved approaches which may assist Federal entities in fulfilling national security or emergency preparedness telecommunications objectives;

(6) Pursuant to the Federal Standardization Program of the General Services Administration, and in consultation with other appropriate entities of the Federal government including the NCS Committee of Principals, manage the Federal Telecommunications Standards Program, ensuring wherever feasible that existing or evolving industry, national, and international standards are used as the basis for Federal telecommunications standards; and

(7) Provide such reports and perform such other duties as are from time to time assigned by the President or his authorized designee, the Executive Agent, or the NCS Committee of Principals. Any such assignments of responsibility to, or reports made by, the Manager shall be transmitted through the Executive Agent.

## **Sec. 2. Executive Office Responsibilities.**

(a) *Wartime Emergency Functions.*

(1) The National Security Council shall provide policy direction for the exercise of the war power functions of the President under Section 606 of the Communications Act of 1934, as amended (47 U.S.C. 606), should the President

issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. 1601).

(2) The Director of the Office of Science and Technology Policy shall direct the exercise of the war power functions of the President under Section 606(a), (c)-(e), of the Communications Act of 1934, as amended (47 U.S.C. 606), should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. 1601).

(b) *Non-Wartime Emergency Functions.* (1) The National Security Council, in consultation with the Homeland Security Council, shall:

a. Advise and assist the President in coordinating the development of policy, plans, programs and standards within the Federal government for the identification, allocation, and use of the Nation's telecommunications resources by the Federal government, and by State and local governments, private industry and volunteer organizations upon request, to the extent practicable and otherwise consistent with law, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law; and

b. Provide policy direction for the exercise of the President's non-wartime emergency telecommunications functions, should the President so instruct.

(2) The Director of the Office of Science and Technology Policy shall provide information, advice, guidance and assistance, as appropriate, to the President and to those Federal departments and agencies with responsibilities for the provision, management, or allocation of telecommunications resources, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law;

(3) The Director of the Office of Science and Technology Policy shall establish a Joint Telecommunications Resources Board (JTRB) to assist him in the exercise of the functions specified in this subsection. The Director of the Office of Science and Technology Policy shall serve as chairman of the JTRB; select those Federal departments, agencies, or entities which shall be members of the JTRB; and specify the functions it shall perform.

(c) *Planning and Oversight Responsibilities.* (1) The National Security Council shall advise and assist the President in:

a. Coordinating the development of policy, plans, programs and standards for the mobilization and use of the Nation's commercial, government, and privately owned telecommunications resources, in order to meet national security or emergency preparedness requirements;

b. Providing policy oversight and direction of the activities of the NCS; and

c. Providing policy oversight and guidance for the execution of the responsibilities assigned to the Federal departments and agencies by this Order.

(2) The Director of the Office of Science and Technology Policy shall make recommendations to the President with respect to the test, exercise and evaluation of the capability of existing and planned communications systems, networks or facilities to meet national security or emergency preparedness requirements and report the results of any such tests or evaluations and any recommended remedial actions to the President and to the National Security Council;

(3) The Director of the Office of Science and Technology Policy or his designee shall advise and assist the President in the administration of a system of radio spectrum priorities for those spectrum dependent telecommunications resources of the Federal government which support national security or emergency preparedness functions. The Director also shall certify or approve priorities for radio spectrum use by the Federal government, including the resolution of any conflicts in or among priorities, under all conditions of crisis or emergency; and

(4) The National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall, in consultation with the Executive Agent for the NCS and the NCS Committee of Principals, determine what constitutes national security and emergency preparedness telecommunications requirements.

(d) *Consultation with Federal Departments and Agencies.* In performing the functions assigned under this Order, the National Security Council and the Director of the Office of Science and Technology Policy, in consultation with each other, shall:

(1) Consult, as appropriate, with the Director of the Office of Management and Budget; the Secretary of Homeland Security with respect to the emergency management responsibilities assigned pursuant to Executive Order No. 12148, as amended; the Secretary of Commerce, with respect to responsibilities assigned pursuant to Executive Order No. 12046; the Secretary of Defense, with respect to communications security responsibilities assigned pursuant to Executive Order No. 12333; and the Chairman of the Federal Communications Commission or his authorized designee; and

(2) Establish arrangements for consultation among all interested Federal departments, agencies or entities to ensure that the national security and emergency preparedness communications needs of all Federal government entities are identified; that mechanisms to address such needs are incorporated into pertinent plans and procedures; and that such needs are met in a manner consistent, to the maximum extent practicable, with other national telecommunications policies.



(e) Budgetary Guidelines. The Director of the Office of Management and Budget, in consultation with the National Security Council and the NCS, will prescribe general guidelines and procedures for reviewing the financing of the NCS within the budgetary process and for preparation of budget estimates by participating agencies. These guidelines and procedures may provide for mechanisms for funding, through the budget review process, national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities.

**Sec. 3. Assignment of Responsibilities to Other Departments and Agencies.**

In order to support and enhance the capability to satisfy the national security and emergency preparedness telecommunications needs of the Federal government, State and local governments, private industry and volunteer organizations, under all circumstances including those of crisis or emergency, the Federal departments and agencies shall perform the following functions:

(a) DEPARTMENT OF COMMERCE. The Secretary of Commerce shall, for all conditions of crisis or emergency:

(1) Develop plans and procedures concerning radio spectrum assignments, priorities and allocations for use by Federal departments, agencies and entities; and

(2) Develop, maintain and publish policy, plans, and procedures for the control and allocation of frequency assignments, including the authority to amend, modify or revoke such assignments, in those parts of the electromagnetic spectrum assigned to the Federal government.

(b) DEPARTMENT OF HOMELAND SECURITY. The Secretary of Homeland Security shall:

(1) Plan for and provide, operate and maintain telecommunications services and facilities, as part of its National Emergency Management System, adequate to support its assigned emergency management responsibilities;

(2) Advise and assist State and local governments and volunteer organizations, upon request and to the extent consistent with law, in developing plans and procedures for identifying and satisfying their national security or emergency preparedness telecommunications requirements;

(3) Ensure, to the maximum extent practicable, that national security and emergency preparedness telecommunications planning by State and local governments and volunteer organizations is mutually supportive and consistent with the planning of the Federal government; and

(4) Develop, upon request and to the extent consistent with law and in consonance with regulations promulgated by and agreements with the Federal Communications Commission, plans and capabilities for, and provide policy and management oversight of, the Emergency Alert System, and advise and assist private radio licensees of the Commission in developing emergency communications plans, procedures and capabilities.

(c) DEPARTMENT OF STATE. The Secretary of State, in accordance with assigned responsibilities within the Diplomatic Telecommunications System, shall plan for and provide, operate and maintain rapid, reliable and secure telecommunications services to those Federal entities represented at United States diplomatic missions and consular offices overseas. This responsibility shall include the provision and operation of domestic telecommunications in support of assigned national security or emergency preparedness responsibilities.

(d) *Department of Defense*. In addition to the other responsibilities assigned by this Order, the Secretary of Defense shall:

(1) Plan for and provide, operate and maintain telecommunications services and facilities adequate to support the National Command Authorities and to execute the responsibilities assigned by Executive Order No. 12333; and

(2) Ensure that the Director of the National Security Agency provides the technical support necessary to develop and maintain plans adequate to provide for the security and protection of national security and emergency preparedness telecommunications.

(3) Nothing in this order shall be construed to impair or otherwise affect the authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title.

(e) DEPARTMENT OF JUSTICE. The Attorney General shall, as necessary, review for legal sufficiency, including consistency with the antitrust laws, all policies, plans or procedures developed pursuant to responsibilities assigned by this Order.

(f) CENTRAL INTELLIGENCE AGENCY. The Director of Central Intelligence shall plan for and provide, operate, and maintain telecommunications services adequate to support its assigned responsibilities, including the dissemination of intelligence within the Federal government.

(g) GENERAL SERVICES ADMINISTRATION. Except as otherwise assigned by this Order, the Administrator of General Services, consistent with policy guidance provided by the Director of the Office of Management and Budget, shall ensure that Federally owned or managed domestic communications facilities and services meet the national security and emergency preparedness requirements of the Federal civilian departments, agencies and entities.

(h) FEDERAL COMMUNICATIONS COMMISSION. The Federal Communications Commission shall, consistent with Section 4(c) of this Order:

(1) Review the policies, plans and procedures of all entities licensed or regulated by the Commission that are developed to provide national security or emergency preparedness communications services, in order to ensure

that such policies, plans and procedures are consistent with the public interest, convenience and necessity;

(2) Perform such functions as required by law with respect to all entities licensed or regulated by the Commission, including (but not limited to) the extension, discontinuance or reduction of common carrier facilities or services; the control of common carrier rates, charges, practices and classifications; the construction, authorization, activation, deactivation or closing of radio stations, services and facilities; the assignment of radio frequencies to Commission licensees; the investigation of violations of pertinent law and regulation; and the initiation of appropriate enforcement actions;

(3) Develop policy, plans and procedures adequate to execute the responsibilities assigned in this Order under all conditions or crisis or emergency; and

(4) Consult as appropriate with the Executive Agent for the NCS and the NCS Committee of Principals to ensure continued coordination of their respective national security and emergency preparedness activities.

(i) All Federal departments and agencies, to the extent consistent with law (including those authorities and responsibilities set forth in Section 4(c) of this Order), shall:

(1) Determine their national security and emergency preparedness telecommunications requirements, and provide information regarding such requirements to the Manager of the NCS;

(2) Prepare policies, plans and procedures concerning telecommunications facilities, services or equipment under their management or operational control to maximize their capability of responding to the national security or emergency preparedness needs of the Federal government;

(3) Provide, after consultation with the Director of the Office of Management and Budget, resources to support their respective requirements for national security and emergency preparedness telecommunications; and provide personnel and staff support to the Manager of the NCS as required by the President;

(4) Make information available to, and consult with, the Manager of the NCS regarding agency telecommunications activities in support of national security or emergency preparedness;

(5) Consult, consistent with the provisions of Executive Order No. 12046, as amended, and in conjunction with the Manager of the NCS, with the Federal Communications Commission regarding execution of responsibilities assigned by this Order;

(6) Submit reports annually, or as otherwise requested, to the Manager of the NCS, regarding agency national security or emergency preparedness telecommunications activities; and

(7) Cooperate with and assist the Executive Agent for the NCS, the NCS Committee of Principals, the Manager of the NCS, and other departments and agencies in the

execution of the functions set forth in this Order, furnishing them such information, support and assistance as may be required.

(j) Each Federal department or agency shall execute the responsibilities assigned by this Order in conjunction with the emergency management activities of the Department of Homeland Security, and in regular consultation with the Executive Agent for the NCS and the NCS Committee of Principals to ensure continued coordination of NCS and individual agency telecommunications activities.

**Sec. 4. General Provisions.**

(a) All Executive departments and agencies may issue such rules and regulations as may be necessary to carry out the functions assigned under this Order.

(b) In order to reflect the assignments of responsibility provided by this Order,

(1) Sections 2-414, 4-102, 4-103, 4-202, 4-302, 5-3, and 6-101 of Executive Order No. 12046, as amended, are revoked;

(2) The Presidential Memorandum of August 21, 1963, as amended, entitled "Establishment of the National Communications System", is hereby superseded; and

(3) [Deleted]

(c) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Director of the Office of Management and Budget, or any Office or official thereof; or reassign any function assigned any agency under the Federal Property and Administrative Services Act of 1949, as amended; or under any other law; or any function vested by law in the Federal Communications Commission.

**Sec. 5.**

This Order shall be effective upon publication in the *Federal Register*.

# EXECUTIVE ORDER 12501

## ARCTIC RESEARCH

{AS AMENDED BY EO 13284}

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Signed:	January 28, 1985
Federal Register page and date:	50 FR 4191; January 30, 1985
Amends:	EO 12139, May 23, 1979
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and laws of the United States of America, including the Arctic Research and Policy Act of 1984 (Title I of Public Law 98-373) ("the Act"), it is hereby ordered as follows:

### **Section 1. Establishment of Arctic Research Commission.**

There is established the Arctic Research Commission.

### **Sec. 2. Membership of the Commission.**

(a) The Commission shall be composed of five members appointed by the President, as follows:

(1) three members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

(2) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resources development; and

(3) one member appointed from individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

The Director of the National Science Foundation shall serve as a nonvoting ex officio member of the Commission. The President shall designate a Chairperson from among the five voting members of the Commission.

(b) In making initial appointments to the Commission, the President shall designate one member to serve for a term of two years, two members to serve for terms of three years, and two members to serve for terms of four years as provided by Section 103(c) of the Act. Upon the expiration of these initial terms of office, the term of office of each member of the Commission shall be four years.

(c) Each of the Federal agencies represented on the Interagency Committee established by Section 7 of this Order may designate a representative to participate as an observer with the Commission. These representatives shall report to and advise the Commission on the activities of their agencies relating to Arctic research.

**Sec. 3. Meetings of the Commission.**

The Commission shall meet at the call of the Chairman or a majority of its members. The Commission annually shall conduct at least one public meeting in the State of Alaska.

**Sec. 4. Functions of the Commission.**

(a) The Commission shall:

(1) develop and recommend an integrated national Arctic research policy;

(2) assist, in cooperation with the Interagency Arctic Research Policy Committee established by Section 7 of this Order, in establishing a national Arctic research program plan to implement the Arctic research policy;

(3) facilitate cooperation between the Federal government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and suggest improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate;

(6) suggest methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Arctic Research Policy Committee as it may find appropriate; and

(8) cooperate with the Governor of the State of Alaska, and with agencies and organizations of that State which the Governor may designate, with respect to the formulation of Arctic research policy.

(b) Not later than January 31 of each year, the Commission shall:

(1) submit to the President and Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year; and

(2) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Arctic Research Policy Committee in the performance of its duties.

**Sec. 5. Responsibilities of Federal Agencies.**

(a) The heads of Executive agencies shall, to the extent permitted by law, and in accordance with Section 105 of the Act, provide the Commission such information as it may require for purposes of carrying out its functions.

(b) The heads of Executive agencies shall, upon reimbursement to be agreed upon by the Commission and the agency head, permit the Commission to utilize their facilities and services to the extent that the facilities and services are needed for the establishment and development of an Arctic research pol-

icy. The Commission shall take every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

**Sec. 6. Administration of the Commission.**

Members of the Commission who are otherwise employed for compensation shall serve without compensation for their work on the Commission, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service. Members of the Commission who are not otherwise employed for compensation shall be compensated for each day the member is engaged in actual performance of duties as a member, not to exceed 90 days of service each calendar year, at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule.

**Sec. 7. Establishment of Interagency Arctic Research Policy Committee.**

There is established the Interagency Arctic Research Policy Committee (the "Interagency Committee"). The National Science Foundation shall serve as lead agency on the Interagency Committee and shall be responsible for implementing Arctic research policy.

**Sec. 8. Membership of the Interagency Committee.**

The Interagency Committee shall be composed of representatives of the following Federal agencies or their designees:

- (a) National Science Foundation;
- (b) Department of Commerce;
- (c) Department of Defense;
- (d) Department of Energy;
- (e) Department of the Interior;
- (f) Department of State;
- (g) Department of Transportation;
- (h) Department of Health and Human Services;
- (i) Department of Homeland Security;
- (j) National Aeronautics and Space Administration;
- (k) Environmental Protection Agency;
- (l) Office of Science and Technology Policy; and
- (m) any other Executive agency that the Director of the National Science Foundation shall deem appropriate. The Director of the National Science Foundation or his designee shall serve as Chairperson of the Interagency Committee.

**Sec. 9. Functions of the Interagency Committee.**

- (a) The Interagency Committee shall:
  - (1) survey Arctic research conducted by Federal, State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;
  - (2) work with the Commission to develop and establish an integrated national Arctic research policy that will

guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on:

(a) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(b) Arctic research programs of Federal agencies;

(c) recommendations of the Commission on future Arctic research; and

(d) guidelines for Federal agencies for awarding and administering Arctic research grants;

(4) develop a 5-year plan to implement the national policy, as provided in section 109 of the Act;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multiagency budget request for Arctic research, as provided in section 110 of the Act;

(6) facilitate cooperation between the Federal government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under the Act; and

(9) promote Federal interagency coordination of all Arctic research activities, including:

(a) logistical planning and coordination; and

(b) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code.

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President a report concerning:

(1) its activities and accomplishments since its last report; and

(2) the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.

#### **Sec. 10. Public Participation.**

The Interagency Committee will provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy. Sec. 11. Administration of Interagency Committee.

Each agency represented on the Committee shall, to the extent permitted by law and subject to the availability of funds, provide the Committee with such administrative services, facilities, staff, and other support services as may be necessary for effective performance of its functions.



EXECUTIVE ORDER 12555  
PROTECTION OF CULTURAL PROPERTY  
{AS AMENDED BY EO 13284}

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Signed:	March 10, 1986
Federal Register page and date:	51 FR 8475; March 12, 1986
Amends:	EO 12139, May 23, 1979
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and laws of the United States of America, including the Convention on Cultural Property Implementation Act (Title III of Public Law 97446; hereinafter referred to as the "Act"), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

**Section 1. United States Information Agency.**

The following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency, acting in consultation with the Secretary of State and the Secretary of Homeland Security:

(a) The functions conferred by section 303(a)(1) concerning determinations to be made prior to initiation of negotiations of bilateral or multilateral agreements.

(b) The functions conferred by section 303(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) The functions conferred by section 303(f) relating to the actions to be taken upon receipt of a request made by a State Party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as the "Convention").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(f) The functions conferred by section 304(b) to the extent that they involve determinations by the President that an emergency condition applies with respect to any archaeological or ethnological material of any State Party to the Convention, subject to the limitations of sections 304(c)(1), 304(c)(2), and 304(c)(3).

(g) The functions conferred by section 304(c)(3) to the extent that they involve determinations to be made and the receipt and consideration of an advisory report from the Cultural Property Advisory Committee by the President prior to extensions of emergency import restrictions.

(h) The functions conferred by sections 306(f)(6) and 306(g) relating to the receipt of reports prepared by the Cultural Property Advisory Committee.

(i) The functions conferred by section 306(h) relating to the determinations to be made about the disclosure of matters involved in the Cultural Property Advisory Committee's proceedings.

### **Sec. 2. Department of State.**

The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State, acting in consultation with and with the participation of the Director of the United States Information Agency and in consultation with the Secretary of Homeland Security:

(a) The functions conferred by section 303(a)(2) relating to the negotiation and conclusion of bilateral or multilateral agreements under the Act, subject to the restrictions of section 303(c).

(b) The functions conferred by section 303(a)(4) relating to obtaining a commitment on the exchange of archaeological and ethnological materials from a party to an agreement.

(c) The functions conferred by section 303(e) relating only to negotiation and conclusion of extensions of agreements under the Act.

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) The functions conferred by section 304(c)(4) to the extent that they involve the negotiation and conclusion of agreements subject to advice and consent to ratification by the Senate.

### **Sec. 3. Department of Homeland Security.**

The following functions conferred upon the President by the Act are hereby delegated to the Secretary of Homeland Security, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

(a) Subject to subsection (b) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(b) Subject to subsection (f) and (g) of Section 1 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section

307 and the extension of such import restrictions pursuant to section 304(c)(3).

**Sec. 4. Enforcement in Territories and Other Areas.**

The Secretary of the Interior is designated to carry out the enforcement functions in section 314.



## EXECUTIVE ORDER 12580

### SUPERFUND IMPLEMENTATION

{AS AMENDED BY EO 12777, EO 13016, EO 13286,  
EO 13308}

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Signed:	January 23, 1987
Federal Register page and date:	52 FR 2923; January 29, 1987
Amends:	EO 12088, October 13, 1978
Revokes:	EO 12316, August 14, 1981
Amended by:	EO 12777, October 18, 1991
	EO 13016, August 28, 1996
	EO 13286, February 28, 2003
	EO 13308, June 20, 2003

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By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9615 *et seq.*) (“the Act”), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

#### **Section 1. National Contingency Plan.**

(a)(1) The National Contingency Plan (“the NCP”), shall provide for a National Response Team (“the NRT”) composed of representatives of appropriate Federal departments and agencies for national planning and coordination of preparedness and response actions, and Regional Response Teams as the regional counterparts to the NRT for planning and coordination of regional preparedness and response actions.

(2) The following agencies (in addition to other appropriate agencies) shall provide representatives to the National and Regional Response Teams to carry out their responsibilities under the NCP: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Department of Homeland Security, Environmental Protection Agency, United States Coast Guard, and the Nuclear Regulatory Commission.

(3) Except for periods of activation because of response action, the representative of the Environmental Protection Agency (“EPA”) shall be the chairman, and the representative of the United States Coast Guard shall be the vice chairman, of the NRT and these agencies’ representatives shall be co-chairs of the Regional Response Teams (“the

RRTs”). When the NRT or an RRT is activated for a response action, the EPA representative shall be the chairman when the release or threatened release or discharge or threatened discharge occurs in the inland zone, and the United States Coast Guard representative shall be the chairman when the release or threatened release or discharge or threatened discharge occurs in the coastal zone, unless otherwise agreed upon by the EPA and the United States Coast Guard representatives (inland and coastal zones are defined in the NCP).

(4) The RRTs may include representatives from State governments, local governments (as agreed upon by the States), and Indian tribal governments. Subject to the functions and authorities delegated to Executive departments and agencies in other sections of this order, the NRT shall provide policy and program direction to the RRTs.

(b) (1) The responsibility for the revision of the NCP and all the other functions vested in the President by Sections 105(a), (b), (c), (g) and (h), 125, and 301(f) of the Act, by Section 311(d)(1) of the Federal Water Pollution Control Act, and by Section 4201(c) of the Oil Pollution Act of 1990 is delegated to the Administrator of the Environmental Protection Agency (“the Administrator”).

(2) The function vested in the President by Section 118(p) of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99 - 499) (“SARA”) is delegated to the Administrator.

(c) In accord with Section 107(f)(2)(A) of the Act, Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), and Section 1006(b) (1) and (2) of the Oil Pollution Act of 1990, the following shall be among those designated in the NCP as Federal trustees for natural resources:

- (1) Secretary of Defense;
- (2) Secretary of the Interior;
- (3) Secretary of Agriculture;
- (4) Secretary of Commerce;
- (5) Secretary of Energy.

In the event of a spill, the above named Federal trustees for natural resources shall designate one trustee to act as Lead Administrative Trustee, the duties of which shall be defined in the regulations promulgated pursuant to Section 1006(e)(1) of OPA. If there are natural resource trustees other than those designated above which are acting in the event of a spill, those other trustees may join with the Federal trustees to name a Lead Administrative Trustee which shall exercise the duties defined in the regulations promulgated pursuant to Section 1006(e)(1) of OPA.

(d) Revisions to the NCP shall be made in consultation with members of the NRT prior to publication for notice and comment.

(e) All revisions to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget (“OMB”).”

(b) The functions vested in the President by Section 311(j)(4) of FWPCA, and Section 4202(b)(1) of OPA, respecting the designation of Areas, the appointment of Area Committee members, the requiring of information to be included in Area Contingency Plans, and the review and approval of Area Contingency Plans are delegated to the Administrator of the Environmental Protection Agency (“Administrator”) for the inland zone and the Secretary of the Department in which the Coast Guard is operating for the coastal zone (inland and coastal zones are defined in the NCP).

**Sec. 2. Response and Related Authorities.**

(a) The functions vested in the President by the first sentence of Section 104(b)(1) of the Act relating to “illness, disease, or complaints thereof are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b) The functions vested in the President by Sections 104(e)(7)(C), 113(k)(2), 119(c)(7), and 121(f)(1) of the Act, relating to promulgation of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the NRT.

(c)(1) The functions vested in the President by Sections 104(a) and the second sentence of 126(b) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(2) Subject to subsection (b) of this Section, the functions vested in the President by Sections 117(a) and (c), and 119 of the Act, to the extent such authority is needed to carry out the functions delegated under paragraph (1) of this subsection, are delegated to the Director of the Federal Emergency Management Agency.

(d) Subject to subsections (a), (b) and (c) of this Section, the functions vested in the President by Sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretaries of Defense and Energy, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated. These functions must be exercised consistent with the requirements of Section 120 of the Act.

(e)(1) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(a), (b), and (c)(4), and 121 of the Act are delegated to the heads of Executive departments and agencies, with respect to remedial actions for releases or threatened releases which are not on the National Priorities List (“the NPL”) and removal actions

other than emergencies, where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated. The Administrator shall define the term “emergency”, solely for the purposes of this subsection, either by regulation or by a memorandum of understanding with the head of an Executive department or agency.

(2) Subject to subsections (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(b)(2), 113(k), 117(a) and (c), and 119 of the Act are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated.

(f) Subject to subsections (a), (b), (c), (d), and (e) of this Section, the functions vested in the President by Sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating (“the Coast Guard”), with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(g) Subject to subsections (a), (b), (c), (d), (e), and (f) of this Section, the functions vested in the President by Sections 101(24), 104(a), (b), (c)(4) and (c)(9), 113(k), 117(a) and (c), 119, 121, and 126(b) of the Act are delegated to the Administrator. The Administrator’s authority under Section 119 of the Act is retroactive to the date of enactment of SARA.

(h) The functions vested in the President by Section 104(c)(3) of the Act are delegated to the Administrator, with respect to providing assurances for Indian tribes, to be exercised in consultation with the Secretary of the Interior.

(i) Subject to subsections (d), (e), (f), (g) and (h) of this Section, the functions vested in the President by Section 104(c) and (d) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by this Section.

(j)(1) The functions vested in the President by Section 104(e)(5)(A) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, to be exercised with the concurrence of the Attorney General.

(2) Subject to subsection (b) of this Section and paragraph (1) of this subsection, the functions vested in the President by Section 104(e) are delegated to the heads of Executive departments and agencies in order to carry out their functions under this Order or the Act.



(k) The functions vested in the President by Sections 104(f), (g), (h), (i)(11), and (j) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

**Sec. 3. Cleanup Schedules.**

(a) The functions vested in the President by Sections 116(a) and the first two sentences of 105(d) of the Act are delegated to the heads of Executive departments and agencies with respect to facilities under the jurisdiction, custody or control of those departments and agencies.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Sections 116 and 105(d) are delegated to the Administrator.

**Sec. 4. Enforcement.**

(a) The functions vested in the President by Sections 109(d) and 122(e) (3) (A) of the Act, relating to development of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(b)(1) Subject to subsection (a) of this Section, the functions vested in the President by Section 122 (except subsection (b)(1)) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(2) Subject to subsection (a) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 122 of the Act, are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(c)(1) Subject to subsection (a) and (b)(1) of this Section, the functions vested in the President by Sections 106(a) and 122 of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(2) Subject to subsection (a) and (b)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103(a) and (b), and 122 of the Act, are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(3) Subject to subsections (a) and (b)(1) of this section, the functions vested in the President by sections 106(a)

and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Secretary of Energy, to be exercised only with the concurrence of the Coast Guard, with respect to any release or threatened release in the coastal zone, Great Lakes waters, ports, and harbors, affecting (1) natural resources under their trusteeship, or (2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Coast Guard is the lead Federal agency for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement section 106 or to fund performance of any response action in lieu of the payment by a person who receives but does not comply with an order pursuant to section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy.

This subsection shall not be construed to limit any authority delegated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness.

(d)(1) Subject to subsections (a), (b)(1), and (c)(1) of this Section, the functions vested in the President by Sections 106 and 122 of the Act are delegated to the Administrator.

(2) Subject to subsections (a), (b)(2), and (c)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103 and 122 of the Act, are delegated to the Administrator.

(3) Subject to subsections (a), (b)(1), and (c)(1) of this section, the functions vested in the President by sections 106(a) and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Department of Energy, to be exercised only with the concurrence of the Administrator, with respect to any release or threatened release affecting (1) natural resources under their trusteeship, or (2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Administrator is the lead Federal official for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement section 106 or to fund performance of any response action in lieu of the payment by a person who receives but does not comply with an order pursuant to section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This subsection shall not be construed to limit any authority dele-

gated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness.

(e) Notwithstanding any other provision of this Order, the authority under Sections 104(e)(5)(A) and 106(a) of the Act to seek information, entry, inspection, samples, or response actions from Executive departments and agencies may be exercised only with the concurrence of the Attorney General.

#### **Sec. 5. Liability.**

(a) The function vested in the President by Section 107(c)(1)(c) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f)(1) of the Act are delegated to each of the Federal trustees for natural resources designated in the NCP for resources under their trusteeship.

(e) The functions vested in the President by Section 107(f)(2)(B) of the Act, to receive notification of the state natural resource trustee designations, are delegated to the Administrator.

(f) The functions vested in the President by Section 107(o) and (p) of the Act are delegated to the heads of the Executive departments and agencies, to be exercised in consultation with the Administrator, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody, or control of those departments and agencies.

(g) Subject to subsection (f) of this Section, the functions vested in the President by Section 107(o) and (p) of the Act are delegated to the Administrator except that, with respect to determinations regarding natural resource restoration, the Administrator shall make such determinations in consultation with the appropriate Federal natural resource trustee.

#### **Sec. 6. Litigation.**

a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial proceeding shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 113(g) of the Act, to receive notification of a natural resource trustee's intent to file suit, are delegated to the heads of Executive de-

partments and agencies with respect to response actions for which they have been delegated authority under Section 2 of this Order. The Administrator shall promulgate procedural regulations for providing such notification.

(d) The functions vested in the President by Sections 310 (d) and (e) of the Act, relating to promulgation of regulations, are delegated to the Administrator.

**Sec. 7. Financial Responsibility.**

(a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury. The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b)(1) The functions vested in the President by Section 108(a)(1) of the Act are delegated to the Coast Guard.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(1) of the Act, are delegated to the Coast Guard.

(c)(1) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(3) of the Act, are delegated to the Secretary of Transportation.

(3) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(b) of the Act, are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d)(1) Subject to subsection (c)(1) of this Section, the functions vested in the President by Section 108(a)(4) and (b) of the Act are delegated to the Administrator.

(2) Subject to Section 4(a) of this Order and subsection (c)(3) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(4) and (b) of the Act, are delegated to the Administrator.

**Sec. 8. Employee Protection and Notice to Injured.**

(a) The functions vested in the President by Section 110(e) of the Act are delegated to the Administrator.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretaries of Defense and Energy with respect to releases from facilities or vessels under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

**Sec. 9. Management of the Hazardous Substance Superfund and Claims.**

(a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and other applicable provisions of this Order.

(b) The Administrator shall transfer to other agencies, from the Hazardous Substance Superfund out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These amounts shall be consistent with the President's Budget, within the total approved by the Congress, unless a revised amount is approved by OMB. Funds appropriated specifically for the Agency for Toxic Substances and Disease Registry ("ATSDR"), shall be directly transferred to ATSDR, consistent with fiscally responsible investment of trust fund money.

(c) The Administrator shall chair a budget task force composed of representatives of Executive departments and agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit to OMB a budget for the Hazardous Substance Superfund which is based on recommended levels developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request, consistent with budgetary reporting requirements issued by OMB. The Administrator shall prescribe forms to agency task force members for reporting the expenditure of funds on a site specific basis.

(d) The Administrator and each department and agency head to whom funds are provided pursuant to this Section, with respect to funds provided to them, are authorized in accordance with Section 111(t) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111 of the Act.

(f) The functions vested in the President by Section 111(o) of the Act are delegated to the Administrator.

(g) The functions vested in the President by Section 117(e) of the Act are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(h) The functions vested in the President by Section 123 of the Act are delegated to the Administrator.

(i) Funds from the Hazardous Substance Superfund may be used, at the discretion of the Administrator or the Coast Guard, to pay for removal actions for releases or threatened releases from facilities or vessels under the jurisdiction, custody or control of Executive departments and agencies but must be reimbursed to the Hazardous Substance Superfund by such Executive department or agency.

**Sec. 10. Federal Facilities.**

(a) When necessary, prior to selection of a remedial action by the Administrator under Section 120(e)(4)(A) of the Act, Ex-

ecutive agencies shall have the opportunity to present their views to the Administrator after using the procedures under Section 1-6 of Executive Order No. 12088 of October 13, 1978, or any other mutually acceptable process. Notwithstanding subsection 1-602 of Executive Order No. 12088, the Director of the Office of Management and Budget shall facilitate resolution of any issues.

(b) Executive Order No. 12088 of October 13, 1978, is amended by renumbering the current Section 1-802 as Section 1-803 and inserting the following new Section 1-802: "1-802. Nothing in this Order shall create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person."

**Sec. 11. General Provisions.**

(a) The function vested in the President by Section 101 (37) of the Act is delegated to the Administrator.

(b)(1) The function vested in the President by Section 105(1) of the Act, relating to reporting on minority participation in contracts, is delegated to the Administrator.

(2) Subject to paragraph i of this subsection, the functions vested in the President by Section 105(1) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Order. Each Executive department and agency shall provide to the Administrator any requested information on minority contracting for inclusion in the Section 105(1) annual report.

(c) The functions vested in the President by Section 126(c) of the Act are delegated to the Administrator, to be exercised in consultation with the Secretary of the Interior.

(d) The functions vested in the President by Section 301(c) of the Act are delegated to the Secretary of the Interior.

(e) Each agency shall have authority to issue such regulations as may be necessary to carry out the functions delegated to them by this Order.

(f) The performance of any function under this Order shall be done in consultation with interested Federal departments and agencies represented on the NRT, as well as with any other interested Federal agency.

(g) The following functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any Executive department or agency with his consent: functions set forth in Sections 2 (except subsection (b)), 3, 4(b), 4(c), 4(d), 5(b), 5(c), and 8(c) of this Order.

(h) Executive Order No. 12316 of August 14, 1981, is revoked.

**Sec. 12. Brownfields.**

(a) The functions vested in the President by Sections 101(39) and (41) and 104(k) of the Act are delegated to the Administrator.

(b) The functions vested in the President by Section 128(b)(1)(B)(ii) of the Act are delegated to the heads of the Executive departments and agencies, to be exercised in consultation with the Administrator, with respect to property subject to their jurisdiction, custody, or control.

(c) The functions vested in the President by Section 128(b)(1)(E) of the Act are delegated to the heads of Executive departments and agencies in cases where they have acted under subsection (b) of this Section.

(d) Subject to subsections (b) and (c) of this Section, the functions vested in the President by Section 128 of the Act are delegated to the Administrator.

**Sec. 13. Preservation of Authorities.**

Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

**Sec. 14. General Provision.**

This order is intended only to improve the internal management of the Federal Government and is not intended to, and 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, instrumentalities, or entities, its officers or employees, or any other person.





EXECUTIVE ORDER 12590  
NATIONAL DRUG POLICY BOARD  
{AS AMENDED BY EO 13286}

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Signed:	March 26, 1987
Federal Register page and date:	52 FR 10021; March 30, 1987
Amends:	EO 12368, June 24, 1982
Amended by:	EO 13284, January 23, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 872, 873, 1111, 1112, 1113, 1114, 1202, and 1203 of title 21 of the United States Code, and in order to coordinate the performance of all drug abuse policy functions of the Federal government, it is hereby ordered as follows:

**Section 1. Establishment.**

(a) There is hereby established the National Drug Policy Board (“the Board”).

(b) The Board shall be composed of the following members:

- (1) the Attorney General, who shall serve as Chairman;
- (2) the Secretary of Health and Human Services, who shall serve as Vice Chairman;
- (3) the Secretary of State;
- (4) the Secretary of the Treasury;
- (5) the Secretary of Defense;
- (6) the Secretary of the Interior;
- (7) the Secretary of Agriculture;
- (8) the Secretary of Labor; (9) the Secretary of Housing and Urban Development;
- (10) the Secretary of Transportation;
- (11) the Secretary of Energy;
- (12) the Secretary of Education;
- (13) the Secretary of Homeland Security;
- (14) the Director of the Office of Management and Budget;
- (15) the Assistant to the President for National Security Affairs;
- (16) the Director of Central Intelligence;
- (17) the Chief of Staff to the Vice President;
- (18) the Director of the White House Drug Abuse Policy Office; and

(19) such other members as the President may, from time to time, designate.

**Sec. 2. Functions.**

(a) The Board shall facilitate the development and coordination of national drug policy and shall coordinate activities of Executive departments and agencies to reduce the supply and use of illegal drugs, including international activities, enforcement, prevention and education, treatment and rehabilitation, and research relating to illegal drugs.

(b) In furtherance of its responsibilities, the Board shall:

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement, prevention and education, treatment and rehabilitation, and research efforts, including budgetary priorities and national plans and strategies;

(2) facilitate coordination of efforts of all Executive departments and agencies to halt national and international trafficking of illegal drugs and to reduce drug abuse;

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement and to the reduction of drug abuse; and

(4) provide policy guidance to the agencies and facilitate resolution of differences in this area concerning inter-agency activities and other matters affecting two or more agencies.

(c) In order to help coordinate the activities of Executive departments and agencies with responsibility for drug law enforcement and drug abuse reduction, and to supervise implementation of the determinations of the Board, the Chairman shall:

(1) advise the Board in matters concerning its responsibilities;

(2) make recommendations to the Board for the coordination of drug enforcement and drug abuse reduction activities;

(3) correlate and evaluate intelligence and other information to support the activities of the Board;

(4) act as primary advisor to the President and the Congress on national and international programs and policies and the implementation of those policies; and

(5) perform such other duties as the President may direct.

(d) The Board shall carry out all duties and responsibilities of the National Drug Enforcement Policy Board, as set forth in Chapter XIII (The National Narcotics Act) of Title II of Public Law 98-473.

(e) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Office of Management and Budget, or any Office or official thereof.

**Sec. 3. Coordinating Groups.**

The Board shall establish a Drug Enforcement Coordinating Group and a Drug Abuse Prevention and Health Coordinating

Group. The membership and chairman of each Coordinating Group shall be designated by the Chairman of the Board.

**Sec. 4. Conforming Amendments.**

(a) Section 1 of Executive Order No. 12368 is amended to provide as follows:

“The Office of Policy Development has been assigned to assist the President and the National Drug Policy Board in the performance of the drug policy functions contained in Section 201 of Title II of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1111). Within the Office of Policy Development, the Director of the Drug Abuse Policy Office shall be primarily responsible for assisting the President and the Board in the performance of those functions.”

(b) Section 2 of Executive Order No. 12368 is amended by deleting “Director of the Drug Abuse Policy Office” and inserting in lieu thereof “National Drug Policy Board” and by deleting “he” and inserting in lieu thereof “the National Drug Policy Board.”



# EXECUTIVE ORDER 12656

## ASSIGNMENT OF EMERGENCY PREPAREDNESS RESPONSIBILITIES

{AS AMENDED BY EO 13074, EO 13228, EO 13286,  
EO 13286}

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Signed:	November 18, 1988
Federal Register page and date:	53 FR 47491; November 23, 1988
Amends:	EO 12088, October 13, 1978
Revokes:	EO 10421, December 31, 1952 EO 11490, October 28, 1969
Amended by:	EO 13074, February 9, 1998 EO 13228, October 8, 2001 EO 13286, February

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Whereas our national security is dependent upon our ability to assure continuity of government, at every level, in any national security emergency situation that might confront the Nation; and

Whereas effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

Whereas effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

Whereas the Congress has directed the development of such national security emergency preparedness plans and has provided funds for the accomplishment thereof;

Now, Therefore, by virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered that the responsibilities of the Federal departments and agencies in national security emergencies shall be as follows:

### **Part 1-Preamble**

#### **Section 101. National Security Emergency Preparedness Policy.**

(a) The policy of the United States is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A

national security emergency is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States. Policy for national security emergency preparedness shall be established by the President. Pursuant to the President's direction, the National Security Council shall be responsible for developing and administering such policy, except that the Homeland Security Council shall be responsible for administering such policy with respect to terrorist threats and attacks within the United States. All national security emergency preparedness activities shall be consistent with the Constitution and laws of the United States and with preservation of the constitutional government of the United States.

(b) Effective national security emergency preparedness planning requires: identification of functions that would have to be performed during such an emergency; development of plans for performing these functions; and development of the capability to execute those plans.

**Sec. 102. Purpose.**

(a) The purpose of this Order is to assign national security emergency preparedness responsibilities to Federal departments and agencies. These assignments are based, whenever possible, on extensions of the regular missions of the departments and agencies.

(b) This Order does not constitute authority to implement the plans prepared pursuant to this Order. Plans so developed may be executed only in the event that authority for such execution is authorized by law.

**Sec. 103. Scope.**

(a) This Order addresses national security emergency preparedness functions and activities. As used in this Order, preparedness functions and activities include, as appropriate, policies, plans, procedures, and readiness measures that enhance the ability of the United States Government to mobilize for, respond to, and recover from a national security emergency.

(b) This Order does not apply to those natural disasters, technological emergencies, or other emergencies, the alleviation of which is normally the responsibility of individuals, the private sector, volunteer organizations, State and local governments, and Federal departments and agencies unless such situations also constitute a national security emergency.

(c) This Order does not require the provision of information concerning, or evaluation of, military policies, plans, programs, or states of military readiness.

(d) This Order does not apply to national security emergency preparedness telecommunications functions and responsibilities that are otherwise assigned by Executive Order 12472.

**Sec. 104. Management of National Security Emergency Preparedness.**

(a) The National Security Council is the principal forum for consideration of national security emergency preparedness

policy, except that the Homeland Security Council is the principal forum for consideration of policy relating to terrorist threats and attacks within the United States.

(b) The National Security Council and the Homeland Security Council shall arrange for Executive branch liaison with, and assistance to, the Congress and the Federal judiciary on national security-emergency preparedness matters.

(c) The Secretary of Homeland Security shall serve as an advisor to the National Security Council on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate. Pursuant to such procedures for the organization and management of the National Security Council and Homeland Security Council processes as the President may establish, the Secretary of Homeland Security also shall assist in the implementation of and management of those processes as the President may establish. The Secretary of Homeland Security 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.

(d) National security emergency preparedness functions that are shared by more than one agency shall be coordinated by the head of the Federal department or agency having primary responsibility and shall be supported by the heads of other departments and agencies having related responsibilities.

(e) There shall be a national security emergency exercise program that shall be supported by the heads of all appropriate Federal departments and agencies.

(f) Plans and procedures will be designed and developed to provide maximum flexibility to the President for his implementation of emergency actions.

#### **Sec. 105. Interagency Coordination.**

(a) All appropriate Cabinet members and agency heads shall be consulted regarding national security emergency preparedness programs and policy issues. Each department and agency shall support interagency coordination to improve preparedness and response to a national security emergency and shall develop and maintain decentralized capabilities wherever feasible and appropriate.

(b) Each Federal department and agency shall work within the framework established by, and cooperate with those organizations assigned responsibility in, Executive Order No. 12472, to ensure adequate national security emergency preparedness telecommunications in support of the functions and activities addressed by this Order.

### **Part 2-General Provisions**

#### **Sec. 201. General.**

The head of each Federal department and agency, as appropriate, shall:

(1) Be prepared to respond adequately to all national security emergencies, including those that are international in scope, and those that may occur within any region of the Nation;

(2) Consider national security emergency preparedness factors in the conduct of his or her regular functions, particularly those functions essential in time of emergency. Emergency plans and programs, and an appropriate state of readiness, including organizational infrastructure, shall be developed as an integral part of the continuing activities of each Federal department and agency;

(3) Appoint a senior policy official as Emergency Coordinator, responsible for developing and maintaining a multi-year, national security emergency preparedness plan for the department or agency to include objectives, programs, and budgetary requirements;

(4) Design preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:

(a) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various states of national security emergencies;

(b) Identification of actions that could be taken in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the lead times associated with full emergency action implementation;

(5) Base national security emergency preparedness measures on the use of existing authorities, organizations, resources, and systems to the maximum extent practicable;

(6) Identify areas where additional legal authorities may be needed to assist management and, consistent with applicable Executive orders, take appropriate measures toward acquiring those authorities;

(7) Make policy recommendations to the National Security Council and Homeland Security Council regarding national security emergency preparedness activities and functions of the Federal Government;

(8) Coordinate with State and local government agencies and other organizations, including private sector organizations, when appropriate. Federal plans should include appropriate involvement of and reliance upon private sector organizations in the response to national security emergencies;

(9) Assist State, local, and private sector entities in developing plans for mitigating the effects of national security emergencies and for providing services that are essential to a national response;

(10) Cooperate, to the extent appropriate, in compiling, evaluating, and exchanging relevant data related to all aspects of national security emergency preparedness;

(11) Develop programs regarding congressional relations and public information that could be used during national security emergencies;



(12) Ensure a capability to provide, during a national security emergency, information concerning Acts of Congress, presidential proclamations, Executive orders, regulations, and notices of other actions to the Archivist of the United States, for publication in the *Federal Register*, or to each agency designated to maintain the *Federal Register* in an emergency;

(13) Develop and conduct training and education programs that incorporate emergency preparedness and civil defense information necessary to ensure an effective national response;

(14) Ensure that plans consider the consequences for essential services provided by State and local governments, and by the private sector, if the flow of Federal funds is disrupted;

(15) Consult and coordinate with the Secretary of Homeland Security to ensure that those activities and plans are consistent with current Presidential guidelines and policies.

**Sec. 202. Continuity of Government.**

The head of each Federal department and agency shall ensure the continuity of essential functions in any national security emergency by providing for: succession to office and emergency delegation of authority in accordance with applicable law; safekeeping of essential resources, facilities, and records; and establishment of emergency operating capabilities.

**Sec. 203. Resource Management.**

The head of each Federal department and agency, as appropriate within assigned areas of responsibility, shall:

(1) Develop plans and programs to mobilize personnel (including reservist programs), equipment, facilities, and other resources;

(2) Assess essential emergency requirements and plan for the possible use of alternative resources to meet essential demands during and following national security emergencies;

(3) Prepare plans and procedures to share between and among the responsible agencies resources such as energy, equipment, food, land, materials, minerals, services, supplies, transportation, water, and workforce needed to carry out assigned responsibilities and other essential functions, and cooperate with other agencies in developing programs to ensure availability of such resources in a national security emergency;

(4) Develop plans to set priorities and allocate resources among civilian and military claimants;

(5) Identify occupations and skills for which there may be a critical need in the event of a national security emergency.

**Sec. 204. Protection of Essential Resources and Facilities.**

The head of each Federal department and agency, within assigned areas of responsibility, shall:

(1) Identify facilities and resources, both government and private, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national security emergency;

(2) Participate in interagency activities to assess the relative importance of various facilities and resources to essential

military and civilian needs and to integrate preparedness and response strategies and procedures;

(3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies.

**Sec. 205. Federal Benefit, Insurance, and Loan Programs.**

The head of each Federal department and agency that administers a loan, insurance, or benefit program that relies upon the Federal Government payment system shall coordinate with the Secretary of the Treasury in developing plans for the continuation or restoration, to the extent feasible, of such programs in national security emergencies.

**Sec. 206. Research.**

The Director of the Office of Science and Technology Policy and the heads of Federal departments and agencies having significant research and development programs shall advise the National Security Council and the Homeland Security Council of scientific and technological developments that should be considered in national security emergency preparedness planning.

**Sec. 207. Redlegation.**

The head of each Federal department and agency is hereby authorized, to the extent otherwise permitted by law, to redelegate the functions assigned by this Order, and to authorize successive redelegations to organizations, officers, or employees within that department or agency.

**Sec. 208. Transfer of Functions.**

Recommendations for interagency transfer of any emergency preparedness function assigned under this Order or for assignment of any new emergency preparedness function shall be coordinated with all affected Federal departments and agencies before submission to the National Security Council and the Homeland Security Council.

**Sec. 209. Retention of Existing Authority.**

Nothing in this Order shall be deemed to derogate from assignments of functions to any Federal department or agency or officer thereof made by law.

**Part 3-Department of Agriculture**

**Sec. 301. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Agriculture shall:

(1) Develop plans to provide for the continuation of agricultural production, food processing, storage, and distribution through the wholesale level in national security emergencies, and to provide for the domestic distribution of seed, feed, fertilizer, and farm equipment to agricultural producers;

(2) Develop plans to provide food and agricultural products to meet international responsibilities in national security emergencies;

(3) Develop plans and procedures for administration and use of Commodity Credit Corporation inventories of food and fiber resources in national security emergencies;

(4) Develop plans for the use of resources under the jurisdiction of the Secretary of Agriculture and, in cooperation with the Secretaries of Commerce, Defense, and the Interior, the Board of Directors of the Tennessee Valley Authority, and the heads of other government entities, plan for the national security emergency management, production, and processing of forest products;

(5) Develop, in coordination with the Secretary of Defense, plans and programs for water to be used in agricultural production and food processing in national security emergencies;

(6) In cooperation with Federal, State, and local agencies, develop plans for a national program relating to the prevention and control of fires in rural areas of the United States caused by the effects of enemy attack or other national security emergencies;

(7) Develop plans to help provide the Nation's farmers with production resources, including national security emergency financing capabilities;

(8) Develop plans, in consonance with those of the Department of Health and Human Services, the Department of the Interior, and the Environmental Protection Agency, for national security emergency agricultural health services and forestry, including:

(a) Diagnosis and control or eradication of diseases, pests, or hazardous agents (biological, chemical, or radiological) against animals, crops, timber, or products thereof;

(b) Protection, treatment, and handling of livestock and poultry, or products thereof, that have been exposed to or affected by hazardous agents;

(c) Use and handling of crops, agricultural commodities, timber, and agricultural lands that have been exposed to or affected by hazardous agents; and

(d) Assuring the safety and wholesomeness, and minimizing losses from hazards, of animals and animal products and agricultural commodities and products subject to continuous inspection by the Department of Agriculture or owned by the Commodity Credit Corporation or by the Department of Agriculture;

(9) In consultation with the Secretary of State and the Secretary of Homeland Security, represent the United States in agriculture-related international civil emergency preparedness planning and related activities.

**Sec. 302. Support Responsibility.** The Secretary of Agriculture shall assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical agricultural materials.

#### **Part 4-Department of Commerce**

##### **Sec. 401. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Commerce shall:

(1) Develop control systems for priorities, allocation, production, and distribution of materials and other resources that

will be available to support both national defense and essential civilian programs in a national security emergency;

(2) In cooperation with the Secretary of Defense and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;

(3) In cooperation with the Secretary of Defense and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;

(4) In cooperation with the Secretary of Defense, perform industry analyses to assess capabilities of the commercial industrial base to support the national defense, and develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs;

(5) In cooperation with the Secretary of the Treasury, develop plans for providing emergency assistance to the private sector through direct or participation loans for the financing of production facilities and equipment;

(6) In cooperation with the Secretaries of State, Defense, Transportation, and the Treasury, prepare plans to regulate and control exports and imports in national security emergencies;

(7) Provide for the collection and reporting of census information on human and economic resources, and maintain a capability to conduct emergency surveys to provide information on the status of these resources as required for national security purposes;

(8) Develop overall plans and programs to ensure that the fishing industry continues to produce and process essential protein in national security emergencies;

(9) Develop plans to provide meteorological, hydrologic, marine weather, geodetic, hydrographic, climatic, seismic, and oceanographic data and services to Federal, State, and local agencies, as appropriate;

(10) In coordination with the Secretary of State and the Secretary of Homeland Security, represent the United States in industry-related international (NATO and allied) civil emergency preparedness planning and related activities.

**Sec. 402. Support Responsibilities.** The Secretary of Commerce shall:

(1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical materials;

(2) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest and fishery products;

(3) Assist, in consultation with the Secretaries of State and Defense, the Secretary of the Treasury in the formulation and execution of economic measures affecting other nations.

## **Part 5-Department of Defense**

### **Sec. 501. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts i and 2, the Secretary of Defense shall:

(1) Ensure military preparedness and readiness to respond to national security emergencies;

(2) In coordination with the Secretary of Commerce, develop, with industry, government, and the private sector, reliable capabilities for the rapid increase of defense production to include industrial resources required for that production;

(3) Develop and maintain, in cooperation with the heads of other departments and agencies, national security emergency plans, programs, and mechanisms to ensure effective mutual support between and among the military, civil government, and the private sector;

(4) Develop and maintain damage assessment capabilities and assist the Secretary of Homeland Security and the heads of other departments and agencies in developing and maintaining capabilities to assess attack damage and to estimate the effects of potential attack on the Nation;

(5) Arrange, through agreements with the heads of other Federal departments and agencies, for the transfer of certain Federal resources to the jurisdiction and/or operational control of the Department of Defense in national security emergencies;

(6) Acting through the Secretary of the Army, develop, with the concurrence of the heads of all affected departments and agencies, overall plans for the management, control, and allocation of all usable waters from all sources within the jurisdiction of the United States. This includes:

(a) Coordination of national security emergency water resource planning at the national, regional, State, and local levels;

(b) Development of plans to assure emergency provision of water from public works projects under the jurisdiction of the Secretary of the Army to public water supply utilities and critical defense production facilities during national security emergencies;

(c) Development of plans to assure emergency operation of waterways and harbors; and

(d) Development of plans to assure the provision of potable water;

(7) In consultation with the Secretaries of State and Energy, the Secretary of Homeland Security, and others, as required, develop plans and capabilities for identifying, analyzing, mitigating, and responding to hazards related to nuclear weapons, materials, and devices; and maintain liaison, as appropriate, with the Secretary of Energy and the Members of the Nuclear Regulatory Commission to ensure the continuity of nuclear weapons production and the appropriate allocation of scarce resources, including the recapture of special nuclear materials from Nuclear Regulatory Commission licensees when appropriate;

(8) Coordinate with the Administrator of the National Aeronautics and Space Administration and the Secretary of En-

ergy, as appropriate, to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies;

(9) Develop, in coordination with the Secretaries of Labor and Homeland Security, the Directors of the Selective Service System, the Office of Personnel Management, and the Federal Emergency Management Agency, plans and systems to ensure that the Nation's human resources are available to meet essential military and civilian needs in national security emergencies;

(10) Develop national security emergency operational procedures, and coordinate with the Secretary of Housing and Urban Development with respect to residential property, for the control, acquisition, leasing, assignment and priority of occupancy of real property within the jurisdiction of the Department of Defense;

(11) Review the priorities and allocations systems developed by other departments and agencies to ensure that they meet Department of Defense needs in a national security emergency; and develop and maintain the Department of Defense programs necessary for effective utilization of all priorities and allocations systems;

(12) Develop, in coordination with the Attorney General of the United States, specific procedures by which military assistance to civilian law enforcement authorities may be requested, considered, and provided;

(13) In cooperation with the Secretary of Commerce and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or postattack survival and recovery;

(14) In cooperation with the Secretary of Commerce and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;

(15) With the assistance of the heads of other Federal departments and agencies, provide management direction for the stockpiling of strategic and critical materials, conduct storage, maintenance, and quality assurance operations for the stockpile of strategic and critical materials, and formulate plans, programs, and reports relating to the stockpiling of strategic and critical materials.

(16) Subject to the direction of the President, and pursuant to procedures to be developed jointly by the Secretary of Defense and the Secretary of State, be responsible for the deployment and use of military forces for the protection of United States citizens and nationals and, in connection therewith, designated other persons or categories of persons, in support of their evacuation from threatened areas overseas.

**Sec. 502. Support Responsibilities.** The Secretary of Defense shall:

(1) Advise and assist the heads of other Federal departments and agencies in the development of plans and programs to support national mobilization. This includes providing, as appropriate:

(a) Military requirements, prioritized and time-phased to the extent possible, for selected end-items and supporting services, materials, and components;

(b) Recommendations for use of financial incentives and other methods to improve defense production as provided by law; and

(c) Recommendations for export and import policies;

(2) Advise and assist the Secretary of State and the heads of other Federal departments and agencies, as appropriate, in planning for the protection, evacuation, and repatriation of United States citizens in threatened areas overseas;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;

(5) In consultation with the Secretaries of State and Commerce, assist the Secretary of the Treasury in the formulation and execution of economic measures that affect other nations;

(6) Support the Secretary of State and the heads of other Federal departments and agencies as appropriate in the formulation and implementation of foreign policy, and the negotiation of contingency and postemergency plans, intergovernmental agreements, and arrangements with allies and friendly nations, which affect national security;

(7) Coordinate with the Secretary of Homeland Security the development of plans for mutual civilmilitary support during national security emergencies;

(8) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills.

## **Part 6-Department of Education**

### **Sec. 601. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Education shall:

(1) Assist school systems in developing their plans to provide for the earliest possible resumption of activities following national security emergencies;

(2) Develop plans to provide assistance, including efforts to meet shortages of critical educational personnel, to local educational agencies;

(3) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, for dissemination of emergency preparedness instructional material through educational institutions and the media during national security emergencies.

**Sec. 602. Support Responsibilities.** The Secretary of Education shall:

- (1) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills;
- (2) Support the Secretary of Health and Human Services in the development of human services educational and training materials, including self-help program materials for use by human service organizations and professional schools.

### **Part 7-Department of Energy**

#### **Sec. 701. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Energy shall:

- (1) Conduct national security emergency preparedness planning, including capabilities development, and administer operational programs for all energy resources, including:
  - (a) Providing information, in cooperation with Federal, State, and energy industry officials, on energy supply and demand conditions and on the requirements for and the availability of materials and services critical to energy supply systems;
  - (b) In coordination with appropriate departments and agencies and in consultation with the energy industry, develop implementation plans and operational systems for priorities and allocation of all energy resource requirements for national defense and essential civilian needs to assure national security emergency preparedness;
  - (c) Developing, in consultation with the Board of Directors of the Tennessee Valley Authority, plans necessary for the integration of its power system into the national supply system;
- (2) Identify energy facilities essential to the mobilization, deployment, and sustainment of resources to support the national security and national welfare, and develop energy supply and demand strategies to ensure continued provision of minimum essential services in national security emergencies;
- (3) In coordination with the Secretary of Defense, ensure continuity of nuclear weapons production consistent with national security requirements;
- (4) Assure the security of nuclear materials, nuclear weapons, or devices in the custody of the Department of Energy, as well as the security of all other Department of Energy programs and facilities;
- (5) In consultation with the Secretaries of State, and Defense, and Homeland Security and the Director of the Federal Emergency Management Agency, conduct appropriate international liaison activities pertaining to matters within the jurisdiction of the Department of Energy;
- (6) In consultation with the Secretaries of State and Defense, the Members of the Nuclear Regulatory Commission, and others, as required, develop plans and capabilities for identification, analysis, damage assessment, and mitigation of hazards from nuclear weapons, materials, and devices;



(7) Coordinate with the Secretary of Transportation in the planning and management of transportation resources involved in the bulk movement of energy;

(8) At the request of or with the concurrence of the Nuclear Regulatory Commission and in consultation with the Secretary of Defense, recapture special nuclear materials from Nuclear Regulatory Commission licensees where necessary to assure the use, preservation, or safeguarding of such material for the common defense and security;

(9) Develop national security emergency operational procedures for the control, utilization, acquisition, leasing, assignment, and priority of occupancy of real property within the jurisdiction of the Department of Energy;

(10) Manage all emergency planning and response activities pertaining to Department of Energy nuclear facilities.

**Sec. 702. Support Responsibilities.** The Secretary of Energy shall:

(1) Provide advice and assistance, in coordination with appropriate agencies, to Federal, State, and local officials and private sector organizations to assess the radiological impact associated with national security emergencies;

(2) Coordinate with the Secretaries of Defense and the Interior regarding the operation of hydroelectric projects to assure maximum energy output;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Coordinate with the Secretary of Agriculture regarding the emergency preparedness of the rural electric supply systems throughout the Nation and the assignment of emergency preparedness responsibilities to the Rural Electrification Administration.

## **Part 8-Department of Health and Human Services**

### **Sec. 801. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Health and Human Services shall:

(1) Develop national plans and programs to mobilize the health industry and health resources for the provision of health, mental health, and medical services in national security emergencies;

(2) Promote the development of State and local plans and programs for provision of health, mental health, and medical services in national security emergencies;

(3) Develop national plans to set priorities and allocate health, mental health, and medical services' resources among civilian and military claimants;

(4) Develop health and medical survival information programs and a nationwide program to train health and mental health professionals and paraprofessionals in special knowledge and skills that would be useful in national security emergencies;

(5) Develop programs to reduce or eliminate adverse health and mental health effects produced by hazardous agents

(biological, chemical, or radiological), and, in coordination with appropriate Federal agencies, develop programs to minimize property and environmental damage associated with national security emergencies;

(6) Develop guidelines that will assure reasonable and prudent standards of purity and/or safety in the manufacture and distribution of food, drugs, biological products, medical devices, food additives, and radiological products in national security emergencies;

(7) Develop national plans for assisting State and local governments in rehabilitation of persons injured or disabled during national security emergencies;

(8) Develop plans and procedures to assist State and local governments in the provision of emergency human services, including lodging, feeding, clothing, registration and inquiry, social services, family reunification and mortuary services and interment;

(9) Develop, in coordination with the Secretary of Education, human services educational and training materials for use by human service organizations and professional schools; and develop and distribute, in coordination with the Secretary of Homeland Security, civil defense information relative to emergency human services;

(10) Develop plans and procedures, in coordination with the heads of Federal departments and agencies, for assistance to United States citizens or others evacuated from overseas areas.

**Sec. 802. Support Responsibility.** The Secretary of Health and Human Services shall support the Secretary of Agriculture in the development of plans related to national security emergency agricultural health services.

### **Part 9-Department of Housing and Urban Development**

**Sec. 901. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Housing and Urban Development shall:

(1) Develop plans for provision and management of housing in national security emergencies, including:

(a) Providing temporary housing using Federal financing and other arrangements;

(b) Providing for radiation protection by encouraging voluntary construction of shelters and voluntary use of cost-efficient design and construction techniques to maximize population protection;

(2) Develop plans, in cooperation with the heads of other Federal departments and agencies and State and local governments, to restore community facilities, including electrical power, potable water, and sewage disposal facilities, damaged in national security emergencies.

### **Part 10-Department of the Interior**

**Sec. 1001. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Interior shall:

(1) Develop programs and encourage the exploration, development, and mining of strategic and critical and other nonfuel minerals for national security emergency purposes;

(2) Provide guidance to mining industries in the development of plans and programs to ensure continuity of production during national security emergencies;

(3) Develop and implement plans for the management, control, allocation, and use of public land under the jurisdiction of the Department of the Interior in national security emergencies and coordinate land emergency planning at the Federal, State, and local levels.

**Sec. 1002. Support Responsibilities.** The Secretary of the Interior shall:

(1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical minerals;

(2) Cooperate with the Secretary of Commerce in the identification and evaluation of facilities essential for national security emergencies;

(3) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest products.

#### **Part 11-Department of Justice**

##### **Sec. 1101. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Attorney General of the United States shall:

(1) Provide legal advice to the President and the heads of Federal departments and agencies and their successors regarding national security emergency powers, plans, and authorities;

(2) Coordinate Federal Government domestic law enforcement activities related to national security emergency preparedness, including Federal law enforcement liaison with, and assistance to, State and local governments;

(3) Coordinate contingency planning for national security emergency law enforcement activities that are beyond the capabilities of State and local agencies;

(4) Develop national security emergency plans for regulation of immigration, regulation of nationals of enemy countries, and plans to implement laws for the control of persons entering or leaving the United States;

(5) Develop plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutions and resources during national security emergencies;

(6) Provide information and assistance to the Federal Judicial branch and the Federal Legislative branch concerning law enforcement, continuity of government, and the exercise of legal authority during national security emergencies;

(7) Develop intergovernmental and interagency law enforcement plans and counterterrorism programs to interdict and respond to terrorism incidents in the United States that may result in a national security emergency or that occur during such an emergency;

(8) Develop intergovernmental and interagency law enforcement plans to respond to civil disturbances that may result in a national security emergency or that occur during such an emergency.

**Sec. 1102. Support Responsibilities.** The Attorney General of the United States shall:

(1) Assist the heads of Federal departments and agencies, State and local governments, and the private sector in the development of plans to physically protect essential resources and facilities;

(2) Support the Secretaries of State and the Treasury in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel, property, and other assets within the jurisdiction of the United States;

(3) Support the Secretary of the Treasury in developing plans to control the movement of property entering and leaving the United States;

(4) Support the heads of other Federal departments and agencies and State and local governments in developing programs and plans for identifying fatalities and reuniting families in national security emergencies;

(5) Support the intelligence community in the planning of its counterintelligence and counterterrorism programs.

## **Part 12-Department of Labor**

### **Sec. 1201. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Labor shall:

(1) Develop plans and issue guidance to ensure effective use of civilian workforce resources during national security emergencies. Such plans shall include, but not necessarily be limited to:

(a) Priorities and allocations, recruitment, referral, training, employment stabilization including appeals procedures, use assessment, and determination of critical skill categories; and

(b) Programs for increasing the availability of critical workforce skills and occupations;

(2) In consultation with the Secretary of the Treasury, develop plans and procedures for wage, salary, and benefit costs stabilization during national security emergencies;

(3) Develop plans and procedures for protecting and providing incentives for the civilian labor force during national security emergencies;

(4) In consultation with other appropriate government agencies and private entities, develop plans and procedures for effective labor-management relations during national security emergencies.

**Sec. 1202. Support Responsibilities.** The Secretary of Labor shall:

(1) Support planning by the Secretary of Defense and the private sector for the provision of human resources to critical defense industries during national security emergencies;

(2) Support planning by the Secretary of Defense and the Director of Selective Service for the institution of conscription in national security emergencies.

**Part 13-Department of State**

**Sec. 1301. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of State shall:

(1) Provide overall foreign policy coordination in the formulation and execution of continuity of government and other national security emergency preparedness activities that affect foreign relations;

(2) Prepare to carry out Department of State responsibilities in the conduct of the foreign relations of the United States during national security emergencies, under the direction of the President and in consultation with the heads of other appropriate Federal departments and agencies, including, but not limited to:

(a) Formulation and implementation of foreign policy and negotiation regarding contingency and post-emergency plans, intergovernmental agreements, and arrangements with United States' allies;

(b) Formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral states;

(c) Formulation and execution of political strategy toward hostile or enemy states;

(d) Conduct of mutual assistance activities;

(e) Provision of foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs;

(f) Protection or evacuation of United States citizens and nationals abroad and safeguarding their property abroad, in consultation with the Secretaries of Defense and Health and Human Services;

(g) Protection of international organizations and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States, in coordination with the Attorney General and the Secretary of the Treasury;

(h) Formulation of policies and provisions for assistance to displaced persons and refugees abroad;

(i) Maintenance of diplomatic and consular representation abroad; and

(j) Reporting of and advising on conditions overseas that bear upon national security emergencies.

**Sec. 1302. Support Responsibilities.** The Secretary of State shall:

(1) Assist appropriate agencies in developing planning assumptions concerning accessibility of foreign sources of supply;

(2) Support the Secretary of the Treasury, in consultation, as appropriate, with the Secretaries of Commerce and Defense, in the formulation and execution of economic measures with respect to other nations;

(3) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;

(4) Support the Secretary of Homeland Security in the coordination and integration of United States policy regarding the formulation and implementation of civil emergency resources and preparedness planning;

(5) Assist the Attorney General of the United States in the formulation of national security emergency plans for the control of persons entering or leaving the United States.

#### **Part 14-Department of Transportation**

##### **Sec. 1401. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Transportation shall:

(1) Develop plans to promulgate and manage overall national policies, programs, procedures, and systems to meet essential civil and military transportation needs in national security emergencies;

(2) Be prepared to provide direction to all modes of civil transportation in national security emergencies, including air, surface, water, pipelines, and public storage and warehousing, to the extent such responsibility is vested in the Secretary of Transportation. This direction may include:

(a) Implementation of priorities for all transportation resource requirements for service, equipment, facilities, and systems;

(b) Allocation of transportation resource capacity; and

(c) Emergency management and control of civil transportation resources and systems, including privately owned automobiles, urban mass transit, intermodal transportation systems, the National Railroad Passenger Corporation and the St. Lawrence Seaway Development Corporation;

(3) Develop plans to provide for the smooth transition of the Coast Guard as a service to the Department of the Navy during national security emergencies. These plans shall be compatible with the Department of Defense planning systems, especially in the areas of port security and military readiness;

(4) In coordination with the Secretary of State and the Secretary of Homeland Security, represent the United States in transportation-related international (including NATO and allied) civil emergency preparedness planning and related activities;

(5) Coordinate with State and local highway agencies in the management of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and publicly owned highway maintenance equipment to assure efficient and safe use of road space during national security emergencies;

(6) Develop plans and procedures in consultation with appropriate agency officials for maritime and port safety, law en-

forcement, and security over, upon, and under the high seas and waters subject to the jurisdiction of the United States to assure operational readiness for national security emergency functions;

(7) Develop plans for the emergency operation of U.S. ports and facilities, use of shipping resources (U.S. and others), provision of government war risks insurance, and emergency construction of merchant ships for military and civil use;

(8) Develop plans for emergency management and control of the National Airspace System, including provision of war risk insurance and for transfer of the Federal Aviation Administration, in the event of war, to the Department of Defense;

(9) Coordinate the Interstate Commerce Commission's development of plans and preparedness programs for the reduction of vulnerability, maintenance, restoration, and operation of privately owned railroads, motor carriers, inland waterway transportation systems, and public storage facilities and services in national security emergencies.

**Sec. 1402. Support Responsibility.** The Secretary of Transportation shall coordinate with the Secretary of Energy in the planning and management of transportation resources involved in the bulk movement of energy materials.

#### **Part 15-Department of the Treasury**

##### **Sec. 1501. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Treasury shall:

(1) Develop plans to maintain stable economic conditions and a market economy during national security emergencies; emphasize measures to minimize inflation and disruptions; and, minimize reliance on direct controls of the monetary, credit, and financial systems. These plans will include provisions for:

(a) Increasing capabilities to minimize economic dislocations by carrying out appropriate fiscal, monetary, and regulatory policies and reducing susceptibility to manipulated economic pressures;

(b) Providing the Federal Government with efficient and equitable financing sources and payment mechanisms;

(c) Providing fiscal authorities with adequate legal authority to meet resource requirements;

(d) Developing, in consultation with the Board of Governors of the Federal Reserve System, and in cooperation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration Board, the Farm Credit Administration Board and other financial institutions, plans for the continued or resumed operation and liquidity of banks, savings and loans, credit unions, and farm credit institutions, measures for the reestablishment of evidence of assets or liabilities, and provisions for currency withdrawals and deposit insurance;

(2) Provide for the protection of United States financial resources including currency and coin production and redemption

facilities, Federal check disbursement facilities, and precious monetary metals;

(3) Provide for the preservation of, and facilitate emergency operations of, public and private financial institution systems, and provide for their restoration during or after national security emergencies;

(4) Provide, in coordination with the Secretary of State, for participation in bilateral and multilateral financial arrangements with foreign governments;

(5) Maintain the Federal Government accounting and financial reporting system in national security emergencies;

(6) Develop plans to protect the President, the Vice President, other officers in the order of presidential succession, and other persons designated by the President;

(7) Develop plans for restoration of the economy following an attack; for the development of emergency monetary, credit, and Federal benefit payment programs of those Federal departments and agencies that have responsibilities dependent on the policies or capabilities of the Department of the Treasury; and for the implementation of national policy on sharing war losses;

(8) Develop plans for initiating tax changes, waiving regulations, and, in conjunction with the Secretary of Commerce or other guaranteeing agency, granting or guaranteeing loans for the expansion of industrial capacity, the development of technological processes, or the production or acquisition of essential materials;

(9) Develop plans, in coordination with the heads of other appropriate Federal departments and agencies, to acquire emergency imports, make foreign barter arrangements, or otherwise provide for essential material from foreign sources using, as appropriate, the resources of the Export-Import Bank or resources available to the Bank;

(10) Develop plans for encouraging capital inflow and discouraging the flight of capital from the United States and, in coordination with the Secretary of State, for the seizure and administration of assets of enemy aliens during national security emergencies;

(11) Develop plans, in consultation with the heads of appropriate Federal departments and agencies, to regulate financial and commercial transactions with other countries;

(12) Develop plans, in coordination with the Secretary of Commerce and the Attorney General of the United States, to control the movement of property entering or leaving the United States;

(13) Cooperate and consult with the Chairman of the Securities and Exchange Commission, the Chairman of the Federal Reserve Board, the Chairman of the Commodities Futures Trading Commission in the development of emergency financial control plans and regulations for trading of stocks and commodities, and in the development of plans for the maintenance and restoration of stable and orderly markets;



(14) Develop plans, in coordination with the Secretary of State, for the formulation and execution of economic measures with respect to other nations in national security emergencies.

**Sec. 1502. Support Responsibilities.** The Secretary of the Treasury shall:

(1) Cooperate with the Attorney General of the United States on law enforcement activities, including the control of people entering and leaving the United States;

(2) Support the Secretary of Labor in developing plans and procedures for wage, salary, and benefit costs stabilization;

(3) Support the Secretary of State in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel and property or other assets in the United States.

### **Part 16-Environmental Protection Agency**

#### **Sec. 1601. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the Environmental Protection Agency shall:

(1) Develop Federal plans and foster development of State and local plans designed to prevent or minimize the ecological impact of hazardous agents (biological, chemical, or radiological) introduced into the environment in national security emergencies;

(2) Develop, for national security emergencies, guidance on acceptable emergency levels of nuclear radiation, assist in determining acceptable emergency levels of biological agents, and help to provide detection and identification of chemical agents;

(3) Develop, in coordination with the Secretary of Defense, plans to assure the provision of potable water supplies to meet community needs under national security emergency conditions, including claimancy for materials and equipment for public water systems.

**Sec. 1602. Support Responsibilities.** The Administrator of the Environmental Protection Agency shall:

(1) Assist the heads of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment;

(2) Advise the heads of Federal departments and agencies regarding procedures for assuring compliance with environmental restrictions and for expeditious review of requests for essential waivers.

### **Part 17-Department of Homeland Security**

#### **Sec. 1701. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Homeland Security shall:

(1) Coordinate and support the initiation, development, and implementation of national security emergency preparedness programs and plans among Federal departments and agencies;

(2) Coordinate the development and implementation of plans for the operation and continuity of essential domestic emergency functions of the Federal Government during national security emergencies;

(3) Coordinate the development of plans, in cooperation with the Secretary of Defense, for mutual civil-military support during national security emergencies;

(4) Guide and assist State and local governments and private sector organizations in achieving preparedness for national security emergencies, including development of plans and procedures for assuring continuity of government, and support planning for prompt and coordinated Federal assistance to States and localities in responding to national security emergencies;

(5) Provide the President a periodic assessment of Federal, State, and local capabilities to respond to national security emergencies;

(6) Coordinate the implementation of policies and programs for efficient mobilization of Federal, State, local, and private sector resources in response to national security emergencies;

(7) Develop and coordinate with all appropriate agencies civil defense programs to enhance Federal, State, local, and private sector capabilities for national security emergency crisis management, population protection, and recovery in the event of an attack on the United States;

(8) Develop and support public information, education and training programs to assist Federal, State, and local government and private sector entities in planning for and implementing national security emergency preparedness programs;

(9) Coordinate among the heads of Federal, State, and local agencies the planning, conduct, and evaluation of national security emergency exercises;

(10) With the assistance of the heads of other appropriate Federal departments and agencies, develop and maintain capabilities to assess actual attack damage and residual recovery capabilities as well as capabilities to estimate the effects of potential attacks on the Nation;

(11) Provide guidance to the heads of Federal departments and agencies on the appropriate use of defense production authorities, including resource claimancy, in order to improve the capability of industry and infrastructure systems to meet national security emergency needs;

(12) Assist the Secretary of State in coordinating the formulation and implementation of United States policy for NATO and other allied civil emergency planning, including the provision off

(a) advice and assistance to the departments and agencies in alliance civil emergency planning matters;

(b) support to the United States Mission to NATO in the conduct of day-to-day civil emergency planning activities; and

(c) support facilities for NATO Civil Wartime Agencies in cooperation with the Departments of Agriculture, Commerce, Energy, State, and Transportation.

**Sec. 1702. Support Responsibilities.** The Secretary of Homeland Security shall:

(1) Support the heads of other Federal departments and agencies in preparing plans and programs to discharge their national security emergency preparedness responsibilities, including, but not limited to, such programs as mobilization preparedness, continuity of government planning, and continuance of industry and infrastructure functions essential to national security;

(2) Support the Secretary of Energy, the Secretary of Defense, and the Members of the Nuclear Regulatory Commission in developing plans and capabilities for identifying, analyzing, mitigating, and responding to emergencies related to nuclear weapons, materials, and devices, including mobile and fixed nuclear facilities, by providing, inter alia, off-site coordination;

(3) Support the Administrator of General Services in efforts to promote a government-wide program with respect to Federal buildings and installations to minimize the effects of attack and establish shelter management organizations.

#### **Part 18-General Services Administration**

##### **Sec. 1801. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of General Services shall:

(1) Develop national security emergency plans and procedures for the operation, maintenance, and protection of federally owned and occupied buildings managed by the General Services Administration, and for the construction, alteration, and repair of such buildings;

(2) Develop national security emergency operating procedures for the control, acquisition, leasing, assignment, and priority of occupancy of real property by the Federal Government, and by State and local governments acting as agents of the Federal Government, except for the military facilities and facilities with special nuclear materials within the jurisdiction of the Departments of Defense and Energy;

(3) Develop national security emergency operational plans and procedures for the use of public utility services (other than telecommunications services) by Federal departments and agencies, except for Department of Energy-operated facilities;

(4) Develop plans and operating procedures of government-wide supply programs to meet the requirements of Federal departments and agencies during national security emergencies;

(5) Develop plans and operating procedures for the use, in national security emergencies, of excess and surplus real and personal property by Federal, State, and local governmental entities;

(6) Develop plans, in coordination with the Secretary of Homeland Security, with respect to Federal buildings and installations, to minimize the effects of attack and establish shelter management organizations.

**Sec. 1802. Support Responsibility.** The Administrator of General Services shall develop plans to assist Federal departments and agencies in operation and maintenance of essential automated information processing facilities during national security emergencies.

**Part 19-National Aeronautics and Space Administration**

**Sec. 1901. Lead Responsibility.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the National Aeronautics and Space Administration shall coordinate with the Secretary of Defense to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies.

**Part 20-National Archives and Records Administration**

**Sec. 2001. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Archivist of the United States shall:

(1) Develop procedures for publication during national security emergencies of the *Federal Register* for as broad public dissemination as is practicable of presidential proclamations and Executive orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress;

(2) Develop emergency procedures for providing instructions and advice on the handling and preservation of records critical to the operation of the Federal Government in national security emergencies.

**Part 21-Nuclear Regulatory Commission**

**Sec. 2101. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Members of the Nuclear Regulatory Commission shall:

(1) Promote the development and maintenance of national security emergency preparedness programs through security and safeguards programs by licensed facilities and activities;

(2) Develop plans to suspend any licenses granted by the Commission; to order the operations of any facility licensed under Section 103 or 104; Atomic Energy Act of 1954, as amended (42 U.S.C. 2133 or 2134); to order the entry into any plant or facility in order to recapture special nuclear material as determined under Subsection (3) below; and operate such facilities;

(3) Recapture or authorize recapture of special nuclear materials from licensees where necessary to assure the use, preservation, or safeguarding of such materials for the common defense and security, as determined by the Commission or as requested by the Secretary of Energy.

**Sec. 2102. Support Responsibilities.** The Members of the Nuclear Regulatory Commission shall:

(1) Assist the Secretary of Energy in assessing damage to Commission-licensed facilities, identifying useable facilities,

and estimating the time and actions necessary to restart inoperative facilities;

(2) Provide advice and technical assistance to Federal, State, and local officials and private sector organizations regarding radiation hazards and protective actions in national security emergencies.

#### **Part 22-Office of Personnel Management**

##### **Sec. 2201. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Personnel Management shall:

(1) Prepare plans to administer the Federal civilian personnel system in national security emergencies, including plans and procedures for the rapid mobilization and reduction of an emergency Federal workforce;

(2) Develop national security emergency workforce policies for Federal civilian personnel;

(3) Develop plans to accommodate the surge of Federal personnel security background and pre-employment investigations during national security emergencies.

**Sec. 2202. Support Responsibilities.** The Director of the Office of Personnel Management shall:

(1) Assist the heads of other Federal departments and agencies with personnel management and staffing in national security emergencies, including facilitating transfers between agencies of employees with critical skills;

(2) In consultation with the Secretary of Defense and the Director of Selective Service, develop plans and procedures for a system to control any conscription of Federal civilian employees during national security emergencies.

#### **Part 23-Selective Service System**

**Sec. 2301. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of Selective Service shall:

(1) Develop plans to provide by induction, as authorized by law, personnel that would be required by the armed forces during national security emergencies;

(2) Develop plans for implementing an alternative service program.

#### **Part 24-Tennessee Valley Authority**

**Sec. 2401. Lead Responsibility.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Board of Directors of the Tennessee Valley Authority shall develop plans and maintain river control operations for the prevention or control of floods affecting the Tennessee River System during national security emergencies.

**Sec. 2402. Support Responsibilities.** The Board of Directors of the Tennessee Valley Authority shall:

(1) Assist the Secretary of Energy in the development of plans for the integration of the Tennessee Valley Authority power system into nationwide national security emergency programs;

(2) Assist the Secretaries of Defense, Interior, and Transportation and the Chairman of the Interstate Commerce Commission in the development of plans for operation and maintenance of inland waterway transportation in the Tennessee River System during national security emergencies.

#### **Part 25-United States Information Agency**

**Sec. 2501. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the United States Information Agency shall:

(1) Plan for the implementation of information programs to promote an understanding abroad of the status of national security emergencies within the United States;

(2) In coordination with the Secretary of State's exercise of telecommunications functions affecting United States diplomatic missions and consular offices overseas, maintain the capability to provide television and simultaneous direct radio broadcasting in major languages to all areas of the world, and the capability to provide wireless file to all United States embassies during national security emergencies.

**Sec. 2502. Support Responsibility.** The Director of the United States Information Agency shall assist the heads of other Federal departments and agencies in planning for the use of media resources and foreign public information programs during national security emergencies.

#### **Part 26-United States Postal Service**

**Sec. 2601. Lead Responsibility.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Postmaster General shall prepare plans and programs to provide essential postal services during national security emergencies.

**Sec. 2602. Support Responsibilities.** The Postmaster General shall:

(1) Develop plans to assist the Attorney General of the United States in the registration of nationals of enemy countries residing in the United States;

(2) Develop plans to assist the Secretary of Health and Human Services in registering displaced persons and families;

(3) Develop plans to assist the heads of other Federal departments and agencies in locating and leasing privately owned property for Federal use during national security emergencies.

#### **Part 27-Veterans' Administration**

**Sec. 2701. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of Veterans' Affairs shall:

(1) Develop plans for provision of emergency health care services to veteran beneficiaries in Veterans' Administration medical facilities, to active duty military personnel and, as resources permit, to civilians in communities affected by national security emergencies;

(2) Develop plans for mortuary services for eligible veterans, and advise on methods for interment of the dead during national security emergencies.

**Sec. 2702. Support Responsibilities.** The Administrator of Veterans' Affairs shall:

(1) Assist the Secretary of Health and Human Services in promoting the development of State and local plans for the provision of medical services in national security emergencies, and develop appropriate plans to support such State and local plans;

(2) Assist the Secretary of Health and Human Services in developing national plans to mobilize the health care industry and medical resources during national security emergencies;

(3) Assist the Secretary of Health and Human Services in developing national plans to set priorities and allocate medical resources among civilian and military claimants.

#### **Part 28-Office of Management and Budget**

##### **Sec. 2801.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Management and Budget shall prepare plans and programs to maintain its functions during national security emergencies. In connection with these functions, the Director of the Office of Management and Budget shall:

(1) Develop plans to ensure the preparation, clearance, and coordination of proposed Executive orders and proclamations;

(2) Prepare plans to ensure the preparation, supervision, and control of the budget and the formulation of the fiscal program of the Government;

(3) Develop plans to coordinate and communicate Executive branch views to the Congress regarding legislation and testimony by Executive branch officials;

(4) Develop plans for keeping the President informed of the activities of government agencies, continuing the Office of Management and Budget's management functions, and maintaining presidential supervision and direction with respect to legislation and regulations in national security emergencies.

#### **Part 29-General**

##### **Sec. 2901.**

Executive Order Nos. 10421 and 11490, as amended, are hereby revoked. This Order shall be effective immediately.





## EXECUTIVE ORDER 12657

### DEPARTMENT OF HOMELAND SECURITY ASSISTANCE IN EMERGENCY PREPAREDNESS PLANNING AT COMMERCIAL NUCLEAR POWER PLANTS

{AS AMENDED BY EO 13286}

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Signed:	November 18, 1988
Federal Register page and date:	53 FR 47513; November 23, 1988
Amends:	EO 11490, October 28, 1969 EO 12148, July 20, 1988 EO 12241, September 29, 1980
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*), the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, and Section 301 of Title 3 of the United States Code, and in order to ensure that plans and procedures are in place to respond to radiological emergencies at commercial nuclear power plants in operation or under construction, it is hereby ordered as follows:

#### **Section 1. Scope.**

(a) This Order applies whenever State or local governments, either individually or together, decline or fail to prepare commercial nuclear power plant radiological emergency preparedness plans that are sufficient to satisfy Nuclear Regulatory Commission ("NRC") licensing requirements or to participate adequately in the preparation, demonstration, testing, exercise, or use of such plans.

(b) In order to request the assistance of the Department of Homeland Security ("DHS") provided for in this Order, an affected nuclear power plant applicant or licensee ("licensee") shall certify in writing to DHS that the situation described in Subsection (a) exists.

#### **Sec. 2. Generally Applicable Principles and Directives.**

(a) Subject to the principles articulated in this Section, the Secretary of Homeland Security is hereby authorized and directed to take the actions specified in Sections 3 through 6 of this Order.

(b) In carrying out any of its responsibilities under this Order, DHS:

(1) shall work actively with the licensee, and, before relying upon its resources or those of any other Department or agency within the Executive branch, shall make maximum feasible use of the licensee's resources;

(2) shall take care not to supplant State and local resources. DHS shall substitute its own resources for those of the State and local governments only to the extent necessary to compensate for the nonparticipation or inadequate participation of those governments, and only as a last resort after appropriate consultation with the Governors and responsible local officials in the affected area regarding State and local participation;

(3) is authorized, to the extent permitted by law, to enter into interagency Memoranda of Understanding providing for utilization of the resources of other Executive branch Departments and agencies and for delegation to other Executive branch Departments and agencies of any of the functions and duties assigned to FEMA under this Order; however, any such Memorandum of Understanding shall be subject to approval by the Director of the Office of Management and Budget ("OMB") and published in final form in the *Federal Register*; and

(4) shall assume for purposes of Sections 3 and 4 of this Order that, in the event of an actual radiological emergency or disaster, State and local authorities would contribute their full resources and exercise their authorities in accordance with their duties to protect the public from harm and would act generally in conformity with the licensee's radiological emergency preparedness plan.

(c) The Director of OMB shall resolve any issue concerning the obligation of Federal funds arising from the implementation of this Order. In resolving issues under this Subsection, the Director of OMB shall ensure:

(1) that DHS has utilized to the maximum extent possible the resources of the licensee and State and local governments before it relies upon its appropriated and lawfully available resources or those of any Department or agency in the Executive branch;

(2) that DHS shall use its existing resources to coordinate and manage, rather than duplicate, other available resources;

(3) that implementation of this Order is accomplished with an economy of resources; and

(4) that full reimbursement to the Federal Government is provided, to the extent permitted by law.

**Sec. 3. FEMA Participation in Emergency Preparedness Planning.**

(a) DHS assistance in emergency preparedness planning shall include advice, technical assistance, and arrangements for facilities and resources as needed to satisfy the emergency planning requirements under the Atomic Energy Act of 1954, as amended, and any other Federal legislation or regulations

pertaining to issuance or retention of a construction permit or an operating license for a nuclear power plant.

(b) DHS shall make all necessary plans and arrangements to ensure that the Federal Government is prepared to assume any and all functions and undertakings necessary to provide adequate protection to the public in cases within the scope of this Order. In making such plans and arrangements,

(1) DHS shall focus planning of Federal response activities to ensure that:

(A) adequate resources and arrangements will exist, as of the time when an initial response is needed, given the absence or inadequacy of advance State and local commitments; and

(B) attention has been given to coordinating (including turning over) response functions when State and local governments do exercise their authority, with specific attention to the areas where prior State and local participation has been insufficient or absent;

(2) DHS's planning for Federal participation in responding to a radiological emergency within the scope of this Order shall include, but not be limited to, arrangements for using existing Federal resources to provide prompt notification of the emergency to the general public; to assist in any necessary evacuation; to provide reception centers or shelters and related facilities and services for evacuees; to provide emergency medical services at Federal hospitals, including those operated by the military services and by the Veterans' Administration; and to ensure the creation and maintenance of channels of communication from commercial nuclear power plant licensees or applicants to State and local governments and to surrounding members of the public.

#### **Sec. 4. Evaluation of Plans.**

(a) DHS shall consider and evaluate all plans developed under the authority of this Order as though drafted and submitted by a State or local government.

(b) DHS shall take all actions necessary to carry out the evaluation referred to in the preceding Subsection and to permit the NRC to conduct its evaluation of radiological emergency preparedness plans including, but not limited to, planning, participating in, and evaluating exercises, drills, and tests, on a timely basis, as necessary to satisfy NRC requirements for demonstrations of off-site radiological emergency preparedness.

#### **Sec. 5. Response to a Radiological Emergency.**

(a) In the event of an actual radiological emergency or disaster, DHS shall take all steps necessary to ensure the implementation of the plans developed under this Order and shall coordinate the actions of other Federal agencies to achieve the maximum effectiveness of Federal efforts in responding to the emergency.

(b) DHS shall coordinate Federal response activities to ensure that adequate resources are directed, when an initial re-

response is needed, to activities hindered by the absence or inadequacy of advance State and local commitments. DHS shall also coordinate with State and local governmental authorities and turn over response functions as appropriate when State and local governments do exercise their authority.

(c) DHS shall assume any necessary command-and-control function, or delegate such function to another Federal agency, in the event that no competent State and local authority is available to perform such function.

(d) In any instance in which Federal personnel may be called upon to fill a command-and-control function during a radiological emergency, in addition to any other powers it may have, FEMA or its designee is authorized to accept volunteer assistance from utility employees and other nongovernmental personnel for any purpose necessary to implement the emergency response plan and facilitate off-site emergency response.

**Sec. 6. Implementation of Order.**

(a) DHS shall issue interim and final directives and procedures implementing this Order as expeditiously as is feasible and in any event shall issue interim directives and procedures not more than 90 days following the effective date of this Order and shall issue final directives and procedures not more than 180 days following the effective date of this Order.

(b) Immediately upon the effective date of this Order, DHS shall review, and initiate necessary revisions of, all DHS regulations, directives, and guidance to conform them to the terms and policies of this Order.

(c) Immediately upon the effective date of this Order, DHS shall review, and initiate necessary renegotiations of, all inter-agency agreements to which DHS is a party, so as to conform them to the terms and policies of this Order. This directive shall include, but not be limited to, the Federal Radiological Emergency Response Plan (50 Fed. Reg. 46542 (November 8, 1985)).

(d) To the extent permitted by law, DHS is directed to obtain full reimbursement, either jointly or severally, for services performed by DHS or other Federal agencies pursuant to this Order from any affected licensee and from any affected non-participating or inadequately participating State or local government.

**Sec. 7. Amendments.** This Executive Order amends Executive Order Nos. 11490 (34 Fed. Reg. 17567 (October 28, 1969)), 12148 (44 Fed. Reg. 43239 July 20, 1979)), and 12241 (45 Fed. Reg. 64879 (September 29, 1980)), and the same are hereby superseded to the extent that they are inconsistent with this Order.

**Sec. 8. Judicial Review.** This Order is intended only to improve the internal management of the Executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

**Sec. 9. Effective Date.** This Order shall be effective November 18, 1988.

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**Executive Orders Issued by  
President George H.W. Bush**

(1989-1993)

EXECUTIVE ORDERS 12673-12830

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## EXECUTIVE ORDER 12673

### DELEGATION OF DISASTER RELIEF AND EMERGENCY ASSISTANCE FUNCTIONS

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Signed:	March 23, 1989
Federal Register page and date:	54 FR 12571; March 28, 1989
Amended by:	EO 13286, February 28, 2003

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By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*), and in order to conform delegations of authority to recent legislation, it is hereby ordered as follows:

**Section 1.** Section 4-203 of Executive Order No. 12148 is amended to read:

**Section 4-203.** The functions vested in the President by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*), except those functions vested in the President by Section 401 (relating to the declaration of major disasters and emergencies), Section 501 (relating to the declaration of emergencies), Section 405 (relating to the repair, reconstruction, restoration, or replacement of Federal facilities), and Section 412 (relating to food coupons and distribution), are hereby delegated to the Director of the Federal Emergency Management Agency.

**Sec. 2.** Section 3 of Executive Order No. 11795 is amended by removing the words "Section 409" and inserting "Section 412" in place thereof.

**Sec. 3.** The functions vested in the President by Section 103(e)(2) of the Disaster Relief and Emergency Assistance Amendments of 1988, Public Law 100-707 (relating to the transmission of a report to the Committee on Public Works and Transportation of the House of Representatives and to the Committee on Environment and Public Works of the Senate), are hereby delegated to the Director of the Federal Emergency Management Agency.

**Sec. 4.** The functions vested in the President by Section 110 of the Disaster Relief and Emergency Assistance Amendments of 1988, Public Law 100-707, are hereby delegated to the Director of the Federal Emergency Management Agency.

**Sec. 5.** The functions vested in the President by Section 113 of the Disaster Relief and Emergency Assistance Amendments of 1988,

Public Law 100-707, are hereby delegated to the Director of the Federal Emergency Management Agency.

**Sec. 6.** The amendments to Executive Order No. 12148 that are made by Section 1 of this Executive Order shall not affect the administration of any assistance for major disasters or emergencies declared by the President before the effective date of "The Disaster Relief and Emergency Assistance Amendments of 1988."



## EXECUTIVE ORDER 12699

### SEISMIC SAFETY OF FEDERAL AND FEDERALLY ASSISTED OR REGULATED NEW BUILDING CONSTRUCTION

{AS AMENDED BY EO 13286}

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Signed:	January 5, 1990
Federal Register page and date:	55 FR 835; January 9, 1990
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and laws of the United States of America, and in furtherance of the Earthquake Hazards Reduction Act of 1977, as amended *et seq.*), which requires that Federal preparedness and mitigation activities are to include “development and promulgation of specifications, building standards, design criteria, and construction practices to achieve appropriate earthquake resistance for new . . . structures,” and “an examination of alternative provisions and requirements for reducing earthquake hazards through Federal and federally financed construction, loans, loan guarantees, and licenses. . . .” (f)(3, 4)), it is hereby ordered as follows:

#### **Section 1. Requirements for Earthquake Safety of New Federal Buildings.**

The purposes of these requirements are to reduce risks to the lives of occupants of buildings owned by the Federal Government and to persons who would be affected by the failures of Federal buildings in earthquakes, to improve the capability of essential Federal buildings to function during or after an earthquake, and to reduce earthquake losses of public buildings, all in a cost-effective manner. A building means any structure, fully or partially enclosed, used or intended for sheltering persons or property.

Each Federal agency responsible for the design and construction of each new Federal building shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards. This requirement pertains to all building projects for which development of detailed plans and specifications is initiated subsequent to the issuance of the order. Seismic design and construction standards shall be adopted for agency use in accord with sections 3(a) and 4(a) of this order.

#### **Sec. 2. Federally Leased, Assisted, or Regulated Buildings.**

The purposes of these requirements are to reduce risks to the lives of occupants of building leased for Federal uses or purchased or constructed with Federal assistance, to reduce risks to the lives

of persons who would be affected by earthquake failures of federally assisted or regulated buildings, and to protect public investments, all in a cost-effective manner. The provisions of this order shall apply to all the new construction activities specified in the subsections below.

(a) *Space leased for Federal Occupancy.* Each Federal agency responsible for the construction and lease of a new building for Federal use shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards. This requirement pertains to all leased building projects for which the agreement covering development of detailed plans and specifications is effected subsequent to the issuance of this order. Local building codes shall be used in design and construction by those concerned with such activities in accord with section 3(a) and 3(c) of this order and augmented when necessary to achieve appropriate seismic design and construction standards.

(b) **FEDERAL DOMESTIC ASSISTANCE PROGRAMS.** Each Federal agency assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings shall plan, and shall initiate no later than 3 years subsequent to the issuance of this order, measures consistent with section 3(a) of this order, to assure appropriate consideration of seismic safety.

(c) **FEDERALLY REGULATED BUILDINGS.** Each Federal agency with generic responsibility for regulating the structural safety of buildings shall plan to require use of appropriate seismic design and construction standards for new buildings within the agency's purview. Implementation of the plan shall be initiated no later than 3 years subsequent to the issuance of this order.

### **Sec. 3. Concurrent Requirements.**

(a) In accord with Office of Management and Budget Circular A-119 of January 17, 1980, entitled "Federal Participation in the Development and Use of Voluntary Standards," nationally recognized private sector standards and practices shall be used for the purposes identified in sections 1 and 2 above unless the responsible agency finds that none is available that meets its requirements. The actions ordered herein shall consider the seismic hazards in various areas of the country to be as shown in the most recent edition of the American National Standards Institute Standards A58, Minimum Design Loads for Buildings and Other Structures, or subsequent maps adopted for Federal use in accord with this order. Local building codes determined by the responsible agency or by the Interagency Committee for Seismic Safety in Construction to provide adequately for seismic safety, or special seismic standards and practices required by unique agency mission needs, may be used.

(b) All orders, regulations, circulars, or other directives issued, and all other actions taken prior to the date of this order that meet the requirements of this order, are hereby

confirmed and reatified and shall be deemed to have been issued under this order.

(c) Federal agencies that are as of this date requiring seismic safety levels that are higher than those imposed by this order in their assigned new building construction programs shall continue to maintain in force such levels.

(d) Nothing in this order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 402, 403, 502, and 503 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) 5170b, 5192, and 5193), or for temporary housing assistance programs and individual and family grants performed pursuant to Sections 408 and 411 of the Stafford Act and 5178). However, this order shall apply to other provisions of the Stafford Act after a presidentially declared major disaster or emergency when assistance actions involve new construction or total replacement of a building. Grantees and subgrantees shall be encouraged to adopt the standards established in section 3(a) of this order for use when the construction does not involve Federal funding as well as when Department of Homeland Security funding applies.

#### **Sec. 4. Agency Responsibility.**

(a) The Secretary of Homeland Security shall be responsible for reporting to the President on the execution of this order and providing support for the secretariat of the Interagency Committee on Seismic Safety in Construction (ICSSC). The ICSSC, using consensus procedures, shall be responsible to FEMA for the recommendation for adoption of cost-effective seismic design and construction standards and practices required by sections 1 and 2 of this order. Participation in ICSSC shall be open to all agencies with programs affected by this order.

(b) To the extent permitted by law, each agency shall issue or amend existing regulations or procedures to comply with this order within 3 years of its issuance and plan for their implementation through the usual budget process. Thereafter, each agency shall review, within a period not to exceed 3 years, its regulations or procedures to assess the need to incorporate new or revised standards and practices.

#### **Sec. 5. Reporting.**

The Department of Homeland Security shall request, from each agency affected by this order, information on the status of its procedures, progress in its implementation plan, and the impact of this order on its operations. The Department of Homeland Security shall include an assessment of the execution of this order in its annual report to the Congress on the National Earthquake Hazards Reduction Program.

#### **Sec. 6. Judicial Review.**

Nothing in this order is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any question.



## EXECUTIVE ORDER 12727

### ORDERING THE SELECTED RESERVE OF THE ARMED FORCES TO ACTIVE DUTY

{AS AMENDED BY EO 13286}

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Signed:	August 22, 1990
Federal Register page and date:	55 FR 35027; August 27, 1990
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 673b of title 10 of the United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operational missions in and around the Arabian Peninsula. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when the latter is not operating as a service in the Department of the Navy, to order to active duty units and individual members not assigned to units, of the Selected Reserve.

This order is intended only to improve the internal management of the executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

This order shall be published in the *Federal Register* and transmitted promptly to the Congress.



## EXECUTIVE ORDER 12728

### DELEGATING THE PRESIDENT'S AUTHORITY TO SUSPEND ANY PROVISION OF LAW RELATING TO THE PROMOTION, RE- TIREMENT, OR SEPARATION OF MEMBERS OF THE ARMED FORCES

{AS AMENDED BY EO 13286}

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Signed:	August 22, 1990
Federal Register page and date:	55 FR 35029; August 27, 1990
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 673c of title 10 of the United States Code and section 301 of title 3 of the United States Code, I hereby order:

**Section 1.** The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by section 673c of title 10 of the United States Code (1) to suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces determined to be essential to the national security of the United States, and (2) to determine, for the purposes of said section, that members of the armed forces are essential to the national security of the United States.

**Sec. 2.** The authority delegated to the Secretary of Defense and the Secretary of Homeland Security by this order may be redelegated and further subdelegated to subordinates who are appointed to their offices by the President, by and with the advice and consent of the Senate.

**Sec. 3.** This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.





## EXECUTIVE ORDER 12733

### AUTHORIZING THE EXTENSION OF THE PERIOD OF ACTIVE DUTY OF PERSONNEL OF THE SELECTED RESERVE OF THE ARMED FORCES

{AS AMENDED BY EO 13286}

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Signed:	November 13, 1990
Federal Register page and date:	55 FR 47837; November 15, 1990
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 673b(i) of title 10 of the United States Code, I hereby determine that, in the interests of national security, extending the period of active duty is necessary for the following: units of the Selected Reserve, and members of the Selected Reserve not assigned to a unit organized to serve as a unit of the Selected Reserve, now serving on or hereafter ordered to active duty pursuant to section 673b(a) of title 10 of the United States Code and Executive Order No. 12727 of August 22, 1990. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when the latter is not operating as a service in the Department of the Navy, to extend the period of active duty of such units and members of the Selected Reserve.

This order is intended only to improve the internal management of the executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

This order shall be published in the *Federal Register* and transmitted promptly to the Congress.



## EXECUTIVE ORDER 12742

### NATIONAL SECURITY INDUSTRIAL RESPONSIVENESS

{AS AMENDED BY EO 13286}

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Signed:	January 8, 1991
Federal Register page and date:	56 FR 1079; January 10, 1991
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including and 9501, and it is hereby ordered as follows:

**Section 101. Policy.** The United States must have the capability to rapidly mobilize its resources in the interest of national security. Therefore, to achieve prompt delivery of articles, products, and materials to meet national security requirements, the Government may place orders and require priority performance of these orders.

**Sec. 102. Delegation of Authority under**

(a) Subject to paragraph (b) of this section, the authorities vested in the President, under with respect to the placing of orders for prompt delivery of articles or materials, except for the taking authority under (c), are hereby delegated to:

(1) The Secretary of Agriculture with respect to all food resources;

(2) the Secretary of Energy with respect to all forms of energy;

(3) the Secretary of Transportation with respect to all forms of civil transportation; and

(4) the Secretary of Commerce with respect to all other articles and materials, including construction materials.

(b) The authorities delegated by paragraph (a) of this section shall be exercised only after:

(1) a determination by the Secretary of Defense that prompt delivery of the articles or materials for the exclusive use of the armed forces of the United States is in the interest of national security, or

(2) a determination by the Secretary of Energy that the prompt delivery of the articles or materials for the Department of Energy's atomic energy programs is in the interest of national security.

(c) All determinations of the type described in paragraph (b) of this section and all delegations — made prior to the effective date of this order under the Defense Production Act of

1950, as amended, and under its implementing rules and regulations — shall be continued in effect, including but not limited to approved programs listed under the Defense Priorities and ALlocations System (15 CFR Part 700).

**Sec. 103. Delegation of Authority under and 9501, and**

(a) Subject to paragraph (b) of this section, the authorities vested in the President under and 9501 with respect to the placing of orders for necessary products or materials, and under with respect to the placing of orders for ships or war materials, except for the taking authority vested in the President by these acts, are hereby delegated to:

(1) the Secretary of Agriculture with respect to all food resources;

(2) the Secretary of Energy with respect to all forms of energy;

(3) the Secretary of Transportation with respect to all forms of civil transportation; and

(4) the Secretary of Commerce with respect to all other products and materials, including construction materials.

(b) The authorities delegated in paragraph (a) of this section may be exercised only after the President has made the statutorily required determination.

**Sec. 104. Implementation.**

(a) The authorities delegated under sections 102 and 103 of this order shall include the power to redelegate such authorities, and the power of successive redelegation of such authorities, to departments and agencies, officers, and employees of the Government. The authorities delegated in this order may be implemented by regulations promulgated and administered by the Secretaries of Agriculture, Defense, Energy, Transportation, Homeland Security, and Commerce, and the Director of the Federal Emergency Management Agency, as appropriate.

(b) All departments and agencies delegated authority under this order are hereby directed to amend their rules and regulations as necessary to reflect the new authorities delegated herein that are to be relied upon to carry out their functions. To the extent authorized by law, including and 9501, and all rules and regulations issued under the Defense Production Act of 1950, as amended, with respect to the placing of priority orders for articles, products, ships, and materials, including war materials, shall be deemed, where appropriate, to implement the authorities delegated by sections 102 and 103 of this order, and shall remain in effect until amended or revoked by the respective Secretary. All orders, regulations, and other forms of administrative actions purported to have been issued, taken, or continued in effect pursuant to the Defense Production Act of 1950, as amended, shall, until amended or revoked by the respective Secretaries or the Director of the Federal Emergency Management Agency, as appropriate, remain in full force and effect, to the extent supported by any law or any authority delegated to the respective Secretary or the Director pursuant to this order.

(c) Upon the request of the Secretary of Defense with respect to particular articles, products, or materials that are determined to be needed to meet national security requirements, any other official receiving a delegation of authority under this Executive order to place orders or to enforce precedence of such orders, shall exercise such authority within 10 calendar days of the receipt of the request; provided, that if the head of any department or agency having delegated responsibilities hereunder disagrees with a request of the Secretary of Defense, such department or agency head shall, within 10 calendar days from the receipt of the request, refer the issue to the Assistant to the President for National Security Affairs, who shall ensure expeditious resolution of the issue.

(d) Proposed department and agency regulations and procedures to implement the delegated authority under this order, and any new determinations made under sections 102(b)(1) or (2), shall be coordinated by the Secretary of Homeland Security with all appropriate departments and agencies.

**Sec. 105. Judicial Review.** This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



# EXECUTIVE ORDER 12788

## DEFENSE ECONOMIC ADJUSTMENT PROGRAM

{AS AMENDED BY EO 13286, EO 13378}

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Signed:	January 15, 1992
Federal Register page and date:	57 FR 2213; January 21, 1992
Amended by:	EO 13286, February 28, 2003 EO 13378, May 12, 2005
Supersedes:	EO 12049, March 27, 1978

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including and the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990, enacted as Division D, section 4001 *et seq.*, of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, and to provide coordinated Federal economic adjustment assistance necessitated by changes in Department of Defense activities, it is hereby ordered as follows:

**Section 1. Function of the Secretary of Defense.** The Secretary of Defense shall, through the Economic Adjustment Committee, design and establish a Defense Economic Adjustment Program.

**Sec. 2.** The Defense Economic Adjustment Program shall

(1) assist substantially and seriously affected communities, businesses, and workers from the effects of major Defense base closures, realignments, and Defense contract-related adjustments, and

(2) assist State and local governments in preventing the encroachment of civilian communities from impairing the operational utility of military installations.

**Sec. 3. Functions of the Defense Economic Adjustment Program.** The Defense Economic Adjustment Program shall:

(a) Identify problems of States, regions, metropolitan areas, or communities that result from major Defense base closures, realignments, and Defense contract-related adjustments, and the encroachment of the civilian community on the mission of military installations and that require Federal assistance;

(b) Use and maintain a uniform socioeconomic impact analysis to justify the use of Federal economic adjustment resources, prior to particular realignments;

(c) Apply consistent policies, practices, and procedures in the administration of Federal programs that are used to assist

Defense-affected States, regions, metropolitan areas, communities, and businesses;

(d) Identify and strengthen existing agency mechanisms to coordinate employment opportunities for displaced agency personnel;

(e) Identify and strengthen existing agency mechanisms to improve reemployment opportunities for dislocated Defense industry personnel;

(f) Assure timely consultation and cooperation with Federal, State, regional, metropolitan, and community officials concerning Defense-related impacts on Defense-affected communities' problems;

(g) Assure coordinated interagency and intergovernmental adjustment assistance concerning Defense impact problems;

(h) Prepare, facilitate, and implement cost-effective strategies and action plans to coordinate interagency and intergovernmental economic adjustment efforts;

(i) Encourage effective Federal, State, regional, metropolitan, and community cooperation and concerted involvement of public interest groups and private sector organizations in Defense economic adjustment activities;

(j) Serve as a clearinghouse to exchange information among Federal, State, regional, metropolitan, and community officials involved in the resolution of community economic adjustment problems. Such information may include, for example, previous studies, technical information, and sources of public and private financing;

(k) Assist in the diversification of local economies to lessen dependence on Defense activities;

(l) Encourage and facilitate private sector interim use of lands and buildings to generate jobs as military activities diminish;

(m) Develop ways to streamline property disposal procedures to enable Defense-impacted communities to acquire base property to generate jobs as military activities diminish; and

(n) Encourage resolution of regulatory issues that impede encroachment prevention and local economic adjustment efforts.

#### **Sec. 4. Economic Adjustment Committee.**

(a) *Membership.* The Economic Adjustment Committee ("Committee") shall be composed of the following individuals, or a designated principal deputy of these individuals, and such other individuals from the executive branch as the President may designate. Such individuals shall include the:

- (1) Secretary of Agriculture;
- (2) Attorney General;
- (3) Secretary of Commerce;
- (4) Secretary of Defense;
- (5) Secretary of Education;
- (6) Secretary of Energy;
- (7) Secretary of Health and Human Services;
- (8) Secretary of Housing and Urban Development;
- (9) Secretary of the Interior;
- (10) Secretary of Labor;



- (11) Secretary of State;
  - (12) Secretary of Transportation;
  - (13) Secretary of the Treasury;
  - (14) Secretary of Veterans Affairs;
  - (15) Secretary of Homeland Security;
  - (16) Chairman, Council of Economic Advisers;
  - (17) Director of the Office of Management and Budget;
  - (18) Director of the Office of Personnel Management;
  - (19) Administrator of the Environmental Protection Agency;
  - (20) Administrator of General Services;
  - (21) Administrator of the Small Business Administration; and,
  - (22) Postmaster General.
- (b) The Secretary of Defense, or the Secretary's designee, shall chair the Committee.
- (c) The Secretaries of Labor and Commerce shall serve as Vice Chairmen of the Committee. The Vice Chairmen shall co-chair the Committee in the absence of both the Chairman and the Chairman's designee and may also preside over meetings of designated representatives of the concerned executive agencies.
- (d) *Executive Director.* The head of the Department of Defense's Office of Economic Adjustment shall provide all necessary policy and administrative support for the Committee and shall be responsible for coordinating the application of the Defense Economic Adjustment Program to Department of Defense activities.
- (e) *Duties.* The Committee shall:
- (1) Advise, assist, and support the Defense Economic Adjustment Program;
  - (2) Develop procedures for ensuring that State, regional, and community officials and representatives of organized labor in those States, municipalities, localities, or labor organizations that are substantially and seriously affected by changes in Defense expenditures, realignments or closures, or cancellation or curtailment of major Defense contracts, are notified of available Federal economic adjustment programs; and,
  - (3) Report annually to the President and then to the Congress on the work of the Economic Adjustment Committee during the preceding fiscal year.

**Sec. 5. Responsibilities of Executive Agencies.**

- (a) The head of each agency represented on the Committee shall designate an agency representative to:
- (1) Serve as a liaison with the Secretary of Defense's economic adjustment staff;
  - (2) Coordinate agency support and participation in economic adjustment assistance projects; and,
  - (3) Assist in resolving Defense-related impacts on Defense-affected communities.
- (b) All executive agencies shall:
- (1) Support, to the extent permitted by law, the economic adjustment assistance activities of the Secretary of

Defense. Such support may include the use and application of personnel, technical expertise, legal authorities, and available financial resources. This support may be used, to the extent permitted by law, to provide a coordinated Federal response to the needs of individual States, regions, municipalities, and communities adversely affected by necessary Defense changes;

(2) Afford priority consideration to requests from Defense-affected communities for Federal technical assistance, financial resources, excess or surplus property, or other requirements, that are part of a comprehensive plan used by the Committee.

**Sec. 6. Judicial Review.**

This order shall not be interpreted to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, its agents, or any person.

**Sec. 7. Construction.**

(a) Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

(b) This order shall be effective immediately and shall supersede Executive Order No. 12049.

## EXECUTIVE ORDER 12789

### DELEGATION OF REPORTING FUNCTIONS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

{AS AMENDED BY EO 13286}

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Signed:	February 10, 1992
Federal Register page and date:	57 FR 5225; February 12, 1992
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, and title IV of the Immigration Reform and Control Act of 1986, Public Law 99-603 (“Reform Act”), it is hereby ordered as follows:

**Section 1.** The Secretary of Homeland Security shall: (a) perform, in coordination with the Secretary of Labor, the functions vested in the President by section 401 of the Reform Act

((b) perform, except for the functions in section 402(3)(A), the functions vested in the President by section 402 of the Reform Act note); and

((c) perform, insofar as they relate to the initial report described in section 404(b), the functions vested in the President by section 404 of the Reform Act note).

**Sec. 2.** The Secretary of Labor shall: (a) perform the functions vested in the President by section 402(3)(A) of the Reform Act note).

((b) perform the functions vested in the President by section 403 of the Reform Act note).

((c) perform, insofar as they relate to the second report described in section 404(c), the functions vested in the President by section 404 of the Reform Act note).

**Sec. 3.** The functions delegated by sections 1 and 2 of this order shall be performed in accordance with the procedures set forth in OMB Circular A-19.

**Sec. 4.** This order shall be effective immediately.



# EXECUTIVE ORDER 12793

## DEFENSE ECONOMIC ADJUSTMENT PROGRAM

{AS AMENDED BY EO 13286}

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Signed:	March 20, 1992
Federal Register page and date:	57 FR 10281; March 25, 1992
Amended by:	EO 13286, February 28, 2003
Supersedes:	EO 10879, June 1, 1960

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and as Commander in Chief of the Armed Forces of the United States, it is ordered of follows;

**Section 1. Presidential Service Certificate.** The Presidential Service Certificate (“Certificate”) is hereby continued, the design of which accompanies and is hereby made a part of this order. The Certificate shall be awarded in the name of the President of the United States by the Secretary of the Army, The Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Homeland Security. It shall be awarded by the appropriate Secretary to members of the Army, Navy, Marine Corps, Air Force, Coast Guard, respectively, who have been assigned to the White House Office; to military units and support facilities under the administration of the White House Military Office; or to other direct support positions within the Executive Office of the President (“EOP”). The Certificate shall not be issued to any member who is issued a Vice Presidential Certificate, or similar EOP Certificate, for the same period of service. Such assignment must be for a period of at least one year, subsequent to January 21, 1989.

**Sec. 2. Presidential Service Badge.** The Presidential Service Badge (“Badge”) is hereby continued, the design of which accompanies and is hereby made a part of this order. The Badge shall be awarded to those members of the Armed Forces who have been granted the Certificate and shall be awarded in the same manner in which the Certificate has been given. The Badge shall be worn as a part of the uniform of those individuals under such regulations as their respective Secretaries may severally prescribe.

**Sec. 3.** Only one Certificate may be awarded to an individual.

**Sec. 4.** The Certificate and the Badge may be granted posthumously.

**Sec. 5.** This order shall supersede Executive Order No. 10879 of June 1, 1960, as amended.

EXECUTIVE ORDER 12807  
INTERDICTION OF ILLEGAL ALIENS  
{AS AMENDED BY EO 13286}

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Signed:	May 24, 1992
Federal Register page and date:	57 FR 23133; June 1, 1992
Amended by:	EO 13286, February 28, 2003
Revokes:	EO 12324, September 29, 1981

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (f) and 1185(a)(1)), and whereas:

(1) The President has authority to suspend the entry of aliens coming by sea to the United States without necessary documentation, to establish reasonable rules and regulations regarding, and other limitations on, the entry or attempted entry of aliens into the United States, and to repatriate aliens interdicted beyond the territorial sea of the United States;

(2) The international legal obligations of the United States under the United Nations Protocol Relating to the Status of Refugees (U.S. T.I.A.S. 6577; 19 U.S.T. 6223) to apply Article 33 of the United Nations Convention Relating to the Status of Refugees do not extend to persons located outside the territory of the United States;

(3) Proclamation No. 4865 suspends the entry of all undocumented aliens into the United States by the high seas; and

(4) There continues to be a serious problem of persons attempting to come to the United States by sea without necessary documentation and otherwise illegally.

I, GEORGE BUSH, President of the United States of America, hereby order as follows:

**Section 1.** The Secretary of State shall undertake to enter into, on behalf of the United States, cooperative arrangements with appropriate foreign governments for the purpose of preventing illegal migration to the United States by sea.

**Sec. 2.**

(a) The Secretary of the Department in which the Coast Guard is operating, in consultation, where appropriate, with the Secretary of Defense, the Attorney General, and the Secretary of State, shall issue appropriate instruction to the Coast Guard in order to enforce the suspension of the entry of un-

documented aliens by sea and the interdiction of any defined vessel carrying such aliens.

(b) Those instructions shall apply to any of the following defined vessels:

(1) Vessels of the United States, meaning any vessel documented or numbered pursuant to the laws of the United States, or owned in whole or in part by the United States, a citizen of the United States, or a corporation incorporated under the laws of the United States or any State, Territory, District, Commonwealth, or possession thereof, unless the vessel has been granted nationality by a foreign nation in accord with Article 5 of the Convention on the High Seas of 1958 (U.S.T.I.A.S. 5200; 13 U.S.T. 2312).

(2) Vessels without nationality or vessels assimilated to vessels without nationality in accordance with paragraph (2) of Article 6 of the Convention on the High Seas of 1958 (U.S. T.I.A.S. 5200; 13 U.S.T. 2312).

(3) Vessels of foreign nations with whom we have arrangements authorizing the United States to stop and board such vessels.

(c) Those instructions to the Coast Guard shall include appropriate directives providing for the Coast Guard:

(1) To stop and board defined vessels, when there is reason to believe that such vessels are engaged in the irregular transportation of persons or violations of United States law or the law of a country with which the United States has an arrangement authorizing such action.

(2) To make inquiries of those on board, examine documents and take such actions as are necessary to carry out this order.

(3) To return the vessel and its passengers to the country from which it came, or to another country, when there is reason to believe that an offense is being committed against the United States immigration laws, or appropriate laws of a foreign country with which we have an arrangement to assist; provided, however, that the Secretary of Homeland Security, in his unreviewable discretion, may decide that a person who is a refugee will not be returned without his consent.

(d) These actions, pursuant to this section, are authorized to be undertaken only beyond the territorial sea of the United States.

**Sec. 3.** This order is intended only to improve the internal management of the Executive Branch. Neither this order nor any agency guidelines, procedures, instructions, directives, rules or regulations implementing this order shall create, or shall be construed to create, any right or benefit, substantive or procedural (including without limitation any right or benefit under the Administrative Procedure Act), legally enforceable by any party against the United States, its agencies or instrumentalities, officers, employees, or any other person. Nor shall this order be construed to require any procedures to determine whether a person is a refugee.



**Sec. 4.** Executive Order No. 12324 is hereby revoked and replaced by this order.

**Sec. 5.** This order shall be effective immediately.



## EXECUTIVE ORDER 12824

### ESTABLISHING THE HOMELAND SECURITY DISTINGUISHED SERVICE MEDAL

{AS AMENDED BY EO 13286}

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Signed:	December 7, 1992
Federal Register page and date:	57 FR 58121; December 9, 1992
Amended by:	EO 13286, February 28, 2003

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

**Section 1.** There is hereby established a Homeland Security Distinguished Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Homeland Security to a member of the Coast Guard who has provided exceptionally meritorious service in a duty of great responsibility while assigned in the Department of Homeland Security, or in other activities under the responsibility of the Secretary of Homeland Security, either national or international, as may be assigned by the Secretary.

**Sec. 2.** The Homeland Security Distinguished Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Transportation and shall be awarded under such regulations as the Secretary shall prescribe. These regulations shall place the Homeland Security Distinguished Service Medal in an order of precedence immediately before the Coast Guard Distinguished Service Medal.

**Sec. 3.** No more than one Homeland Security Distinguished Service Medal shall be awarded to any one person, but for each succeeding exceptionally meritorious period of service justifying such an award, a suitable device may be awarded to be worn with that Medal as prescribed by appropriate regulations of the Department of Homeland Security.

**Sec. 4.** The Homeland Security Distinguished Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Homeland Security.



## EXECUTIVE ORDER 12830

### ESTABLISHING THE MILITARY OUTSTANDING VOLUNTEER SERVICE MEDAL

{AS AMENDED BY EO 13286}

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Signed:	January 9, 1993
Federal Register page and date:	58 FR 4061; January 13, 1993
Amended by:	EO 13286, February 28, 2003

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

**Section 1.** There is hereby established a Military Outstanding Volunteer Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security. Members of the Armed Forces of the United States (including Reserve components) who perform outstanding volunteer service to the civilian community of a sustained, direct, and consequential nature are eligible for the medal.

**Sec. 2.** The Military Outstanding Volunteer Service Medal and ribbons and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense. The Secretary of Defense shall prescribe regulations to govern the award and wear of the Military Outstanding Volunteer Service Medal. The regulations shall place the Military Outstanding Volunteer Service Medal in order of precedence immediately after the Humanitarian Service Medal.

**Sec. 3.** No more than one award of the Military Outstanding Volunteer Service Medal may be made to any one person, but for each subsequent act justifying such an award, a suitable device may be awarded to be worn with that medal as prescribed by appropriate regulations issued by the Secretary of Defense.

**Sec. 4.** The Military Outstanding Volunteer Service Medal may be awarded posthumously, and when so awarded, may be presented to such representatives of the deceased as may be deemed appropriate by the Secretary of Defense or, in the case of a member of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security.



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**Executive Orders Issued by  
President William J. Clinton**

(1993-2001)

EXECUTIVE ORDERS 12835-13165

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## EXECUTIVE ORDER 12835

### ESTABLISHMENT OF THE NATIONAL ECONOMIC COUNCIL

{AS AMENDED BY EO 13286, EO 13499}

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Signed:	January 25, 1993
Federal Register page and date:	58 FR 6189; January 27, 1993
Amended by:	EO 13286, February 28, 2003 EO 13499, February 5, 2009

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By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including sections 105, 107, and 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Establishment.**

There is established the National Economic Council (“the Council”).

**Sec. 2. Membership.** The Council shall comprise the:

- (a) President, who shall serve as Chairman of the Council;
- (b) Vice President;
- (c) Secretary of State;
- (d) Secretary of the Treasury;
- (e) Secretary of Agriculture;
- (f) Secretary of Commerce;
- (g) Secretary of Labor;
- (h) Secretary of Housing and Urban Development;
- (i) Secretary of Transportation;
- (j) Secretary of Energy;
- (k) Secretary of Homeland Security;
- (l) Secretary of Health and Human Services;
- (m) Secretary of Education;
- (n) Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Liaison;
- (o) Assistant to the President for Energy and Climate Change;
- (p) Assistant to the President and Chief Technology Officer;
- (q) Administrator of the Small Business Administration
- (r) Administrator of the Environmental Protection Agency;
- (s) Chair of the Council of Economic Advisers;
- (t) Director of the Office of Management and Budget;
- (u) United States Trade Representative;
- (v) Assistant to the President for Economic Policy;

- (w) Assistant to the President for Domestic Policy;
- (x) National Security Adviser;
- (y) Assistant to the President for Science and Technology Policy; and
- (z) Such other officials of executive departments and agencies as the President may, from time to time, designate.

**Sec. 3. Meetings of the Council.** The President, or upon his direction, the Assistant to the President for Economic Policy (“the Assistant”), may convene meetings of the Council. The President shall preside over the meetings of the Council, provided that in his absence the Vice President, and in his absence the Assistant, will preside.

**Sec. 4. Functions.**

- (a) The principal functions of the Council are:
  - (1) to coordinate the economic policy-making process with respect to domestic and international economic issues;
  - (2) to coordinate economic policy advice to the President;
  - (3) to ensure that economic policy decisions and programs are consistent with the President’s stated goals, and to ensure that those goals are being effectively pursued; and
  - (4) to monitor implementation of the President’s economic policy agenda. The Assistant may take such actions, including drafting a Charter, as may be necessary or appropriate to implement such functions.
- (b) All executive departments and agencies, whether or not represented on the Council, shall coordinate economic policy through the Council.
- (c) In performing the foregoing functions, the Assistant will, when appropriate, work in conjunction with the Assistant to the President for Domestic Policy and the Assistant to the President for National Security.
- (d) The Secretary of the Treasury will continue to be the senior economic official in the executive branch and the President’s chief economic spokesperson. The Director of the Office of Management and Budget, as the President’s principal budget spokesperson, will continue to be the senior budget official in the executive branch. The Council of Economic Advisers will continue its traditional analytic, forecasting and advisory functions.

**Sec. 5. Administration.**

- (a) The Council may function through established or ad hoc committees, task forces or interagency groups.
- (b) The Council shall have a staff to be headed by the Assistant to the President for Economic Policy. The Council shall have such staff and other assistance as may be necessary to carry out the provisions of this order.
- (c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice to the Council as the Council may request, to the extent permitted by law.

## EXECUTIVE ORDER 12859

### ESTABLISHMENT OF THE DOMESTIC POLICY COUNCIL

{AS AMENDED BY EO 13284, EO 13500}

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Signed:	August 16, 1993
Federal Register page and date:	58 FR 44101; August 19, 1993
Amended by:	EO 13284, January 23, 2003 EO 13500, February 5, 2009

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 105, 107, and 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Establishment.**

There is established the Domestic Policy Council (“the Council”).

**Sec. 2. Membership.** The Council shall comprise the:

- (a) President, who shall serve as a Chairman of the Council;
- (b) Vice President;
- (c) Secretary of Health and Human Services;
- (d) Attorney General;
- (e) Secretary of Labor;
- (f) Secretary of Veterans Affairs;
- (g) Secretary of the Interior;
- (h) Secretary of Education;
- (i) Secretary of Housing and Urban Development;
- (j) Secretary of Agriculture;
- (k) Secretary of Transportation;
- (l) Secretary of Commerce;
- (m) Secretary of Energy;
- (n) Secretary of the Treasury;
- (o) Secretary of Homeland Security;
- (p) Administrator of the Environmental Protection Agency;
- (q) Chair of the Council of Economic Advisers;
- (r) Director of the Office of Management and Budget;
- (s) Assistant to the President for Economic Policy;
- (t) Assistant to the President for Domestic Policy;
- (u) Assistant to the President and Director of the Office of National Service;
- (v) Assistant to the President for Energy and Climate Change;
- (w) Director, Office of National Drug Control Policy;

- (x) Assistant to the President and Chief Technology Officer;
  - (y) Chief Executive Officer, Corporation for National and Community Service;
  - (z) Director of the Office of Science and Technology Policy;
- and
- (aa) Such other officials of Executive departments and agencies as the President may, from time to time, designate.

**Sec. 3. Meeting of the Council.** The President, or upon his direction, the Assistant to the President for Domestic Policy (“the Assistant”), may convene meetings of the Council. The President shall preside over the meetings of the Council, provided that in his absence the Vice President, and in his absence the Assistant, will preside.

**Sec. 4. Functions.**

- (a) The principal functions of the Council are:
  - (1) to coordinate the domestic policy-making process;
  - (2) to coordinate domestic policy advice to the President;
  - (3) to ensure that domestic policy decisions and programs are consistent with the President’s stated goals, and to ensure that those goals are being effectively pursued;
  - and (4) to monitor implementation of the President’s domestic policy agenda. The Assistant may take such actions, including drafting a Charter, as may be necessary or appropriate to implement such functions.
- (b) All executive departments and agencies, whether or not represented on the Council, shall coordinate domestic policy through the Council.
- (c) In performing the foregoing functions, the Assistant will, when appropriate, work with the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy.

**Sec. 5. Administration.**

- (a) The Council may function through established or ad hoc committees, task forces or interagency groups.
- (b) The Council shall have a staff to be headed by the Assistant to the President for Domestic Policy. The Council shall have such staff and other assistance as may be necessary to carry out the provisions of this order.
- (c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice to the Council as the Council may request, to the extent permitted by law.

## EXECUTIVE ORDER 12870

### TRADE PROMOTION COORDINATING COMMITTEE

{AS AMENDED BY EO 133286}

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Signed:	September 30, 1993
Federal Register page and date:	58 FR 51753; October 4, 1993
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Export Enhancement Act of 1992 (Public Law 102-429, 106 Stat. 2186), and section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Establishment.** There is established the "Trade Promotion Coordinating Committee" ("TPCC"). The Committee shall comprise representatives of each of the following:

- (a) Department of Commerce
- (b) Department of State;
- (c) Department of the Treasury;
- (d) Department of Agriculture;
- (e) Department of Energy;
- (f) Department of Transportation;
- (g) Department of Defense;
- (h) Department of Labor;
- (i) Department of the Interior;
- (j) Department of Homeland Security;
- (k) Agency for International Development;
- (l) Trade and Development Agency;
- (m) Environmental Protection Agency;
- (n) United States Information Agency;
- (o) Small Business Administration;
- (p) Overseas Private Investment Corporation;
- (q) Export-Import Bank of the United States;
- (r) Office of the United States Trade Representative;
- (s) Council of Economic Advisers;
- (t) Office of Management and Budget;
- (u) National Economic Council;
- (v) National Security Council; and
- (w) at the discretion of the President, such other departments or agencies as may be necessary.

Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as their designated alternatives, shall be individuals who

exercise significant decision-making authority in their respective departments or agencies.

**Sec. 2. Chairperson.** The Secretary of Commerce shall be the chairperson of the TPCC.

**Sec. 3. Purpose.** The purpose of the TPCC shall be to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government and to develop a governmentwide strategic plan for carrying out such programs.

**Sec. 4. Duties.** The TPCC shall:

(a) coordinate the development of the trade promotion policies and programs of the United States Government;

(b) provide a central source of information for the business community on Federal export promotion and export financing programs;

(c) coordinate official trade promotion efforts to ensure better delivery of services to U.S. businesses, including:

(1) information and counseling on U.S. export promotion and export financing programs and opportunities in foreign markets;

(2) representation of U.S. business interests abroad;

and  
(3) assistance with foreign business contacts and projects;

(d) prevent unnecessary duplication in Federal export promotion and export financing activities;

(e) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations, through the Director of the Office of Management and Budget to the President, based on its assessment; and

(f) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

**Sec. 5. Strategic Plan.** To carry out section 4 of this order, the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall:

(a) establish a set of priorities for Federal activities in support of U.S. exports and explain the rationale for the priorities;

(b) review current Federal programs designed to promote the sale of U.S. exports in light of the priorities established under paragraph (a) of this section and develop a plan to bring such activities into line with those priorities and to improve coordination of such activities;

(c) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;

(d) propose, through the Director of the Office of Management and Budget, to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (b) of this section and eliminates funding for the areas

of overlap and duplication identified under paragraph (c) of this section; and

(e) review efforts by the States to promote U.S. exports and propose means of developing cooperation between State and Federal efforts, including co-location, cost-sharing between Federal and State export promotion programs, and sharing of market research data.

**Sec. 6. Report.** The chairperson of the TPCC, with the approval of the President, shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to section 5 of this order, the implementation of such a plan, and any revisions to the plan.





# EXECUTIVE ORDER 12881

## ESTABLISHMENT OF THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL

{AS AMENDED BY EO 13284}

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Signed:	November 23, 1993
Federal Register page and date:	58 FR 62491; November 26, 1993
Amended by:	EO 13284, January 23, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Establishment.** There is established the National Science and Technology Council (“the Council”).

**Sec. 2. Membership.** The Council shall comprise the:

- (a) President, who shall serve as Chairman of the Council;
- (b) Vice President;
- (c) Secretary of Commerce;
- (d) Secretary of Defense;
- (e) Secretary of Energy;
- (f) Secretary of Health and Human Services;
- (g) Secretary of State;
- (h) Secretary of the Interior;
- (i) Secretary of Homeland Security;
- (j) Administrator, National Aeronautics and Space Administration;
- (k) Director, National Science Foundation;
- (l) Director of the Office of Management and Budget;
- (m) Administrator, Environmental Protection Agency;
- (n) Assistant to the President for Science and Technology;
- (o) National Security Adviser;
- (p) Assistant to the President for Economic Policy;
- (q) Assistant to the President for Domestic Policy; and
- (r) Such other officials of executive departments and agencies as the President may, from time to time, designate.

**Sec. 3. Meetings of the Council.** The President or, upon his direction, the Assistant to the President for Science and Technology (“the Assistant”), may convene meetings of the Council. The President shall preside over the meetings of the Council, provided that in his absence the Vice President, and in his absence the Assistant, will preside.

**Sec. 4. Functions.**

(a) The principal functions of the Council are, to the extent permitted by law:

(1) to coordinate the science and technology policy-making process;

(2) to ensure science and technology policy decisions and programs are consistent with the President's stated goals;

(3) to help integrate the President's science and technology policy agenda across the Federal Government;

(4) to ensure science and technology are considered in development and implementation of Federal policies and programs; and

(5) to further international cooperation in science and technology. The Assistant may take such actions, including drafting a Charter, as may be necessary or appropriate to implement such functions.

(b) All executive departments and agencies, whether or not represented on the Council, shall coordinate science and technology policy through the Council and shall share information on research and development budget requests with the Council.

(c) The Council shall develop for submission to the Director of the Office of Management and Budget recommendations on research and development budgets that reflect national goals. In addition, the Council shall provide advice to the Director of the Office of Management and Budget concerning the agencies' research and development budget submissions.

(d) The Assistant will, when appropriate, work in conjunction with the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, the Director of the Office of Management and Budget, and the National Security Adviser.

**Sec. 5. Administration.**

(a) The Council will oversee the duties of the Federal Coordinating Council for Science, Engineering, and Technology, the National Space Council, and the National Critical Materials Council.

(b) The Council may function through established or ad hoc committees, task forces, or interagency groups.

(c) To the extent practicable and permitted by law, executive departments and agencies shall make resources, including, but not limited to, personnel, office support, and printing, available to the Council as requested by the Assistant.

(d) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice to the Council as the Council may request, to the extent permitted by law.

## EXECUTIVE ORDER 12898

### ECONOMY AND EFFICIENCY IN GOVERNMENT PROCUREMENT THROUGH COMPLIANCE WITH CERTAIN IMMIGRATION AND NATIONALITY ACT PROVISIONS AND USE OF AN ELEC- TRONIC EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM

{AS AMENDED BY EO 13286 AND EO 13465}

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Signed:	February 13, 1996
Federal Register page and date:	61 FR 6091; February 15, 1996
Amended by:	EO 13286, February 28, 2003 EO 13465, June 6, 2008

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This order is designed to promote economy and efficiency in Federal Government procurement. Stability and dependability are important elements of economy and efficiency. A contractor whose workforce is less stable will be less likely to produce goods and services economically and efficiently than a contractor whose workforce is more stable. It is the policy of the executive branch to enforce fully the immigration laws of the United States, including the detection and removal of illegal aliens and the imposition of legal sanctions against employers that hire illegal aliens. Because of the worksite enforcement policy of the United States and the underlying obligation of the executive branch to enforce the immigration laws, contractors that employ illegal aliens cannot rely on the continuing availability and service of those illegal workers, and such contractors inevitably will have a less stable and less dependable workforce than contractors that do not employ such persons. Where a contractor assigns illegal aliens to work on Federal contracts, the enforcement of Federal immigration laws imposes a direct risk of disruption, delay, and increased expense in Federal contracting. Such contractors are less dependable procurement sources, even if they do not knowingly hire or knowingly continue to employ unauthorized workers.

Contractors that adopt rigorous employment eligibility confirmation policies are much less likely to face immigration enforcement actions, because they are less likely to employ unauthorized workers, and they are therefore generally more efficient and dependable procurement sources than contractors that do not employ the best available measures to verify the work eligibility of their workforce. It is the policy of the executive branch to use an electronic employment verification system because, among other reasons, it provides the best available means to confirm the identity and work eligibility of all

employees that join the Federal workforce. Private employers that choose to contract with the Federal Government should meet the same standard.

I find, therefore, that adherence to the general policy of contracting only with providers that do not knowingly employ unauthorized alien workers and that have agreed to utilize an electronic employment verification system designated by the Secretary of Homeland Security to confirm the employment eligibility of their workforce will promote economy and efficiency in Federal procurement.

Now, Therefore, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 121(a) of title 40 and section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1.**

(a) It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies should not contract with employers that have not complied with section 274A(a)(1)(A) and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)(A), 1324a(a)(2)) (the “INA employment provisions”) prohibiting the unlawful employment of aliens.

(b) It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies may not enter into contracts with employers that do not use the best available means to confirm the work authorization of their workforce.

(c) It is the policy of the executive branch to enforce fully the antidiscrimination provisions of the INA. Nothing in this order relieves employers of antidiscrimination obligations under section 274B of the INA (8 U.S.C. 1324b) or any other law.

(d) All discretion under this order shall be exercised consistent with the policies set forth in this section.

**Sec. 2.** Contractor, as used in this Executive order, shall have the same meaning as defined in subpart 9.4 of the Federal Acquisition Regulation.

**Sec. 3.** Using the procedures established pursuant to 8 U.S.C. 1324a(e):

(a) the Secretary of Homeland Security may investigate to determine whether a contractor or an organizational unit thereof is not in compliance with the INA employment provisions;

(b) the Secretary of Homeland Security shall receive and may investigate complaints by employees of any entity covered under section 3(a) of this order where such complaints allege noncompliance with the INA employment provisions; and

(c) the Secretary of Homeland Security or the Attorney General shall hold such hearings as are required under 8

U.S.C. 1324a(e) to determine whether an entity covered under section 3(a) is not in compliance with the INA employment provisions.

**Sec. 4.**

(a) Whenever the Secretary of Homeland Security or the Attorney General determines that a contractor or an organizational unit thereof is not in compliance with the INA employment provisions, the Secretary of Homeland Security or the Attorney General shall transmit that determination to the appropriate contracting agency and such other Federal agencies as the Secretary of Homeland Security or the Attorney General may determine. Upon receipt of such determination from the Secretary of Homeland Security or the Attorney General, the head of the appropriate contracting agency shall consider the contractor or an organizational unit thereof for debarment as well as for such other action as may be appropriate in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

(b) The head of the contracting agency may debar the contractor or an organizational unit thereof based on the determination of the Secretary of Homeland Security or the Attorney General that it is not in compliance with the INA employment provisions. Such determination shall not be reviewable in the debarment proceedings.

(c) The scope of the debarment generally should be limited to those organizational units of a Federal contractor that the Secretary of Homeland Security or the Attorney General finds are not in compliance with the INA employment provisions.

(d) The period of the debarment shall be for 1 year and may be extended for additional periods of 1 year if, using the procedures established pursuant to 8 U.S.C. 1324a(e), the Secretary of Homeland Security or the Attorney General determines that the organizational unit of the Federal contractor continues to be in violation of the INA employment provisions.

(e) The Administrator of General Services shall list a debarred contractor or an organizational unit thereof on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs and the contractor or an organizational unit thereof shall be ineligible to participate in any procurement or nonprocurement activities.

**Sec. 5.**

(a) Executive departments and agencies that enter into contracts shall require, as a condition of each contract, that the contractor agree to use an electronic employment eligibility verification system designated by the Secretary of Homeland Security to verify the employment eligibility of:

(i) all persons hired during the contract term by the contractor to perform employment duties within the United States; and

(ii) all persons assigned by the contractor to perform work within the United States on the Federal contract.

(b) The Secretary of Homeland Security:

(i) shall administer, maintain, and modify as necessary and appropriate the electronic employment eligibility verification system designated by the Secretary under subsection (a) of this section; and

(ii) may establish with respect to such electronic employment verification system:

(A) terms and conditions for use of the system; and

(B) procedures for monitoring the use, failure to use, or improper use of the system.

(c) The Secretary of Defense, the Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration shall amend the Federal Acquisition Regulation to the extent necessary and appropriate to implement the debarment responsibility, the employment eligibility verification responsibility, and other related responsibilities assigned to heads of departments and agencies under this order.

(d) Except to the extent otherwise specified by law or this order, the Secretary of Homeland Security and the Attorney General:

(i) shall administer and enforce this order; and

(ii) may, after consultation to the extent appropriate with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of such other departments or agencies as may be appropriate, issue such rules, regulations, or orders, or establish such requirements, as may be necessary and appropriate to implement this order.

**Sec. 6.** Each contracting department and agency shall cooperate with and provide such information and assistance to the Secretary of Homeland Security and the Attorney General as may be required in the performance of their respective functions under this order.

**Sec. 7.** The Secretary of Homeland Security, the Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the heads of contracting departments and agencies may delegate any of their functions or duties under this order to any officer or employee of their respective departments or agencies.

**Sec. 8.**

(a) This order shall be implemented in a manner intended to minimize the burden on participants in the Federal procurement process.

(b) This order shall be implemented in a manner consistent with the protection of intelligence and law enforcement sources, methods, and activities from unauthorized disclosure.

**Sec. 9.**

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

- (i) authority granted by law to a department or agency or the head thereof; or
  - (ii) functions of the Director of the Office of Management and Budget relating to budget, 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.





## EXECUTIVE ORDER 12906

### COORDINATING GEOGRAPHIC DATA ACQUISITION AND ACCESS: THE NATIONAL SPATIAL DATA INFRASTRUCTURE

{AS AMENDED BY EO 13286}

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Signed:	April 11, 1994
Federal Register page and date:	59 FR 17671; April 13, 1994
Amended by:	EO 13286, February 28, 2003

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Geographic information is critical to promote economic development, improve our stewardship of natural resources, and protect the environment. Modern technology now permits improved acquisition, distribution, and utilization of geographic (or geospatial) data and mapping. The National Performance Review has recommended that the executive branch develop, in cooperation with State, local, and tribal governments, and the private sector, a coordinated National Spatial Data Infrastructure to support public and private sector applications of geospatial data in such areas as transportation, community development, agriculture, emergency response, environmental management, and information technology.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America; and to implement the recommendations of the National Performance Review; to advance the goals of the National Information Infrastructure; and to avoid wasteful duplication of effort and promote effective and economical management of resources by Federal, State, local, and tribal governments, it is ordered as follows:

#### **Section 1. Definitions.**

(a) "National Spatial Data Infrastructure" ("NSDI") means the technology, policies, standards, and human resources necessary to acquire, process, store, distribute, and improve utilization of geospatial data.

(b) "Geospatial data" means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth. This information may be derived from, among other things, remote sensing, mapping, and surveying technologies. Statistical data may be included in this definition at the discretion of the collecting agency.

(c) The "National Geospatial Data Clearinghouse" means a distributed network of geospatial data producers, managers, and users linked electronically.

**Sec. 2. Executive Branch Leadership for Development of the Coordinated National Spatial Data Infrastructure.**

(a) The Federal Geographic Data Committee (“FGDC”), established by the Office of Management and Budget (“OMB”) Circular No. A-16 (“Coordination of Surveying, Mapping, and Related Spatial Data Activities”) and chaired by the Secretary of the Department of the Interior (“Secretary”) or the Secretary’s designee, shall coordinate the Federal Government’s development of the NSDI.

(b) Each member agency shall ensure that its representative on the FGDC holds a policy-level position.

(c) Executive branch departments and agencies (“agencies”) that have an interest in the development of the NSDI are encouraged to join the FGDC.

(d) This Executive order is intended to strengthen and enhance the general policies described in OMB Circular No. A-16. Each agency shall meet its respective responsibilities under OMB Circular No. A-16.

(e) The FGDC shall seek to involve State, local, and tribal governments in the development and implementation of the initiatives contained in this order. The FGDC shall utilize the expertise of academia, the private sector, professional societies, and others as necessary to aid in the development and implementation of the objectives of this order.

**Sec. 3. Development of a National Geospatial Data Clearinghouse.**

(a) *Establishing a National Geospatial Data Clearinghouse.* The Secretary, through the FGDC, and in consultation with, as appropriate, State, local, and tribal governments and other affected parties, shall take steps within 6 months of the date of this order, to establish an electronic National Geospatial Data Clearinghouse (“Clearinghouse”) for the NSDI. The Clearinghouse shall be compatible with the National Information Infrastructure to enable integration with that effort.

(b) *Standardized Documentation of Data.* Beginning 9 months from the date of this order, each agency shall document all new geospatial data it collects or produces, either directly or indirectly, using the standard under development by the FGDC, and make that standardized documentation electronically accessible to the Clearinghouse network. Within 1 year of the date of this order, agencies shall adopt a schedule, developed in consultation with the FGDC, for documenting, to the extent practicable, geospatial data previously collected or produced, either directly or indirectly, and making that data documentation electronically accessible to the Clearinghouse network.

(c) *Public Access to Geospatial Data.* Within 1 year of the date of this order, each agency shall adopt a plan, in consultation with the FGDC, establishing procedures to make geospatial data available to the public, to the extent permitted by law, current policies, and relevant OMB circulars, including OMB Circular No. A-130 (“Management of Federal Information Resources”) and any implementing bulletins.

(d) *Agency Utilization of the Clearinghouse.* Within 1 year of the date of this order, each agency shall adopt internal procedures to ensure that the agency accesses the Clearinghouse before it expends Federal funds to collect or produce new geospatial data, to determine whether the information has already been collected by others, or whether cooperative efforts to obtain the data are possible.

(e) *Funding.* The Department of the Interior shall provide funding for the Clearinghouse to cover the initial prototype testing, standards development, and monitoring of the performance of the Clearinghouse. Agencies shall continue to fund their respective programs that collect and produce geospatial data; such data is then to be made part of the Clearinghouse for wider accessibility.

#### **Sec. 4. Data Standards Activities.**

(a) *General FGDC Responsibility.* The FGDC shall develop standards for implementing the NSDI, in consultation and cooperation with State, local, and tribal governments, the private and academic sectors, and, to the extent feasible, the international community, consistent with OMB Circular No. A-119 (“Federal Participation in the Development and Use of Voluntary Standards”), and other applicable law and policies.

(b) *Standards for Which Agencies Have Specific Responsibilities.* Agencies assigned responsibilities for data categories by OMB Circular No. A-16 shall develop, through the FGDC, standards for those data categories, so as to ensure that the data produced by all agencies are compatible.

(c) *Other Standards.* The FGDC may from time to time identify and develop, through its member agencies, and to the extent permitted by law, other standards necessary to achieve the objectives of this order. The FGDC will promote the use of such standards and, as appropriate, such standards shall be submitted to the Department of Commerce for consideration as Federal Information Processing Standards. Those standards shall apply to geospatial data as defined in section 1 of this order.

(d) *Agency Adherence to Standards.* Federal agencies collecting or producing geospatial data, either directly or indirectly (e.g. through grants, partnerships, or contracts with other entities), shall ensure, prior to obligating funds for such activities, that data will be collected in a manner that meets all relevant standards adopted through the FGDC process.

#### **Sec. 5. National Digital Geospatial Data Framework.**

In consultation with State, local, and tribal governments and within 9 months of the date of this order, the FGDC shall submit a plan and schedule to OMB for completing the initial implementation of a national digital geospatial data framework (“framework”) by January 2000 and for establishing a process of ongoing data maintenance. The framework shall include geospatial data that are significant, in the determination of the FGDC, to a broad variety of users within any geographic area or nationwide. At a minimum, the plan shall address how the initial transportation, hydrology,

and boundary elements of the framework might be completed by January 1998 in order to support the decennial census of 2000.

**Sec. 6. Partnerships for Data Acquisition.**

The Secretary, under the auspices of the FGDC, and within 9 months of the date of this order, shall develop, to the extent permitted by law, strategies for maximizing cooperative participatory efforts with State, local, and tribal governments, the private sector, and other nonfederal organizations to share costs and improve efficiencies of acquiring geospatial data consistent with this order.

**Sec. 7. Scope.**

(a) For the purposes of this order, the term “agency” shall have the same meaning as the term “Executive agency” in 5 U.S.C. 105, and shall include the military departments and components of the Department of Defense.

(b) The following activities are exempt from compliance with this order:

(i) national security-related activities of the Department of Defense as determined by the Secretary of Defense;

(ii) national defense-related activities of the Department of Energy as determined by the Secretary of Energy;

(iii) intelligence activities as determined by the Director of Central Intelligence; and

(iv) the national security-related activities of the Department of Homeland Security as determined by the Secretary of Homeland Security.

(c) The NSDI may involve the mapping, charting, and geodesy activities of the Department of Defense relating to foreign areas, as determined by the Secretary of Defense.

(d) This order does not impose any requirements on tribal governments.

(e) Nothing in the order shall be construed to contravene the development of Federal Information Processing Standards and Guidelines adopted and promulgated under the provisions of section 111(d) of the Federal Property and Administrative Services Act of 1949, as amended by the Computer Security Act of 1987 (Public Law 100-235), or any other United States law, regulation, or international agreement.

**Sec. 8. Judicial Review.**

This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

## EXECUTIVE ORDER 12919

### NATIONAL DEFENSE INDUSTRIAL RESOURCES PREPAREDNESS

{AS AMENDED BY EO 13286}

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Signed:	June 3, 1994
Federal Register page and date:	59 FR 29525; June 7, 1994
Amends:	EO 10789, November 14, 1958 EO 11790, June 25, 1974
Amended by:	EO 13286, February 28, 2003
Revoked in part by:	EO 13456, January 23, 2008

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2061, *et seq.*), and section 301 of title 3, United States Code, and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

#### PART I-PURPOSE, POLICY AND IMPLEMENTATION

##### **Section 101.** *Purpose.*

This order delegates authorities and addresses national defense industrial resource policies and programs under the Defense Production Act of 1950, as amended (“the Act”), except for the amendments to Title III of the Act in the Energy Security Act of 1980 and telecommunication authorities under Executive Order No. 12472.

##### **Sec. 102.** *Policy.*

The United States must have an industrial and technology base capable of meeting national defense requirements, and capable of contributing to the technological superiority of its defense equipment in peacetime and in times of national emergency. The domestic industrial and technological base is the foundation for national defense preparedness. The authorities provided in the Act shall be used to strengthen this base and to ensure it is capable of responding to all threats to the national security of the United States.

##### **Sec. 103.** *General Functions.*

Federal departments and agencies responsible for defense acquisition (or for industrial resources needed to support defense acquisition) shall:

- (a) Identify requirements for the full spectrum of national security emergencies, including military, industrial, and essential civilian demand;

(b) Assess continually the capability of the domestic industrial and technological base to satisfy requirements in peacetime and times of national emergency, specifically evaluating the availability of adequate industrial resource and production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel;

(c) Be prepared, in the event of a potential threat to the security of the United States, to take actions necessary to ensure the availability of adequate industrial resources and production capability, including services and critical technology for national defense requirements;

(d) Improve the efficiency and responsiveness, to defense requirements, of the domestic industrial base; and

(e) Foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment to enhance industrial base efficiency and responsiveness.

**Sec. 104. *Implementation.***

(a) The National Security Council is the principal forum for consideration and resolution of national security resource preparedness policy.

(b) The Secretary of Homeland Security (“the Secretary”) shall:

(1) Serve as an advisor to the National Security Council on issues of national security resource preparedness and on the use of the authorities and functions delegated by this order;

(2) Provide for the central coordination of the plans and programs incident to authorities and functions delegated under this order, and provide guidance and procedures approved by the Assistant to the President for National Security Affairs to the Federal departments and agencies under this order;

(3) Establish procedures, in consultation with Federal departments and agencies assigned functions under this order, to resolve in a timely and effective manner conflicts and issues that may arise in implementing the authorities and functions delegated under this order; and

(4) Report to the President periodically concerning all program activities conducted pursuant to this order.

(c) The head of every Federal department and agency assigned functions under this order shall ensure that the performance of these functions is consistent with National Security Council policy and guidelines.

## PART II-PRIORITIES AND ALLOCATIONS

**Sec. 201. *Delegations of Priorities and Allocations.***

(a) The authority of the President conferred by section 101 of the Act to require acceptance and priority performance of contracts or orders (other than contracts of employment) to promote the national defense over performance of any other contracts or orders, and to allocate materials, services, and fa-

cilities as deemed necessary or appropriate to promote the national defense, is delegated to the following agency heads:

(1) The Secretary of Agriculture with respect to food resources, food resource facilities, and the domestic distribution of farm equipment and commercial fertilizer;

(2) The Secretary of Energy with respect to all forms of energy;

(3) The Secretary of Health and Human Services with respect to health resources;

(4) The Secretary of Transportation with respect to all forms of civil transportation;

(5) The Secretary of Defense with respect to water resources; and

(6) The Secretary of Commerce for all other materials, services, and facilities, including construction materials.

(b) The Secretary of Commerce, in consultation with the heads of those departments and agencies specified in subsection 201(a) of this order, shall administer the Defense Priorities and Allocations System (“DPAS”) regulations that will be used to implement the authority of the President conferred by section 101 of the Act as delegated to the Secretary of Commerce in subsection 201(a)(6) of this order. The Secretary of Commerce will redelegate to the Secretary of Defense, and the heads of other departments and agencies as appropriate, authority for the priority rating of contracts and orders for all materials, services, and facilities needed in support of programs approved under section 202 of this order. The Secretary of Commerce shall act as appropriate upon Special Priorities Assistance requests in a time frame consistent with the urgency of the need at hand.

(c) The Secretary, shall attempt to resolve issues or disagreements on priorities or allocations between Federal departments or agencies in a time frame consistent with the urgency of the issue at hand and, if not resolved, such issues will be referred to the Assistant to the President for National Security Affairs for final determination.

(d) The head of each Federal department or agency assigned functions under subsection 201(a) of this order, when necessary, shall make the finding required under subsection 101(b) of the Act. This finding shall be submitted for the President’s approval through the Assistant to the President for National Security Affairs. Upon such approval the head of the Federal department or agency that made the finding may use the authority of subsection 101(a) of the Act to control the general distribution of any material (including applicable services) in the civilian market.

(e) The Assistant to the President for National Security Affairs is hereby delegated the authority under subsection 101(c)(3) of the Act, and will be assisted by the Director, FEMA, in ensuring the coordinated administration of the Act.

**Sec. 202. Determinations.** The authority delegated by section 201 of this order may be used only to support programs that have been determined in writing as necessary or appropriate to promote the national defense:

(a) By the Secretary of Defense with respect to military production and construction, military assistance to foreign nations, stockpiling, outer space, and directly related activities;

(b) By the Secretary of Energy with respect to energy production and construction, distribution and use, and directly related activities; and (c) By the Director, FEMA, with respect to essential civilian needs supporting national defense, including civil defense and continuity of government and directly related activities.

**Sec. 203.** *Maximizing Domestic Energy Supplies.* The authority of the President to perform the functions provided by subsection 101(c) of the Act is delegated to the Secretary of Commerce, who shall redelegate to the Secretary of Energy the authority to make the findings described in subsection 101(c)(2)(A) that the materials (including equipment), services, and facilities are critical and essential. The Secretary of Commerce shall make the finding described in subsection 101(c)(2)(A) of the Act that the materials (including equipment), services, or facilities are scarce, and the finding described in subsection 101(c)(2)(B) that it is necessary to use the authority provided by subsection 101(c)(1).

**Sec. 204.** *Chemical and Biological Warfare.* The authority of the President conferred by subsection 104(b) of the Act is delegated to the Secretary of Defense. This authority may not be further delegated by the Secretary.

### PART III-EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

**Sec. 301.**

(a) *Financing Institution Guarantees.* To expedite or expand production and deliveries or services under government contracts for the procurement of industrial resources or critical technology items essential to the national defense, the head of each Federal department or agency engaged in procurement for the national defense (referred to as “agency head” in this part) and the President and Chairman of the Export-Import Bank of the United States (in cases involving capacity expansion, technological development, or production in foreign countries) are authorized to guarantee in whole or in part any public or private financing institution, subject to provisions of section 301 of the Act. Guarantees shall be made in consultation with the Department of the Treasury as to the terms and conditions thereof. The Director of the Office of Management and Budget (“OMB”) shall be informed when such guarantees are to be made.

(b) *Direct Loan Guarantees.* To expedite or expand production and deliveries or services under government contracts for the procurement of industrial resources or critical technology items essential to the national defense, each agency head is authorized to make direct loan guarantees from funds appropriated to their agency for Title III.

(c) *Fiscal Agent.* Each Federal Reserve Bank is designated and authorized to act, on behalf of any guaranteeing agency,



as fiscal agent in the making of guarantee contracts and in otherwise carrying out the purposes of section 301 of the Act.

(d) *Regulations.* The Board of Governors of the Federal Reserve System is authorized, after consultation with heads of guaranteeing departments and agencies, the Secretary of the Treasury, and the Director, OMB, to prescribe regulations governing procedures, forms, rates of interest, and fees for such guarantee contracts.

**Sec. 302. *Loans.***

(a) To expedite production and deliveries or services to aid in carrying out government contracts for the procurement of industrial resources or a critical technology item for the national defense, an agency head is authorized, subject to the provisions of section 302 of the Act, to submit to the Secretary of the Treasury or the President and Chairman of the Export-Import Bank of the United States (in cases involving capacity expansion, technological development, or production in foreign countries) applications for loans.

(b) To expedite or expand production and deliveries or services under government contracts for the procurement of industrial resources or critical technology items essential to the national defense, each agency head may make direct loans from funds appropriated to their agency for Title III.

(c) After receiving a loan application and determining that financial assistance is not otherwise available on reasonable terms, the Secretary of the Treasury or the President and Chairman of the Export-Import Bank of the United States (in cases involving capacity expansion, technological development, or production in foreign countries) may make loans, subject to provisions of section 302 of the Act.

**Sec. 303. *Purchase Commitments.***

(a) In order to carry out the objectives of the Act, and subject to the provisions of section 303 thereof, an agency head is authorized to make provision for purchases of, or commitments to purchase, an industrial resource or a critical technology item for government use or resale.

(b) Materials acquired under section 303 of the Act that exceed the needs of the programs under the Act may be transferred to the National Defense Stockpile, if such transfer is determined by the Secretary of Defense as the National Defense Stockpile Manager to be in the public interest.

**Sec. 304. *Subsidy Payments.*** In order to ensure the supply of raw or nonprocessed materials from high-cost sources, an agency head is authorized to make subsidy payments, after consultation with the Secretary of the Treasury and the Director, OMB, and subject to the provisions of section 303(c) of the Act.

**Sec. 305. *Determinations and Findings.*** When carrying out the authorities in sections 301 through 303 of this order, an agency head is authorized to make the required determinations, judgments, statements, certifications, and findings, in consultation with the Secretary of Defense, Secretary of Energy or Director, FEMA, as appropriate. The agency head shall provide a copy of the deter-

mination, judgment, statement, certification, or finding to the Director, OMB, to the Director, FEMA, and, when appropriate, to the Secretary of the Treasury.

**Sec. 306. *Strategic and Critical Materials.***

(a) The Secretary of the Interior, in consultation with the Secretary of Defense as the National Defense Stockpile Manager and subject to the provisions of section 303 of the Act, is authorized to encourage the exploration, development, and mining of critical and strategic materials and other materials.

(b) An agency head is authorized, pursuant to section 303(g) of the Act, to make provision for the development of substitutes for strategic and critical materials, critical components, critical technology items, and other industrial resources to aid the national defense.

(c) An agency head is authorized, pursuant to section 303(a)(1)(B) of the Act, to make provisions to encourage the exploration, development, and mining of critical and strategic materials and other materials.

**Sec. 307. *Government-owned Equipment.*** An agency head is authorized, pursuant to section 303(e) of the Act, to install additional equipment, facilities, processes, or improvements to facilities owned by the government and to install government-owned equipment in industrial facilities owned by private persons.

**Sec. 308. *Identification of Shortfalls.*** Except during periods of national emergency or after a Presidential determination in accordance with sections 301(e)(1)(D)(ii), 302(c)(4)(B), or 303(a)(7)(B) of the Act, no guarantee, loan or other action pursuant to sections 301, 302, and 303 of the Act to correct an industrial shortfall shall be taken unless the shortfall has been identified in the Budget of the United States or amendments thereto.

**Sec. 309. *Defense Production Act Fund Manager.*** The Secretary of Defense is designated the Defense Production Act Fund Manager, in accordance with section 304(f) of the Act, and shall carry out the duties specified in that section, in consultation with the agency heads having approved Title III projects and appropriated Title III funds.

**Sec. 310. *Critical Items List.***

(a) Pursuant to section 107(b)(1)(A) of the Act, the Secretary of Defense shall identify critical components and critical technology items for each item on the Critical Items List of the Commanders-in-Chief of the Unified and Specified Commands and other items within the inventory of weapon systems and defense equipment.

(b) Each agency head shall take appropriate action to ensure that critical components or critical technology items are available from reliable sources when needed to meet defense requirements during peacetime, graduated mobilization, and national emergency. "Appropriate action" may include restricting contract solicitations to reliable sources, restricting contract solicitations to domestic sources (pursuant to statutory authority), stockpiling critical components, and developing substitutes for critical components or critical technology items.

**Sec. 311. *Strengthening Domestic Capability.*** An agency head, in accordance with section 107(a) of the Act, may utilize the authority of Title III of the Act or any other provision of law, in consultation with the Secretary of Defense, to provide appropriate incentives to develop, maintain, modernize, and expand the productive capacities of domestic sources for critical components, critical technology items, and industrial resources essential for the execution of the national security strategy of the United States.

**Sec. 312. *Modernization of Equipment.*** An agency head, in accordance with section 108(b) of the Act, may utilize the authority of Title III of the Act to guarantee the purchase or lease of advance manufacturing equipment and any related services with respect to any such equipment for purposes of the Act.

#### PART IV-IMPACT OF OFFSETS

**Sec. 401. *Offsets.***

(a) The responsibilities and authority conferred upon the President by section 309 of the Act with respect to offsets are delegated to the Secretary of Commerce, who shall function as the President's Executive Agent for carrying out this authority.

(b) The Secretary of Commerce shall prepare the annual report required by section 309(a) of the Act in consultation with the Secretaries of Defense, Treasury, Labor, State, the United States Trade Representative, the Arms Control and Disarmament Agency, the Director of Central Intelligence, and the heads of other departments and agencies as required. The heads of Federal departments and agencies shall provide the Secretary of Commerce with such information as may be necessary for the effective performance of this function.

(c) The offset report shall be subject to the normal inter-agency clearance process conducted by the Director, OMB, prior to the report's submission by the President to Congress.

#### PART V-VOLUNTARY AGREEMENTS AND ADVISORY COMMITTEES

**Sec. 501. *Appointments.*** The authority of the President under sections 708(c) and (d) of the Act is delegated to the heads of each Federal department or agency, except that, insofar as that authority relates to section 101 of the Act, it is delegated only to the heads of each Federal department or agency assigned functions under section 201(a) of this order. The authority delegated under this section shall be exercised pursuant to the provisions of section 708 of the Act, and copies and the status of the use of such delegations shall be furnished to the Director, FEMA.

**Sec. 502. *Advisory Committees.*** The authority of the President under section 708(d) of the Act and delegated in section 501 of this order (relating to establishment of advisory committees) shall be exercised only after consultation with, and in accordance with, guidelines and procedures established by the Administrator of General Services.

## PART VI-EMPLOYMENT OF PERSONNEL

**Sec. 601.** *National Defense Executive Reserve.*

(a) In accordance with section 710(e) of the Act, there is established in the Executive Branch a National Defense Executive Reserve ("NDER") composed of persons of recognized expertise from various segments of the private sector and from government (except full-time federal employees) for training for employment in executive positions in the Federal Government in the event of an emergency that requires such employment.

(b) The head of any department or agency may establish a unit of the NDER in the department or agency and train members of that unit.

(c) The head of each department or agency with an NDER unit is authorized to exercise the President's authority to employ civilian personnel in accordance with section 703(a) of the Act when activating all or a part of its NDER unit. The exercise of this authority shall be subject to the provisions of subsections 601(d) and (e) of this order and shall not be redelegated.

(d) The head of a department or agency may activate an NDER unit, in whole or in part, upon the written determination that an emergency affecting the national security or defense preparedness of the United States exists and that the activation of the unit is necessary to carry out the emergency program functions of the department or agency.

(e) At least 72 hours prior to activating the NDER unit, the head of the department or agency shall notify, in writing, the Assistant to the President for National Security Affairs of the impending activation and provide a copy of the determination required under subsection 601(d) of this order.

(f) The Secretary shall coordinate the NDER program activities of departments and agencies in establishing units of the Reserve; provide for appropriate guidance for recruitment, training, and activation; and issue necessary rules and guidance in connection with the program.

(g) This order suspends any delegated authority, regulation, or other requirement or condition with respect to the activation of any NDER unit, in whole or in part, or appointment of any NDER member that is inconsistent with the authorities delegated herein, provided that the aforesaid suspension applies only as long as sections 703(a) and 710(e) of the Act are in effect.

**Sec. 602.** *Consultants.* The head of each department or agency assigned functions under this order is delegated authority under sections 710(b) and (c) of the Act to employ persons of outstanding experience and ability without compensation and to employ experts, consultants, or organizations. The authority delegated by this section shall not be redelegated.

## PART VII-LABOR SUPPLY

**Sec. 701.** *Secretary of Labor.* The Secretary of Labor, identified in this section as the Secretary, shall:

(a) Collect, analyze, and maintain data needed to make a continuing appraisal of the nation's labor requirements and the supply of workers for purposes of national defense. All agencies of the government shall cooperate with the Secretary in furnishing information necessary for this purpose, to the extent permitted by law;

(b) In response to requests from the head of a Federal department or agency engaged in the procurement for national defense, consult with and advise that department or agency with respect to

(1) the effect of contemplated actions on labor supply and utilization,

(2) the relation of labor supply to materials and facilities requirements, and

(3) such other matters as will assist in making the exercise of priority and allocations functions consistent with effective utilization and distribution of labor;

(c) Formulate plans, programs, and policies for meeting defense and essential civilian labor requirements;

(d) Project skill shortages to facilitate meeting defense and essential civilian needs and establish training programs;

(e) Determine the occupations and skills critical to meeting the labor requirements of defense and essential civilian activities and, with the assistance of the Secretary of Defense, the Director of Selective Service, and such other persons as the Director, FEMA, may designate, develop policies regulating the induction and deferment of personnel for the armed services, except for civilian personnel in the reserves; and

(f) Administer an effective labor-management relations policy to support the activities and programs under this order with the cooperation of other Federal agencies, including the National Labor Relations Board and the Federal Mediation and Conciliation Service.

## PART VIII-DEFENSE INDUSTRIAL BASE INFORMATION AND REPORTS

## [REVOKED]

**Sec. 801.** *Foreign Acquisition of Companies.* The Secretary of the Treasury, in cooperation with the Department of State, the Department of Defense, the Department of Commerce, the Department of Energy, the Department of Agriculture, the Attorney General, the Department of Homeland Security, and the Director of Central Intelligence, shall complete and furnish a report to the President and then to Congress in accordance with the requirements of section 721(k) of the Act concerning foreign efforts to acquire United States companies involved in research, development, or production of critical technologies and industrial espionage activities directed by foreign governments against private U.S. companies.】

**Sec. 802. *Defense Industrial Base Information System.***

(a) The Secretary of Defense and the heads of other appropriate Federal departments and agencies, as determined by the Secretary of Defense, shall establish an information system on the domestic defense industrial base in accordance with the requirements of section 722 of the Act.

(b) In establishing the information system required by subsection (a) of this order, the Secretary of Defense, the Secretary of Commerce, and the heads of other appropriate Federal departments and agencies, as determined by the Secretary of Defense in consultation with the Secretary of Commerce, shall consult with each other for the purposes of performing the duties listed in section 722(d)(1) of the Act.

(c) The Secretary of Defense shall convene a task force consisting of the Secretary of Commerce and the Secretary of each military department and the heads of other appropriate Federal departments and agencies, as determined by the Secretary of Defense in consultation with the Secretary of Commerce, to carry out the duties under section 722(d)(2) of the Act.

(d) The Secretary of Defense shall report to Congress on a strategic plan for developing a cost-effective, comprehensive information system capable of identifying on a timely, ongoing basis vulnerability in critical components and critical technology items. The plans shall include an assessment of the performance and cost-effectiveness of procedures specified in section 722(b) of the Act.

(e) The Secretary of Commerce, acting through the Bureau of the Census, shall consult with the Secretary of Defense and the Director, FEMA, to improve the usefulness of information derived from the Census of Manufacturers in carrying out section 722 of the Act.

(f) The Secretary of Defense shall perform an analysis of the production base for not more than two major weapons systems of each military department in establishing the information system under section 722 of the Act. Each analysis shall identify the critical components of each system.

(g) The Secretary of Defense, in consultation with the Secretary of Commerce, and the heads of other Federal departments and agencies as appropriate, shall issue a biennial report on critical components and technology in accordance with section 722(e) of the Act.

## PART IX-GENERAL PROVISIONS

**Sec. 901. *Definitions.***

In addition to the definitions in section 702 of the Act, the following definitions apply throughout this order:

(a) "Civil transportation" includes movement of persons and property by all modes of transportation in interstate, intrastate, or foreign commerce within the United States, its territories and possessions, and the District of Columbia, and, without limitation, related public storage and warehousing, ports, services, equipment and facilities, such as transportation carrier shop and repair facilities. However, "civil transpor-

tation” shall not include transportation owned or controlled by the Department of Defense, use of petroleum and gas pipelines, and coal slurry pipelines used only to supply energy production facilities directly. As applied herein, “civil transportation” shall include direction, control, and coordination of civil transportation capacity regardless of ownership.

(b) “Energy” means all forms of energy including petroleum, gas (both natural and manufactured), electricity, solid fuels (including all forms of coal, coke, coal chemicals, coal liquification, and coal gasification), and atomic energy, and the production, conservation, use, control, and distribution (including pipelines) of all of these forms of energy.

(c) “Farm equipment” means equipment, machinery, and repair parts manufactured for use on farms in connection with the production or preparation for market use of food resources.

(d) “Fertilizer” means any product or combination of products that contain one or more of the elements-nitrogen, phosphorus, and potassium-for use as a plant nutrient.

(e) “Food resources” means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being ingested by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. “Food resources” also means all starches, sugars, vegetable and animal or marine fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but does not mean any such material after it loses its identity as an agricultural commodity or agricultural product.

(f) “Food resource facilities” means plants, machinery, vehicles (including on-farm), and other facilities required for the production, processing, distribution, and storage (including cold storage) of food resources, livestock and poultry feed and seed, and for the domestic distribution of farm equipment and fertilizer (excluding transportation thereof).

(g) “Functions” include powers, duties, authority, responsibilities, and discretion.

(h) “Head of each Federal department or agency engaged in procurement for the national defense” means the heads of the Departments of Defense, Energy, and Commerce, as well as those departments and agencies listed in Executive Order No. 10789.

(i) “Heads of other appropriate Federal departments and agencies” as used in part VIII of this order means the heads of such other Federal agencies and departments that acquire information or need information with respect to making any determination to exercise any authority under the Act.

(j) “Health resources” means materials, facilities, health supplies, and equipment (including pharmaceutical, blood collecting and dispensing supplies, biological, surgical textiles, and emergency surgical instruments and supplies) required to prevent the impairment of, improve, or restore the physical and mental health conditions of the population.

(k) “Metals and minerals” means all raw materials of mineral origin (excluding energy) including their refining, smelting, or processing, but excluding their fabrication.

(l) “Strategic and Critical Materials” means materials (including energy) that

(1) would be needed to supply the military, industrial, and essential civilian needs of the United States during a national security emergency, and

(2) are not found or produced in the United States in sufficient quantities to meet such need and are vulnerable to the termination or reduction of the availability of the material.

((m) “Water resources” means all usable water, from all sources, within the jurisdiction of the United States, which can be managed, controlled, and allocated to meet emergency requirements.

**Sec. 902. General.**

((a) Except as otherwise provided in subsection 902(c) of this order, the authorities vested in the President by title VII of the Act may be exercised and performed by the head of each department and agency in carrying out the delegated authorities under the Act and this order.

((b) The authorities which may be exercised and performed pursuant to subsection 902(a) of this order shall include

(1) the power to redelegate authorities, and to authorize the successive redelegation of authorities, to departments and agencies, officers, and employees of the government, and

(2) the power of subpoena with respect to authorities delegated in parts II, III, and IV of this order, provided that the subpoena power shall be utilized only after the scope and purpose of the investigation, inspection, or inquiry to which the subpoena relates have been defined either by the appropriate officer identified in subsection 902(a) of this order or by such other person or persons as the officer shall designate.

((c) Excluded from the authorities delegated by subsection 902(a) of this order are authorities delegated by parts V, VI, and VIII of this order and the authority with respect to fixing compensation under section 703(a) of the Act.

**Sec. 903. Authority.**

All previously issued orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent with this order or are subsequently amended or revoked under proper authority. Nothing in this order shall affect the validity or force of anything done under previous delegations or other assignment of authority under the Act.

**Sec. 904. Effect on other Orders.**

((a) The following are superseded or revoked:

(1) Section 3, Executive Order No. 8248 of September 8, 1939, (4 FR 3864).



(2) Executive Order No. 10222 of March 8, 1951 (16 FR 2247).

(3) Executive Order No. 10480 of August 14, 1953 (18 FR 4939).

(4) Executive Order No. 10647 of November 28, 1955 (20 FR 8769).

(5) Executive Order No. 11179 of September 22, 1964 (29 FR 13239).

(6) Executive Order No. 11355 of May 26, 1967 (32 FR 7803).

(7) Sections 7 and 8, Executive Order No. 11912 of April 13, (41 FR 15825, 15826-27).

(8) Section 3, Executive Order No. 12148 of July 20, 1979, (44 FR 43239, 43241).

(9) Executive Order No. 12521 of June 24, 1985 (50 FR 26335).

(10) Executive Order No. 12649 of August 11, 1988 (53 FR 30639).

(11) Executive Order No. 12773 of September 26, 1991 (56 FR 49387), except that part of the order that amends section 604 of Executive Order 10480.

(b) Executive Order No. 10789 of November 14, 1958, is amended by deleting “and in view of the existing national emergency declared by Proclamation No. 2914 of December 16, 1950,” as it appears in the first sentence.

(c) Executive Order No. 11790, as amended, relating to the Federal Energy Administration Act of 1974, is amended by deleting “Executive Order No. 10480” where it appears in section 4 and substituting this order’s number.

(d) Subject to subsection 904(c) of this order, to the extent that any provision of any prior Executive order is inconsistent with the provisions of this order, this order shall control and such prior provision is amended accordingly.

**Sec. 905. Judicial Review.**

This order is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



## EXECUTIVE ORDER 12941

### SEISMIC SAFETY OF EXISTING FEDERALLY OWNED OR LEASED BUILDING

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Signed:  
Federal Register page and date:

December 1, 1994  
59 FR 62545; December 5, 1994

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the Earthquake Hazards Reduction Act of 1977, as amended by Public Law 101-614, which requires the President to adopt “standards for assessing and enhancing the seismic safety of existing buildings constructed for or leased by the Federal Government which were designed and constructed without adequate seismic design and construction standards” (42 U.S.C. 7705b(a)), it is hereby ordered as follows:

**Section 1. Adoption of Minimum Standards.** The Standards of Seismic Safety for Existing Federally Owned or Leased Buildings (Standards), developed, issued, and maintained by the Interagency Committee on Seismic Safety in Construction (ICSSC), are hereby adopted as the minimum level acceptable for use by Federal departments and agencies in assessing the seismic safety of their owned and leased buildings and in mitigating unacceptable seismic risks in those buildings. The Standards shall be applied, at a minimum, to those buildings identified in the Standards as requiring evaluation and, if necessary, mitigation. Evaluations and mitigations that were completed prior to the date of this order under agency programs that were based on standards deemed adequate and appropriate by the individual agency need not be reconsidered unless otherwise stipulated by the Standards. For the purposes of this order, buildings are defined as any structure, fully or partially enclosed, located within the United States as defined in the Earthquake Hazards Reduction Act of 1977, as amended, (42 U.S.C. 7703(5)), used or intended for sheltering persons or property, except for the exclusions specified in the Standards.

**Sec. 2. Estimating Costs of Mitigation.** Each agency that owns or leases buildings for Federal use shall, within 4 years of the issuance of this order, develop an inventory of their owned and leased buildings and shall estimate the costs of mitigating unacceptable seismic risks in those buildings. The cost estimate shall be based on the exemptions and evaluation and mitigation requirements in the Standards. Guidance for the development of the inventory and cost estimates will be issued by the ICSSC no later

than 1 year after the signing of this order. Cost estimates with supporting documentation shall be submitted to the Director of the Federal Emergency Management Agency (FEMA) no later than 4 years after the signing of this order.

**Sec. 3. Implementation Responsibilities.**

(a) The Federal Emergency Management Agency is responsible for

(1) notifying all Federal departments and agencies of the existence and content of this order;

(2) preparing for the Congress, in consultation with the ICSSC, no later than 6 years after the issuance of this order, a comprehensive report on how to achieve an adequate level of seismic safety in federally owned and leased buildings in an economically feasible manner; and (3) preparing for the Congress on a biennial basis, a report on the execution of this order.

(b) The National Institute of Standards and Technology is responsible for providing technical assistance to the Federal departments and agencies in the implementation of this order.

(c) Federal departments and agencies may request an exemption from this order from the Director of the Office of Management and Budget.

**Sec. 4. Updating Programs.** The ICSSC shall update the Standards at least every 5 years. It shall also update the Standards within 2 years of the publication of the first edition of FEMA's Guidelines for Seismic Rehabilitation of Buildings and Commentary.

**Sec. 5. Judicial Review.** Nothing in this order is intended to create any right to administrative or judicial review, or any other right, benefit, or trust responsibility, substantive or procedural, enforceable at law by any party against the United States, its agencies or instrumentalities, its officers or employees, or any person.

EXECUTIVE ORDER 12949  
FOREIGN INTELLIGENCE PHYSICAL SEARCHES  
{AS AMENDED BY EO 13383}

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Signed:	February 9, 1995
Federal Register page and date:	60 FR 8169; February 13, 1995
Amended by:	EO 13475, October 7, 2008

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By the authority vested in me as President by the Constitution and the laws of the United States, including sections 302 and 303 of the Foreign Intelligence Surveillance Act of 1978 (“Act”) (50 U.S.C. 1801, *et seq.*), as amended by Public Law 103-359, and in order to provide for the authorization of physical searches for foreign intelligence purposes as set forth in the Act, it is hereby ordered as follows:

**Section 1.** Pursuant to section 302(a)(1) of the Act, the Attorney General is authorized to approve physical searches, without a court order, to acquire Foreign intelligence information for periods of up to one year, if the Attorney General makes the certifications required by that section.

**Sec. 2.** Pursuant to section 302(b) of the Act, the Attorney General is authorized to approve applications to the Foreign Intelligence Surveillance Court under section 303 of the Act to obtain orders for physical searches for the purpose of collecting foreign intelligence information.

**Sec. 3.** Pursuant to section 303(a)(7) of the Act, the following officials, each of whom is employed in the area of national security or defense, is designated to make the certifications required by section 303(a)(7) of the Act in support of applications to conduct physical searches:

- (a) Secretary of State;
- (b) Secretary of Defense;
- (c) Director of National Intelligence;
- (d) Director of the Federal Bureau of Investigation;
- (e) Deputy Secretary of State;
- (f) Deputy Secretary of Defense;
- (g) Director of Central Intelligence Agency; and
- (h) Principal Deputy Director of National Intelligence.

None of the above officials, nor anyone officially acting in that capacity, may exercise the authority to make the above certifications, unless that official has been appointed by the President, by and with the advice and consent of the Senate.



EXECUTIVE ORDER 12977  
INTERAGENCY SECURITY COMMITTEE  
{AS AMENDED BY EO 13286}

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Signed:	October 19, 1995
Federal Register page and date:	60 FR 54411; October 24, 1995
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the quality and effectiveness of security in and protection of buildings and facilities in the United States occupied by Federal employees for nonmilitary activities (“Federal facilities”), and to provide a permanent body to address continuing government-wide security for Federal facilities, it is hereby ordered as follows:

**Section 1. Establishment.** There is hereby established within the executive branch the Interagency Security Committee (“Committee”). The Committee shall consist of:

- (a) the Secretary of Homeland Security (“Secretary”);
- (b) representatives from the following agencies, appointed by the agency heads:
  - (1) Department of State;
  - (2) Department of the Treasury;
  - (3) Department of Defense;
  - (4) Department of Justice;
  - (5) Department of the Interior;
  - (6) Department of Agriculture;
  - (7) Department of Commerce;
  - (8) Department of Labor;
  - (9) Department of Health and Human Services;
  - (10) Department of Housing and Urban Development;
  - (11) Department of Transportation;
  - (12) Department of Energy;
  - (13) Department of Education;
  - (14) Department of Veterans Affairs;
  - (15) Environmental Protection Agency;
  - (16) Central Intelligence Agency;
  - (17) Office of Management and Budget; and
  - (18) General Services Administration;
- (c) the following individuals or their designees:
  - (1) the Director, United States Marshals Service;
  - (2) the Assistant to the President for National Security Affairs; and

- (3) the Director, Security Policy Board; and
- (d) such other Federal employees as the President shall appoint.

**Sec. 2. Chair.** The Committee shall be chaired by the Secretary, or the designee of the Secretary.

**Sec. 3. Working Groups.** The Committee is authorized to establish interagency working groups to perform such tasks as may be directed by the Committee.

**Sec. 4. Consultation.** The Committee may consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities under this order, and, at the discretion of the Committee, such other parties may participate in the working groups.

**Sec. 5. Duties and Responsibilities.**

(a) The Committee shall:

(1) establish policies for security in and protection of Federal facilities;

(2) develop and evaluate security standards for Federal facilities, develop a strategy for ensuring compliance with such standards, and oversee the implementation of appropriate security measures in Federal facilities; and

(3) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including but not limited to:

(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

(E) assisting the Secretary in developing and maintaining a centralized security data base of all Federal facilities.

**Sec. 6. Agency Support and Cooperation.**

(a) *Administrative Support.* To the extent permitted by law and subject to the availability of appropriations, the Secretary, acting by and through the Assistant Commissioner, shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions under this order.

(b) *Cooperation.* Each executive agency and department shall cooperate and comply with the policies and recommendations of the Committee issued pursuant to this order, except where the Director of Central Intelligence determines that compliance would jeopardize intelligence sources and methods.



To the extent permitted by law and subject to the availability of appropriations, executive agencies and departments shall provide such support as may be necessary to enable the Committee to perform its duties and responsibilities under this order.

(c) *Compliance.* The Secretary shall be responsible for monitoring Federal agency compliance with the policies and recommendations of the Committee.

**Sec. 7. Judicial Review.**

This order is intended only to improve the internal management of the Federal Government, and is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.



## EXECUTIVE ORDER 12978

### BLOCKING ASSETS AND PROHIBITING TRANSACTIONS WITH SIGNIFICANT NARCOTICS TRAFFICKERS

{AS AMENDED BY EO 13383, EO 13475}

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Signed:	October 21, 1995
Federal Register page and date:	60 FR 54579; October 24, 1995
Amends:	EO 12036, January 24, 1978
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that the actions of significant foreign narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm that they cause in the United States and abroad, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

**Section 1.** Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, I hereby order blocked all property and interests in property that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, of:

- (a) the foreign persons listed in the Annex to this order;
- (b) foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of State:
  - (i) to play a significant role in international narcotics trafficking centered in Colombia; or
  - (ii) materially to assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to this order; and
- (c) persons determined by the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of State, to be owned or

controlled by, or to act for or on behalf of, persons designated in or pursuant to this order.

**Sec. 2.** Further, except to the extent provided in section 203(b) of IEEPA and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, I hereby prohibit the following:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order.

**Sec. 3.** For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, corporation, or other organization, group or subgroup;

(c) the term “United States person” means any United States citizen or national, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States:

(d) the term “foreign person” means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States, but does not include a foreign state; and

(e) the term “narcotics trafficking” means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, cocaine.

**Sec. 4.** The Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out this order.

**Sec. 5.** Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**Sec. 6.**

(a) This order is effective at 12:01 a.m. Eastern Daylight Time on October 22, 1995.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

## EXECUTIVE ORDER 12982

### ORDERING THE SELECTED RESERVE OF THE ARMED FORCES TO ACTIVE DUTY

{AS AMENDED BY EO 13286}

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Signed:	December 8, 1995
Federal Register page and date:	60 FR 63895; December 12, 1995
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operations in and around former Yugoslavia. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve.

This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

This order shall be published in the *Federal Register* and transmitted to the Congress



## EXECUTIVE ORDER 12985

### ESTABLISHING THE ARMED FORCES SERVICE MEDAL

{AS AMENDED BY EO 13286}

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Signed:	January 11, 1996
Federal Register page and date:	61 FR 1209; January 18, 1996
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including my authority as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

**Section 1. Establishment.** There is hereby established the Armed Forces Service Medal with accompanying ribbons and appurtenances, for award to members of the Armed Forces of the United States who, on or after June 1, 1992, in the opinion of the Joint Chiefs of Staff:

(a) Participate, or have participated, as members of United States military units in a United States military operation in which personnel of any Armed Force participate that is deemed to be significant activity; and

(b) Encounter no foreign armed opposition or imminent hostile action.

**Sec. 2. Approval and Award.** The medal, with ribbons and appurtenances, shall be of an appropriate design approved by the Secretary of Defense and shall be awarded by the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, under uniform regulations, as prescribed by the Secretary of Defense. The regulations shall place the Armed Forces Service Medal in an order of precedence immediately before the Humanitarian Service Medal.

**Sec. 3. Criteria.** The medal shall be awarded only for operations for which no other United States service medal is approved. For operations in which personnel of only one Military Department or the Coast Guard participate, the medal shall be awarded only if there is no other suitable award available to the department or the Coast Guard. No more than one medal shall be awarded to any one person, but for each succeeding operation justifying such award a suitable device may be awarded to be worn on the medal or ribbon as prescribed by appropriate regulations.

**Sec. 4. Posthumous Provision.**

The medal may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Defense or the Secretary of Transportation.



## EXECUTIVE ORDER 12989

### ECONOMY AND EFFICIENCY IN GOVERNMENT PROCUREMENT THROUGH COMPLIANCE WITH CERTAIN IMMIGRATION AND NATIONALITY ACT PROVISIONS AND USE OF AN ELEC- TRONIC EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM

{AS AMENDED BY EO 13286, EO 13465}

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Signed:	February 13, 1996
Federal Register page and date:	61 FR 6091; February 15, 1996
Amended by:	EO 13286, February 28, 2003 EO 13465, June 6, 2008

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This order is designed to promote economy and efficiency in Federal Government procurement. Stability and dependability are important elements of economy and efficiency. A contractor whose workforce is less stable will be less likely to produce goods and services economically and efficiently than a contractor whose workforce is more stable. It is the policy of the executive branch to enforce fully the immigration laws of the United States, including the detection and removal of illegal aliens and the imposition of legal sanctions against employers that hire illegal aliens. Because of the worksite enforcement policy of the United States and the underlying obligation of the executive branch to enforce the immigration laws, contractors that employ illegal aliens cannot rely on the continuing availability and service of those illegal workers, and such contractors inevitably will have a less stable and less dependable workforce than contractors that do not employ such persons. Where a contractor assigns illegal aliens to work on Federal contracts, the enforcement of Federal immigration laws imposes a direct risk of disruption, delay, and increased expense in Federal contracting. Such contractors are less dependable procurement sources, even if they do not knowingly hire or knowingly continue to employ unauthorized workers.

Contractors that adopt rigorous employment eligibility confirmation policies are much less likely to face immigration enforcement actions, because they are less likely to employ unauthorized workers, and they are therefore generally more efficient and dependable procurement sources than contractors that do not employ the best available measures to verify the work eligibility of their workforce. It is the policy of the executive branch to use an electronic employment verification system because, among other reasons, it provides the best available means to confirm the identity and work eligibility of all employees that join the Federal workforce. Private em-

employers that choose to contract with the Federal Government should meet the same standard.

I find, therefore, that adherence to the general policy of contracting only with providers that do not knowingly employ unauthorized alien workers and that have agreed to utilize an electronic employment verification system designated by the Secretary of Homeland Security to confirm the employment eligibility of their workforce will promote economy and efficiency in Federal procurement.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 121(a) of title 40 and section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1.**

(a) It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies should not contract with employers that have not complied with section 274A(a)(1)(A) and 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)(A), 1324a(a)(2)) (the "INA employment provisions") prohibiting the unlawful employment of aliens.

(b) It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies may not enter into contracts with employers that do not use the best available means to confirm the work authorization of their workforce.

(c) It is the policy of the executive branch to enforce fully the antidiscrimination provisions of the INA. Nothing in this order relieves employers of antidiscrimination obligations under section 274B of the INA (8 U.S.C. 1324b) or any other law.

(d) All discretion under this order shall be exercised consistent with the policies set forth in this section.

**Sec. 2.** Contractor, as used in this Executive order, shall have the same meaning as defined in subpart 9.4 of the Federal Acquisition Regulation.

**Sec. 3.** Using the procedures established pursuant to 8 U.S.C. 1324a(e)

(a) the Secretary of Homeland Security may investigate to determine whether a contractor or an organizational unit thereof is not in compliance with the INA employment provisions;

(b) the Secretary of Homeland Security shall receive and may investigate complaints by employees of any entity covered under section 3(a) of this order where such complaints allege noncompliance with the INA employment provisions; and

(c) the Attorney General shall hold such hearings as are required under 8 U.S.C. 1324a(e) to determine whether an en-

tity covered under section 3(a) is not in compliance with the INA employment provisions.

**Sec. 4.**

(a) Whenever the Secretary of Homeland Security or the Attorney General determines that a contractor or an organizational unit thereof is not in compliance with the INA employment provisions, the Secretary of Homeland Security or the Attorney General shall transmit that determination to the appropriate contracting agency and such other Federal agencies as the Secretary of Homeland Security or the Attorney General may determine. Upon receipt of such determination from the Secretary of Homeland Security or the Attorney General, the head of the appropriate contracting agency shall consider the contractor or an organizational unit thereof for debarment as well as for such other action as may be appropriate in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

(b) The head of the contracting agency may debar the contractor or an organizational unit thereof based on the determination of the Attorney General that it is not in compliance with the INA employment provisions. Such determination shall not be reviewable in the debarment proceedings.

(c) The scope of the debarment generally should be limited to those organizational units of a Federal contractor that the Attorney General finds are not in compliance with the INA employment provisions.

(d) The period of the debarment shall be for 1 year and may be extended for additional periods of 1 year if, using the procedures established pursuant to 8 U.S.C. 1324a(e), the Secretary of Homeland Security or the Attorney General determines that the organizational unit of the Federal contractor continues to be in violation of the INA employment provisions.

(e) The Administrator of General Services shall list a debarred contractor or an organizational unit thereof on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs and the contractor or an organizational unit thereof shall be ineligible to participate in any procurement or nonprocurement activities.

**Sec. 5.**

(a) Executive departments and agencies that enter into contracts shall require, as a condition of each contract, that the contractor agree to use an electronic employment eligibility verification system designated by the Secretary of Homeland Security to verify the employment eligibility of:

(i) all persons hired during the contract term by the contractor to perform employment duties within the United States; and

(ii) all persons assigned by the contractor to perform work within the United States on the Federal contract.

(b) the Secretary of Homeland Security:

(i) shall administer, maintain, and modify as necessary and appropriate the electronic employment eligi-

bility verification system designated by the Secretary under subsection (a) of this section; and

(ii) may establish with respect to such electronic employment verification system:

(A) terms and conditions for use of the system;

and

(B) procedures for monitoring the use, failure to use, or improper use of the system.

(c) The Secretary of Defense, the Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration shall amend the Federal Acquisition Regulation to the extent necessary and appropriate to implement the debarment responsibility, the employment eligibility verification responsibility, and other related responsibilities assigned to heads of departments and agencies under this order.

(d) Except to the extent otherwise specified by law or this order, the Secretary of Homeland Security and the Attorney General:

(i) shall administer and enforce this order; and

(ii) may, after consultation to the extent appropriate with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of such other departments or agencies as may be appropriate, issue such rules, regulations, or orders, or establish such requirements, as may be necessary and appropriate to implement this order.

**Sec. 6.** Each contracting department and agency shall cooperate with and provide such information and assistance to the Secretary of Homeland Security or the Attorney General as may be required in the performance of their respective functions under this order.

**Sec. 7.** The Secretary of Homeland Security or the Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the heads of contracting departments and agencies may delegate any of their functions or duties under this order to any officer or employee of their respective departments or agencies.

**Sec. 8.**

(a) This order shall be implemented in a manner intended to minimize the burden on participants in the Federal procurement process.

(b) This order shall be implemented in a manner consistent with the protection of intelligence and law enforcement sources, methods, and activities from unauthorized disclosure.

**Sec. 9.**

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

(i) authority granted by law to a department or agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, 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.



EXECUTIVE ORDER 12992  
PRESIDENT'S DRUG POLICY COUNCIL  
{AS AMENDED BY EO 13023, EO 13284}

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Signed:	March 15, 1996
Federal Register page and date:	61 FR 11287; March 19, 1996
Amended by:	EO 13023, November 6, 1996 EO 13284, January 23, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Establishment.** There is established the President's Drug Policy Council ("Council").

**Sec. 2. Membership.**

The Council shall comprise the:

- (a) President, who shall serve as Chairman of the Council;
- (b) Vice President;
- (c) Secretary of State;
- (d) Secretary of the Treasury;
- (e) Secretary of Defense;
- (f) Attorney General;
- (g) Secretary of the Interior;
- (h) Secretary of Agriculture;
- (i) Secretary of Health and Human Services;
- (j) Secretary of Housing and Urban Development;
- (k) Secretary of Transportation;
- (l) Secretary of Education;
- (m) Secretary of Veterans Affairs;
- (n) Secretary of Homeland Security;
- (o) Representative of the United States of America to the United Nations;
- (p) Director of the Office of Management and Budget;
- (q) Chief of Staff to the President;
- (r) Director of National Drug Control Policy;
- (s) Director of Central Intelligence;
- (t) Assistant to the President for National Security Affairs;
- (u) Council to the President;
- (v) Chairman, Joint Chiefs of Staff;
- (w) National Security Advisor to the Vice President; and
- (x) Assistant to the President for Domestic Policy.

As applicable, the Council shall also comprise such other officials of the departments and agencies as the President may, from time to time, designate.

**Sec. 3. Meetings of the Council.** The President, or upon his direction, the Vice President, may convene meetings of the Council. The President shall preside over meetings of the Council, provided that in his absence, the Vice President will preside. The Council will meet at least quarterly.

**Sec. 4. Functions.**

(a) The functions of the Council are to advise and assist the President in:

(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

(2) ensuring coordination among departments and agencies concerning implementation of the President's national drug control strategy.

(b) The Director of National Drug Control Policy will continue to be the senior drug control policy official in the executive branch and the President's chief drug control policy spokesman.

(c) In matters affecting national security interests, the Director of National Drug Control Policy shall work in conjunction with the Assistant to the President for National Security Affairs.

**Sec. 5. Administration.**

(a) The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director of National Drug Control Policy or his representative, in carrying out its functions under this order.

(b) The staff of the Office of National Drug Control Policy, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice as the Council may request, to the extent permitted by law.



## EXECUTIVE ORDER 13048

### IMPROVING ADMINISTRATIVE MANAGEMENT IN THE EXECUTIVE BRANCH

{AS AMENDED BY EO 13284}

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Signed:	June 10, 1997
Federal Register page and date:	62 FR 32467; June 13, 1997
Amended by:	EO 13284, January 23, 2003
Revokes:	EO 12552, February 25, 1986
	EO 12637, April 27, 1988
	EO 12816, October 14, 1992

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Improvement of Government operations is a continuing process that benefits from interagency activities. One group dedicated to such activities is the President's Council on Management Improvement (PCMI), established by Executive Order 12479 in 1984, reestablished by Executive Order 12816 in 1992. In the intervening years, some activities of the PCMI have been assumed by the President's Management Council, the Chief Financial Officers Council, and the Chief Information Officers Council. These organizations are also focussed on improving agencies' use of quality management principles. Other functions have been assigned to individual agencies. Nonetheless, remaining administrative management matters deserve attention across agency lines.

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to improve agency administrative and management practices throughout the executive branch, I hereby direct the following:

#### **Section 1. Interagency Council on Administrative Management.**

(a) *Purpose and Membership.* An Interagency Council on Administrative Management ("Council") is established as an interagency coordination mechanism. The Council shall be composed of the Deputy Director for Management of the Office of Management and Budget, who shall serve as Chair, and one senior administrative management official from each of the following agencies:

1. Department of State;
2. Department of the Treasury;
3. Department of Defense;
4. Department of Justice;
5. Department of the Interior;
6. Department of Agriculture;

7. Department of Commerce;
8. Department of Labor;
9. Department of Health and Human Services;
10. Department of Housing and Urban Development;
11. Department of Transportation;
12. Department of Energy;
13. Department of Education;
14. Department of Veterans Affairs;
15. Department of Homeland Security;
16. Environmental Protection Agency;
17. Federal Emergency Management Agency;
18. Central Intelligence Agency;
19. Small Business Administration;
20. Department of the Army;
21. Department of the Navy;
22. Department of the Air Force;
23. National Aeronautics and Space Administration;
24. Agency for International Development;
25. General Services Administration;
26. National Science Foundation; and
27. Office of Personnel Management.

Department and agency heads shall advise the Chair of their selections for membership on the Council. Council membership shall also include representatives of the Chief Financial Officers Council, the Chief Information Officers Council, the Federal Procurement Council, the Interagency Advisory Group of Federal Personnel Directors, and the Small Agency Council, as well as at-large members appointed by the Chair, as he deems appropriate. The Chair shall invite representatives of the Social Security Administration to participate in the Council's work, as appropriate. The Council shall select a Vice Chair from among the Council's membership.

(b) The Council shall plan, promote, and recommend improvements in Government administration and operations and provide advice to the Chair on matters pertaining to the administrative management of the Federal Government. The Council shall:

(1) explore opportunities for more effective use of Government resources;

(2) support activities and initiatives of the President's Management Council, the Chief Financial Officers Council, the Chief Information Officers Council, the Federal Procurement Council, and the Interagency Advisory Group of Federal Personnel Directors designed to develop, review, revise, and implement Governmentwide administrative management policies; and

(3) identify successful administrative management practices, including quality management practices, and assist in their Governmentwide dissemination and implementation.

**Sec. 2. Responsibilities of the Chair.** The Chair or, if the Chair chooses, the Vice Chair shall:

(1) convene meetings of the Council;

(2) preside at formal council meetings;

(3) establish committees or working groups of the Council, as necessary for efficient conduct of Council functions; and

(4) appoint, to the extent permitted by law and consistent with personnel practices, other full-time officers or employees of the Federal Government to the Council as at-large members for specific terms, not exceeding 2 years, to provide expertise to the Council.

**Sec. 3. Responsibilities of Agency Heads.** To the extent permitted by law, heads of departments or agencies represented on the Council shall provide their representatives with administrative support needed to support Council activities.

**Sec. 4. Judicial Review.** This order is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**Sec. 5. Revocation.** Executive Order 12816 (creating the President's Council on Management Improvement), Executive Order 12552 (establishing the executive branch productivity improvement program) and Executive Order 12637 (revising the executive branch productivity improvement program) are revoked.



## EXECUTIVE ORDER 13076

### ORDERING THE SELECTED RESERVE TO ACTIVE DUTY

{AS AMENDED BY EO 13286}

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Signed:	February 24, 1998
Federal Register page and date:	63 FR 9719, February 26, 1998
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operations in and around Southwest Asia. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve.

This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



EXECUTIVE ORDER 13100  
PRESIDENT'S COUNCIL ON FOOD SAFETY  
{AS AMENDED BY EO 13286}

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Signed:	May 23, 1979
Federal Register page and date:	<i>Federal Register</i> page and date: 63 FR 45661, August 27, 1998
Amended by:	63 FR 45661, August 27, 1998

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the safety of the food supply through science-based regulation and well-coordinated inspection, enforcement, research, and education programs, it is hereby ordered as follows:

**Section 1. Establishment of President's Council on Food Safety.**

(a) There is established the President's Council on Food Safety ("Council"). The Council shall comprise the Secretaries of Agriculture, Commerce, Health and Human Services, and Homeland Security, the Director of the Office of Management and Budget (OMB), the Administrator of the Environmental Protection Agency, the Assistant to the President for Science and Technology/Director of the Office of Science and Technology Policy, the Assistant to the President for Domestic Policy, and the Director of the National Partnership for Reinventing Government. The Council shall consult with other Federal agencies and State, local, and tribal government agencies, and consumer, producer, scientific, and industry groups, as appropriate.

(b) The Secretaries of Agriculture and of Health and Human Services and the Assistant to the President for Science and Technology/Director of the Office of Science and Technology Policy shall serve as Joint Chairs of the Council.

**Sec. 2. Purpose.** The purpose of the Council shall be to develop a comprehensive strategic plan for Federal food safety activities, taking into consideration the findings and recommendations of the National Academy of Sciences report "Ensuring Safe Food from Production to Consumption" and other input from the public on how to improve the effectiveness of the current food safety system. The Council shall make recommendations to the President on how to advance Federal efforts to implement a comprehensive sciencebased strategy to improve the safety of the food supply and to enhance coordination among Federal agencies, State, local, and

tribal governments, and the private sector. The Council shall advise Federal agencies in setting priority areas for investment in food safety.

**Sec. 3. Specific Activities and Functions.**

(a) The Council shall develop a comprehensive strategic Federal food safety plan that contains specific recommendations on needed changes, including measurable outcome goals. The principal goal of the plan should be the establishment of a seamless, science-based food safety system. The plan should address the steps necessary to achieve this goal, including the key public health, resource, and management issues regarding food safety. The planning process should consider both short-term and long-term issues including new and emerging threats and the special needs of vulnerable populations such as children and the elderly. In developing this plan, the Council shall consult with all interested parties, including State and local agencies, tribes, consumers, producers, industry, and academia.

(b) Consistent with the comprehensive strategic Federal food safety plan described in section 3(a) of this order, the Council shall advise agencies of priority areas for investment in food safety and ensure that Federal agencies annually develop coordinated food safety budgets for submission to the OMB that sustain and strengthen existing capacities, eliminate duplication, and ensure the most effective use of resources for improving food safety. The Council shall also ensure that Federal agencies annually develop a unified budget for submission to the OMB for the President's Food Safety Initiative and such other food safety issues as the Council determines appropriate.

(c) The Council shall ensure that the Joint Institute for Food Safety Research (JIFSR), in consultation with the National Science and Technology Council, establishes mechanisms to guide Federal research efforts toward the highest priority food safety needs. The JIFSR shall report to the Council on a regular basis on its efforts:

(i) to develop a strategic plan for conducting food safety research activities consistent with the President's Food Safety Initiative and such other food safety activities as the JIFSR determines appropriate; and

(ii) to coordinate efficiently, within the executive branch and with the private sector and academia, all Federal food safety research.

**Sec. 4. Cooperation.** All actions taken by the Council shall, as appropriate, promote partnerships and cooperation with States, tribes, and other public and private sector efforts wherever possible to improve the safety of the food supply.

**Sec. 5. General Provisions.** This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. Nothing in this order shall affect or alter the statutory responsibilities of any Federal agency charged with food safety responsibilities.



# EXECUTIVE ORDER 13112

## INVASIVE SPECIES

{AS AMENDED BY EO 13286}

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Signed:	February 3, 1999
Federal Register page and date:	64 FR 6183, February 8, 1999
Amended by:	EO 13286, February 28, 2003
Revokes:	EO 11987, May 24, 1977

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 *et seq.*), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 *et seq.*), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

### Section 1. Definitions.

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(g) “Native species” means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) “Species” means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) “Stakeholders” means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, nongovernmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) “United States” means the 50 States, the District of Columbia, Puerto Rico, Guam, and all possessions, territories, and the territorial sea of the United States.

## **Sec. 2. Federal Agency Duties.**

(a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to:

(i) prevent the introduction of invasive species;

(ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;

(iii) monitor invasive species populations accurately and reliably;

(iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded;

(v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and

(vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.

**Sec. 3. Invasive Species Council.**

(a) An Invasive Species Council (Council) is hereby established whose members shall include the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Homeland Security, and the Administrator of the Environmental Protection Agency. The Council shall be Co-Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional Federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the Co-Chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

**Sec. 4. Duties of the Invasive Species Council.**

The Invasive Species Council shall provide national leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet; this system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

**Sec. 5. Invasive Species Management Plan.**

(a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan (Management Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties established in section 2(a) of this order and shall set forth steps to be taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President through its Co-Chairs legislative proposals for necessary changes in authority. (c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council

in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each 5 years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

**Sec. 6. Judicial Review and Administration.**

(a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

(b) Executive Order 11987 of May 24, 1977, is hereby revoked.

(c) The requirements of this order do not affect the obligations of Federal agencies under 16 U.S.C. 4713 with respect to ballast water programs.

(d) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.



## EXECUTIVE ORDER 13115

### INTERAGENCY TASK FORCE ON THE ROLES AND MISSIONS OF THE UNITED STATES COAST GUARD

{AS AMENDED BY EO 13138}

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Signed:	March 25, 1999
Federal Register page and date:	64 FR 15283, March 30, 1999
Amended by:	EO 13138, September 30, 1999

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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.**

(a) The Interagency Task Force on the Roles and Missions of the United States Coast Guard is established.

(b) The Task Force shall be composed of one representative from the:

- (1) Department of State;
- (2) Department of the Treasury;
- (3) Department of Defense;
- (4) Department of Justice;
- (5) Department of Commerce;
- (6) Department of Labor;
- (7) Department of Transportation;
- (8) Environmental Protection Agency;
- (9) Office of Management and Budget;
- (10) National Security Council;
- (11) Office of National Drug Control Policy;
- (12) Council on Environmental Quality;
- (13) Office of Cabinet Affairs;
- (14) National Economic Council;
- (15) Domestic Policy Council; and
- (16) United States Coast Guard.

The Secretary of Transportation shall select from among the Task Force members a Chair and Vice Chair for the Task Force.

(c) The members of the Task Force shall be officials or employees of the Federal Government.

#### **Sec. 2. Functions.**

(a) The Task Force shall report to the President through the Secretary of Transportation, and shall provide advice and recommendations regarding the appropriate roles and missions for the

United States Coast Guard through the Year 2020. While the Task Force will comprehensively review all Coast Guard roles and missions, it will give special attention to the deepwater missions, which are those that generally occur beyond 50 nautical miles from U.S. shores.

(b) The Chair shall consult with the Secretary of Transportation, Commandant of the Coast Guard, and, as appropriate, other heads of departments and agencies. The Chair may invite experts to submit information to the Task Force and hold field briefings or visits.

(c) The Chair may acquire services or form teams to carry out the functions of the Task Force. The Task Force and/or the Task Force staff may travel as necessary to carry out the Task Force's functions.

### **Sec. 3. Methodology.**

(a) The Task Force will seek to identify and distinguish which Coast Guard roles, missions, and functions might be added or enhanced; might be maintained at current levels of performance; or might be reduced, eliminated, or moved to other private organizations or Government agencies. The Task Force also will consider whether current Coast Guard roles, missions, and functions might be better performed by private organizations (by contract or otherwise), public authorities, local or State governments, or other Federal agencies. The Task Force will provide explicit reasons for its recommendations.

(b) The Task Force will establish explicit criteria for screening roles, missions, and functions to determine how and by whom they would be best performed.

(c) For those roles, missions, and functions that the Task Force recommends be performed by the Coast Guard, the Task Force will advise as to how they might be performed most effectively and efficiently.

(d) The Task Force will consider the impact on Coast Guard roles, missions, and functions of future prospects in various areas, including technology, demographics, the law of the sea, marine pollution, and national security.

(e) The Task Force shall review each of the Coast Guard's law enforcement and national security missions and functions according to the methodology described in this section. However, in conducting that review, the Task Force shall assume that the Coast Guard will remain a law enforcement agency and an armed force of the United States.

### **Sec. 4. Administration.**

(a) The heads of executive departments and agencies shall, to the extent permitted by law, provide the Task Force such information with respect to the roles and missions of the Coast Guard as it may require to carry out its functions.

(b) The Coast Guard shall support the Task Force administratively and financially.

(c) The Secretary of Transportation shall appoint a Staff Director for the Task Force.

(d) Assigned staff shall possess a balanced and broad base of experience to include persons of experience in national security,



military operations, foreign and domestic policy, international affairs, economic policy, environmental protection, and law enforcement. Staff members may include military members on active duty, Reserve members of any component, and Federal civilian employees.

**Sec. 5. General.**

(a) The Task Force shall exist for a period of 6 months from its first meeting unless extended by the Secretary of Transportation and, at the conclusion, submit a written report as discussed in section 2 of this order.

(b) The recommendations of the Task Force will be considered in determining the appropriate level of investment in the Coast Guard's Deepwater Capability Replacement Project, a system of cutters and aircraft with an integrated command, control, communications, and sensor infrastructure. The Task Force may provide an interim report for use in preparation of the Federal budget for Fiscal Year 2001.



## EXECUTIVE ORDER 13120

### ORDERING THE SELECTED RESERVE AND CERTAIN INDIVIDUAL READY RESERVE MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY

{AS AMENDED BY EO 13286}

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Signed:	April 27, 1999
Federal Register page and date:	64 FR 23007, April 29, 1999
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operations in and around the former Yugoslavia related to the conflict in Kosovo. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, under their respective jurisdictions, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve, or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned, and to terminate the service of those units and members ordered to active duty.

This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



## EXECUTIVE ORDER 13122

### INTERAGENCY TASK FORCE ON THE ECONOMIC DEVELOPMENT OF THE SOUTHWEST BORDER

{AS AMENDED BY EO 13284}

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Signed:	May 25, 1999
Federal Register page and date:	64 FR 29201, May 28, 1999
Amended by:	EO 13284, January 23, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to provide a more rapid and integrated Federal response to the economic development challenges of the Southwest Border region, it is hereby ordered as follows:

**Section 1. Establishment of an Interagency Task Force on the Economic Development of the Southwest Border.**

(a) There is established the “Interagency Task Force on the Economic Development of the Southwest Border” (Task Force) that reports to the Vice President, as Chair of the President’s Community Empowerment Board (PCEB), and to the Assistant to the President for Economic Policy, as Vice Chair of the PCEB.

(b) The Task Force shall comprise the Secretary of State, Secretary of Agriculture, Secretary of Commerce, Secretary of Defense, the Attorney General, Secretary of the Interior, Secretary of Education, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Energy, Secretary of Labor, Secretary of Homeland Security, Secretary of the Treasury, Director of the Office of Management and Budget, Director of National Drug Control Policy, Administrator of General Services, Administrator of the Small Business Administration, Administrator of the Environmental Protection Agency, or their designees, and such other senior executive branch officials as may be determined by the Co-Chairs of the Task Force. The Secretaries of the Treasury, Agriculture, and Labor shall Co-Chair the Task Force, rotating annually. The agency chairing the Task Force will provide administrative support for the Task Force.

(c) The purpose of the Task Force is to coordinate and better leverage existing Administration efforts for the Southwest Border, in concert with locally led efforts, in order to increase the living standards and the overall economic profile of the

Southwest Border so that it may achieve the average of the Nation. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force members that relate to the Southwest Border to determine what changes, modifications, and innovations should be considered;

(2) consider statistical and data analysis, research, and policy studies related to the Southwest Border;

(3) develop and recommend short-term and long-term options for promoting sustainable economic development;

(4) consult and coordinate activities with State, tribal, and local governments, community leaders, Members of Congress, the private sector, and other interested parties, paying particular attention to maintaining existing authorities of the States, tribes, and local governments, and preserving their existing working relationships with other agencies, organizations, or individuals;

(5) coordinate and collaborate on research and demonstration priorities of Task Force member agencies related to the Southwest Border;

(6) integrate Administration initiatives and programs into the design of sustainable economic development actions for the Southwest Border; and

(7) focus initial efforts on pilot communities for implementing a coordinated and expedited Federal response to local economic development and other needs.

(d) The Task Force shall issue an interim report to the Vice President by November 15, 1999. The Task Force shall issue its first annual report to the Vice President by April 15, 2000, with subsequent reports to follow yearly and a final report on April 15, 2002. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report unless a Task Force consensus recommends continuation of activities.

## **Sec. 2. Specific Activities by Task Force Members and Other Agencies.**

The agencies represented on the Task Force shall work together and report their actions and progress in carrying out this order to the Task Force Chair 1 month before the reports are due to the Vice President under section 1(d) of this order.

## **Sec. 3. Cooperation.**

All efforts taken by agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with organizations that represent the Southwest Border and with State and local governments.

## **Sec. 4.**

(a) "Agency" means an executive agency as defined in 5 U.S.C. 105.

(b) The "Southwest Border" or "Southwest Border region" is defined as including the areas up to 150 miles north of the United States-Mexican border in the States of Arizona, New Mexico, Texas, and California.

**Sec. 5. Judicial Review.**

This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.





## EXECUTIVE ORDER 13133

### WORKING GROUP ON UNLAWFUL CONDUCT ON THE INTERNET

{AS AMENDED BY EO 13286}

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Signed:	August 5, 1999
Federal Register page and date:	64 FR 43895, August 11, 1999
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to address unlawful conduct that involves the use of the Internet, it is hereby ordered as follows:

**Section 1. Establishment and Purpose.**

(a) There is hereby established a working group to address unlawful conduct that involves the use of the Internet (“Working Group”). The purpose of the Working Group shall be to prepare a report and recommendations concerning:

(1) The extent to which existing Federal laws provide a sufficient basis for effective investigation and prosecution of unlawful conduct that involves the use of the Internet, such as the illegal sale of guns, explosives, controlled substances, and prescription drugs, as well as fraud and child pornography.

(2) The extent to which new technology tools, capabilities, or legal authorities may be required for effective investigation and prosecution of unlawful conduct that involves the use of the Internet; and

(3) The potential for new or existing tools and capabilities to educate and empower parents, teachers, and others to prevent or to minimize the risks from unlawful conduct that involves the use of the Internet.

(b) The Working Group shall undertake this review in the context of current Administration Internet policy, which includes support for industry self-regulation where possible, technology-neutral laws and regulations, and an appreciation of the Internet as an important medium both domestically and internationally for commerce and free speech.

**Sec. 2. Schedule.** The Working Group shall complete its work to the greatest extent possible and present its report and recommendations to the President and Vice President within 120 days of the date of this order. Prior to such presentation, the report and

recommendations shall be circulated through the Office of Management and Budget for review and comment by all appropriate Federal agencies.

**Sec. 3. Membership.**

(a) The Working Group shall be composed of the following members:

(1) The Attorney General (who shall serve as Chair of the Working Group).

(2) The Director of the Office of Management and Budget.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Education.

(6) The Secretary of Homeland Security.

(7) The Director of the Federal Bureau of Investigation.

(8) The Director of the Bureau of Alcohol, Tobacco and Firearms.

(9) The Administrator of the Drug Enforcement Administration.

(10) The Chair of the Federal Trade Commission.

(11) The Commissioner of the Food and Drug Administration; and

(12) Other Federal officials deemed appropriate by the Chair of the Working Group.

(b) The co-chairs of the Interagency Working Group on Electronic Commerce shall serve as liaison to and attend meetings of the Working Group. Members of the Working Group may serve on the Working Group through designees.

# EXECUTIVE ORDER 13151

## GLOBAL DISASTER INFORMATION NETWORK

{AS AMENDED BY EO 13284}

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Signed:	May 23, 1979
Federal Register page and date:	65 FR 25619, May 2, 2000
Amended by:	EO 13284, January 23, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish a Global Disaster Information Network to use information technology more effectively to reduce loss of life and property from natural and man-made disasters, it is hereby ordered as follows:

### **Section 1. Policy.**

(a) It is the policy of this Administration to use information technology more effectively to coordinate the Federal Government's collection and dissemination of information to appropriate response agencies and State governments to prepare for and respond to natural and man-made disasters (disasters). As a result of changing population demographics in our coastal, rural, and urban areas over the past decades, the loss of life and property (losses) from disasters has nearly doubled. One of the ways the Federal Government can reduce these losses is to use technology more effectively to coordinate its collection and dissemination (hereafter referred to collectively as "provision") of information which can be used in both planning for and recovering from disasters. While many agencies provide disasterrelated information, they may not always provide it in a coordinated manner. To improve the provision of disaster-related information, the agencies shall, as set out in this order, use information technology to coordinate the Federal Government's provision of information to prepare for, respond to, and recover from domestic disasters.

(b) It is also the policy of this Administration to use information technology and existing channels of disaster assistance to improve the Federal Government's provision of information that could be helpful to foreign governments preparing for or responding to foreign disasters. Currently, the United States Government provides disaster-related information to foreign governments and relief organizations on humanitarian grounds at the request of foreign governments and where appropriate. This information is supplied by Federal agencies on an ad hoc basis. To increase the effectiveness of our response to foreign

disasters, agencies shall, where appropriate, use information technology to coordinate the Federal Government's provision of disaster-related information to foreign governments.

(c) To carry out the policies in this order, there is established the Global Disaster Information Network (Network). The Network is defined as the coordinated effort by Federal agencies to develop a strategy and to use existing technical infrastructure, to the extent permitted by law and subject to the availability of appropriations and under the guidance of the Interagency Coordinating Committee and the Committee Support Office, to make more effective use of information technology to assist our Government, and foreign governments where appropriate, by providing disaster-related information to prepare for and respond to disasters.

**Sec. 2. Establishment.**

(a) There is established an Interagency Coordinating Committee (Committee) to provide leadership and oversight for the development of the Network. The Office of the Vice President, the Department of Commerce through the National Oceanic and Atmospheric Administration, and the Department of State, respectively, shall designate a representative to serve as Co-chairpersons of the Committee. The Committee membership shall comprise representatives from the following departments and agencies:

- (1) Department of State;
- (2) Department of Defense;
- (3) Department of the Interior;
- (4) Department of Agriculture;
- (5) Department of Commerce;
- (6) Department of Transportation;
- (7) Department of Energy;
- (8) Department of Homeland Security;
- (9) Office of Management and Budget;
- (10) Environmental Protection Agency;
- (11) National Aeronautics and Space Administration;
- (12) United States Agency for International Development;
- (13) Federal Emergency Management Agency; and
- (14) Central Intelligence Agency.

At the discretion of the Co-chairpersons of the Committee, other agencies may be added to the Committee membership. The Committee shall include an Executive Secretary to effect coordination between the Co-chairpersons of the Committee and the Committee Support Office.

(b) There is established a Committee Support Office (Support Office) to assist the Committee by developing plans and projects that would further the creation of the Network. The Support Office shall, at the request of the Co-chairpersons of the Committee, carry out tasks taken on by the Committee.

(c) The National Oceanic and Atmospheric Administration shall provide funding and administrative support for the Committee and the Support Office. To the extent permitted by law,

agencies may provide support to the Committee and the Support Office to assist them in their work.

**Sec. 3. Responsibilities.**

(a) The Committee shall:

(1) serve as the United States Government's single entity for all matters, both national and international, pertaining to the development and establishment of the Network;

(2) provide leadership and high-level coordination of Network activities;

(3) provide guidance for the development of Network strategies, goals, objectives, policies, and legislation;

(4) represent and advocate Network goals, objectives, and processes to their respective agencies and departments;

(5) provide manpower and material support for Network development activities;

(6) develop, delegate, and monitor interagency opportunities and ideas supporting the development of the Network; and

(7) provide reports, through the Co-chairpersons of the Committee, to the President as requested or at least annually.

(b) The Support Office shall:

(1) provide management and administrative support for the Committee;

(2) develop Network strategies, goals, objectives, policies, plans, and legislation in accordance with guidance provided by the Committee;

(3) consult with agencies, States, nongovernment organizations, and international counterparts in developing Network development tasks;

(4) develop and make recommendations concerning Network activities to the agencies as approved by the Committee; and

(5) participate in projects that promote the goals and objectives of the Network.

**Sec. 4. Implementation.**

(a) The Committee, with the assistance of the Support Office, shall address national and international issues associated with the development of the Network within the context of:

(1) promoting the United States as an example and leader in the development and dissemination of disaster information, both domestically and abroad, and, to this end, seeking cooperation with foreign governments and international organizations;

(2) striving to include all appropriate stakeholders in the development of the Network; and

(3) facilitating the creation of a framework that involves public and private stakeholders in a partnership for sustained operations of the Network.

(b) Intelligence activities, as determined by the Director of the Central Intelligence Agency, as well as national security-

related activities of the Department of Defense and of the Department of Energy, are exempt from compliance with this order.

**Sec. 5. Tribal Governments.**

This order does not impose any requirements on tribal governments.

**Sec. 6. Judicial Review.**

This order does not create any right or benefit, substantive or procedural, enforceable by law, by a party against the United States, its officers, its employees, or any other person.

## EXECUTIVE ORDER 13154

### ESTABLISHING THE KOSOVO CAMPAIGN MEDAL

{AS AMENDED BY EO 13286}

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Signed:	May 3, 2000
Federal Register page and date:	65 FR 26479, May 5, 2000
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including my authority as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

#### **Section 1. Kosovo Campaign Medal.**

There is hereby established the Kosovo Campaign Medal with suitable appurtenances. Except as limited in section 2 of this order, and under uniform regulations to be prescribed by the Secretaries of the Military Departments and approved by the Secretary of Defense, or under regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Kosovo Campaign Medal shall be awarded to members of the Armed Forces of the United States who serve or have served in Kosovo or contiguous waters or airspace, as defined by such regulations, after March 24, 1999, and before a terminal date to be prescribed by the Secretary of Defense.

#### **Sec. 2. Relationship to Other Awards.**

Notwithstanding section 3 of Executive Order 10977 of December 4, 1961, establishing the Armed Forces Expeditionary Medal and section 3 of Executive Order 12985 of January 11, 1996, establishing the Armed Forces Service Medal, any member who qualified for those medals by reasons of service in Kosovo between March 24, 1999, and May 1, 2000, shall remain qualified for those medals. Upon application, any such member may be awarded the Kosovo Campaign Medal in lieu of the Armed Forces Expeditionary Medal or the Armed Forces Service Medal, but no person may be awarded more than one of these three medals by reason of service in Kosovo, and no person shall be entitled to more than one award of the Kosovo Campaign Medal.

#### **Sec. 3. Posthumous Award.**

The Kosovo Campaign Medal may be awarded posthumously to any person covered by and under regulations prescribed in accordance with the first section of this order.





## EXECUTIVE ORDER 13165

### CREATION OF THE WHITE HOUSE TASK FORCE ON DRUG USE IN SPORTS AND AUTHORIZATION FOR THE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY TO SERVE AS THE UNITED STATES GOVERNMENT'S REP- RESENTATIVE ON THE BOARD OF THE WORLD ANTI- DOPING AGENCY

{AS AMENDED BY EO 13286}

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Signed:	May 23, 1979
Federal Register page and date:	65 FR 49469, August 14, 2000
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Office of National Drug Control Reauthorization Act of 1998, (21 U.S.C. 1701 *et seq.*), and in order to develop recommendations for Federal agency actions to address the use of drugs in sports, in particular among young people, it is hereby ordered as follows:

#### **Section 1. Policy.**

The use of drugs in sports has reached a level that endangers not just the legitimacy of athletic competition but also the lives and health of athletes—from the elite ranks to youth leagues. The National Household Survey on Drug Abuse issued in 1999 found that in just 1 year's time the rate of steroid use among young people rose roughly 50 percent among both sexes and across all age groups. It is the policy of my Administration to take the steps needed to help eliminate illicit or otherwise banned drug use and doping in sports at the State, national, and international level.

#### **Sec. 2. Establishment of a White House Task Force on Drug Use in Sports.**

(a) There is established a White House Task Force on Drug Use in Sports (Task Force). The Task Force shall comprise the co-vice chairs of the White House Olympic Task Force (the "Olympic Task Force Vice Chairs"), and representatives designated by the Office of National Drug Control Policy, the Department of Health and Human Services, the Department of Labor, the President's Council on Physical Fitness and Sports, the Office of Management and Budget, the National Security Council, the Department of State, the Department of the Treasury, the Department of Education, the Department of Justice, the Department of Transportation, the Department of

Homeland Security, the National Institute on Drug Abuse, and the Substance Abuse and Mental Health Services Administration.

(b) The Task Force shall develop recommendations for the President on further executive and legislative actions that can be undertaken to address the problem of doping and drug use in sports. In developing the recommendations, the Task Force shall consider, among other things:

(i) the health and safety of America's athletes, in particular our Nation's young people;

(ii) the integrity of honest athletic competition; and

(iii) the views and recommendations of State and local governments, the private sector, citizens, community groups, and nonprofit organizations, on actions to address this threat. The Task Force, through its Chairs, shall submit its recommendations to the President.

(c) The Director of the Office of National Drug Control Policy (the Director), the Secretary of the Department of Health and Human Services, and the Olympic Task Force Vice Chairs or their designees shall serve as the Task Force Chairs.

(d) To the extent permitted by law and at the request of the Chairs, agencies shall cooperate with and provide information to the Task Force.

### **Sec. 3. Participation in the World Anti-Doping Agency.**

(a) As part of my Administration's efforts to address the problem of drug use in sports, the United States has played a leading role in the formation of a World Anti-Doping Agency (WADA) by the Olympic and sports community and the nations of the world. Through these efforts, the United States has been selected to serve as a governmental representative on the board of the WADA. This order will authorize the Director to serve as the United States Government's representative on the WADA board.

(b) Pursuant to 21 U.S.C. 1701 *et seq.*, the Director, or in his absence his designee, is hereby authorized to take all necessary and proper actions to execute his responsibilities as United States representative to the WADA.

(c) To assist the Director in carrying out these responsibilities as the United States Government representative to the WADA and to the extent permitted by law, Federal employees may serve in their official capacity, *inter alia*, on WADA Committees or WADA advisory committees, serving as experts to the WADA.

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**Executive Orders Issued by  
President George W. Bush**

(2001-2009)

EXECUTIVE ORDERS 13232-13486

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## EXECUTIVE ORDER 13212

### ACTIONS TO EXPEDITE ENERGY-RELATED PROJECTS

{AS AMENDED BY EO 13286, EO 13302}

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Signed:	May 18, 2001
Federal Register page and date:	66 FR 28357, May 22, 2001
Amended by:	EO 13286, February 28, 2003 EO 13302, May 15, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to take additional steps to expedite the increased supply and availability of energy to our Nation, it is hereby ordered as follows:

**Section 1. Policy.** The increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people. In general, it is the policy of this Administration that executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy and projects that will strengthen pipeline safety.

**Sec. 2. Actions to Expedite Energy-Related Projects.**

For energy-related projects (including pipeline safety projects), agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections. The agencies shall take such actions to the extent permitted by law and regulation, and where appropriate.

**Sec. 3. Interagency Task Force.**

(a) There is established, within the Department of Energy for administrative purposes, an interagency task force (Task Force) to perform the following functions:

(i) monitor and assist the agencies in their efforts to expedite their reviews of permits or similar actions, as necessary, to accelerate the completion of energy-related projects (including pipeline safety projects), increase energy production and conservation, and improve the transmission of energy;

(ii) monitor and assist agencies in setting up appropriate mechanisms to coordinate Federal, State, tribal, and local permitting in geographic areas where increased permitting activity is expected; and

(iii) perform the functions of the interagency committee for which section 60133 of title 49, United States Code, provides.

(b)(i) The Task Force shall consist exclusively of the following members:

(A) in the performance of all Task Force functions set out in sections 3(a)(i) and (ii) of this order, the Secretaries of State, the Treasury, Defense, Agriculture, Housing and Urban Development, Commerce, Transportation, the Interior, Labor, Education, Health and Human Services, Energy, and Veterans Affairs, the Attorney General, the Administrator of the Environmental Protection Agency, the Director of Central Intelligence, the Administrator of General Services, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Assistant to the President for Domestic Policy, the Assistant to the President for Economic Policy, and such other heads of agencies as the Chairman of the Council on Environmental Quality may designate; and

(B) in the performance of the functions to which section 3(a)(iii) of this order refers, the officers listed in section 60133(a)(2)(A)-(H) of title 49, United States Code, and such other representatives of Federal agencies with responsibilities relating to pipeline repair projects as the Chairman of the Council on Environmental Quality may designate.

(ii) A member of the Task Force may designate, to perform the Task Force functions of the member, a full-time officer or employee of that member's agency or office.

(c) The Chairman of the Council on Environmental Quality shall chair the Task Force.

(d) Consultation in the implementation of this order with State and local officials and other persons who are not full-time or permanent parttime employees of the Federal Government shall be conducted in a manner that elicits fully the individual views of each official or other person consulted, without deliberations or efforts to achieve consensus on advice or recommendations.

(e) This order shall be implemented in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.

**Sec. 4. Judicial Review.** Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

## EXECUTIVE ORDER 13223

### ORDERING THE READY RESERVE OF THE ARMED FORCES TO ACTIVE DUTY AND DELEGATING CERTAIN AUTHORITIES TO THE SECRETARY OF DEFENSE AND THE SECRETARY OF TRANSPORTATION

{AS AMENDED BY EO 13253, EO 13286}

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Signed:	September 14, 2001
Federal Register page and date:	66 FR 48201, September 18, 2001
Amended by:	EO 13253, January 16, 2002 EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3, United States Code, and in furtherance of the proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, which declared a national emergency by reason of the terrorist attacks on the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States, I hereby order as follows:

**Section 1.** To provide additional authority to the Department of Defense and the Department of Homeland Security to respond to the continuing and immediate threat of further attacks on the United States, the authority under title 10, United States Code, to order any unit, and any member of the Ready Reserve not assigned to a unit organized to serve as a unit, in the Ready Reserve to active duty for not more than 24 consecutive months, is invoked and made available, according to its terms, to the Secretary concerned, subject in the case of the Secretaries of the Army, Navy, and Air Force, to the direction of the Secretary of Defense. The term "Secretary concerned" is defined in section 101(a)(9) of title 10, United States Code, to mean the Secretary of the Army with respect to the Army; the Secretary of the Navy with respect to the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the Secretary of the Air Force with respect to the Air Force; and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

**Sec. 2.** To allow for the orderly administration of personnel within the armed forces, the following authorities vested in the President are hereby invoked to the full extent provided by the terms thereof:

section 527 of title 10, United States Code, to suspend the operation of sections 523, 525, and 526 of that title, regarding officer and warrant officer strength and distribution; and sections 123, 123a, and 12006 of title 10, United States Code, to suspend certain laws relating to promotion, involuntary retirement, and separation of commissioned officers; end strength limitations; and Reserve component officer strength limitations.

**Sec. 3.** To allow for the orderly administration of personnel within the armed forces, the authorities vested in the President by sections 331, 359, and 367 of title 14, United States Code, relating to the authority to order to active duty certain officers and enlisted members of the Coast Guard and to detain enlisted members, are invoked to the full extent provided by the terms thereof.

**Sec. 4.** The Secretary of Defense is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in the President by sections 123, 123a, 527, and 12006 of title 10, United States Code, as invoked by sections 2 and 3 of this order.

**Sec. 5.** The Secretary of Homeland Security is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in sections 331, 359, and 367 of title 14, United States Code, when the Coast Guard is not serving as part of the Navy, as invoked by section 2 of this order, to recall any regular officer or enlisted member on the retired list to active duty and to detain any enlisted member beyond the term of his or her enlistment. The Secretary of Homeland Security is further designated and empowered, without the approval, ratification or any other action by the President, to exercise the authority vested in the President by sections 123 and 123a of title 10, United States Code, and sections 149 (detail members to assist foreign governments), 275(a) (suspension of provisions on selection, promotion, or involuntary separation of officers), and 722 (administration of reserve forces) of title 14, United States Code, as invoked by section 2 of Executive Order 13223.

**Sec. 6.** The authority delegated by this order to the Secretary of Defense and the Secretary of Homeland Security may be redelegated and further subdelegated to civilian subordinates who are appointed to their offices by the President, by and with the advice and consent of the Senate.

**Sec. 7.** Based upon my determination under 10 U.S.C. 2201(c) that it is necessary to increase (subject to limits imposed by law) the number of members of the armed forces on active duty for the Department of Defense beyond the number for which funds are provided in the appropriation Act for the Department of Defense, which, by virtue of 14 U.S.C. 652, applies to the Department of Homeland Security with respect to the Coast Guard, the Secretary of Defense and the Secretary of Homeland Security may provide for the cost of such additional members under their respective jurisdictions as an excepted expense under section 11(a) of title 41, United States Code.

**Sec. 8.** This order is intended only to improve the internal management of the executive branch, and is not intended to create any



right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

**Sec. 9.** This order is effective immediately and shall be promptly transmitted to the Congress and published in the *Federal Register*.



## EXECUTIVE ORDER 13224

### BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM

{AS AMENDED BY EO 13268, EO 13284, EO 13372}

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Signed:	September 23, 2001
Federal Register page and date:	66 FR 49079, September 25, 2001
Amended by:	EO 13268, July 2, 2002 EO 13284, January 23, 2003 EO 13372, February 16, 2005

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and

foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

**Section 1.** Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

**Sec. 2.** Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed

in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 3.** For purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term “terrorism” means an activity that—

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

**Sec. 4.** I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of, any persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and I hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

**Sec. 5.** With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

**Sec. 6.** The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

**Sec. 7.** The Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 8.** Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

**Sec. 9.** Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

**Sec. 10.** For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

**Sec. 11.**

(a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

## **Annex**

Al Qaida / Islamic Army  
 Abu Sayyaf Group  
 Armed Islamic Group (GIA)  
 Harakat ul-Mujahidin (HUM)  
 Al-Jihad (Egyptian Islamic Jihad)  
 Islamic Movement of Uzbekistan (IMU)  
 Asbat al-Anser

Salafist Group for Call and Combat (GSPC)  
 Libyan Islamic Fighting Group  
 Al-Ithihaad al-Islamiya (AIAI)  
 Islamic Army of Aden  
 Usama bin Laden  
 Muhammd Atif (aka, Subhi Abu Sitta, Abu Hafa Masri)  
 Sayf al-Adi  
 Shaykh Sai'id (aka, Mustafa Muhammad Ahmed)  
 Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalis Al-Shanqiti)  
 Ibn Al-Shaykh al-Libi  
 Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)  
 Abd al-Hadi al-Iraqi (aka, Abu Abdallah)  
 Ayman al-Zawahiri  
 Thirwat Salah Shihata  
 Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)  
 Muhammaf Salah (aka, Nasr Gahmi Nasr Hasanayn)  
 Makhtab Al-Khidanat / Al Kifah  
 Wafa Humanitarian Organization  
 Al Rashid Trust  
 Mamoun Darkazanli Import-Export Company  
 Mohammed Omar (aka, Amir al-Mumineen [Commander of the Faithful])  
 The Taliban

Executive Order 13268 of July 2, 2002. Termination of Emergency With Respect to the Taliban and Amendment of Executive Order 13224 of September 23, 2001 [Sec. 2. For the purposes of this order and Executive Order 13224 of September 23, 2001, the term "the Taliban" is also known as the "Taleban," "Islamic Movement of Taliban," "the Taliban Islamic Movement," "Talibano Islami Tahrik," and "Tahrike Islami'a Taliban". The Secretary of State, in consultation with the Secretary of the Treasury, is hereby authorized to modify the definition of the term "the Taliban," as appropriate.]





## EXECUTIVE ORDER 13228

### ESTABLISHING THE OFFICE OF HOMELAND SECURITY AND HOMELAND SECURITY COUNCIL

{AS AMENDED BY EO 13284, EO 13286}

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Signed:	October 8, 2001
Federal Register page and date:	66 FR 51812, October 10, 2001
Amended by:	EO 13284, January 23, 2003 EO 13286, February 28, 2003

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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; 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.* 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 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 Council 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, 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. 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 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.”



# EXECUTIVE ORDER 13231

## CRITICAL INFRASTRUCTURE PROTECTION IN THE INFORMATION AGE

{AS AMENDED BY EO 13284}

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Signed:	October 16, 2001
Federal Register page and date:	66 FR 53063, October 18, 2001
Revokes:	EO 13130, July 14, 1999
Amended by:	EO 13284, January 23, 2003
	EO 13286, February 28, 2003
	EO 13316, September 17, 2003
	EO 13385, September 29, 2005

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure protection of information systems for critical infrastructure, including emergency preparedness communications and the physical assets that support such systems, in the information age, it is hereby ordered as follows:

**Section 1. Policy.** The information technology revolution has changed the way business is transacted, government operates, and national defense is conducted. Those three functions now depend on an interdependent network of critical information infrastructures. It is the policy of the United States to protect against disruption of the operation of information systems for critical infrastructure and thereby help to protect the people, economy, essential human and government services, and national security of the United States, and to ensure that any disruptions that occur are infrequent, of minimal duration, and manageable, and cause the least damage possible. The implementation of this policy shall include a voluntary public-private partnership, involving corporate and non-governmental organizations.

**Sec. 2. Continuing Authorities.**

This order does not alter the existing authorities or roles of United States Government departments and agencies. Authorities set forth in 44 U.S.C. chapter 35, and other applicable law, provide senior officials with responsibility for the security of Federal Government information systems.

(a) *Executive Branch Information Systems Security.* The Director of the Office of Management and Budget (OMB) has the responsibility to develop and oversee the implementation of government-wide policies, principles, standards, and guidelines for the security of information systems that support the executive branch departments and agencies, except those noted in

section 2(b) of this order. The Director of OMB shall advise the President and the appropriate department or agency head when there is a critical deficiency in the security practices within the purview of this section in an executive branch department or agency.

(b) *National Security Information Systems.* The Secretary of Defense and the Director of Central Intelligence (DCI) shall have responsibility to oversee, develop, and ensure implementation of policies, principles, standards, and guidelines for the security of information systems that support the operations under their respective control. In consultation with the Assistant to the President for National Security Affairs and the affected departments and agencies, the Secretary of Defense and the DCI shall develop policies, principles, standards, and guidelines for the security of national security information systems that support the operations of other executive branch departments and agencies with national security information.

(i) Policies, principles, standards, and guidelines developed under this subsection may require more stringent protection than those developed in accordance with section 2(a) of this order.

(ii) The Assistant to the President for National Security Affairs shall advise the President and the appropriate department or agency when there is a critical deficiency in the security practices of a department or agency within the purview of this section.

(iii) *National Security Systems.* The National Security Telecommunications and Information Systems Security Committee, as established by and consistent with NSD-42 and chaired by the Department of Defense, shall be designated as the "Committee on National Security Systems."

(c) *Additional Responsibilities.* The heads of executive branch departments and agencies are responsible and accountable for providing and maintaining adequate levels of security for information systems, including emergency preparedness communications systems, for programs under their control. Heads of such departments and agencies shall ensure the development and, within available appropriations, funding of programs that adequately address these mission systems, especially those critical systems that support the national security and other essential government programs. Additionally, security should enable, and not unnecessarily impede, department and agency business operations.

**Sec. 3. The National Infrastructure Advisory Council.** The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President through the Secretary of Homeland Security with advice on the security of the critical infrastructure sectors and their information systems.

(a) **MEMBERSHIP.** The NIAC shall be composed of not more than 30 members appointed by the President, taking appropriate account of the benefits of having members

(i) from the private sector, including but not limited to banking and finance, transportation, energy, communications, and emergency services organizations and institu-

tions of higher learning, and State, local, and tribal governments,

(ii) with senior leadership responsibilities for the reliability and availability, which include security, of the critical infrastructure and key resource sectors,

(iii) with expertise relevant to the functions of the NIAC, and

(iv) with experience equivalent to that of a chief executive of an organization. Unless otherwise determined by the President, no fulltime officer or employee of the executive branch shall be appointed to serve as a member of the NIAC. The President shall designate from among the members of the NIAC a Chair and a Vice Chair, who shall perform the functions of the Chair if the Chair is absent, disabled, or in the instance of a vacancy in the Chair.

(b) *Functions of the NIAC.* The NIAC shall meet periodically to:

(i) enhance the partnership of the public and private sectors in protecting critical infrastructures and their information systems and provide reports on this issue to the President through the Secretary of Homeland Security, as appropriate;

(ii) propose and develop ways to encourage private industry to perform periodic risk assessments;

(iii) monitor the development and operations of private sector coordinating councils and their information sharing mechanisms and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the sectors, the Department of Homeland Security, and other Federal Government entities;

(iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security and Counterterrorism, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of this order; and

(v) advise sector specific agencies with critical infrastructure responsibilities to include issues pertaining to sector and government coordinating councils and their information sharing mechanisms.

In implementing this order, the NIAC shall not advise or otherwise act on matters pertaining to National Security and Emergency Preparedness (NS/EP) Communications and, with respect to any matters to which the NIAC is authorized by this order to provide advice or otherwise act on that may depend upon or affect NS/EP Communications, shall coordinate with the National Security and Telecommunications Advisory Committee established by Executive Order 12382, as amended.

(c) *Administration of the NIAC.*

(i) The NIAC may hold hearings, conduct inquiries, and establish subcommittees, as appropriate.

(ii) Upon request of the Chair, and to the extent permitted by law, the heads of the executive departments and agencies shall provide the NIAC with information and advice relating to its functions.

(iii) Senior Federal Government officials may participate in the meetings of the NIAC, as appropriate.

(iv) Members shall serve without compensation for their work on the NIAC. However, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701-5707).

(v) To the extent permitted by law and subject to the availability of appropriations, the Department of Homeland Security shall provide the NIAC with administrative services, staff, and other support services, and such funds as may be necessary for the performance of the NIAC's functions.

(d) *General Provisions.*

(i) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the NIAC, the functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Homeland Security in accordance with the guidelines and procedures established by the Administrator of General Services.

(ii) The NIAC shall terminate on September 30, 2007, unless extended by the President.

(iii) Executive Order 13130 of July 14, 1999, was revoked on October 16, 2001.

(iv) Nothing in this order shall supersede any requirement made by or under law.

**Sec. 4. Judicial Review.** This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

## EXECUTIVE ORDER 13254

### ESTABLISHING THE USA FREEDOM CORPS

{AS AMENDED BY EO 13286}

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Signed:	January 29, 2002
Federal Register page and date:	67 FR 4869, February 1, 2002
Amended:	EO 13286, February 28, 2003

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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.** Building on our Nation's rich tradition of citizen service, this Administration's policy is to foster a culture of responsibility, service, and citizenship by promoting, expanding, and enhancing public service opportunities for all Americans and by making these opportunities readily available to citizens from all geographic areas, professions, and walks of life. More specifically, this Administration encourages all Americans to serve their country for the equivalent of at least 2 years (4,000 hours) over their lifetimes. Toward those ends, the executive departments, agencies, and offices constituting the USA Freedom Corps shall coordinate and strengthen Federal and other service opportunities, including opportunities for participation in homeland security preparedness and response, other areas of public and social service, and international service. The executive branch departments, agencies, and offices also will work with State and local governments and private entities to foster and encourage participation in public and social service programs, as appropriate.

**Sec. 2. USA Freedom Corps.** The USA Freedom Corps shall be an interagency initiative, bringing together executive branch departments, agencies, and offices with public service programs and components, including but not limited to programs and components with the following functions:

- (i) recruiting, mobilizing, and encouraging all Americans to engage in public service;
- (ii) providing concrete opportunities to engage in public service;
- (iii) providing the public with access to information about public service opportunities through Federal programs and elsewhere; and
- (iv) providing recognition and awards to volunteers and other participants in public service programs.

**Sec. 3. USA Freedom Corps Council.**

(a) *Establishment and Mission.* There shall be a USA Freedom Corps Council (Council) chaired by the President and composed of heads of executive branch departments, agencies, and offices, which shall have the following functions:

(i) serving as a forum for Federal officials responsible for public service programs to coordinate and improve public service programs and activities administered by the executive branch;

(ii) working to encourage all Americans to engage in public service, whether through Federal programs or otherwise;

(iii) advising the President and heads of executive branch departments, agencies, and offices concerning the optimization of current Federal programs to enhance public service opportunities;

(iv) coordinating public outreach and publicity of citizen service opportunities provided by Federal programs;

(v) encouraging schools, universities, private public service organizations, and other non-Federal entities to foster and reward public service;

(vi) studying the availability of public service opportunities provided by the Federal Government and elsewhere; and (vii) tracking progress in participation in public service programs.

(b) *Membership.* In addition to the Chair, the members of the Council shall be the heads of the executive branch departments, agencies, and offices listed below, or their designees, and such other officers of the executive branch as the President may from time to time designate. Every member of the Council or designee shall be a full-time or permanent part-time officer or employee of the Federal Government. Members shall not be compensated for their service on the Council in addition to the salaries they receive as employees or officers of the Federal Government.

(i) Vice President;

(ii) Attorney General;

(iii) Secretary of State;

(iv) Secretary of Health and Human Services;

(v) Secretary of Commerce;

(vi) Secretary of Education;

(vii) Secretary of Veterans Affairs;

(viii) Secretary of Homeland Security;

(ix) Chief Executive Officer of the Corporation for National and Community Service;

(x) Director of the Peace Corps;

(xi) Administrator of the United States Agency for International Development;

(xii) Director of the USA Freedom Corps Office; and

(xiii) Director of the Office of Faith-Based and Community Initiatives.

(c) *Chair.* The President shall be the Chair of the USA Freedom Corps Council, and in his absence, the Vice President shall serve as Chair. The Director of the USA Freedom Corps

Office may, at the President's direction, preside over meetings of the Council in the President's and Vice President's absence.

(d) *Honorary Co-Chair.* The President may, from time to time, designate an Honorary Co-Chair or Co-Chairs, who shall serve in an advisory role to the Council and to the President on matters considered by the Council. Any Honorary Co-Chair shall be a full-time or permanent part-time employee or officer of the Federal Government.

(e) **Meetings.** The Council shall meet at the President's direction. The Director of the USA Freedom Corps Office 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.

(f) *Responsibilities of Executive Branch Departments, Agencies, and Offices.*

(i) Members of the Council shall remain responsible for overseeing the programs administered by their respective departments, agencies, and offices. Each such department, agency, and office will retain its authority and responsibility to administer those programs according to law;

(ii) Each executive branch department, agency, or office with responsibility for programs relating to the functions and missions of the USA Freedom Corps as described in section 2 of this order shall be responsible for identifying those public service opportunities and coordinating with the USA Freedom Corps Council to ensure that such programs are, if appropriate, publicized and encouraged by the Council; and

(iii) Upon the request of the Chair, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide the Council with relevant information.

#### **Sec. 4. USA Freedom Corps Office.**

(a) *General.* The USA Freedom Corps also shall be supported by a USA Freedom Corps Office (Office), which shall be a component of the White House Office. The USA Freedom Corps Office shall have a Director who shall be appointed by the President. The Director shall be assisted by an appropriate staff within the White House Office.

(b) *Presidential Recognition to Participants in USA Freedom Corps Programs.* In addition to supporting and facilitating the functions of the Council listed in section 3 of this order, the Office shall support the President in providing recognition to volunteers and other participants in programs and activities relating to the functions and missions of the USA Freedom Corps as described in section 2 of this order.

#### **Sec. 5. General Provisions.**

(a) The White House Office shall provide the Council and Office with such 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 the President to carry out the provisions of this order.

(b) This order does not alter the existing authorities or roles of executive branch departments, agencies, or offices. Nothing in this order shall supersede any requirement made by or under law.

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



## EXECUTIVE ORDER 13257

### PRESIDENTS INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

{AS AMENDED BY EO 13333}

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Signed:	February 13, 2002
Federal Register page and date:	67 FR 7259, February 19, 2001
Amended by:	EO 13333, March 18, 2004

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trafficking Victims Protection Act of 2000, (22 U.S.C. 7101 *et seq.*) (the "Act") and section 301 of title 3, United States Code, and in order to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims, it is hereby ordered as follows:

#### **Section 1.**

(a) The President's Interagency Task Force to Monitor and Combat Trafficking in Persons is hereby established.

(b) The Task Force shall consist of:

- (i) the Secretary of State;
- (ii) the Attorney General;
- (iii) the Secretary of Labor;
- (iv) the Secretary of Health and Human Services;
- (v) the Director of Central Intelligence;
- (vi) the Director of the Office of Management and Budget;

(vii) the Administrator of the United States Agency for International Development; and

(viii) any additional officers or employees of the United States as may be designated by the President.

(c) The Task Force shall be chaired by the Secretary of State.

#### **Sec. 2. Activities.**

The Task Force shall, consistent with applicable law and the constitutional authorities and duties of the President, carry out the following activities:

- (a) coordinate the implementation of the Act;

(b) measure and evaluate progress of the United States and other countries in the areas of trafficking in persons prevention, protection, and assistance to victims of trafficking in persons, and prosecutions and other enforcement efforts against traffickers, including the role of public corruption in facilitating trafficking in persons;

(c) assist the Secretary of State in the preparation of the annual reports described in section 110 of the Act;

(d) expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking in persons, while ensuring that any data collection procedures involved, respect the confidentiality of victims of trafficking in persons;

(e) engage in efforts to facilitate cooperation among countries of origin, transit, and destination, and such efforts shall aim to strengthen local and regional capacities to prevent trafficking in persons, prosecute traffickers and assist trafficking victims; shall include initiatives to enhance cooperative efforts between destination countries, transit countries, and countries of origin; and shall assist in the appropriate reintegration of stateless victims of trafficking in persons;

(f) examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual exploitation of women and children around the world;

(g) engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of the Act; and

(h) address such other matters related to the purposes of the Act as the President may determine.

### **Sec. 3. Administration.**

(a) The Department of State shall provide funding and administrative support for the Task Force, except as otherwise provided by the Act.

(b) At the call of the Chair, the Task Force shall meet as necessary to accomplish its mission.

(c) Task Force members may designate representatives from their respective agencies to represent them at Task Force meetings.

(d) Whenever the work of the Task Force involves a matter committed by law or Presidential directive to the consideration of the National Security Council, or by Executive Order 13228 of October 8, 2001, to the consideration of the Homeland Security Council, that work shall be undertaken, and any communication by the Secretary of State to the President shall be undertaken, in a manner consistent with such law, Presidential directive, or Executive Order.

(e) The Task Force shall have no directive authority or other substantial independent authority.

(f) As necessary and appropriate, the Task Force shall report to the President, through the Secretary of State, the following:

(i) progress on the implementation of the Act; and

(ii) recommendations for United States policy to monitor and eliminate trafficking in persons and to protect the victims of trafficking in persons.

**Sec. 4. Guidelines, Policies, and Regulations.**

(a) The Senior Policy Operating Group (SPOG), described in subsection 105(f) of the Act, shall

(i) establish guidelines and policies to coordinate the activities of executive branch departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and

(ii) advise the Secretary of State what regulations may be necessary to implement section 105 of the Act, including such regulations as may be necessary to carry out the sharing of information on all matters relating to grants, grant policies, or other significant actions regarding the international trafficking in persons as set forth in subsection 105(f)(4) of the Act, to the extent permitted by law.

(b) The Secretary of State, in consultation with the members of the Task Force or their representatives, shall promulgate regulations to implement section 105 of the Act.

**Sec. 5. Enhanced Prevention of Trafficking in Persons.**

(a) The Secretary of State, in consultation with the members of the Task Force or their representatives, shall carry out the functions under subsection 106(c) and subsection 106(d) of the Act.

(b) The Secretary of State shall have the authority to determine, under section 106(e)(1) of the Act, foreign destinations where sex tourism is significant. The Secretary of Homeland Security, in consultation with the members of the Task Force or their representatives and appropriate officials of the Departments of Commerce and Transportation, shall carry out all other functions under subsection 106(e) of the Act, including promulgation of any appropriate regulations relating to the distribution of the materials described in subsection 106(e).

(c) The head of each executive branch agency responsible for the establishment and conduct of initiatives and programs described in subsections 106(a) through (e) of the Act shall consult with appropriate nongovernmental organizations consistent with section 106(f) of the Act.

(d) The Secretary of State shall have responsibility to initiate appropriate regulatory implementation of the requirements set out in section 106(g) of the Act with respect to contracts, including proposing appropriate amendments to the Federal Acquisition Regulation. Each affected executive branch department or agency shall implement, within that department or agency, the requirements set out in section 106(g) of the Act with respect to grants and cooperative agreements.

**Sec. 6. Research on Trafficking in Persons.**

The entities named in section 112A of the Act shall carry out the research initiatives required by section 112A of the Act, and shall award grants according to such policies and guidelines as may be established by the SPOG described in section 105(f) of the Act, as well as any applicable agency rules and regulations.

**Sec. 7. Guidance for Exercising Authority and Performing Duties.**

In exercising authority delegated by, or performing functions assigned in, this order, officers of the United States shall ensure that all actions taken by them are consistent with the President's constitutional authority to:

- (a) conduct the foreign affairs of the United States;
- (b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties;
- (c) recommend for congressional consideration such measures as the President may judge necessary or expedient; and
- (d) supervise the unitary Executive Branch.

**Sec. 8. Judicial Review.**

This order does not create any rights or benefits, enforceable at law or equity, against the United States, its departments, its agencies, or other entities, its officers or employees, or any other person.

## EXECUTIVE ORDER 13267

### ESTABLISHING A TRANSITION PLANNING OFFICE FOR THE DEPARTMENT OF HOMELAND SECURITY WITHIN THE OF- FICE OF MANAGEMENT AND BUDGET

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Signed:	June 20, 2002
Federal Register page and date:	67 FR 42469, June 24, 2002

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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 Office of Management and Budget (OMB) a Transition Planning Office for the Department of Homeland Security (the "Transition Planning Office"), to be headed by the Director of the Transition Planning Office for the Department of Homeland Security (the "Director for Transition Planning").

**Sec. 2. Missions.** The missions of the Transition Planning Office shall be to:

- (a) coordinate, guide, and conduct transition and related planning throughout the executive branch of the United States Government in preparation for establishment of the proposed Department of Homeland Security; and
- (b) consistent with Presidential guidance, work with the Congress as it considers legislation to establish that Department.

#### **Sec. 3. Administration.**

(a) The Director of OMB shall ensure that the Transition Planning Office receives appropriate personnel (including detailees and assignees, as appropriate), funding, and administrative support for the Office, subject to the availability of appropriations. The Director of OMB is authorized to make expenditures under section 522 of title 31, United States Code, as may be appropriate to carry out this order.

(b) If an individual who is an Assistant to the President is appointed to serve simultaneously as Director for Transition Planning, the functioning, personnel, funds, records, and property of the office of the Assistant to the President and the office of the Director for Transition Planning shall be kept separate in the same manner as if the two offices were headed by two different individuals.

#### **Sec. 4. Other Departments and Agencies.**

This order does not alter the existing authorities of United States Government departments and agencies. In carrying out the missions set forth in section 2 of this order, all executive departments and agencies are directed to assist the Director for Transition Planning and the Transition Planning Office to the extent permitted by law.

**Sec. 5. Termination.**

The Transition Planning Office, and all the authorities of this order, shall terminate within 90 days after the date on which legislation creating the Department of Homeland Security is enacted, or within 1 year of the date of this order, whichever occurs first.

## EXECUTIVE ORDER 13274

### ENVIRONMENTAL STEWARDSHIP AND TRANSPORTATION INFRASTRUCTURE PROJECT REVIEWS

{AS AMENDED BY EO 13286}

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Signed:	September 18, 2002
Federal Register page and date:	67 FR 59449, September 23, 2002
Amended by:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance environmental stewardship and streamline the environmental review and development of transportation infrastructure projects, it is hereby ordered as follows:

**Section 1. Policy.** The development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy. Executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the Nation's transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.

**Sec. 2. Actions.**

(a) For transportation infrastructure projects, agencies shall, in support of the Department of Transportation, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner.

(b) In furtherance of the policy set forth in section 1 of this order, the Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services.

(c) The Secretary of Transportation shall designate for the purposes of this order a list of high-priority transportation infrastructure projects that should receive expedited agency reviews and shall amend such list from time to time as the Sec-

retary deems appropriate. For projects on the Secretary's list, agencies shall to the maximum extent practicable expedite their reviews for relevant permits or other approvals, and take related actions as necessary, consistent with available resources and applicable laws, including those relating to safety, public health, and environmental protection.

**Sec. 3. Interagency Task Force.**

(a) *Establishment.* There is established, within the Department of Transportation for administrative purposes, the interagency "Transportation Infrastructure Streamlining Task Force" (Task Force) to:

(i) monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary;

(ii) review projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of this order; and

(iii) identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects, in compliance with applicable law, while maintaining safety, public health, and environmental protection.

(b) *Membership and Operation.* The Task Force shall promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. The Task Force shall consist exclusively of the following officers of the United States: the Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation (who shall chair the Task Force), Secretary of the Interior, Secretary of Defense, Secretary of Homeland Security, Administrator of the Environmental Protection Agency, Chairman of the Advisory Council on Historic Preservation, and Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.

**Sec. 4. Report.** At least once each year, the Task Force shall submit to the President a report that: (a) Describes the results of the coordinated and expedited reviews on a project-by-project basis, and identifies those procedures and actions that proved to be most useful and appropriate in coordinating and expediting the review of the projects.

(b) Identifies substantive and procedural requirements of Federal, State, tribal, and local laws, regulations, and Executive Orders that are inconsistent with, duplicative of, or are structured so as to restrict their efficient implementation with other applicable requirements.



(c) Makes recommendations regarding those additional actions that could be taken to:

(i) address the coordination and expediting of reviews of transportation infrastructure projects by simplifying and harmonizing applicable substantive and procedural requirements; and

(ii) elevate and resolve controversies among Federal, State, tribal, and local agencies related to the review or impacts of transportation infrastructure projects in a timely manner.

(d) Provides any other recommendations that would, in the judgement of the Task Force, advance the policy set forth in section 1 of this order.

**Sec. 5. Preservation of Authority.** Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

**Sec. 6. Judicial Review.** This order is intended only to improve the internal management of the Federal Government and is not intended to, and 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, instrumentalities or entities, its officers or employees, or any other person.



## EXECUTIVE ORDER 13276

### DELEGATION OF RESPONSIBILITIES CONCERNING UNDOCUMENTED ALIENS INTERDICTED OR INTERCEPTED IN THE CARIBBEAN REGION

{AS AMENDED BY EO 13383, EO 13475}

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Signed:	November 15, 2002
Federal Register page and date:	67 FR 69985, November 19, 2002
Amends:	EO 13286, February 28, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), and section 301 of title 3, United States Code, and in order to delegate appropriate responsibilities to Federal agencies for responding to migration of undocumented aliens in the Caribbean region, it is hereby ordered:

**Section 1. Duties and Authorities of Agency Heads.** Consistent with applicable law,

(a)(i) The Attorney General may maintain custody, at any location he deems appropriate, of any undocumented aliens he has reason to believe are seeking to enter the United States and who are interdicted or intercepted in the Caribbean region. In this regard, the Attorney General shall provide and operate a facility, or facilities, to house and provide for the needs of any such aliens. Such a facility may be located at Guantanamo Bay Naval Base or any other appropriate location.

(ii) The Attorney General may conduct any screening of such aliens that he deems appropriate, including screening to determine whether such aliens should be returned to their country of origin or transit, or whether they are persons in need of protection who should not be returned without their consent. If the Attorney General institutes such screening, then until a determination is made, the Attorney General shall provide for the custody, care, safety, transportation, and other needs of the aliens. The Attorney General shall continue to provide for the custody, care, safety, transportation, and other needs of aliens who are determined not to be persons in need of protection until such time as they are returned to their country of origin or transit.

(b) The Secretary of State shall provide for the custody, care, safety, transportation, and other needs of undocumented

aliens interdicted or intercepted in the Caribbean region whom the Attorney General has identified as persons in need of protection. The Secretary of State shall provide for and execute a process for resettling such persons in need of protection, as appropriate, in countries other than their country of origin, and shall also undertake such diplomatic efforts as may be necessary to address the problem of illegal migration of aliens in the Caribbean region and to facilitate the return of those aliens who are determined not to be persons in need of protection.

(c)(i) The Secretary of Defense shall make available to the Attorney General and the Secretary of State, for the housing and care of any undocumented aliens interdicted or intercepted in the Caribbean region and taken into their custody, any facilities at Guantanamo Bay Naval Base that are excess to current military needs and the provision of which does not interfere with the operation and security of the base. The Secretary of Defense shall be responsible for providing access to such facilities and perimeter security. The Attorney General and the Secretary of State, respectively, shall be responsible for reimbursement for necessary supporting utilities.

(ii) In the event of a mass migration in the Caribbean region, the Secretary of Defense shall provide support to the Attorney General and the Secretary of State in carrying out the duties described in paragraphs (a) and (b) of this section regarding the custody, care, safety, transportation, and other needs of the aliens, and shall assume primary responsibility for these duties on a nonreimbursable basis as necessary to contain the threat to national security posed by the migration. The Secretary of Defense shall also provide support to the Coast Guard in carrying out the duties described in Executive Order 12807 of May 24, 1992, regarding interdiction of migrants.

**Sec. 2. Definitions.** For purposes of this order, the term “mass migration” means a migration of undocumented aliens that is of such magnitude and duration that it poses a threat to the national security of the United States, as determined by the President.

**Sec. 3. Scope.**

(a) Nothing in this order shall be construed to impair or otherwise affect the authorities and responsibilities set forth in Executive Order 12807 of May 24, 1992.

(b) Nothing in this order shall be construed to make reviewable in any judicial or administrative proceeding, or otherwise, any action, omission, or matter that otherwise would not be reviewable.

(c) This order is intended only to improve the management of the executive branch. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity or otherwise against the United States, its departments, agencies, entities, instrumentalities, officers, employees, or any other person.

(d) Any agency assigned any duties by this order may use the provisions of the Economy Act, 31 U.S.C. 1535 and 1536, to carry out such duties, to the extent permitted by such Act.

(e) This order shall not be construed to require any procedure to determine whether a person is a refugee or otherwise in need of protection.



## EXECUTIVE ORDER 13284

### AMENDMENT OF EXECUTIVE ORDERS, AND OTHER ACTIONS, IN CONNECTION WITH THE ESTABLISHMENT OF THE DE- PARTMENT OF HOMELAND SECURITY

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Signed:	January 23, 2003
Federal Register page and date:	68 FR 4075, January 28, 2003
Amends:	EO 10865, February 20, 1960
	EO 11423, August 16, 1968
	EO 11958, January 18, 1977
	EO 12260, December 31, 1980
	EO 12333, December 4, 1981
	EO 12590, March 26, 1987
	EO 12859, August 16, 1993
	EO 12881, November 23, 1993
	EO 12992, March 15, 1996
	EO 13011, July 16, 1996
	EO 13048, June 10, 1997
	EO 13122, May 25, 1999
	EO 13151, April 27, 2000
	EO 13224, September 23, 2001
	EO 13228, October 8, 2001
	EO 13231, October 16, 2001
	EO 13234, November 9, 2001

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (Public Law 107-296), and the National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*), and in order to reflect responsibilities vested in the Secretary of Homeland Security and take other actions in connection with the establishment of the Department of Homeland Security, it is hereby ordered as follows:

**Section 1.** Executive Order 13234 of November 9, 2001 (“Presidential Task Force on Citizen Preparedness in the War on Terrorism”), is amended by inserting “the Department of Homeland Security,” after “the Office of Management and Budget,” in section 2(a).

**Sec. 2.** Executive Order 13231 of October 16, 2001 (“Critical Infrastructure Protection in the Information Age”), is amended by:

(a) inserting “(i) Secretary of Homeland Security,” after “or their designees;” in section 6(a); and

(b) renumbering the subsequent subsections in section 6(a) appropriately.

**Sec. 3.** Executive Order 13228 of October 8, 2001 (“Establishing the Office of Homeland Security and the Homeland Security Coun-

cil”), is amended by inserting “the Secretary of Homeland Security,” after “the Secretary of Transportation,” in section 5(b). Further, during the period from January 24, 2003, until March 1, 2003, the Secretary of Homeland Security shall have the responsibility for coordinating the domestic response efforts otherwise assigned to the Assistant to the President for Homeland Security pursuant to section 3(g) of Executive Order 13228.

**Sec. 4.** Executive Order 13224 of September 23, 2001 (“Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism”), as amended, is further amended by:

(a) inserting “, the Secretary of Homeland Security,” after “the Secretary of the Treasury” in sections 1(b) and 1(d) (the first time it appears); and

(b) inserting “, the Secretary of Homeland Security,” after “the Secretary of State” in sections 1(c) and 1(d) (the second time it appears), 5 (wherever it appears), and 7.

**Sec. 5.** Executive Order 13151 of April 27, 2000 (“Global Disaster Information Network”), is amended by:

(a) inserting “(8) Department of Homeland Security,” after “(7) Department of Energy;” in section 2(a); and

(b) renumbering the subsequent subsections in section 2(a) appropriately.

**Sec. 6.** Executive Order 13122 of May 25, 1999 (“Interagency Task Force on the Economic Development of the Southwest Border”), is amended by inserting “Secretary of Homeland Security,” after “Secretary of the Treasury,” in section 1(b).

**Sec. 7.** Executive Order 13048 of June 10, 1997 (“Improving Administrative Management in the Executive Branch”), is amended by:

(a) inserting “15. Department of Homeland Security,” after “14. Department of Veterans Affairs;” in section 1(a); and

(b) renumbering all subsequent subsections in section 1(a) appropriately.

**Sec. 8.** Executive Order 12992 of March 15, 1996 (“President’s Council on Counter-Narcotics”), as amended, is further amended by:

(a) inserting “(n) Secretary of Homeland Security;” after “(m) Secretary of Veterans Affairs;” in section 2; and

(b) relettering all subsequent subsections in section 2 appropriately.

**Sec. 9.** Executive Order 12881 of November 23, 1993 (“Establishment of the National Science and Technology Council”), is amended by:

(a) inserting “(i) Secretary of Homeland Security;” after “(h) Secretary of the Interior;” in section 2; and

(b) relettering all subsequent subsections in section 2 appropriately.

**Sec. 10.** Executive Order 12859 of August 16, 1993 (“Establishment of the Domestic Policy Council”), is amended by:



- (a) inserting “(o) Secretary of Homeland Security;” after “(n) Secretary of the Treasury;” in section 2; and
- (b) relettering all subsequent subsections in section 2 appropriately.

**Sec. 11.** Executive Order 12590 of March 26, 1987 (“National Drug Policy Board”), is amended by:

- (a) inserting “(13) the Secretary of Homeland Security;” after “(12) the Secretary of Education;” in section 1(b); and
- (b) renumbering all subsequent subsections in section 1(b) appropriately.

**Sec. 12.** Executive Order 12260 of December 31, 1980 (“Agreement on Government Procurement”), as amended, is further amended by:

- (a) inserting “14. Department of Homeland Security” after “13. Department of Health and Human Services” in the Annex; and
- (b) renumbering all subsequent subsections in the Annex appropriately.

**Sec. 13.** Executive Order 11958 of January 18, 1977 (“Administration of Arms Export Controls”), as amended, is further amended by:

- (a) striking “Secretary of the Treasury” wherever it appears in section 1(1)(2) and inserting “Attorney General” in lieu thereof; and
- (b) inserting “the Attorney General,” after “the Secretary of the Treasury,” in section 2(a).

**Sec. 14.** Executive Order 11423 of August 16, 1968 (“Providing for the Performance of Certain Functions Heretofore Performed by the President with Respect to Certain Facilities Constructed and Maintained on the Borders of the United States”), as amended, is further amended by inserting “the Secretary of Homeland Security,” after “the Secretary of Transportation,” in section 1(b).

**Sec. 15.** Executive Order 10865 of February 20, 1960 (“Safeguarding Classified Information Within Industry”), as amended, is further amended by inserting “the Secretary of Homeland Security,” after “the Secretary of Energy,” in section 1.

**Sec. 16.** Executive Order 13011 of July 16, 1996 (“Federal Information Technology”), is amended by:

- (a) inserting “15. Department of Homeland Security;” after “14. Department of Veterans Affairs;” in section 3(b); and
- (b) renumbering all subsequent subsections in section 3(b) appropriately.

**Sec. 17.** Those elements of the Department of Homeland Security that are supervised by the Department’s Under Secretary for Information Analysis and Infrastructure Protection through the Department’s Assistant Secretary for Information Analysis, with the exception of those functions that involve no analysis of foreign intelligence information, are designated as elements of the Intelligence Community under section 201(h) of the Homeland Security Act of 2002 and section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a).

**Sec. 18.** Executive Order 12333 of December 4, 1981 (“United States Intelligence Activities”), is amended in Part 3.4(f) by:

- (a) striking “and” at the end of subpart 3.4(f)(6);
- (b) striking the period and inserting “; and” at the end of subpart 3.4(f)(7); and
- (c) adding a new subpart 3.4(f)(8) to read as follows: “(8) Those elements of the Department of Homeland Security that are supervised by the Department’s Under Secretary for Information Analysis and Infrastructure Protection through the Department’s Assistant Secretary for Information Analysis, with the exception of those functions that involve no analysis of foreign intelligence information.”

**Sec. 19. Functions of Certain Officials in the Department of Homeland Security.** The Secretary of Homeland Security, the Deputy Secretary of Homeland Security, the Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security, and the Assistant Secretary for Information Analysis, Department of Homeland Security, each shall be considered a “Senior Official of the Intelligence Community” for purposes of Executive Order 12333, and all other relevant authorities, and shall:

- (a) recognize and give effect to all current clearances for access to classified information held by those who become employees of the Department of Homeland Security by operation of law pursuant to the Homeland Security Act of 2002 or by Presidential appointment;
- (b) recognize and give effect to all current clearances for access to classified information held by those in the private sector with whom employees of the Department of Homeland Security may seek to interact in the discharge of their homeland security-related responsibilities;
- (c) make all clearance and access determinations pursuant to Executive Order 12968 of August 2, 1995, or any successor Executive Order, as to employees of, and applicants for employment in, the Department of Homeland Security who do not then hold a current clearance for access to classified information; and
- (d) ensure all clearance and access determinations for those in the private sector with whom employees of the Department of Homeland Security may seek to interact in the discharge of their homeland security-related responsibilities are made in accordance with Executive Order 12829 of January 6, 1993.

**Sec. 20.** Pursuant to the provisions of section 1.4 of Executive Order 12958 of April 17, 1995 (“Classified National Security Information”), I hereby authorize the Secretary of Homeland Security to classify information originally as “Top Secret.” Any delegation of this authority shall be in accordance with section 1.4 of that order or any successor Executive Orders.

**Sec. 21.** This order shall become effective on January 24, 2003.

**Sec. 22.** This order does not create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

## EXECUTIVE ORDER 13286

### AMENDMENT OF EXECUTIVE ORDERS, AND OTHER ACTIONS, IN CONNECTION WITH THE TRANSFER OF CERTAIN FUNCTIONS TO THE SECRETARY OF HOMELAND SECURITY

{AS AMENDED BY EO 13442}

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Signed:	February 28, 2003
Federal Register page and date:	68 FR 10619, March 5, 2003
Amends:	EO 4601, March 1, 1927; EO 10113, February 24, 1950; EO 10163, September 25, 1950; EO 10179, November 8, 1950; EO 10271, July 7, 1951; EO 10448, April 22, 1953; EO 10499, November 4, 1953; EO 10554, August 18, 1954; EO 10631, August 17, 1955; EO 10637, September 16, 1955; EO 10694, January 10, 1957; EO 10789, November 14, 1958; EO 10977, December 4, 1961; EO 11016, April 25, 1962; EO 11046, August 24, 1962; EO 11079, January 25, 1963; EO 11139, January 7, 1964; EO 11190, December 29, 1964; EO 11231, July 8, 1965; EO 11239, July 31, 1965; EO 11366, August 4, 1967; EO 11438, December 3, 1968; EO 11446, January 16, 1969; EO 11448, January 16, 1969; EO 11623, October 12, 1971; EO 11645, February 8, 1972; EO 11800, August 17, 1974; EO 11858, May 7, 1975; EO 11926, July 19, 1976; EO 11965, January 19, 1977; EO 12002, July 7, 1977; EO 12146, July 18, 1979; EO 12148, July 20, 1979; EO 12160, September 26, 1979; EO 12188, January 2, 1980; EO 12208, April 15, 1980; EO 12341, January 21, 1982; EO 12382, September 13, 1982; EO 12472, April 3, 1984; EO 12501, January 28, 1985; EO 12555, March 10, 1986; EO 12580, January 23, 1987; EO 12656, November 18, 1988; EO 12657, November 18, 1988; EO 12699, January 5, 1990; EO 12727, August 22, 1990; EO 12728, August 22, 1990; EO 12733, November 13, 1990; EO 12742, January 8, 1991; EO 12743, January 18, 1991; EO 12777, October 18, 1991; EO 12788, January 15, 1992; EO 12789, February 10, 1992; EO 12793, March 20, 1992; EO 12807, May 24, 1992; EO 12824, December 7, 1992; EO 12830, January 9, 1993; EO 12835, January 25, 1993; EO 12870, September 30, 1993; EO 12906, April 11, 1994; EO 12919, June 3, 1994; EO 12977, October 19, 1995; EO 12978, October 21, 1995; EO 12982, December 8, 1995; EO 12985, January 11, 1996; EO 12989, February 13, 1996; EO 13011, July 16, 1996; EO 13076, February 24, 1998; EO 13100, August 25, 1998; EO 13112, February 3, 1999; EO 13120, April 27, 1999; EO 13133, August 5, 1999; EO 13154, May 3, 2000; EO 13165, August 9, 2000; EO 13212, May 18, 2001; EO 13223, September 14, 2001; EO 13228, October 8, 2001; EO 13231, October 16, 2001; EO 13254, January 29, 2002; EO 13257, February 13, 2002; EO 13260, March 19, 2002; EO 13271, July 9, 2002; EO 13274, September 18, 2002; EO 13276, November 15, 2002
Amended by:	EO 13442, August 13, 2007
Revokes:	EO 13260, March 19, 2002 <i>eff. March 31, 2002</i>

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (Public Law 107-296) and section 301 of title

3, United States Code, and in order to reflect the transfer of certain functions to, and other responsibilities vested in, the Secretary of Homeland Security, the transfer of certain agencies and agency components to the Department of Homeland Security, and the delegation of appropriate responsibilities to the Secretary of Homeland Security, it is hereby ordered as follows:

**Section 1.** Executive Order 13276 of November 15, 2002 (“Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region”), is amended by:

(a) striking “The Attorney General” wherever it appears in section 1 and inserting “The Secretary of Homeland Security” in lieu thereof; and

(b) striking “the Attorney General” wherever it appears in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 2.** Executive Order 13274 of September 18, 2002 (“Environmental Stewardship and Transportation Infrastructure Project Reviews”), is amended by inserting “Secretary of Homeland Security,” after “Secretary of Defense,” in section 3(b).

**Sec. 3.** Executive Order 13271 of July 9, 2002 (“Establishment of the Corporate Fraud Task Force”), is amended by:

(a) inserting “(b) the Secretary of Homeland Security;” after “(a) the Secretary of the Treasury;” in section 4; and

(b) relettering the subsequent subsections in section 4 appropriately.

**Sec. 4.** Executive Order 13260 of March 19, 2002 (“Establishing the President’s Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security”), is amended by:

(a) striking “the Assistant to the President for Homeland Security (Assistant)” in section 1(c) and inserting “the Secretary of Homeland Security (Secretary)” in lieu thereof;

(b) striking “the Assistant” wherever it appears in sections 2 and 3 and inserting “the Secretary” in lieu thereof;

(c) striking “the Office of Administration” in section 3(d) and inserting “the Department of Homeland Security” in lieu thereof;

(d) striking “the Administrator of General Services” in section 4(a) and inserting “the Secretary of Homeland Security” in lieu thereof; and

(e) inserting “of General Services” after “Administrator” in section 4(a).

Executive Order 13260 of March 19, 2002, is hereby revoked effective as of March 31, 2003.

**Sec. 5.** Executive Order 13257 of February 13, 2002 (“President’s Interagency Task Force to Monitor and Combat Trafficking in Persons”), is amended by:

(a) inserting “(v) the Secretary of Homeland Security;” after “(iv) the Secretary of Health and Human Services;” in section 1(b); and

(b) renumbering the subsequent subsections in section 1(b) appropriately.

**Sec. 6.** Executive Order 13254 of January 29, 2002 (“Establishing the USA Freedom Corps”), is amended by striking “Director of the Federal Emergency Management Agency;” in section 3(b)(viii) and inserting “Secretary of Homeland Security;” in lieu thereof.

**Sec. 7.** Executive Order 13231 of October 16, 2001 (“Critical Infrastructure Protection in the Information Age”), as amended, is further amended to read in its entirety as follows: “Critical Infrastructure Protection in the Information Age By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure protection of information systems for critical infrastructure, including emergency preparedness communications and the physical assets that support such systems, in the information age, it is hereby ordered as follows:

**Section 1. Policy.** The information technology revolution has changed the way business is transacted, government operates, and national defense is conducted. Those three functions now depend on an interdependent network of critical information infrastructures. It is the policy of the United States to protect against disruption of the operation of information systems for critical infrastructure and thereby help to protect the people, economy, essential human and government services, and national security of the United States, and to ensure that any disruptions that occur are infrequent, of minimal duration, and manageable, and cause the least damage possible. The implementation of this policy shall include a voluntary public-private partnership, involving corporate and non-governmental organizations.

**Sec. 2. Continuing Authorities.** This order does not alter the existing authorities or roles of United States Government departments and agencies. Authorities set forth in 44 U.S.C. chapter 35, and other applicable law, provide senior officials with responsibility for the security of Federal Government information systems.

(a) *Executive Branch Information Systems Security.* The Director of the Office of Management and Budget (OMB) has the responsibility to develop and oversee the implementation of government-wide policies, principles, standards, and guidelines for the security of information systems that support the executive branch departments and agencies, except those noted in section 2(b) of this order. The Director of OMB shall advise the President and the appropriate department or agency head when there is a critical deficiency in the security practices within the purview of this section in an executive branch department or agency.

(b) *National Security Information Systems.* The Secretary of Defense and the Director of Central Intelligence (DCI) shall have responsibility to oversee, develop, and ensure implementation of policies, principles, standards, and guidelines for the security of information systems that support the operations under their respective control. In consultation with the Assistant to the President for National Security Affairs and the affected departments and agencies, the Secretary of Defense and the DCI shall develop policies, principles, standards, and guidelines for the security of national security information sys-

tems that support the operations of other executive branch departments and agencies with national security information.

(i) Policies, principles, standards, and guidelines developed under this subsection may require more stringent protection than those developed in accordance with section 2(a) of this order.

(ii) The Assistant to the President for National Security Affairs shall advise the President and the appropriate department or agency when there is a critical deficiency in the security practices of a department or agency within the purview of this section.

(iii) National Security Systems. The National Security Telecommunications and Information Systems Security Committee, as established by and consistent with NSD-42 and chaired by the Department of Defense, shall be designated as the "Committee on National Security Systems."

(c) *Additional Responsibilities.* The heads of executive branch departments and agencies are responsible and accountable for providing and maintaining adequate levels of security for information systems, including emergency preparedness communications systems, for programs under their control. Heads of such departments and agencies shall ensure the development and, within available appropriations, funding of programs that adequately address these mission systems, especially those critical systems that support the national security and other essential government programs. Additionally, security should enable, and not unnecessarily impede, department and agency business operations.

**Sec. 3. The National Infrastructure Advisory Council.** The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President through the Secretary of Homeland Security with advice on the security of information systems for critical infrastructure supporting other sectors of the economy: banking and finance, transportation, energy, manufacturing, and emergency government services.

(a) *Membership.* The NIAC shall be composed of not more than 30 members appointed by the President. The members of the NIAC shall be selected from the private sector, academia, and State and local government. Members of the NIAC shall have expertise relevant to the functions of the NIAC and generally shall be selected from industry Chief Executive Officers (and equivalently ranked leaders of other organizations) with responsibilities for security of information infrastructure supporting the critical sectors of the economy, including banking and finance, transportation, energy, communications, and emergency government services. Members shall not be full-time officials or employees of the executive branch of the Federal Government. The President shall designate a Chair and Vice Chair from among the members of the NIAC.

(b) *Functions of the NIAC.* The NIAC will meet periodically to:

(i) enhance the partnership of the public and private sectors in protecting information systems for critical infra-

structures and provide reports on this issue to the Secretary of Homeland Security, as appropriate;

(ii) propose and develop ways to encourage private industry to perform periodic risk assessments of critical information and telecommunications systems;

(iii) monitor the development of private sector Information Sharing and Analysis Centers (ISACs) and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the ISACs, the Department of Homeland Security, and other Federal Government entities;

(iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of this order; and

(v) advise lead agencies with critical infrastructure responsibilities, sector coordinators, the Department of Homeland Security, and the ISACs.

(c) *Administration of the NIAC.*

(i) The NIAC may hold hearings, conduct inquiries, and establish subcommittees, as appropriate.

(ii) Upon request of the Chair, and to the extent permitted by law, the heads of the executive departments and agencies shall provide the NIAC with information and advice relating to its functions.

(iii) Senior Federal Government officials may participate in the meetings of the NIAC, as appropriate.

(iv) Members shall serve without compensation for their work on the NIAC. However, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701-5707).

(v) To the extent permitted by law and subject to the availability of appropriations, the Department of Homeland Security shall provide the NIAC with administrative services, staff, and other support services, and such funds as may be necessary for the performance of the NIAC's functions.

(d) *General Provisions.*

(i) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the NIAC, the functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Homeland Security in accordance with the guidelines and procedures established by the Administrator of General Services.

(ii) The NIAC shall terminate on October 15, 2003, unless extended by the President.

(iii) Executive Order 13130 of July 14, 1999, was revoked on October 16, 2001.

(iv) Nothing in this order shall supersede any requirement made by or under law.

**Sec. 4. Judicial Review.**

This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.”

**Sec. 8.** Executive Order 13228 of October 8, 2001 (“Establishing the Office of Homeland Security and the Homeland Security Council”), as amended, is further amended by:

(a) amending section 3(g) to read “(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.”; and

(b) inserting “, including the Department of Homeland Security” after “Government departments and agencies” in section 7.

**Sec. 9.** Executive Order 13223 of September 14, 2001 (“Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation”), as amended, is further amended by:

(a) striking “the Secretary of Transportation” in the title and wherever it appears in sections 1, 5, 6, and 7, and inserting “the Secretary of Homeland Security” in lieu thereof; and

(b) striking “the Department of Transportation” in section 7 and inserting “the Department of Homeland Security” in lieu thereof.

**Sec. 10.** Executive Order 13212 of May 18, 2001 (“Actions to Expedite Energy-Related Projects”), is amended by inserting “Homeland Security,” after “Veterans Affairs,” in section 3.

**Sec. 11.** Executive Order 13165 of August 9, 2000 (“Creation of the White House Task Force on Drug Use in Sports and Authorization for the Director of the Office of National Drug Control Policy to Serve as the United States Government’s Representative on the Board of the World Anti-Doping Agency”), is amended by inserting “the Department of Homeland Security,” after “the Department of Transportation,” in section 2.

**Sec. 12.** Executive Order 13154 of May 3, 2000 (“Establishing the Kosovo Campaign Medal”), is amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.



**Sec. 13.** Executive Order 13133 of August 5, 1999 (“Working Group on Unlawful Conduct on the Internet”), is amended by:

- (a) inserting “(6) The Secretary of Homeland Security.” after “(5) The Secretary of Education.” in section 3(a); and
- (b) renumbering the subsequent subsections in section 3(a) appropriately.

**Sec. 14.** Executive Order 13120 of April 27, 1999 (“Ordering the Selected Reserve and Certain Individual Ready Reserve Members of the Armed Forces to Active Duty”), is amended by striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof. **Sec. 15.** Executive Order 13112 of February 3, 1999 (“Invasive Species”), is amended by inserting “the Secretary of Homeland Security,” after “Secretary of Transportation,” in section 3(a).

**Sec. 16.** Executive Order 13100 of August 25, 1998 (“President’s Council on Food Safety”), is amended by inserting “and Homeland Security,” after “Health and Human Services,” in section 1(a).

**Sec. 17.** Executive Order 13076 of February 24, 1998 (“Ordering the Selected Reserve of the Armed Forces to Active Duty”), is amended by striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 18.** Executive Order 13011 of July 16, 1996 (“Federal Information Technology”), as amended, is further amended by:

- (a) striking “17. Federal Emergency Management Agency;” in section 3(b); and
- (b) renumbering the subsequent subsections in section 3(b) appropriately.

**Sec. 19.** Executive Order 12989 of February 13, 1996 (“Economy and Efficiency in Government Procurement through Compliance with Certain Immigration and Naturalization Act Provisions”), is amended by:

- (a) striking “Naturalization” in the title and inserting “Nationality” in lieu thereof;
- (b) striking “, the Attorney General” in section 3;
- (c) inserting “the Secretary of Homeland Security” before “may” in section 3(a);
- (d) inserting “the Secretary of Homeland Security” before “shall” in section 3(b);
- (e) inserting “the Attorney General” before “shall” in section 3(c);
- (f) inserting “Secretary of Homeland Security or the” before “Attorney General” wherever it appears in section 4;
- (g) striking “The Attorney General’s” in section 4(b) and inserting “Such” in lieu thereof;
- (h) striking “the Attorney General” wherever it appears in the first two sentences of section 5(a) and inserting “the Secretary of Homeland Security and Attorney General” in lieu thereof;
- (i) striking “the responsibilities of the Attorney General” in section 5(a) and inserting “their respective responsibilities” in lieu thereof;

(j) inserting “Secretary of Homeland Security or the” before “Attorney General” wherever it appears in the third sentence of section 5(a);

(k) inserting “Secretary of Homeland Security and the” before “Attorney General” in section 6;

(l) striking “the Attorney General’s” in section 6 and inserting “their respective” in lieu thereof; and

(m) inserting “Secretary of Homeland Security, the” before “Attorney General” in section 7.

**Sec. 20.** Executive Order 12985 of January 11, 1996 (“Establishing the Armed Forces Service Medal”), is amended by striking “the Secretary of Transportation” in section 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 21.** Executive Order 12982 of December 8, 1995 (“Ordering the Selected Reserve of the Armed Forces to Active Duty”), is amended by striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 22.** Executive Order 12978 of October 21, 1995 (“Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers”), is amended by inserting “, the Secretary of Homeland Security,” after “the Attorney General” wherever it appears in sections 1 and 4.

**Sec. 23.** Executive Order 12977 of October 19, 1995 (“Interagency Security Committee”), is amended by:

(a) striking “the Administrator of General Services (‘Administrator’)” in section 1(a) and inserting “the Secretary of Homeland Security (‘Secretary’)” in lieu thereof;

(b) striking “and” after “(16) Central Intelligence Agency;” in section 1(b);

(c) inserting “and (18) General Services Administration;” after “(17) Office of Management and Budget;” in section 1(b);

(d) striking section 1(c)(2) and redesignating sections 1(c)(3) and 1(c)(4) as sections 1(c)(2) and 1(c)(3), respectively;

(e) striking “Administrator” wherever it appears in sections 2, 5(a)(3)(E), 6(a), and 6(c), and inserting “Secretary” in lieu thereof; and

(f) striking “, acting by and through the Assistant Commissioner,” in section 6(c).

**Sec. 24.** Executive Order 12919 of June 3, 1994 (“National Defense Industrial Resources Preparedness”), is amended by:

(a) striking “The Director, Federal Emergency Management Agency (‘Director, FEMA’)” in section 104(b) and inserting “The Secretary of Homeland Security (‘the Secretary’)” in lieu thereof;

(b) striking “The Director, FEMA,” in sections 201(c) and 601(f) and inserting “The Secretary” in lieu thereof;

(c) striking “the Director, FEMA,” wherever it appears in sections 201(e), 202(c), 305, 501, 701(e), and 802(e), and inserting “the Secretary” in lieu thereof; and

(d) inserting “the Department of Homeland Security,” after “Attorney General,” in section 801.

**Sec. 25.** Executive Order 12906 of April 11, 1994 (“Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure”), is amended by:

- (a) striking “and” in section 7(b)(ii);
- (b) striking the period at the end of section 7(b)(iii) and inserting “; and” in lieu thereof; and
- (c) inserting a new section 7(b)(iv) to read “(iv) the national security related activities of the Department of Homeland Security as determined by the Secretary of Homeland Security.”.

**Sec. 26.** Executive Order 12870 of September 30, 1993 (“Trade Promotion Coordinating Committee”), is amended by:

- (a) inserting “(j) Department of Homeland Security;” after “(i) Department of the Interior;” in section 1; and
- (b) relettering the subsequent subsections in section 1 appropriately.

**Sec. 27.** Executive Order 12835 of January 25, 1993 (“Establishment of the National Economic Council”), is amended by:

- (a) inserting “(k) Secretary of Homeland Security;” after “(j) Secretary of Energy;” in section 2; and
- (b) relettering the subsequent subsections in section 2 appropriately.

**Sec. 28.** Executive Order 12830 of January 9, 1993 (“Establishing the Military Outstanding Volunteer Service Medal”), is amended by striking “the Secretary of Transportation” wherever it appears and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 29.** Executive Order 12824 of December 7, 1992 (“Establishing the Transportation Distinguished Service Medal”), is amended by:

- (a) striking “Transportation” in the title and inserting “Homeland Security” in lieu thereof; and
- (b) striking “Transportation” wherever it appears and inserting “Homeland Security” in lieu thereof.

**Sec. 30.** Executive Order 12807 of May 24, 1992 (“Interdiction of Illegal Aliens”), is amended by striking “the Attorney General” in section 2(c)(3) and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 31.** Executive Order 12793 of March 20, 1992 (“Continuing the Presidential Service Certificate and Presidential Service Badge”), is amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 32.** Executive Order 12789 of February 10, 1992 (“Delegation of Reporting Functions Under the Immigration Reform and Control Act of 1986”), is amended by striking “The Attorney General” in section 1 and inserting “The Secretary of Homeland Security” in lieu thereof.

**Sec. 33.** Executive Order 12788 of January 15, 1992 (“Defense Economic Adjustment Program”), is amended by:

- (a) inserting “(15) Secretary of Homeland Security;” after “(14) Secretary of Veterans Affairs;” in section 4(a); and
- (b) renumbering the subsequent subsections in section 4(a) appropriately.

**Sec. 34.** Executive Order 12777 of October 18, 1991 (“Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990”), is amended by:

(a) inserting “and the Secretary of the Department in which the Coast Guard is operating” after “the Secretary of Transportation” in sections 2(b)(2) and 2(d)(2);

(b) striking “the Secretary of Transportation” in section 2(e)(2) and wherever it appears in sections 5 and 8 and inserting “the Secretary of the Department in which the Coast Guard is operating” in lieu thereof; and

(c) inserting “the Secretary of the Department in which the Coast Guard is operating,” after “Agriculture,” in section 10(c).

**Sec. 35.** Executive Order 12743 of January 18, 1991 (“Ordering the Ready Reserve of the Armed Forces to Active Duty”), is amended by:

(a) striking “the Department of Transportation” in section 1 and inserting “the Department of Homeland Security” in lieu thereof; and

(b) striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 36.** Executive Order 12742 of January 8, 1991 (“National Security Industrial Responsiveness”), is amended by:

(a) inserting “Homeland Security,” after “Transportation,” in section 104(a); and

(b) striking “the Director of the Federal Emergency Management Agency” in section 104(d) and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 37.** Executive Order 12733 of November 13, 1990 (“Authorizing the Extension of the Period of Active Duty of Personnel of the Selected Reserve of the Armed Forces”), is amended by striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 38.** Executive Order 12728 of August 22, 1990 (“Delegating the President’s Authority to Suspend any Provision of Law Relating to the Promotion, Retirement, or Separation of Members of the Armed Forces”), is amended by striking “the Secretary of Transportation” in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 39.** Executive Order 12727 of August 27, 1990 (“Ordering the Selected Reserve of the Armed Forces to Active Duty”), is amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 40.** Executive Order 12699 (“Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction”), is amended by:

(a) striking “Federal Emergency Management Agency (FEMA)” in section 3(d) and inserting “Department of Homeland Security” in lieu thereof;

(b) striking “The Director of the Federal Emergency Management Agency” in section 4(a) and inserting “The Secretary of Homeland Security” in lieu thereof; and

(c) striking “The Federal Emergency Management Agency” and “The FEMA” in section 5 and inserting “The Department of Homeland Security” in lieu thereof (in both places).

**Sec. 41.** Executive Order 12657 of November 18, 1988 (“Federal Emergency Management Agency Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants”), is amended by:

(a) striking “Federal Emergency Management Agency” in the title and inserting “Department of Homeland Security” in lieu thereof;

(b) striking “Federal Emergency Management Agency (“FEMA”)” in section 1(b) and inserting “Department of Homeland Security (“DHS”)” in lieu thereof;

(c) striking “FEMA” wherever it appears in sections 1(b), 2(b), 2(c), 3, 4, 5, and 6, and inserting “DHS” in lieu thereof; and

(d) striking “the Director of FEMA” in section 2(a) and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 42.** Executive Order 12656 of November 18, 1988 (“Assignment of Emergency Preparedness Responsibilities”), as amended, is further amended by:

(a) striking “The Director of the Federal Emergency Management Agency” wherever it appears in sections 104(c) and 1702 and inserting “The Secretary of Homeland Security” in lieu thereof;

(b) striking “the Director of the Federal Emergency Management Agency” wherever it appears in sections 104(c), 201(15), 301(9), 401(10), 501(4), 501(7), 502(7), 601(3), 701(5), 801(9), 1302(4), 1401(4), 1701, and 1801(b), and inserting “the Secretary of Homeland Security” in lieu thereof;

(c) striking “consistent with current National Security Council guidelines and policies” in section 201(15) and inserting “consistent with current Presidential guidelines and policies” in lieu thereof;

(d) striking “Secretary” in section 501(9) and inserting “Secretaries” in lieu thereof;

(e) inserting “and Homeland Security” after “Labor” in section 501(9);

(f) striking “and” after “State” in section 701(6) and inserting a comma in lieu thereof;

(g) inserting “, and Homeland Security” after “Defense” in section 701(6);

(h) striking “the Director of the Federal Emergency Management Agency,” in section 701(6); and

(i) striking “Federal Emergency Management Agency” in the title of Part 17 and inserting “Department of Homeland Security” in lieu thereof. Without prejudice to subsections (a) through (i) of this section, all responsibilities assigned to specific Federal officials pursuant to Executive Order 12656 that are substantially the same as any responsibility assigned to, or

function transferred to, the Secretary of Homeland Security pursuant to the Homeland Security Act of 2002 (regardless of whether such responsibility or function is expressly required to be carried out through another official of the Department of Homeland Security or not pursuant to such Act), or intended or required to be carried out by an agency or an agency component transferred to the Department of Homeland Security pursuant to such Act, are hereby reassigned to the Secretary of Homeland Security.

**Sec. 43.** Executive Order 12580 of January 23, 1987 (“Superfund Implementation”), as amended, is further amended by:

(a) inserting “Department of Homeland Security,” after Department of Energy,” in section 1(a)(2); and

(b) striking “Federal Emergency Management Agency” in section 1(a)(2).

**Sec. 44.** Executive Order 12555 of November 15, 1985 (“Protection of Cultural Property”), as amended, is further amended by:

(a) striking “the Secretary of the Treasury” in sections 1, 2, and 3, and inserting “the Secretary of Homeland Security” in lieu thereof; and

(b) striking “The Department of the Treasury” in the heading of section 3 and inserting “The Department of Homeland Security” in lieu thereof.

**Sec. 45.** Executive Order 12501 of January 28, 1985 (“Arctic Research”), is amended by:

(a) inserting “(i) Department of Homeland Security,” after “(h) Department of Health and Human Services;” in section 8; and

(b) relettering the subsequent subsections in section 8 appropriately.

**Sec. 46.** Executive Order 12472 of April 3, 1984 (“Assignment of National Security and Emergency Preparedness Telecommunications Functions”), is amended by:

(a) inserting “the Homeland Security Council,” after “National Security Council,” in sections 1(b), 1(e)(4), 1(f)(3), and 2(c)(4);

(b) striking “The Secretary of Defense” in section 1(e) and inserting “The Secretary of Homeland Security” in lieu thereof;

(c) striking “Federal Emergency Management Agency” in sections 1(e)(3) and 3(j) and inserting “Department of Homeland Security” in lieu thereof;

(d) inserting “, in consultation with the Homeland Security Council,” after “National Security Council” in section 2(b)(1);

(e) inserting “, the Homeland Security Council,” after “National Security Council” in sections 2(d) and 2(e);

(f) striking “the Director of the Federal Emergency Management Agency” in section 2(d)(1) and inserting “the Secretary of Homeland Security” in lieu thereof;

(g) striking “Federal Emergency Management Agency. The Director of the Federal Emergency Management Agency shall:” in section 3(b) and inserting “Department of Homeland Security” in lieu thereof.

riety. The Secretary of Homeland Security shall:" in lieu thereof; and

(h) adding at the end of section 3(d) the following new paragraph: "(3) Nothing in this order shall be construed to impair or otherwise affect the authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title."

**Sec. 47.** Executive Order 12382 of September 13, 1982 ("President's National Security Telecommunications Advisory Committee"), as amended, is further amended by:

(a) inserting "through the Secretary of Homeland Security," after "the President," in sections 2(a) and 2(b);

(b) striking "and to the Secretary of Defense" in section 2(e) and inserting " , through the Secretary of Homeland Security," in lieu thereof; and

(c) striking "the Secretary of Defense" in sections 3(c) and 4(a) and inserting "the Secretary of Homeland Security" in lieu thereof.

**Sec. 48.** Executive Order 12341 of January 21, 1982 ("Cuban and Haitian Entrants"), is amended by:

(a) striking "The Attorney General" in section 2 and inserting "The Secretary of Homeland Security" in lieu thereof; and

(b) striking "the Attorney General" in section 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

**Sec. 49.** Executive Order 12208 of April 15, 1980 ("Consultations on the Admission of Refugees"), as amended, is further amended by:

(a) striking "the following functions: (a) To" in section 1-101 and inserting "to" in lieu thereof;

(b) striking "the Attorney General" in section 1-101(a) and inserting "the Secretary of Homeland Security" in lieu thereof;

(c) striking sections 1-101(b) and 1-102; and

(d) redesignating sections 1-103 and 1-104 as sections 1-102 and 1-103, respectively.

**Sec. 50.** Executive Order 12188 of January 2, 1980 ("International Trade Functions"), as amended, is further amended by:

(a) inserting "(12) The Secretary of Homeland Security" after "(11) The Secretary of Energy" in section 1-102(b); and

(b) renumbering the subsequent subsections in section 1-102(b) appropriately.

**Sec. 51.** Executive Order 12160 of September 26, 1979 ("Providing for Enhancement and Coordination of Federal Consumer Programs"), as amended, is further amended by:

(a) inserting "(m) Department of Homeland Security." after "(l) Department of the Treasury." in section 1-102;

(b) striking "(s) Federal Emergency Management Agency." in section 1-102; and

(c) relettering the subsequent subsections in section 1-102 appropriately.

**Sec. 52.** Executive Order 12148 of July 20, 1979 (“Federal Emergency Management”), as amended, is further amended by:

(a) striking “the Federal Emergency Management Agency” whenever it appears and inserting “the Department of Homeland Security” in lieu thereof; and

(b) striking “the Director of the Federal Emergency Management Agency” wherever it appears and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 53.** Executive Order 12146 of July 18, 1979 (“Management of Federal Legal Resources”), as amended, is further amended by:

(a) striking “15” in section 1-101 and inserting “16” in lieu thereof;

(b) inserting “(n) The Department of Homeland Security.” after “(m) The Department of the Treasury.” in section 1-102; and

(c) relettering the subsequent subsections in section 1-102 appropriately.

**Sec. 54.** Executive Order 12002 of July 7, 1977 (“Administration of Export Controls”), as amended, is further amended by inserting “, the Secretary of Homeland Security,” after “The Secretary of Energy” in section 3.

**Sec. 55.** Executive Order 11965 of January 19, 1977 (“Establishing the Humanitarian Service Medal”), is amended by striking “the Secretary of Transportation” wherever it appears in sections 1, 2, and 4, and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 56.** Executive Order 11926 of July 19, 1976 (“The Vice Presidential Service Badge”), is amended by striking “the Secretary of Transportation” in section 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 57.** Executive Order 11858 of May 7, 1975 (“Foreign Investment in the United States”), as amended, is further amended by:

(a) inserting “(8) The Secretary of Homeland Security.” after “(7) The Attorney General.” in section 1(a); and

(b) redesignating subsection (8) as subsection (9) in section 1(a).

**Sec. 58.** Executive Order 11800 of August 17, 1974 (“Delegating Certain Authority Vested in the President by the Aviation Career Incentive Act of 1974”), as amended, is further amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 59.** Executive Order 11645 of February 8, 1972 (“Authority of the Secretary of Transportation to Prescribe Certain Regulations Relating to Coast Guard Housing”), is amended by striking “the Secretary of Transportation” in the title and in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 60.** Executive Order 11623 of October 12, 1971 (“Delegating to the Director of Selective Service Authority to Issue Rules and Regulations under the Military Selective Service Act”), as amended, is further amended by:



(a) striking “the Secretary of Transportation” in section 2(a) and inserting “the Secretary of Homeland Security” in lieu thereof; and

(b) striking “the Department of Transportation” in section 2(a) and inserting “the Department of Homeland Security” in lieu thereof.

**Sec. 61.** Executive Order 11448 of January 16, 1969 (“Establishing the Meritorious Service Medal”), as amended, is further amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 62.** Executive Order 11446 of January 16, 1969 (“Authorizing the Acceptance of Service Medals and Ribbons from Multilateral Organizations Other Than the United Nations”), is amended by striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 63.** Executive Order 11438 of December 3, 1968 (“Prescribing Procedures Governing Interdepartmental Cash Awards to the Members of the Armed Forces”), as amended, is further amended by:

(a) striking “the Secretary of Transportation” in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof; and

(b) striking “the Department of Transportation” wherever it appears in sections 2 and 4 and inserting “the Department of Homeland Security” in lieu thereof.

**Sec. 64.** Executive Order 11366 of August 4, 1967 (“Assigning Authority to Order Certain Persons in the Ready Reserve to Active Duty”), is amended by striking “The Secretary of Transportation” in sections 2 and 3(b) and inserting “The Secretary of Homeland Security” in lieu thereof.

**Sec. 65.** Executive Order 11239 of July 31, 1965 (“Enforcement of the Convention for Safety of Life at Sea, 1960”), as amended, is further amended, without prejudice to Section 1-106 of Executive Order 12234 of September 3, 1980 (“Enforcement of the Convention for the Safety of Life at Sea”), by:

(a) striking “the Secretary of Transportation” in sections 1, 3, and 4, and inserting “the Secretary of Homeland Security” in lieu thereof; and (b) striking “The Secretary of Transportation” in sections 2 and 3 and inserting “The Secretary of Homeland Security” in lieu thereof.

**Sec. 66.** Executive Order 11231 of July 8, 1965 (“Establishing the Vietnam Service Medal”), as amended, is further amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 67.** Executive Order 11190 of December 29, 1964 (“Providing for the Screening of the Ready Reserve of the Armed Forces”), as amended, is further amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 68.** Executive Order 11139 of January 7, 1964 (“Authorizing Acceptance of the United Nations Medal and Service Ribbon”), is

amended by striking “the Secretary of the Treasury” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 69.** Executive Order 11079 of January 25, 1963 (“Providing for the Prescribing of Regulations under which Members of the Armed Forces and Others May Accept Fellowships, Scholarships or Grants”), as amended, is further amended by striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 70.** Executive Order 11046 of August 24, 1962 (“Authorizing Award of the Bronze Star Medal”), as amended, is further amended by striking “the Secretary of Transportation” in section 1 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 71.** Executive Order 11016 of April 25, 1962 (“Authorizing Award of the Purple Heart”), as amended, is further amended by striking “the Secretary of Transportation” in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 72.** Executive Order 10977 of December 4, 1961 (“Establishing the Armed Forces Expeditionary Medal”), as amended, is further amended by striking “the Secretary of Transportation” in section 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 73.** Executive Order 10789 of November 14, 1958 (“Authorizing Agencies of the Government To Exercise Certain Contracting Authority in Connection With National-Defense Functions and Prescribing Regulations Governing the Exercise of Such Authority”), as amended, is further amended by:

(a) striking “The Federal Emergency Management Agency” in paragraph 21 and inserting “Department of Homeland Security” in lieu thereof; and

(b) inserting at the end thereof the following new Part:

“Part III-Coordination with Other Authorities 25.  
After March 1, 2003, no executive department or agency shall exercise authority granted under paragraph 1A of this order with respect to any matter that has been, or could be, designated by the Secretary of Homeland Security as a qualified anti-terrorism technology as defined in section 865 of the Homeland Security Act of 2002, unless-

(a) in the case of the Department of Defense, the Secretary of Defense has, after consideration of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002, determined that the exercise of authority under this order is necessary for the timely and effective conduct of United States military or intelligence activities; and

(b) in the case of any other executive department or agency that has authority under this order,

(i) the Secretary of Homeland Security has advised whether the use of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002 would be appropriate, and

(ii) the Director of the Office and Management and Budget has approved the exercise of authority under this order.”.

**Sec. 74.** Executive Order 10694 of January 10, 1957 (“Authorizing the Secretaries of the Army, Navy, and Air Force to Issue Citations in the Name of the President of the United States to Military and Naval Units for Outstanding Performance in Action”), is amended by adding at the end thereof the following new section: “5. The Secretary of the Department in which the Coast Guard is operating may exercise the same authority with respect to the Coast Guard under this order as the Secretary of the Navy may exercise with respect to the Navy and the Marine Corps under this order.”.

**Sec. 75.** Executive Order 10637 of September 16, 1955 (“Delegating to the Secretary of the Treasury Certain Functions of the President Relating to the United States Coast Guard”), is amended by:

(a) striking “The Secretary of the Treasury” in sections 1 and 2 and inserting “The Secretary of Homeland Security” in lieu thereof;

(b) striking “the Secretary of the Treasury” in the title and in subsections 1(j), 1(k), and 5, and inserting “the Secretary of Homeland Security” in lieu thereof; and

(c) striking subsection 1(r) and redesignating subsection 1(s) as subsection 1(r).

**Sec. 76.** Executive Order 10631 of August 17, 1955 (“Code of Conduct for Members of the Armed Forces of the United States”), as amended, is further amended by: striking “the Secretary of Transportation” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 77.** Executive Order 10554 of August 18, 1954 (“Delegating the Authority of the President to Prescribe Regulations Authorizing Occasions Upon Which the Uniform May Be Worn by Persons Who Have Served Honorably in the Armed Forces in Time of War”), is amended by striking “the Secretary of the Treasury” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 78.** Executive Order 10499 of November 4, 1953 (“Delegating Functions Conferred Upon the President by Section 8 of the Uniformed Services Contingency Option Act of 1953”), as amended, is further amended by striking “the Treasury” in sections 1 and 2 and inserting “Homeland Security” in lieu thereof.

**Sec. 79.** Executive Order 10448 of April 22, 1953 (“Authorizing the National Defense Medal”), as amended, is further amended by striking “the Secretary of Transportation” in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 80.** Executive Order 10271 of July 7, 1951 (“Delegating the Authority of the President to Order Members and Units of Reserve Components of the Armed Forces into Active Federal service”), is amended by striking “the Secretary of the Treasury” and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 81.** Executive Order 10179 of November 8, 1950 (“Establishing the Korean Service Medal”), as amended, is further amended by striking “the Secretary of the Treasury” in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 82.** Executive Order 10163 of September 25, 1950 (“The Armed Forces Reserve Medal”), as amended, is further amended by

striking “the Secretary of the Treasury” in sections 2 and 7 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 83.** Executive Order 10113 of February 24, 1950 (“Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in lieu thereof, for Enlisted Men in the Armed Forces”), as amended, is further amended by striking “the Secretary of the Treasury” in sections 1 and 2 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 84.** Executive Order 4601 of March 1, 1927 (“Distinguished Flying Cross”), as amended, is further amended by:

(a) striking “The Secretary of War, the Secretary of the Navy,” in sections 2 and 12 and inserting “The Secretary of Defense” in lieu thereof; and

(b) striking “the Secretary of the Treasury” in sections 2 and 12 and inserting “the Secretary of Homeland Security” in lieu thereof.

**Sec. 85. Designation as a Defense Agency of the United States.** I hereby designate the Department of Homeland Security as a defense agency of the United States for the purposes of chapter 17 of title 35 of the United States Code.

**Sec. 86. Exception from the Provisions of the Government Employees Training Act.** Those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department’s Assistant Secretary for Information Analysis are, pursuant to section 4102(b)(1) of title 5, United States Code, and in the public interest, excepted from the following provisions of the Government Employees Training Act as codified in title 5: sections 4103(a)(1), 4108, 4115, 4117, and 4118, and that part of 4109(a) that provides “under the regulations prescribed under section 4118(a)(8) of this title and”.

**Sec. 87. Functions of Certain Officials in the Coast Guard.** The Commandant and the Assistant Commandant for Intelligence of the Coast Guard each shall be considered a “Senior Official of the Intelligence Community” for purposes of Executive Order 12333 of December 4, 1981, and all other relevant authorities.

**Sec. 88. Order of Succession.** Subject to the provisions of subsection (b) of this section, the officers named in subsection (a) of this section, in the order listed, shall act as, and perform the functions and duties of the office of, the Secretary of Homeland Security (Secretary), if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq. (Vacancies Act), during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

(a) *Order of Succession.*

(i) Deputy Secretary of Homeland Security;

(ii) Under Secretary for National Protection and Programs;

(iii) Under Secretary for Management;

(iv) Assistant Secretary of Homeland Security (Policy);

(v) Under Secretary for Science and Technology;

- (vi) General Counsel;
- (vii) Assistant Secretary of Homeland Security (Transportation Security Administration);
- (viii) Administrator of the Federal Emergency Management Agency;
- (ix) Commissioner of U.S. Customs and Border Protection;
- (x) Assistant Secretary of Homeland Security (U.S. Immigration and Customs Enforcement);
- (xi) Director of U.S. Citizenship and Immigration Services;
- (xii) Chief Financial Officer;
- (xiii) Regional Administrator, Region V, Federal Emergency Management Agency;
- (xiv) Regional Administrator, Region VI, Federal Emergency Management Agency;
- (xv) Regional Administrator, Region VII, Federal Emergency Management Agency;
- (xvi) Regional Administrator, Region IX, Federal Emergency Management Agency; and
- (xvii) Regional Administrator, Region I, Federal Emergency Management Agency.

(b) *Exceptions.*

(i) No individual who is serving in an office listed in subsection (a) in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this section.

(ii) Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the Vacancies Act, to depart from this order in designating an acting Secretary.

**Sec. 89. Savings Provision.** Except as otherwise specifically provided above or in Executive Order 13284 of January 23, 2003 (“Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security”), references in any prior Executive Order relating to an agency or an agency component that is transferred to the Department of Homeland Security (“the Department”), or relating to a function that is transferred to the Secretary of Homeland Security, shall be deemed to refer, as appropriate, to the Department or its officers, employees, agents, organizational units, or functions.

**Sec. 90.** Nothing in this order shall be construed to impair or otherwise affect the authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title.

**Sec. 91.** Nothing in this order shall be construed to limit or restrict the authorities of the Central Intelligence Agency and the Director of Central Intelligence pursuant to the National Security Act of 1947 and the CIA Act of 1949.

**Sec. 92.** This order shall become effective on March 1, 2003.

**Sec. 93.** This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

# EXECUTIVE ORDER 13311

## HOMELAND SECURITY INFORMATION SHARING

{AS AMENDED BY EO 13388}

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Signed:	July 29, 2003
Federal Register page and date:	68 FR 45149, July 31, 2003
Amended by:	EO 13388, October 25, 2005

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By the authority vested in me by the Constitution and the laws of the United States, including sections 892 and 893 of the Homeland Security Act of 2002 (the “Act”) (6

U.S.C. 482 and 483) and section 301 of title 3, United States Code, it is hereby ordered as follows:

### **Section 1. Assignment of Functions.**

(a) The functions of the President under section 892 of the Act are assigned to the Secretary of Homeland Security (the “Secretary”), except the functions of the President under subsections 892(a)(2) and 892(b)(7).

(b) Subject to section 2(b) of this order, the function of the President under section 893 of the Act is assigned to the Secretary.

(c) Procedures issued by the Secretary in the performance of the function of the President under section 892(a)(1) of the Act shall apply to all agencies of the Federal Government. Such procedures shall specify that the President may make, or may authorize another officer of the United States to make, exceptions to the procedures.

(d) The function of the President under section 892(b)(7) of the Act is delegated to the Attorney General and the Director of National Intelligence, to be exercised jointly.

(e) In performing the functions assigned to the Secretary by subsection (a) of this section, the Secretary shall coordinate with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Energy, the Director of the Office of Management and Budget, the Director of National Intelligence, the Archivist of the United States, and as the Secretary deems appropriate, other officers of the United States.

(f) A determination, under the procedures issued by the Secretary in the performance of the function of the President under section 892(a)(1) of the Act, as to whether, or to what extent, an individual who falls within the category of “State and local personnel” as defined in sections 892(f)(3) and (f)(4) of the Act shall have access to information classified pursuant

to Executive Order 12958 of April 17, 1995, as amended, is a discretionary determination and shall be conclusive and not subject to review or appeal.

**Sec. 2. Rules of Construction.** Nothing in this order shall be construed to impair or otherwise affect:

- (a) the authority of the Director of National Intelligence under section 102A(i)(1) of the National Security Act of 1947, as amended (50 U.S.C. 403-3(c)(7)), to protect intelligence sources and methods from unauthorized disclosure;
- (b) the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals; or
- (c) the provisions of Executive Orders 12958 of April 17, 1995, as amended, and 12968 of August 2, 1995, as amended.

**Sec. 3. General Provision.** This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



## EXECUTIVE ORDER 13323

### ASSIGNMENT OF FUNCTIONS RELATING TO ARRIVALS IN AND DEPARTURES FROM THE UNITED STATES

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Signed:  
Federal Register page and date:

December 30, 2003  
69 FR 241, January 2, 2004

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 215 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1185), and section 301 of title 3, United States Code, and to strengthen the national security of the United States through procedures and systems to manage and control the arrival and departure of persons from the United States, it is hereby ordered as follows:

**Section 1. Functions of the Secretary of Homeland Security.** The Secretary of Homeland Security is assigned the functions of the President under section 215(a) of the INA with respect to persons other than citizens of the United States. In exercising these functions, the Secretary of Homeland Security shall not issue, amend, or revoke any rules, regulations, or orders without first obtaining the concurrence of the Secretary of State.

**Sec. 2. Functions of the Secretary of State.** The Secretary of State is assigned the functions of the President under section 215(a) and (b) of the INA with respect to citizens of the United States, including those functions concerning United States passports. In addition, the Secretary may amend or revoke part 46 of title 22, Code of Federal Regulations, which concerns persons other than citizens of the United States. In exercising these functions, the Secretary of State shall not issue, amend, or revoke any rules, regulations, or orders without first consulting with the Secretary of Homeland Security.

**Sec. 3. Judicial Review.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



## EXECUTIVE ORDER 13347

### INDIVIDUALS WITH DISABILITIES IN EMERGENCY PREPAREDNESS

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Signed:  
Federal Register page and date:

July 22, 2004  
69 FR 44573, July 26, 2004

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen emergency preparedness with respect to individuals with disabilities, it is hereby ordered as follows:

**Section 1. Policy.** To ensure that the Federal Government appropriately supports safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism, it shall be the policy of the United States that executive departments and agencies of the Federal Government (agencies):

(a) consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;

(b) encourage, including through the provision of technical assistance, as appropriate, consideration of the unique needs of employees and individuals with disabilities served by State, local, and tribal governments and private organizations and individuals in emergency preparedness planning; and

(c) facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.

**Sec. 2. Establishment of Council.**

(a) There is hereby established, within the Department of Homeland Security for administrative purposes, the Inter-agency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (the "Council"). The Council shall consist exclusively of the following members or their designees:

(i) the heads of executive departments, the Administrator of the Environmental Protection Agency, the Administrator of General Services, the Director of the Office of Personnel Management, and the Commissioner of Social Security; and

(ii) any other agency head as the Secretary of Homeland Security may, with the concurrence of the agency head, designate.

(b) The Secretary of Homeland Security shall chair the Council, convene and preside at its meetings, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of Council members.

(c) A member of the Council may designate, to perform the Council functions of the member, an employee of the member's department or agency who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule.

### **Sec. 3. Functions of Council.**

(a) The Council shall:

(i) coordinate implementation by agencies of the policy set forth in section 1 of this order;

(ii) whenever the Council obtains in the performance of its functions information or advice from any individual who is not a full-time or permanent part-time Federal employee, obtain such information and advice only in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation; and

(iii) at the request of any agency head (or the agency head's designee under section 2(c) of this order) who is a member of the Council, unless the Secretary of Homeland Security declines the request, promptly review and provide advice, for the purpose of furthering the policy set forth in section 1, on a proposed action by that agency.

(b) The Council shall submit to the President each year beginning 1 year after the date of this order, through the Assistant to the President for Homeland Security, a report that describes:

(i) the achievements of the Council in implementing the policy set forth in section 1;

(ii) the best practices among Federal, State, local, and tribal governments and private organizations and individuals for emergency preparedness planning with respect to individuals with disabilities; and

(iii) recommendations of the Council for advancing the policy set forth in section 1.

### **Sec. 4. General.**

(a) To the extent permitted by law:

(i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and

(ii) the Department of Homeland Security shall provide funding and administrative support for the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or proce-

dural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.



## EXECUTIVE ORDER 13353

### ESTABLISHING THE PRESIDENT'S BOARD ON SAFEGUARDING AMERICANS CIVIL LIBERTIES

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Signed:  
Federal Register page and date:

August 27, 2004  
69 FR 53585, September 1, 2004

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to further strengthen protections for the rights of Americans in the effective performance of national security and homeland security functions, it is hereby ordered as follows:

**Section 1. Policy.** The United States Government has a solemn obligation, and shall continue fully, to protect the legal rights of all Americans, including freedoms, civil liberties, and information privacy guaranteed by Federal law, in the effective performance of national security and homeland security functions.

**Sec. 2. Establishment of Board.** To advance the policy set forth in section 1 of this order (Policy), there is hereby established the President's Board on Safeguarding Americans' Civil Liberties (Board). The Board shall be part of the Department of Justice for administrative purposes.

**Sec. 3. Functions.** The Board shall:

(a) (i) advise the President on effective means to implement the Policy, and (ii) keep the President informed of the implementation of the Policy;

(b) periodically request reports from Federal departments and agencies relating to policies and procedures that ensure implementation of the Policy;

(c) recommend to the President policies, guidelines and other administrative actions, technologies, and legislation, as necessary to implement the Policy;

(d) at the request of the head of any Federal department or agency, unless the Chair, after consultation with the Vice Chair, declines the request, promptly review and provide advice on a policy or action of that department or agency that implicates the Policy;

(e) obtain information and advice relating to the Policy from representatives of entities or individuals outside the executive branch of the Federal Government in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation;

(f) refer, consistent with section 535 of title 28, United States Code, credible information pertaining to possible violations of law relating to the Policy by any Federal employee or official to the appropriate office for prompt investigation;

(g) take steps to enhance cooperation and coordination among Federal departments and agencies in the implementation of the Policy, including but not limited to working with the Director of the Office of Management and Budget and other officers of the United States to review and assist in the coordination of guidelines and policies concerning national security and homeland security efforts, such as information collection and sharing; and

(h) undertake other efforts to protect the legal rights of all Americans, including freedoms, civil liberties, and information privacy guaranteed by Federal law, as the President may direct.

Upon the recommendation of the Board, the Attorney General or the Secretary of Homeland Security may establish one or more committees that include individuals from outside the executive branch of the Federal Government, in accordance with applicable law, to advise the Board on specific issues relating to the Policy. Any such committee shall carry out its functions separately from the Board.

**Sec. 4. Membership and Operation.** The Board shall consist exclusively of the following:

(a) the Deputy Attorney General, who shall serve as Chair;

(b) the Under Secretary for Border and Transportation Security, Department of Homeland Security, who shall serve as Vice Chair;

(c) the Assistant Attorney General (Civil Rights Division);

(d) the Assistant Attorney General (Office of Legal Policy);

(e) the Council for Intelligence Policy, Department of Justice;

(f) the Chair of the Privacy Council, Federal Bureau of Investigation;

(g) the Assistant Secretary for Information Analysis, Department of Homeland Security;

(h) the Assistant Secretary (Policy), Directorate of Border and Transportation Security, Department of Homeland Security;

(i) the Officer for Civil Rights and Civil Liberties, Department of Homeland Security;

(j) the Privacy Officer, Department of Homeland Security;

(k) the Under Secretary for Enforcement, Department of the Treasury;

(l) the Assistant Secretary (Terrorist Financing), Department of the Treasury;

(m) the General Council, Office of Management and Budget;

(n) the Deputy Director of Central Intelligence for Community Management;

(o) the General Council, Central Intelligence Agency;

(p) the General Council, National Security Agency;

(q) the Under Secretary of Defense for Intelligence;



- (r) the General Council of the Department of Defense;
- (s) the Legal Adviser, Department of State;
- (t) the Director, Terrorist Threat Integration Center; and
- (u) such other officers of the United States as the Deputy Attorney General may from time to time designate.

A member of the Board may designate, to perform the Board or Board subgroup functions of the member, any person who is part of such member's department or agency and who is either (i) an officer of the United States appointed by the President, or

- (ii) a member of the Senior Executive Service or the Senior Intelligence Service. The Chair, after consultation with the Vice Chair, shall convene and preside at meetings of the Board, determine its agenda, direct its work, and, as appropriate to deal with particular subject matters, establish and direct subgroups of the Board that shall consist exclusively of members of the Board. The Chair may invite, in his discretion, officers or employees of other departments or agencies to participate in the work of the Board. The Chair shall convene the first meeting of the Board within 20 days after the date of this order and shall thereafter convene meetings of the Board at such times as the Chair, after consultation with the Vice Chair, deems appropriate. The Deputy Attorney General shall designate an official of the Department of Justice to serve as the Executive Director of the Board.

**Sec. 5. Cooperation.** To the extent permitted by law, all Federal departments and agencies shall cooperate with the Board and provide the Board with such information, support, and assistance as the Board, through the Chair, may request.

**Sec. 6. Administration.** Consistent with applicable law and subject to the availability of appropriations, the Department of Justice shall provide the funding and administrative support for the Board necessary to implement this order.

**Sec. 7. General Provisions.**

(a) This order shall not be construed to impair or otherwise affect the authorities of any department, agency, instrumentality, officer, or employee of the United States under applicable law, including the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable laws and Executive Orders concerning protection of information, including those for the protection of intelligence sources and methods, law enforcement information, and classified national security information, and the Privacy Act of 1974, as amended (5 U.S.C. 552a).

(c) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the United States, or any of its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any other person.



# EXECUTIVE ORDER 13354

## NATIONAL COUNTERTERRORISM CENTER

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Signed:  
Federal Register page and date:

August 27, 2004  
69 FR 53589, September 1, 2004

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By the authority vested in me as President by the Constitution and laws of the United States of America, including section 103(c)(8) of the National Security Act of 1947, as amended (Act), and to protect the security of the United States through strengthened intelligence analysis and strategic planning and intelligence support to operations to counter transnational terrorist threats against the territory, people, and interests of the United States of America, it is hereby ordered as follows:

### **Section 1. Policy.**

(a) To the maximum extent consistent with applicable law, agencies shall give the highest priority to (i) the detection, prevention, disruption, preemption, and mitigation of the effects of transnational terrorist activities against the territory, people, and interests of the United States of America, (ii) the interchange of terrorism information among agencies, (iii) the interchange of terrorism information between agencies and appropriate authorities of States and local governments, and (iv) the protection of the ability of agencies to acquire additional such information.

(b) Agencies shall protect the freedom, information privacy, and other legal rights of Americans in the conduct of activities implementing section 1(a) of this order.

### **Sec. 2. Establishment of National Counterterrorism Center.**

(a) There is hereby established a National Counterterrorism Center (Center).

(b) A Director of the Center shall supervise the Center.

(c) The Director of the Center shall be appointed by the Director of Central Intelligence with the approval of the President.

(d) The Director of Central Intelligence shall have authority, direction, and control over the Center and the Director of the Center.

### **Sec. 3. Functions of the Center.** The Center shall have the following functions:

(a) serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government per-

taining to terrorism and counterterrorism, excepting purely domestic counterterrorism information. The Center may, consistent with applicable law, receive, retain, and disseminate information from any Federal, State, or local government, or other source necessary to fulfill its responsibilities concerning the policy set forth in section 1 of this order; and agencies authorized to conduct counterterrorism activities may query Center data for any information to assist in their respective responsibilities;

(b) conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies;

(c) assign operational responsibilities to lead agencies for counterterrorism activities that are consistent with applicable law and that support strategic plans to counter terrorism. The Center shall ensure that agencies have access to and receive intelligence needed to accomplish their assigned activities. The Center shall not direct the execution of operations. Agencies shall inform the National Security Council and the Homeland Security Council of any objections to designations and assignments made by the Center in the planning and coordination of counterterrorism activities;

(d) serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support; and

(e) ensure that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis.

**Sec. 4. *Duties of the Director of Central Intelligence.*** The Director of Central Intelligence shall:

(a) exercise the authority available by law to the Director of Central Intelligence to implement this order, including, as appropriate, the authority set forth in section 102(e)(2)(H) of the Act;

(b) report to the President on the implementation of this order, within 120 days after the date of this order and thereafter not less often than annually, including an assessment by the Director of Central Intelligence of:

(1) the effectiveness of the United States in implementing the policy set forth in section 1 of this order, to the extent execution of that policy is within the responsibilities of the Director of Central Intelligence;

(2) the effectiveness of the Center in the implementation of the policy set forth in section 1 of this order, to the extent execution of that policy is within the responsibilities of the Director of Central Intelligence; and

(3) the cooperation of the heads of agencies in the implementation of this order; and

(c) ensure the performance of all-source intelligence analysis that, among other qualities, routinely considers and pre-

sents alternative analytical views to the President, the Vice President in the performance of executive functions, and other officials of the executive branch as appropriate.

**Sec. 5. Duties of the Director of the Center.** In implementing the policy set forth in section 1 of this order and ensuring that the Center effectively performs the functions set forth in section 3 of this order, the Director of the Center shall:

(a) access, as deemed necessary by the Director of the Center for the performance of the Center's functions, information to which the Director of the Center is granted access by section 6 of this order;

(b) correlate, analyze, evaluate, integrate, and produce reports on terrorism information;

(c) disseminate transnational terrorism information, including current terrorism threat analysis, to the President, the Vice President in the performance of Executive functions, the Secretaries of State, Defense, and Homeland Security, the Attorney General, the Director of Central Intelligence, and other officials of the executive branch as appropriate;

(d) support the Department of Homeland Security, and the Department of Justice, and other appropriate agencies, in fulfillment of their responsibility to disseminate terrorism information, consistent with applicable law, Executive Orders and other Presidential guidance, to State and local government officials, and other entities, and coordinate dissemination of terrorism information to foreign governments when approved by the Director of Central Intelligence;

(e) establish both within the Center, and between the Center and agencies, information systems and architectures for the effective access to and integration, dissemination, and use of terrorism information from whatever sources derived;

(f) undertake, as soon as the Director of Central Intelligence determines it to be practicable, all functions assigned to the Terrorist Threat Integration Center;

(g) consistent with priorities approved by the President, assist the Director of Central Intelligence in establishing requirements for the Intelligence Community for the collection of terrorism information, to include ensuring military force protection requirements are met;

(h) under the direction of the Director of Central Intelligence, and in consultation with heads of agencies with organizations in the Intelligence Community, identify, coordinate, and prioritize counterterrorism intelligence requirements for the Intelligence Community; and

(i) identify, together with relevant agencies, specific counterterrorism planning efforts to be initiated or accelerated to protect the national security.

**Sec. 6. Duties of the Heads of Agencies.**

(a) To implement the policy set forth in section 1 of this order:

(i) the head of each agency that possesses or acquires terrorism information:

(A) shall promptly give access to such information to the Director of the Center, unless prohibited by law (such as section 103(c)(7) of the Act or Executive Order 12958, as amended) or otherwise directed by the President;

(B) shall cooperate in and facilitate the production of reports based on terrorism information with contents and formats that permit dissemination that maximizes the utility of the information in protecting the territory, people, and interests of the United States; and

(C) shall cooperate with the Director of Central Intelligence in the preparation of the report to the President required by section 4 of this order; and

(ii) the head of each agency that conducts diplomatic, financial, military, homeland security, intelligence, or law enforcement activities relating to counterterrorism shall keep the Director of the Center fully and currently informed of such activities, unless prohibited by law (such as section 103(c)(7) of the Act or Executive Order 12958, as amended) or otherwise directed by the President.

(b) The head of each agency shall, consistent with applicable law, make available to the Director of the Center such personnel, funding, and other resources as the Director of Central Intelligence, after consultation with the head of the agency and with the approval of the Director of the Office of Management and Budget, may request. In order to ensure maximum information sharing consistent with applicable law, each agency representative to the Center, unless otherwise specified by the Director of Central Intelligence, shall operate under the authorities of the representative's agency.

**Sec. 7. Definitions.** As used in this order:

(a) the term "agency" has the meaning set forth for the term "executive agency" in section 105 of title 5, United States Code, together with the Department of Homeland Security, but includes the Postal Rate Commission and the United States Postal Service and excludes the Government Accountability Office;

(b) the term "Intelligence Community" has the meaning set forth for that term in section 3.4(f) of Executive Order 12333 of December 4, 1981, as amended;

(c) the terms "local government", "State", and, when used in a geographical sense, "United States" have the meanings set forth for those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

(d) the term "terrorism information" means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other United States Government activities, relating to (i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism; (ii) threats posed by such groups or individuals to the United States,

United States persons, or United States interests, or to those of other nations; (iii) communications of or by such groups or individuals; or (iv) information relating to groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

**Sec. 8. General Provisions.**

(a) This order: (i) shall be implemented in a manner consistent with applicable law, including Federal law protecting the information privacy and other legal rights of Americans, and subject to the availability of appropriations; (ii) shall be implemented in a manner consistent with the authority of the principal officers of agencies as heads of their respective agencies, including under section 199 of the Revised Statutes (22 U.S.C. 2651), section 201 of the Department of Energy Reorganization Act (42 U.S.C. 7131), section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)), and sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code; and (iii) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

(b) This order and amendments made by this order are intended only to improve the internal management of the Federal Government and are not intended to, and do not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.





## EXECUTIVE ORDER 13355

### STRENGTHENED MANAGEMENT OF THE INTELLIGENCE COMMUNITY

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Signed:	August 27, 2004
Federal Register page and date:	69 FR 53593, September 1, 2004
Amends:	EO 12333, December 12, 1981

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By the authority vested in me as President by the Constitution and laws of the United States of America, including section 103(c)(8) of the National Security Act of 1947, as amended (Act), and in order to further strengthen the effective conduct of United States intelligence activities and protect the territory, people, and interests of the United States of America, including against terrorist attacks, it is hereby ordered as follows:

**Section 1. Strengthening the Authority of the Director of Central Intelligence.** The Director of Central Intelligence (Director) shall perform the functions set forth in this order to ensure an enhanced joint, unified national intelligence effort to protect the national security of the United States. Such functions shall be in addition to those assigned to the Director by law, Executive Order, or Presidential directive.

**Sec. 2. Strengthened Role in National Intelligence.** Executive Order 12333 of December 4, 1981, as amended, is further amended as follows:

- (a) Subsection 1.5(a) is amended to read:
  - “(a)(1) Act as the principal adviser to the President for intelligence matters related to the national security;
  - “(2) Act as the principal adviser to the National Security Council and Homeland Security Council for intelligence matters related to the national security; and
- (b) Subsection 1.5(b) is amended to read: “(b)(1) Develop such objectives and guidance for the Intelligence Community necessary, in the Director’s judgment, to ensure timely and effective collection, processing, analysis, and dissemination of intelligence, of whatever nature and from whatever source derived, concerning current and potential threats to the security of the United States and its interests, and to ensure that the National Foreign Intelligence Program (NFIP) is structured adequately to achieve these requirements; and
  - “(2) Working with the Intelligence Community, ensure that United States intelligence collection activities are integrated in: (i) collecting against enduring and emerging

national security intelligence issues; (ii) maximizing the value to the national security; and (iii) ensuring that all collected data is available to the maximum extent practicable for integration, analysis, and dissemination to those who can act on, add value to, or otherwise apply it to mission needs.”

(c) Subsection 1.5(g) is amended to read:

“(g)(1) Establish common security and access standards for managing and handling intelligence systems, information, and products, with special emphasis on facilitating:

“(A) the fullest and most prompt sharing of information practicable, assigning the highest priority to detecting, preventing, preempting, and disrupting terrorist threats against our homeland, our people, our allies, and our interests; and

“(B) the establishment of interface standards for an interoperable information sharing enterprise that facilitates the automated sharing of intelligence information among agencies within the Intelligence Community.

“(2) (A) Establish, operate, and direct national centers with respect to matters determined by the President for purposes of this subparagraph to be of the highest national security priority, with the functions of analysis and planning (including planning for diplomatic, financial, military, intelligence, homeland security, and law enforcement activities, and integration of such activities among departments and agencies) relating to such matters.

“(B) The countering of terrorism within the United States, or against citizens of the United States, our allies, and our interests abroad, is hereby determined to be a matter of the highest national security priority for purposes of subparagraph (2)(A) of this subsection.”

“(3) Ensure that appropriate agencies and departments have access to and receive all-source intelligence support needed to perform independent, alternative analysis.”

(d) Subsection 1.5(m) is amended to read: “(m)(1) Establish policies, procedures, and mechanisms that translate intelligence objectives and priorities approved by the President into specific guidance for the Intelligence Community.

“(2) In accordance with objectives and priorities approved by the President, establish collection requirements for the Intelligence Community, determine collection priorities, manage collection tasking, and resolve conflicts in the tasking of national collection assets (except when otherwise directed by the President or when the Secretary of Defense exercises collection tasking authority under plans and arrangements approved by the Secretary of Defense and the Director) of the Intelligence Community.”

“(3) Provide advisory tasking concerning collection of intelligence information to elements of the United States

Government that have information collection capabilities and are not organizations within the Intelligence Community.

“(4) The responsibilities in subsections 1.5(m)(2) and (3) apply, to the maximum extent consistent with applicable law, whether information is to be collected inside or outside the United States.”

(e) Subsection 1.6(a) is amended to read:

“(a) The heads of all departments and agencies shall:“(1) Unless the Director provides otherwise, give the Director access to all foreign intelligence, counterintelligence, and national intelligence, as defined in the Act, that is relevant to transnational terrorist threats and weapons of mass destruction proliferation threats, including such relevant intelligence derived from activities of the FBI, DHS, and any other department or agency, and all other information that is related to the national security or that otherwise is required for the performance of the Director’s duties, except such information that is prohibited by law, by the President, or by the Attorney General acting under this order at the direction of the President from being provided to the Director. The Attorney General shall agree to procedures with the Director pursuant to section 3(5)(B) of the Act no later than 90 days after the issuance of this order that ensure the Director receives all such information;

“(2) support the Director in developing the NFIP;

“(3) ensure that any intelligence and operational systems and architectures of their departments and agencies are consistent with national intelligence requirements set by the Director and all applicable information sharing and security guidelines, and information privacy requirements; and

“(4) provide, to the extent permitted by law, subject to the availability of appropriations, and not inconsistent with the mission of the department or agency, such further support to the Director as the Director may request, after consultation with the head of the department or agency, for the performance of the Director’s functions.”

**Sec. 3. Strengthened Control of Intelligence Funding.** Executive Order 12333 is further amended as follows:

(a) Subsections 1.5(n), (o), and (p) are amended to read as follows:

“(n)(1) Develop, determine, and present with the advice of the heads of departments or agencies that have an organization within the Intelligence Community, the annual consolidated NFIP budget. The Director shall be responsible for developing an integrated and balanced national intelligence program that is directly responsive to the national security threats facing the United States. The Director shall submit such budget (accompanied by dissenting views, if any, of the head of a department or agency that has an organization within the Intelligence Community) to the President for approval; and

“(2) Participate in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Related Activities (TIARA) Program.

“(o)(1) Transfer, consistent with applicable law and with the approval of the Director of the Office of Management and Budget, funds from an appropriation for the NFIP to another appropriation for the NFIP or to another NFIP component;

“(2) Review, and approve or disapprove, consistent with applicable law, any proposal to: (i) reprogram funds within an appropriation for the NFIP; (ii) transfer funds from an appropriation for the NFIP to an appropriation that is not for the NFIP within the Intelligence Community; or (iii) transfer funds from an appropriation that is not for the NFIP within the Intelligence Community to an appropriation for the NFIP; and

“(3) Monitor and consult with the Secretary of Defense on reprogrammings or transfers of funds within, into, or out of, appropriations for the JMIP and the TIARA Program.

“(p)(1) Monitor implementation and execution of the NFIP budget by the heads of departments or agencies that have an organization within the Intelligence Community, including, as necessary, by conducting program and performance audits and evaluations;

“(2) Monitor implementation of the JMIP and the TIARA Program and advise the Secretary of Defense thereon; and

“(3) After consultation with the heads of relevant departments, report periodically, and not less often than semiannually, to the President on the effectiveness of implementation of the NFIP Program by organizations within the Intelligence Community, for which purpose the heads of departments and agencies shall ensure that the Director has access to programmatic, execution, and other appropriate information.”

**Sec. 4. Strengthened Role in Selecting Heads of Intelligence Organizations.** With respect to a position that heads an organization within the Intelligence Community:

(a) if the appointment to that position is made by the head of the department or agency or a subordinate thereof, no individual shall be appointed to such position without the concurrence of the Director;

(b) if the appointment to that position is made by the President alone, any recommendation to the President to appoint an individual to that position shall be accompanied by the recommendation of the Director with respect to the proposed appointment; and

(c) if the appointment to that position is made by the President, by and with the advice and consent of the Senate, any recommendation to the President for nomination of an in-

dividual for that position shall be accompanied by the recommendation of the Director with respect to the proposed nomination.

**Sec. 5. Strengthened Control of Standards and Qualifications.** The Director shall issue, after coordination with the heads of departments and agencies with an organization in the Intelligence Community, and not later than 120 days after the date of this order, and thereafter as appropriate, standards and qualifications for persons engaged in the performance of United States intelligence activities, including but not limited to:

(a) standards for training, education, and career development of personnel within organizations in the Intelligence Community, and for ensuring compatible personnel policies and an integrated professional development and education system across the Intelligence Community, including standards that encourage and facilitate service in multiple organizations within the Intelligence Community and make such rotated service a factor to be considered for promotion to senior positions;

(b) standards for attracting and retaining personnel who meet the requirements for effective conduct of intelligence activities;

(c) standards for common personnel security policies among organizations within the Intelligence Community; and

(d) qualifications for assignment of personnel to centers established under section 1.5(g)(2) of Executive Order 12333, as amended by section 2 of this order.

**Sec. 6. Technical Corrections.** Executive Order 12333 is further amended as follows:

(a) The preamble is amended by, after “amended”, inserting “(Act)”.

(b) Subsection 1.3(a)(4) is amended by, after “governments”, inserting “and organizations”.

(c) Subsection 1.4(a) is amended by, after “needed by the President”, inserting “and, in the performance of Executive functions, the Vice President,”.

(d) Subsection 1.7(c) is amended by striking “the Director of Central Intelligence and” and by striking “their respective” and inserting “its”.

(e) Subsection 1.8(c) is amended by, after “agreed upon”, inserting “by”.

(f) Subsection 1.8(i) is amended by striking “and through” and inserting in lieu thereof “through”.

(g) Subsection 1.10 is amended by:

(i) striking “The Department of the Treasury. The Secretary of the Treasury shall:” and inserting in lieu thereof “The Department of the Treasury and the Department of Homeland Security. The Secretary of the Treasury, with respect to subsections (a), (b), and (c), and the Secretary of Homeland Security with respect to subsection (d), shall:”;

(ii) in subparagraph (d), after “used against the President” inserting “or the Vice President”; and

- (iii) in subparagraph (d), striking “the Secretary of the Treasury” both places it appears and inserting in lieu thereof in both places “the Secretary of Homeland Security”.
- (h) Subsection 2.4(c)(1) is amended by striking “present of former” and inserting in lieu thereof “present or former”.
- (i) Subsection 3.1 is amended by:
  - (i) striking “as provided in title 50, United States Code, section 413” and inserting in lieu thereof “implemented in accordance with applicable law, including title V of the Act”; and
  - (ii) striking “section 662 of the Foreign Assistance Act of 1961 as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413),” and inserting in lieu thereof “applicable law, including title V of the Act.”
- (j) Subsection 3.4(b) is amended by striking “visably” and inserting in lieu thereof “visibly”.
- (k) Subsection 3.4(f) is amended:
  - (i) after “agencies within the Intelligence Community”, by inserting “; or organizations within the Intelligence Community”;
  - (ii) in paragraph (8), by striking “Those” and inserting in lieu thereof “The intelligence elements of the Coast Guard and those”; and
  - (iii) by striking the “and” at the end of paragraph (7), striking the period at the end of paragraph (8) and inserting in lieu thereof “; and”, and adding at the end thereof “(9) National Geospatial-Intelligence Agency”.

## **Sec. 7. General Provisions.**

- (a) This order and the amendments made by this order:
  - (i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;
  - (ii) shall be implemented in a manner consistent with the authority of the principal officers of the executive departments as heads of their respective departments, including under section 199 of the Revised Statutes (22 U.S.C. 2651), section 201 of the Department of Energy Reorganization Act (42 U.S.C. 7131), section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)), and sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code; and
  - (iii) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.
- (b) Nothing in section 4 of this order limits or otherwise affects—
  - (i) the appointment of an individual to a position made before the date of this order; or
  - (ii) the power of the President as an appointing authority to terminate an appointment.

(c) Nothing in this order shall be construed to impair or otherwise affect any authority to provide intelligence to the President, the Vice President in the performance of Executive functions, and other officials in the executive branch.

(d) This order and amendments made by this order are intended only to improve the internal management of the Federal Government and are not intended to, and do not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.





## EXECUTIVE ORDER 13383

### AMENDING EXECUTIVE ORDERS 12139 AND 12949 IN LIGHT OF ESTABLISHMENT OF THE OFFICE OF DIRECTOR OF NA- TIONAL INTELLIGENCE

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Signed:	July 15, 2005
Federal Register page and date:	70 FR 41933, July 20, 2005
Amends:	EO 12139, May 23, 1979 EO 12949, February 9, 1995

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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.** Section 1-103 of Executive Order 12139 of May 23, 1979, is amended by:

- (a) striking “(c) Director of Central Intelligence” and inserting in lieu thereof “(c) Director of National Intelligence”;
- (b) striking “(g) Deputy Director of Central Intelligence” and inserting in lieu thereof “(g) Director of the Central Intelligence Agency”; and
- (c) adding at the end thereof “(h) Principal Deputy Director of National Intelligence.”.

**Sec. 2.** Section 3 of Executive Order 12949 of February 9, 1995, is amended by:

- (a) striking “(c) Director of Central Intelligence” and inserting in lieu thereof “Director of National Intelligence”;
- (b) striking “and” at the end of subsection (f);
- (c) striking “(g) Deputy Director of Central Intelligence.” and inserting in lieu thereof “(g) Director of the Central Intelligence Agency; and”; and
- (d) adding at the end thereof “(h) Principal Deputy Director of National Intelligence.”.

**Sec. 3.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by any party at law or in equity against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.



## EXECUTIVE ORDER 13388

### FURTHER STRENGTHENING THE SHARING OF TERRORISM INFORMATION TO PROTECT AMERICANS

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Signed:	October 25, 2005
Federal Register page and date:	70 FR 62023, October 27, 2005
Revokes:	EO 13356, August 27, 2004
Amends:	EO 13311, July 29, 2003

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), and in order to further strengthen the effective conduct of United States counterterrorism activities and protect the territory, people, and interests of the United States of America, including against terrorist attacks, it is hereby ordered as follows:

**Section 1. Policy.** To the maximum extent consistent with applicable law, agencies shall, in the design and use of information systems and in the dissemination of information among agencies:

- (a) give the highest priority to
  - (i) the detection, prevention, disruption, preemption, and mitigation of the effects of terrorist activities against the territory, people, and interests of the United States of America;
  - (ii) the interchange of terrorism information among agencies;
  - (iii) the interchange of terrorism information between agencies and appropriate authorities of State, local, and tribal governments, and between agencies and appropriate private sector entities; and
  - (iv) the protection of the ability of agencies to acquire additional such information; and
- (b) protect the freedom, information privacy, and other legal rights of Americans in the conduct of activities implementing subsection (a).

**Sec. 2. Duties of Heads of Agencies Possessing or Acquiring Terrorism Information.** To implement the policy set forth in section 1 of this order, the head of each agency that possesses or acquires terrorism information:

- (a) shall promptly give access to the terrorism information to the head of each other agency that has counterterrorism functions, and provide the terrorism information to each such

agency, unless otherwise directed by the President, and consistent with

(i) the statutory responsibilities of the agencies providing and receiving the information;

(ii) any guidance issued by the Attorney General to fulfill the policy set forth in subsection 1(b) of this order; and

(iii) other applicable law, including sections 102A(g) and (i) of the National Security Act of 1947, section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (including any policies, procedures, guidelines, rules, and standards issued pursuant thereto), sections 202 and 892 of the Homeland Security Act of 2002, Executive Order 12958 of April 17, 1995, as amended, and Executive Order 13311 of July 29, 2003; and

(b) shall cooperate in and facilitate production of reports based on terrorism information with contents and formats that permit dissemination that maximizes the utility of the information in protecting the territory, people, and interests of the United States.

**Sec. 3. Preparing Terrorism Information for Maximum Distribution.** To assist in expeditious and effective implementation by agencies of the policy set forth in section 1 of this order, the common standards for the sharing of terrorism information established pursuant to section 3 of Executive Order 13356 of August 27, 2004, shall be used, as appropriate, in carrying out section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004.

**Sec. 4. Requirements for Collection of Terrorism Information Inside the United States.** To assist in expeditious and effective implementation by agencies of the policy set forth in section 1 of this order, the recommendations regarding the establishment of executive branch-wide collection and sharing requirements, procedures, and guidelines for terrorism information collected within the United States made pursuant to section 4 of Executive Order 13356 shall be used, as appropriate, in carrying out section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004.

**Sec. 5. Establishment and Functions of Information Sharing Council.**

(a) Consistent with section 1016(g) of the Intelligence Reform and Terrorism Prevention Act of 2004, there is hereby established an Information Sharing Council (Council), chaired by the Program Manager to whom section 1016 of such Act refers, and composed exclusively of designees of: the Secretaries of State, the Treasury, Defense, Commerce, Energy, and Homeland Security; the Attorney General; the Director of National Intelligence; the Director of the Central Intelligence Agency; the Director of the Office of Management and Budget; the Director of the Federal Bureau of Investigation; the Director of the National Counterterrorism Center; and such other heads of departments or agencies as the Director of National Intelligence may designate.

(b) The mission of the Council is to

(i) provide advice and information concerning the establishment of an interoperable terrorism information sharing environment to facilitate automated sharing of terrorism information among appropriate agencies to implement the policy set forth in section 1 of this order; and

(ii) perform the duties set forth in section 1016(g) of the Intelligence Reform and Terrorism Prevention Act of 2004.

(c) To assist in expeditious and effective implementation by agencies of the policy set forth in section 1 of this order, the plan for establishment of a proposed interoperable terrorism information sharing environment reported under section 5(c) of Executive Order 13356 shall be used, as appropriate, in carrying out section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004.

**Sec. 6. Definitions.** As used in this order:

(a) the term “agency” has the meaning set forth for the term “executive agency” in section 105 of title 5, United States Code, together with the Department of Homeland Security, but includes the Postal Rate Commission and the United States Postal Service and excludes the Government Accountability Office; and

(b) the term “terrorism information” has the meaning set forth for such term in section 1016(a)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004.

**Sec. 7. General Provisions.**

(a) This order:

(i) shall be implemented in a manner consistent with applicable law, including Federal law protecting the information privacy and other legal rights of Americans, and subject to the availability of appropriations;

(ii) shall be implemented in a manner consistent with the authority of the principal officers of agencies as heads of their respective agencies, including under section 199 of the Revised Statutes (22 U.S.C. 2651), section 201 of the Department of Energy Organization Act (42 U.S.C. 7131), section 103 of the National Security Act of 1947 (50 U.S.C. 403-3), section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)), and sections 301 of title 5, 113(b) and 162(b) of title 10, 1501 of title 15, 503 of title 28, and 301(b) of title 31, United States Code;

(iii) shall be implemented consistent with the Presidential Memorandum of June 2, 2005, on “Strengthening Information Sharing, Access, and Integration - Organizational, Management, and Policy Development Structures for Creating the Terrorism Information Sharing Environment;”

(iv) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals; and

(v) shall be implemented in a manner consistent with section 102A of the National Security Act of 1947.

(b) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

**Sec. 8. Amendments and Revocation.**

- (a) Executive Order 13311 of July 29, 2003, is amended:
- (i) by striking “Director of Central Intelligence” each place it appears and inserting in lieu thereof in each such place “Director of National Intelligence”; and
  - (ii) by striking “103(c)(7)” and inserting in lieu thereof “102A(i)(1)”.
- (b) Executive Order 13356 of August 27, 2004, is hereby revoked.

## EXECUTIVE ORDER 13389

### CREATION OF THE GULF COAST RECOVERY AND REBUILDING COUNCIL

{AMENDED BY EO 13403, EO 13463}

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Signed:	November 1, 2005
Federal Register page and date:	70 FR 67325, November 4, 2005
Amended by:	EO 13403, May 12, 2006 EO 13463, April 18, 2008

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By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121-5206) (the “Stafford Act”), and in order to further strengthen Federal support for the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to provide effective, integrated, and fiscally responsible support from across the Federal Government to support State, local, and tribal governments, the private sector, and faith-based and other community humanitarian relief organizations in the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita.

**Sec. 2. Establishment.**

(a) There is established, within the Executive Office of the President, the Gulf Coast Recovery and Rebuilding Council (the “Council”). The Assistant to the President for Homeland Security and Counterterrorism; shall serve as the Chairman of the Council (the “Chairman”). The Council shall consist exclusively of the following members or full-time Federal officers or employees designated by them, respectively:

- (i) Secretary of the Treasury;
- (ii) Secretary of Defense;
- (iii) Attorney General;
- (iv) Secretary of the Interior;
- (v) Secretary of Agriculture;
- (vi) Secretary of Commerce;
- (vii) Secretary of Labor;
- (viii) Secretary of Health and Human Services;
- (ix) Secretary of Housing and Urban Development;
- (x) Secretary of Transportation;
- (xi) Secretary of Energy;

- (xii) Secretary of Education;
- (xiii) Secretary of Veterans Affairs;
- (xiv) Secretary of Homeland Security;
- (xv) Administrator of the Environmental Protection Agency;
- (xvi) Chairman of the Council of Economic Advisers;
- (xvii) Administrator of the Small Business Administration;
- (xviii) Director of the Office of Management and Budget;
- (xix) Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region;
- (xx) Assistant to the President for Economic Policy;
- (xxi) Assistant to the President for Domestic Policy;
- (xxii) Assistant to the President for Homeland Security and Counterterrorism; and
- (xxiii) Such other officers and employees of the executive branch as the Chairman may from time to time designate.

(b) The Chairman, in consultation with the Coordinator, shall convene and preside over meetings of the Council, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist of Council members or their designees under subsection 2(a) of this order, and including those officers and employees of the executive branch as designated by the Chairman.

**Sec. 3. Functions of Council.** The Council shall:

- (a) at the request of the Chairman, the Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region, or any agency head who is a member of the Council (subject to the approval of the Chairman), promptly review and provide advice and guidance, for the purpose of furthering the policy set forth in section 1 of this order, regarding any issue relating to the implementation of that policy; and
- (b) make recommendations to the President, as appropriate, regarding any issue considered by the Council pursuant to section 3(a) of this order.

**Sec. 4. General.**

- (a) To the extent permitted by law:
  - (i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and
  - (ii) the Director of the Office of Administration shall provide or arrange for the provision of administrative support to the Council.
- (b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- (c) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.



(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

**Sec. 5. Termination.** The Council shall terminate February 28, 2009, unless extended by the President.



## EXECUTIVE ORDER 13390

### ESTABLISHMENT OF A COORDINATOR OF FEDERAL SUPPORT FOR THE RECOVERY AND REBUILDING OF THE GULF COAST REGION

{AMENDED BY EO 13463, EO 13504, PEO 13512}

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Signed:	November 1, 2005
Federal Register page and date:	70 FR 67327, November 4, 2005
Amended by:	EO 13463, April 18, 2008
	EO 13504, February 19, 2009
	EO 13512, September 29, 2009

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (6 U.S.C. 101 *et seq.*) and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121-5206) (the “Stafford Act”), and to further strengthen Federal support for the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to provide effective, integrated, and fiscally responsible support from across the Federal Government to support State, local, and tribal governments, the private sector, and faith-based and other community humanitarian relief organizations in the recovery and rebuilding of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita (the “Federal Response”).

**Sec. 2. Establishment of Coordinator.** The Secretary of Homeland Security (Secretary) shall establish in the Department of Homeland Security the position of Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region (Coordinator). The Coordinator shall be selected by the President and shall be appointed by and report directly to the Secretary. The Secretary shall make available to the Coordinator such personnel, funds, and other resources as may be appropriate to enable the Coordinator to carry out the Coordinator’s mission.

**Sec. 3. Mission and Functions of Coordinator.**

(a) The Coordinator’s mission shall be to work with executive departments and agencies to ensure the proper implementation of the policy set forth in section 1 of this order by coordinating the Federal Response. The Coordinator shall be the principal point of contact for the President and his senior advisors with respect to the Federal Response.

(b) Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall lead the process to develop the principles governing and define the goals of the Federal Response. The Coordinator shall communicate those principles and goals to all Federal officials involved in the Federal Response.

(c) Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall lead the development and monitor the implementation of the specific policies and programs that constitute the Federal Response, and ensure that those policies and programs are consistent with the principles and goals of the Federal Response.

(d) The Coordinator shall serve as the primary point of contact within the executive branch with the Congress, State and local governments, the private sector, and community leaders regarding the Federal Response. Working with the input of all appropriate heads of executive departments and agencies, the Coordinator shall be responsible for managing information flow, requests for actions, and discussions regarding the Federal Response with the Congress, State and local governments, the private sector, and community leaders.

**Sec. 4. Duties of Heads of Departments and Agencies.** Heads of executive departments and agencies shall respond promptly to any request by the Coordinator, and shall, consistent with applicable law, provide such information as the Coordinator deems necessary to carry out the Coordinator's mission, and shall otherwise cooperate with the Coordinator to the greatest extent practicable to facilitate the performance of the Coordinator's mission.

**Sec. 5. General Provisions.**

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

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

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

(iii) the chain of command over the Armed Forces provided in section 162(b) of title 10, United States Code.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations, and shall terminate April 1, 2010.

(c) As used in this order, the term "agency" has the meaning set forth for the term "executive agency" in section 105 of title 5, United States Code, excluding the Government Accountability Office.

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

EXECUTIVE ORDER 13407  
PUBLIC ALERT AND WARNING SYSTEM

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Signed:	June 26, 2006
Federal Register page and date:	71 FR 36975, June 28, 2006
Amends:	EO 12472, April 3, 1984

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*), and the Homeland Security Act of 2002, as amended (6 U.S.C. 101 *et seq.*), it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to have an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the American people in situations of war, terrorist attack, natural disaster, or other hazards to public safety and well-being (public alert and warning system), taking appropriate account of the functions, capabilities, and needs of the private sector and of all levels of government in our Federal system, and to ensure that under all conditions the President can communicate with the American people.

**Sec. 2. Functions of the Secretary of Homeland Security.**

(a) To implement the policy set forth in section 1 of this order, the Secretary of Homeland Security shall:

(i) inventory, evaluate, and assess the capabilities and integration with the public alert and warning system of Federal, State, territorial, tribal, and local public alert and warning resources;

(ii) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system to enable interoperability and the secure delivery of coordinated messages to the American people through as many communication pathways as practicable, taking account of Federal Communications Commission rules as provided by law;

(iii) ensure the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

(iv) include in the public alert and warning system the capability to alert and warn all Americans, including those

with disabilities and those without an understanding of the English language;

(v) through cooperation with the owners and operators of communication facilities, maintain, protect, and, if necessary, restore communications facilities and capabilities necessary for the public alert and warning system;

(vi) ensure the conduct of training, tests, and exercises for the public alert and warning system;

(vii) ensure the conduct of public education efforts so that State, territorial, tribal, and local governments, the private sector, and the American people understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system;

(viii) consult, coordinate, and cooperate with the private sector, including communications media organizations, and Federal, State, territorial, tribal, and local governmental authorities, including emergency response providers, as appropriate;

(ix) administer the Emergency Alert System (EAS) as a critical component of the public alert and warning system; and

(x) ensure that under all conditions the President of the United States can alert and warn the American people.

(b) In performing the functions set forth in subsection (a) of this section, the Secretary of Homeland Security shall coordinate with the Secretary of Commerce, the heads of other departments and agencies of the executive branch (agencies), and other officers of the United States, as appropriate, and the Federal Communications Commission.

(c) The Secretary of Homeland Security may issue guidance to implement this order.

### **Sec. 3. Duties of Heads of Departments and Agencies.**

(a) The heads of agencies shall provide such assistance and information as the Secretary of Homeland Security may request to implement this order.

(b) In addition to performing the duties specified under subsection (a) of this section:

(i) the Secretary of Commerce shall make available to the Secretary of Homeland Security, to assist in implementing this order, the capabilities and expertise of the Department of Commerce relating to standards, technology, telecommunications, dissemination systems, and weather;

(ii) the Secretary of Defense shall provide to the Secretary of Homeland Security requirements for the public alert and warning system necessary to ensure proper coordination of the functions of the Department of Defense with the use of such system;

(iii) the Federal Communications Commission shall, as provided by law, adopt rules to ensure that communications systems have the capacity to transmit alerts and warnings to the public as part of the public alert and warning system; and

(iv) the heads of agencies with capabilities for public alert and warning shall comply with guidance issued by the Secretary of Homeland Security under subsection 2(c) of this order, and shall develop and maintain such capabilities in a manner consistent and interoperable with the public alert and warning system.

**Sec. 4. Reports on Implementation.** Not later than 90 days after the date of this order, the Secretary of Homeland Security shall submit to the President, through the Assistant to the President for Homeland Security and Counterterrorism, a plan for the implementation of this order, and shall thereafter submit reports from time to time, and not less often than once each year, on such implementation, together with any recommendations the Secretary finds appropriate.

**Sec. 5. Amendment, Revocation, and Transition.**

(a) Section 3(b)(4) of Executive Order 12472 of April 3, 1984, as amended, is further amended by striking “Emergency Broadcast System” and inserting in lieu thereof “Emergency Alert System”.

(b) Not later than 120 days after the date of this order, the Secretary of Homeland Security, after consultation with the Assistant to the President for Homeland Security and Counterterrorism, shall issue guidance under section 2(c) of this order that shall address the subject matter of the presidential memorandum of September 15, 1995, for the Director, Federal Emergency Management Agency, on Presidential Communications with the General Public During Periods of National Emergency, and upon issuance of such guidance such memorandum is revoked.

(c) The Secretary of Homeland Security shall ensure an orderly and effective transition, without loss of capability, from alert and warning systems available as of the date of this order to the public alert and warning system for which this order provides.

**Sec. 6. General Provisions.**

(a) This order shall be implemented in a manner consistent with:

(i) applicable law and presidential guidance, including Executive Order 12472 of April 3, 1984, as amended, and subject to the availability of appropriations; and

(ii) the authorities of agencies, or heads of agencies, vested by law.

(b) This order shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

(c) This order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.





## EXECUTIVE ORDER 13416

### STRENGTHENING SURFACE TRANSPORTATION SECURITY

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Signed:  
Federal Register page and date:

December 5, 2006  
71 FR 71033, December 7, 2006

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the security of the Nation's surface transportation systems and thereby enhance the protection of the people, property, and territory of the United States of America against terrorist attacks, it is hereby ordered as follows:

**Section 1. Policy.** The security of our Nation's surface transportation systems is a national priority, vital to our economy, and essential to the security of our Nation. Federal, State, local, and tribal governments, the private sector, and the public share responsibility for the security of surface transportation. It is the policy of the United States to protect the people, property, and territory of the United States by facilitating the implementation of a comprehensive, coordinated, and efficient security program to protect surface transportation systems within and adjacent to the United States against terrorist attacks.

**Sec. 2. Definitions.** For purposes of this order:

(a) "agencies" means those executive departments enumerated in 5 U.S.C. 101, independent establishments as defined by 5 U.S.C. 104(1), government corporations as defined by 5 U.S.C. 103(1), and the United States Postal Service;

(b) "Secretary" means the Secretary of Homeland Security;

(c) "security guideline" means any security-related guidance that the Secretary recommends, for implementation on a voluntary basis, to enhance the security of surface transportation;

(d) "security requirement" means any "regulatory action" as defined in section 3 of Executive Order 12866 of September 30, 1993, as amended (Regulatory Planning and Review), including security directives when appropriate, to implement measures to enhance the security of surface transportation;

(e) "surface transportation modes" means mass transit, commuter and long-distance passenger rail, freight rail, commercial vehicles (including intercity buses), and pipelines, and related infrastructure (including roads and highways), that are within the territory of the United States, but does not include electric grids; and

(f) “surface transportation” means any conveyance of people, goods, or commodities using one or more surface transportation modes.

**Sec. 3. Functions of the Secretary of Homeland Security.** The Secretary is the principal Federal official responsible for infrastructure protection activities for surface transportation. To implement the policy set forth in section 1 of this order, the Secretary shall, consistent with the National Infrastructure Protection Plan (NIPP), in coordination with the Secretary of Transportation, and in consultation with the heads of other relevant agencies:

(a) assess the security of each surface transportation mode and evaluate the effectiveness and efficiency of current Federal Government surface transportation security initiatives;

(b) building upon current security initiatives, not later than December 31, 2006, develop a comprehensive transportation systems sector specific plan, as defined in the NIPP;

(c) not later than 90 days after the comprehensive transportation systems sector specific plan is completed, develop an annex to such plan that addresses each surface transportation mode, which shall also include, at a minimum--(i) an identification of existing security guidelines and security requirements and any security gaps, a description of how the transportation systems sector specific plan will be implemented for such mode, and the respective roles, responsibilities, and authorities of Federal, State, local, and tribal governments and the private sector; (ii) schedules and protocols for annual reviews of the effectiveness of surface transportation security-related information sharing mechanisms in bringing about the timely exchange of surface transportation security information among Federal, State, local, and tribal governments and the private sector, as appropriate; and (iii) a process for assessing (A) compliance with any security guidelines and security requirements issued by the Secretary for surface transportation, and (B) the need for revision of such guidelines and requirements to ensure their continuing effectiveness;

(d) in consultation with State, local, and tribal government officials and the private sector, not later than 180 days after the date of this order, identify surface transportation modes, or components thereof, that are subject to high risk of terrorist attack, draft appropriate security guidelines or security requirements to mitigate such risks, and ensure that, prior to their issuance, draft security requirements are transmitted to the Office of Management and Budget for review in accordance with Executive Order 12866 and draft security guidelines receive appropriate interagency review;

(e) develop, implement, and lead a process, in collaboration with other agencies, State, local, and tribal governments, and the private sector, as appropriate, to coordinate research, development, testing, and evaluation of technologies (including alternative uses for commercial off-the-shelf technologies and products) relating to the protection of surface transportation, including--(i) determining product and technology needs to inform the requirements for and prioritization of research, development, testing, and evaluation, based on the security guide-

lines and security requirements developed pursuant to subsection (c) of this section and evolving terrorist threats to the security of surface transportation; (ii) collecting information on existing and planned research, development, testing, and evaluation efforts; and (iii) not later than 180 days after the date of this order, consistent with section 313 of the Homeland Security Act of 2002, as amended (6 U.S.C. 193), establishing and making available to Federal, State, local, and tribal government entities, and private sector owners and operators of surface transportation systems, lists of available technologies and products relating to the protection of surface transportation; and

(f) use security grants authorized by law to assist in implementing security requirements and security guidelines issued pursuant to law and consistent with subsection (c) of this section.

**Sec. 4. Duties of Heads of Other Agencies.** Heads of agencies, as appropriate, shall provide such assistance and information as the Secretary may request to implement this order.

**Sec. 5. General Provisions.** This order:

(a) shall be implemented consistent with applicable law and the authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations;

(b) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals; and

(c) is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.



# EXECUTIVE ORDER 13434

## NATIONAL SECURITY PROFESSIONAL DEVELOPMENT

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Signed: May 17, 2007  
Federal Register page and date: 72 FR 28583, May 22, 2007

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

**Section 1. Policy.** In order to enhance the national security of the United States, including preventing, protecting against, responding to, and recovering from natural and manmade disasters, such as acts of terrorism, it is the policy of the United States to promote the education, training, and experience of current and future professionals in national security positions (security professionals) in executive departments and agencies (agencies).

**Sec. 2. National Strategy for Professional Development.** Not later than 60 days after the date of this order, the Assistant to the President for Homeland Security and Counterterrorism (APHS/CT), in coordination with the Assistant to the President for National Security Affairs (APNSA), shall submit to the President for approval a National Strategy for the Development of Security Professionals (National Strategy). The National Strategy shall set forth a framework that will provide to security professionals access to integrated education, training, and professional experience opportunities for the purpose of enhancing their mission-related knowledge, skills, and experience and thereby improve their capability to safeguard the security of the Nation. Such opportunities shall be provided across organizations, levels of government, and incident management disciplines, as appropriate.

**Sec. 3. Executive Steering Committee.**

(a) There is established the Security Professional Development Executive Steering Committee (Steering Committee), which shall facilitate the implementation of the National Strategy. Not later than 120 days after the approval of the National Strategy by the President, the Steering Committee shall submit to the APHS/CT and the APNSA an implementation plan (plan) for the National Strategy, and annually thereafter shall submit to the APHS/CT and the APNSA a status report on the implementation of the plan and any recommendations for changes to the National Strategy.

(b) The Steering Committee shall consist exclusively of the following members (or their designees who shall be full-time officers or employees of the members' respective agencies):

- (i) the Director of the Office of Personnel Management, who shall serve as Chair;
- (ii) the Secretary of State;
- (iii) the Secretary of the Treasury;
- (iv) the Secretary of Defense;
- (v) the Attorney General;
- (vi) the Secretary of Agriculture;
- (vii) the Secretary of Labor;
- (viii) the Secretary of Health and Human Services;
- (ix) the Secretary of Housing and Urban Development;
- (x) the Secretary of Transportation;
- (xi) the Secretary of Energy;
- (xii) the Secretary of Education;
- (xiii) the Secretary of Homeland Security;
- (xiv) the Director of National Intelligence;
- (xv) the Director of the Office of Management and Budget; and
- (xvi) such other officers of the United States as the Chair of the Steering Committee may designate from time to time.

(c) The Steering Committee shall coordinate, to the maximum extent practicable, national security professional development programs and guidance issued by the heads of agencies in order to ensure an integrated approach to such programs.

(d) The Chair of the Steering Committee shall convene and preside at the meetings of the Steering Committee, set its agenda, coordinate its work, and, as appropriate to deal with particular subject matters, establish subcommittees of the Steering Committee that shall consist exclusively of members of the Steering Committee (or their designees under subsection (b) of this section), and such other full-time or permanent part-time officers or employees of the Federal Government as the Chair may designate.

**Sec. 4. Responsibilities.** The head of each agency with national security functions shall:

(a) identify and enhance existing national security professional development programs and infrastructure, and establish new programs as necessary, in order to fulfill their respective missions to educate, train, and employ security professionals consistent with the National Strategy and, to the maximum extent practicable, the plan and related guidance from the Steering Committee; and

(b) cooperate with the Steering Committee and provide such information, support, and assistance as the Chair of the Steering Committee may request from time to time.

**Sec. 5. Additional Responsibilities.**

(a) Except for employees excluded by law, and subject to subsections (b), (c), and (d) of this section, the Director of the Office of Personnel Management, after consultation with the Steering Committee, shall: (i) consistent with applicable merit-

based hiring and advancement principles, lead the establishment of a national security professional development program in accordance with the National Strategy and the plan that provides for interagency and intergovernmental assignments and fellowship opportunities and provides for professional development guidelines for career advancement; and (ii) issue to agencies rules and guidance or apply existing rules and guidance relating to the establishment of national security professional development programs to implement the National Strategy and the plan;

(b) The Secretary of Defense shall issue rules or guidance on professional development programs for Department of Defense military personnel, including interagency and intergovernmental assignments and fellowship opportunities, to implement the National Strategy and the plan, as appropriate, and shall coordinate such programs, to the maximum extent practicable, with the Steering Committee;

(c) The Secretary of State shall issue rules or guidance on national security professional development programs for the Foreign Service, including interagency and intergovernmental exchanges and fellowship opportunities, to implement the National Strategy and the plan, as appropriate, and shall coordinate such programs, to the maximum extent practicable, with the Steering Committee;

(d) The Director of National Intelligence, in coordination with the heads of agencies of which elements of the intelligence community are a part, shall issue rules or guidance on national security professional development programs for the intelligence community, including interagency and intergovernmental assignments and fellowship opportunities, to implement the National Strategy and the plan, as appropriate, and shall coordinate such programs, to the maximum extent practicable, with the Steering Committee; and

(e) The Secretary of Homeland Security shall develop a program to provide to Federal, State, local, and tribal government officials education in disaster preparedness, response, and recovery plans and authorities, and training in crisis decision-making skills, consistent with applicable presidential guidance.

**Sec. 6. General Provisions.** This order:

(a) shall be implemented consistent with applicable law and authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations;

(b) shall not be construed to impair or otherwise affect the authorities of any agency, instrumentality, officer, or employee of the United States under applicable law, including the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals, or the functions assigned by the President to the Director of the Office of Personnel Management; and

(c) is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.





## EXECUTIVE ORDER 13442

### AMENDING THE ORDER OF SUCCESSION IN THE DEPARTMENT OF HOMELAND SECURITY

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Signed:	August 13, 2007
Federal Register page and date:	72 FR 45877, August 15, 2007
Amends:	EO 13286, February 28, 2003
Revokes:	EO 13362, November 29, 2004

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq.*, it is hereby ordered as follows:

**Section 1.** Section 88 of Executive Order 13286 of February 28, 2003 (“Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security”), is amended by striking the text of such section in its entirety and inserting the following in lieu thereof:

“Sec. 88. Order of Succession.

Subject to the provisions of subsection (b) of this section, the officers named in subsection (a) of this section, in the order listed, shall act as, and perform the functions and duties of the office of, the Secretary of Homeland Security (Secretary), if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.* (Vacancies Act), during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

“(a) Order of Succession.

- (i) Deputy Secretary of Homeland Security;
- (ii) Under Secretary for National Protection and Programs;
- (iii) Under Secretary for Management;
- (iv) Assistant Secretary of Homeland Security (Policy);
- (v) Under Secretary for Science and Technology;
- (vi) General Council;
- (vii) Assistant Secretary of Homeland Security (Transportation Security Administration);
- (viii) Administrator of the Federal Emergency Management Agency;
- (ix) Commissioner of U.S. Customs and Border Protection;

- (x) Assistant Secretary of Homeland Security (U.S. Immigration and Customs Enforcement);
- (xi) Director of U.S. Citizenship and Immigration Services;
- (xii) Chief Financial Officer;
- (xiii) Regional Administrator, Region V, Federal Emergency Management Agency;
- (xiv) Regional Administrator, Region VI, Federal Emergency Management Agency;
- (xv) Regional Administrator, Region VII, Federal Emergency Management Agency;
- (xvi) Regional Administrator, Region IX, Federal Emergency Management Agency; and
- (xvii) Regional Administrator, Region I, Federal Emergency Management Agency.

“(b) Exceptions.

- (i) No individual who is serving in an office listed in subsection (a) in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this section.
- (ii) Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the Vacancies Act, to depart from this order in designating an acting Secretary.”

**Sec. 2.** Executive Order 13362 of November 29, 2004 (“Designation of Additional Officers for the Department of Homeland Security Order of Succession”), is hereby revoked.

## EXECUTIVE ORDER 13462

### PRESIDENT'S INTELLIGENCE ADVISORY BOARD AND INTELLIGENCE OVERSIGHT BOARD

{AS AMENDED BY EO 13516}

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Signed:	February 29, 2008
Federal Register page and date:	73 FR 4677, January 25, 2008
Amended by:	EO 13516, October 28, 2009
Revokes:	EO 12863, September 13, 1993

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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.** It is the policy of the United States to ensure that the President and other officers of the United States with responsibility for the security of the Nation and the advancement of its interests have access to accurate, insightful, objective, and timely information concerning the capabilities, intentions, and activities of foreign powers.

**Sec. 2. Definitions.** As used in this order:

(a) "department concerned" means an executive department listed in section 101 of title 5, United States Code, that contains an organization listed in or designated pursuant to section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a(4));

(b) "intelligence activities" has the meaning specified in section 3.5 of Executive Order 12333 of December 4, 1981, as amended; and

(c) "intelligence community" means the organizations listed in or designated pursuant to section 3(4) of the National Security Act of 1947, as amended.

**Sec. 3. Establishment of the President's Intelligence Advisory Board.**

(a) There is hereby established, within the Executive Office of the President and exclusively to advise and assist the President as set forth in this order, the President's Intelligence Advisory Board (PIAB).

(b) The PIAB shall consist of not more than 16 members appointed by the President from among individuals who are not full-time employees of the Federal Government.

(c) The President shall designate a Chair or Co-Chairs from among the members of the PIAB, who shall convene and

preside at meetings of the PIAB, determine its agenda, and direct its work.

(d) Members of the PIAB and the Intelligence Oversight Board (IOB) established in section 5 of this order:

(i) shall serve without any compensation for their work on the PIAB or the IOB; and

(ii) while engaged in the work of the PIAB or the IOB, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701-5707).

(e) The PIAB shall utilize such full-time professional and administrative staff as authorized by the Chair and approved by the President or the President's designee. Such staff shall be supervised by an Executive Director of the PIAB, appointed by the President, whom the President may designate to serve also as the Executive Director of the IOB.

**Sec. 4. Functions of the PIAB.** Consistent with the policy set forth in section 1 of this order, the PIAB shall have the authority to, as the PIAB determines appropriate, or shall, when directed by the President:

(a) assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, and of counter-intelligence and other intelligence activities, assess the adequacy of management, personnel and organization in the intelligence community, and review the performance of all agencies of the Federal Government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy and report the results of such assessments or reviews:

(i) to the President, as necessary but not less than twice each year; and

(ii) to the Director of National Intelligence (DNI) and the heads of departments concerned when the PIAB determines appropriate; and

(b) consider and make appropriate recommendations to the President, the DNI, or the head of the department concerned with respect to matters identified to the PIAB by the DNI or the head of a department concerned.

**Sec. 5. Establishment of Intelligence Oversight Board.**

(a) There is hereby established a committee of the PIAB to be known as the Intelligence Oversight Board.

(b) The IOB shall consist of not more than five members of the PIAB who are designated by the President from among members of the PIAB to serve on the IOB. The IOB shall utilize such full-time professional and administrative staff as authorized by the Chair and approved by the President or the President's designee. Such staff shall be supervised by an Executive Director of the IOB, appointed by the President, whom the President may designate to serve also as the Executive Director of the PIAB.

(c) The President shall designate a Chair from among the members of the IOB, who shall convene and preside at meetings of the IOB, determine its agenda, and direct its work.

**Sec. 6. Functions of the IOB.** Consistent with the policy set forth in section 1 of this order, the IOB shall:

(a) issue criteria on the thresholds for reporting matters to the IOB, to the extent consistent with section 1.7(d) of Executive Order 12333 or the corresponding provision of any successor order;

(b) inform the President of intelligence activities that the IOB believes:

(i)(A) may be unlawful or contrary to Executive Order or presidential directive; and

(B) are not being adequately addressed by the Attorney General, the DNI, or the head of the department concerned; or

(ii) should be immediately reported to the President.

(c) forward to the Attorney General information concerning intelligence activities that involve possible violations of Federal criminal laws or otherwise implicate the authority of the Attorney General;

(d) review and assess the effectiveness, efficiency, and sufficiency of the processes by which the DNI and the heads of departments concerned perform their respective functions under this order and report thereon as necessary, together with any recommendations, to the President and, as appropriate, the DNI and the head of the department concerned;

(e) receive and review information submitted by the DNI under subsection 7(c) of this order and make recommendations thereon, including for any needed corrective action, with respect to such information, and the intelligence activities to which the information relates, as necessary, but not less than twice each year, to the President, the DNI, and the head of the department concerned; and

(f) conduct, or request that the DNI or the head of the department concerned, as appropriate, carry out and report to the IOB the results of, investigations of intelligence activities that the IOB determines are necessary to enable the IOB to carry out its functions under this order.

**Sec. 7. Functions of the Director of National Intelligence.** Consistent with the policy set forth in section 1 of this order, the DNI shall:

(a) with respect to guidelines applicable to organizations within the intelligence community that concern reporting of intelligence activities described in subsection 6(b)(i)(A) of this order:

(i) review and ensure that such guidelines are consistent with section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order, and this order; and

(ii) issue for incorporation in such guidelines instructions relating to the format and schedule of such reporting as necessary to implement this order;

(b) with respect to intelligence activities described in subsection 6(b)(i)(A) of this order:

- (i) receive reports submitted to the IOB pursuant to section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order;
- (ii) forward to the Attorney General information in such reports relating to such intelligence activities to the extent that such activities involve possible violations of Federal criminal laws or implicate the authority of the Attorney General unless the DNI or the head of the department concerned has previously provided such information to the Attorney General; and
- (iii) monitor the intelligence community to ensure that the head of the department concerned has directed needed corrective actions and that such actions have been taken and report to the IOB and the head of the department concerned, and as appropriate the President, when such actions have not been timely taken; and
- (c) submit to the IOB as necessary and no less than twice each year:
  - (i) an analysis of the reports received under subsection (b)(i) of this section, including an assessment of the gravity, frequency, trends, and patterns of occurrences of intelligence activities described in subsection 6(b)(i)(A) of this order;
  - (ii) a summary of direction under subsection (b)(iii) of this section and any related recommendations; and
  - (iii) an assessment of the effectiveness of corrective action taken by the DNI or the head of the department concerned with respect to intelligence activities described in subsection 6(b)(i)(A) of this order.

**Sec. 8. Functions of Heads of Departments Concerned and Additional Functions of the Director of National Intelligence.**

- (a) To the extent permitted by law, the DNI and the heads of departments concerned shall provide such information and assistance as the PIAB and the IOB determine is needed to perform their functions under this order
- (b) The heads of departments concerned shall:
  - (i) ensure that the DNI receives:
    - (A) copies of reports submitted to the IOB pursuant to section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order; and
    - (B) such information and assistance as the DNI may need to perform functions under this order; and
  - (ii) designate the offices within their respective organizations that shall submit reports to the IOB required by Executive Order and inform the DNI and the IOB of such designations; and
  - (iii) ensure that departments concerned comply with instructions issued by the DNI under subsection 7(a)(ii) of this order.
- (c) The head of a department concerned who does not implement a recommendation to that head of department from the PIAB under subsection 4(b) of this order or from the IOB under subsections 6(c) or 6(d) of this order shall promptly re-

port through the DNI to the Board that made the recommendation, or to the President, the reasons for not implementing the recommendation.

(d) The DNI shall ensure that the Director of the Central Intelligence Agency performs the functions with respect to the Central Intelligence Agency under this order that a head of a department concerned performs with respect to organizations within the intelligence community that are part of that department.

**Sec. 9. References and Transition.**

(a) References in Executive Orders other than this order, or in any other presidential guidance, to the “President’s Foreign Intelligence Advisory Board” shall be deemed to be references to the President’s Intelligence Advisory Board established by this order.

(b) Individuals who are members of the President’s Foreign Intelligence Advisory Board under Executive Order 12863 of September 13, 1993, as amended, immediately prior to the signing of this order shall be members of the President’s Intelligence Advisory Board immediately upon the signing of this order, to serve as such consistent with this order until the date that is 15 months following the date of this order.

(c) Individuals who are members of the Intelligence Oversight Board under Executive Order 12863 immediately prior to the signing of this order shall be members of the Intelligence Oversight Board under this order, to serve as such consistent with this order until the date that is 15 months following the date of this order.

(d) The individual serving as Executive Director of the President’s Foreign Intelligence Advisory Board immediately prior to the signing of this order shall serve as the Executive Director of the PIAB until such person resigns, dies, or is removed, or upon appointment of a successor under this order and shall serve as the Executive Director of the IOB until an Executive Director of the IOB is appointed or designated under this order.

**Sec. 10. Revocation.** Executive Order 12863 is revoked.

**Sec. 11. General Provisions.**

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

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

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

(b) Any person who is a member of the PIAB or the IOB, or who is granted access to classified national security information in relation to the activities of the PIAB or the IOB, as a condition of access to such information, shall sign and comply with appropriate agreements to protect such information from unauthorized disclosure. This order shall be implemented in a manner consistent with Executive Order 12958 of April 17,

1995, as amended, and Executive Order 12968 of August 2, 1995, as amended.

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

(d) This order is intended only to improve the internal management of the executive branch and 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.



## EXECUTIVE ORDER 13475

### FURTHER AMENDMENTS TO EXECUTIVE ORDERS 12139 AND 12949 IN LIGHT OF THE FOREIGN INTELLIGENCE SURVEIL- LANCE ACT OF 1978 AMENDMENTS ACT OF 2008

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Signed:  
Federal Register page and date:

October 7, 2008  
73 FR 60095, October 10, 2008

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 104 and 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 *et seq.*), as amended by the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110–261), it is hereby ordered as follows:

**Section 1.** Section 1-103 of Executive Order 12139 of May 23, 1979, as amended, is further amended by:

(a) striking “(7)” each place it appears and inserting in lieu thereof “(6)”;

(b) adding after subsection (h) “(i) Deputy Director of the Federal Bureau of Investigation.”; and

(c) by adding after the sentence that begins “None of the above officials . . .”, a new sentence to read “The requirement of the preceding sentence that the named official must be appointed by the President with the advice and consent of the Senate does not apply to the Deputy Director of the Federal Bureau of Investigation.”

**Sec. 2.** Section 3 of Executive Order 12949 of February 9, 1995, as amended, is further amended by:

(a) striking “(7)” each place it appears and inserting in lieu thereof “(6)”;

(b) striking “and” at the end of subsection (g);

(c) striking the period at the end of subsection (h) and inserting in lieu thereof “; and”;

(d) adding after subsection (h) “(i) Deputy Director of the Federal Bureau of Investigation.”; and

(e) by adding after the sentence that begins “None of the above officials . . .”, a new sentence to read “The requirement of the preceding sentence that the named official must be appointed by the President with the advice and consent of the Senate does not apply to the Deputy Director of the Federal Bureau of Investigation.”

**Sec. 3.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in eq-

uity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

## EXECUTIVE ORDER 13486

### STRENGTHENING LABORATORY BIOSECURITY IN THE UNITED STATES

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Signed:  
Federal Register page and date:

January 9, 2009  
74 FR 2289, January 14, 2009

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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.**

It is the policy of the United States that facilities that possess biological select agents and toxins have appropriate security and personnel assurance practices to protect against theft, misuse, or diversion to unlawful activity of such agents and toxins.

**Sec. 2. Establishment and Operation of the Working Group.**

(a) There is hereby established, within the Department of Defense for administrative purposes only, the Working Group on Strengthening the Biosecurity of the United States (Working Group).

(b) The Working Group shall consist exclusively of the following members:

- (i) the Secretary of State;
  - (ii) the Secretary of Defense, who shall be a Co-Chair of the Working Group;
  - (iii) the Attorney General;
  - (iv) the Secretary of Agriculture;
  - (v) the Secretary of Commerce;
  - (vi) the Secretary of Health and Human Services, who shall be a Co-Chair of the Working Group;
  - (vii) the Secretary of Transportation;
  - (viii) the Secretary of Energy;
  - (ix) the Secretary of Homeland Security;
  - (x) the Administrator of the Environmental Protection Agency;
  - (xi) the Director of National Intelligence;
  - (xii) the Director of the National Science Foundation;
- and
- (xiii) the head of any other department or agency when designated:
    - (A) by the Co-Chairs of the Working Group with the concurrence of such head; or
    - (B) by the President.

(c) The Co-Chairs shall convene and preside at meetings of the Working Group, determine its agenda, and direct its work. The Co-Chairs may establish and direct subgroups of the Working Group, as appropriate to deal with particular subject matters, that shall consist exclusively of members of the Working Group.

(d) A member of the Working Group may designate, to perform the Working Group or Working Group subgroup functions of the member, any person who is a part of the member's agency and who is an officer of the United States appointed by the President, a member of the Senior Executive Service (SES), or the equivalent of a member of the SES.

**Sec. 3. Functions of the Working Group.** Consistent with this order, and to assist in implementing the policy set forth in section 1 of this order, the Working Group shall:

(a) review and evaluate the efficiency and effectiveness, with respect to Federal and nonfederal facilities that conduct research on, manage clinical or environmental laboratory operations involving, or handle, store, or transport biological select agents and toxins, of the following:

(i) existing laws, regulations, and guidance with respect to physical, facility, and personnel security and assurance; and

(ii) practices with respect to physical, facility, and personnel security and assurance;

(b) obtain information or advice, as appropriate for the conduct of the review and evaluation, from the following:

(i) heads of executive departments and agencies;

(ii) elements of foreign governments and international organizations with responsibility for biological matters, consistent with functions assigned by law or by the President to the Secretary of State; and

(iii) representatives of State, local, territorial, and tribal governments, and other entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation; and

(c) submit a report to the President, through the Co-Chairs, not later than 180 days after the date of this order that is unclassified, with a classified annex as required, and sets forth the following:

(i) a summary of existing laws, regulations, guidance, and practices with respect to security and personnel assurance reviewed under subsection (a) of this section and their efficiency and effectiveness;

(ii) recommendations for any new legislation, regulations, guidance, or practices for security and personnel assurance for all Federal and nonfederal facilities described in subsection (a);

(iii) options for establishing oversight mechanisms to ensure a baseline standard is consistently applied for all physical, facility, and personnel security and assurance laws, regulations, and guidance at all Federal and nonfederal facilities described in subsection (a); and

(iv) a comparison of the range of existing personnel security and assurance programs for access to biological select agents and toxins to personnel security and assurance programs in other fields and industries.

**Sec. 4. Duties of Heads of Departments and Agencies.**

(a) The heads of departments and agencies shall provide for the labor and travel costs of their representatives and, to the extent permitted by law, provide the Working Group such information and assistance as it needs to implement this order.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of Defense shall provide the Working Group with such administrative and support services as may be necessary for the performance of its functions.

**Sec. 5. Termination of the Working Group.** The Working Group shall terminate 60 days after the date of the report submitted under subsection 3(c) of this order.

**Sec. 6. General Provisions.**

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

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

(ii) functions of the Director of the Office of Management and Budget relating to budget, 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 intended only to improve the internal management of the executive branch and 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 agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.



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**Executive Orders Issued by  
President Barack Obama**

(2009- )

EXECUTIVE ORDERS 13519-

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## EXECUTIVE ORDER 13519

### ESTABLISHMENT OF THE FINANCIAL FRAUD ENFORCEMENT TASK FORCE

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Signed:	November 17, 2009
Federal Register page and date:	74 FR 60123, November 19, 2009
Terminates:	EO 13271, July 9, 2002

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the efforts of the Department of Justice, in conjunction with Federal, State, tribal, territorial, and local agencies, to investigate and prosecute significant financial crimes and other violations relating to the current financial crisis and economic recovery efforts, recover the proceeds of such crimes and violations, and ensure just and effective punishment of those who perpetrate financial crimes and violations, it is hereby ordered as follows:

**Section 1. Establishment.** There is hereby established an inter-agency Financial Fraud Enforcement Task Force (Task Force) led by the Department of Justice.

**Sec. 2. Membership and Operation.** The Task Force shall be chaired by the Attorney General and consist of senior-level officials from the following departments, agencies, and offices, selected by the heads of the respective departments, agencies, and offices in consultation with the Attorney General:

- (a) the Department of Justice;
- (b) the Department of the Treasury;
- (c) the Department of Commerce;
- (d) the Department of Labor;
- (e) the Department of Housing and Urban Development;
- (f) the Department of Education;
- (g) the Department of Homeland Security;
- (h) the Securities and Exchange Commission;
- (i) the Commodity Futures Trading Commission;
- (j) the Federal Trade Commission;
- (k) the Federal Deposit Insurance Corporation;
- (l) the Board of Governors of the Federal Reserve System;
- (m) the Federal Housing Finance Agency;
- (n) the Office of Thrift Supervision;
- (o) the Office of the Comptroller of the Currency;
- (p) the Small Business Administration;
- (q) the Federal Bureau of Investigation;
- (r) the Social Security Administration;

- (s) the Internal Revenue Service, Criminal Investigations;
- (t) the Financial Crimes Enforcement Network;
- (u) the United States Postal Inspection Service;
- (v) the United States Secret Service;
- (w) the United States Immigration and Customs Enforcement;
- (x) relevant Offices of Inspectors General and related Federal entities, including without limitation the Office of the Inspector General for the Department of Housing and Urban Development, the Recovery Accountability and Transparency Board, and the Office of the Special Inspector General for the Troubled Asset Relief Program; and
- (y) such other executive branch departments, agencies, or offices as the President may, from time to time, designate or that the Attorney General may invite. The Attorney General shall convene and, through the Deputy Attorney General, direct the work of the Task Force in fulfilling all its functions under this order. The Attorney General shall convene the first meeting of the Task Force within 30 days of the date of this order and shall thereafter convene the Task Force at such times as he deems appropriate. At the direction of the Attorney General, the Task Force may establish subgroups consisting exclusively of Task Force members or their designees under this section, including but not limited to a Steering Committee chaired by the Deputy Attorney General, and subcommittees addressing enforcement efforts, training and information sharing, and victims' rights, as the Attorney General deems appropriate.

**Sec. 3. Mission and Functions.** Consistent with the authorities assigned to the Attorney General by law, and other applicable law, the Task Force shall:

- (a) provide advice to the Attorney General for the investigation and prosecution of cases of bank, mortgage, loan, and lending fraud; securities and commodities fraud; retirement plan fraud; mail and wire fraud; tax crimes; money laundering; False Claims Act violations; unfair competition; discrimination; and other financial crimes and violations (hereinafter financial crimes and violations), when such cases are determined by the Attorney General, for purposes of this order, to be significant;
- (b) make recommendations to the Attorney General, from time to time, for action to enhance cooperation among Federal, State, local, tribal, and territorial authorities responsible for the investigation and prosecution of significant financial crimes and violations; and
- (c) coordinate law enforcement operations with representatives of State, local, tribal, and territorial law enforcement.

**Sec. 4. Coordination with State, Local, Tribal, and Territorial Law Enforcement.** Consistent with the objectives set out in this order, and to the extent permitted by law, the Attorney General is encouraged to invite the following representatives of State, local, tribal, and territorial law enforcement to participate in the Task Force's subcommittee addressing enforcement efforts in the subcommittee's performance of the functions set forth in section

3(c) of this order relating to the coordination of Federal, State, local, tribal, and territorial law enforcement operations involving financial crimes and violations:

- (a) the National Association of Attorneys General;
- (b) the National District Attorneys Association; and
- (c) such other representatives of State, local, tribal, and territorial law enforcement as the Attorney General deems appropriate.

**Sec. 5. Outreach.** Consistent with the law enforcement objectives set out in this order, the Task Force, in accordance with applicable law, in addition to regular meetings, shall conduct outreach with representatives of financial institutions, corporate entities, non-profit organizations, State, local, tribal, and territorial governments and agencies, and other interested persons to foster greater coordination and participation in the detection and prosecution of financial fraud and financial crimes, and in the enforcement of antitrust and antidiscrimination laws.

**Sec. 6. Administration.** The Department of Justice, to the extent permitted by law and subject to the availability of appropriations, shall provide administrative support and funding for the Task Force.

**Sec. 7. General Provisions.**

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

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

(b) This Task Force shall replace, and continue the work of, the Corporate Fraud Task Force created by Executive Order 13271 of July 9, 2002. Executive Order 13271 is hereby terminated pursuant to section 6 of that order.

(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.

**Sec. 8. Termination.** The Task Force shall terminate when directed by the President or, with the approval of the President, by the Attorney General.



# EXECUTIVE ORDER 13526

## CLASSIFIED NATIONAL SECURITY INFORMATION

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Signed:	December 29, 2009
Federal Register page and date:	75 FR 707, January 5, 2010
Revolves:	EO 12958, April 17, 1995
	EO 13292, March 25, 2003

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This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation's progress depends on the free flow of information both within the Government and to the American people. Nevertheless, throughout our history, the national defense has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations. Protecting information critical to our Nation's security and demonstrating our commitment to open Government through accurate and accountable application of classification standards and routine, secure, and effective declassification are equally important priorities.

Now, Therefore, I, BARACK OBAMA, 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:

### PART 1—ORIGINAL CLASSIFICATION

#### **Section 1.1. Classification Standards.**

(a) Information may be originally classified under the terms of this order only if all of the following conditions are met:

(1) an original classification authority is classifying the information;

(2) the information is owned by, produced by or for, or is under the control of the United States Government;

(3) the information falls within one or more of the categories of information listed in section 1.4 of this order; and

(4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism.

rorism, and the original classification authority is able to identify or describe the damage.

(b) If there is significant doubt about the need to classify information, it shall not be classified. This provision does not:

- (1) amplify or modify the substantive criteria or procedures for classification; or
- (2) create any substantive or procedural rights subject to judicial review.

(c) Classified information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information.

(d) The unauthorized disclosure of foreign government information is presumed to cause damage to the national security.

**Sec. 1.2. Classification Levels.**

(a) Information may be classified at one of the following three levels:

(1) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.

(2) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.

(3) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

(b) Except as otherwise provided by statute, no other terms shall be used to identify United States classified information.

(c) If there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.

**Sec. 1.3. Classification Authority.**

(a) The authority to classify information originally may be exercised only by:

- (1) the President and the Vice President;
- (2) agency heads and officials designated by the President; and
- (3) United States Government officials delegated this authority pursuant to paragraph (c) of this section.

(b) Officials authorized to classify information at a specified level are also authorized to classify information at a lower level.

(c) Delegation of original classification authority.

(1) Delegations of original classification authority shall be limited to the minimum required to administer this order. Agency heads are responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) “Top Secret” original classification authority may be delegated only by the President, the Vice President, or an agency head or official designated pursuant to paragraph (a)(2) of this section.

(3) “Secret” or “Confidential” original classification authority may be delegated only by the President, the Vice President, an agency head or official designated pursuant to paragraph (a)(2) of this section, or the senior agency official designated under section 5.4(d) of this order, provided that official has been delegated “Top Secret” original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be re-delegated except as provided in this order. Each delegation shall identify the official by name or position.

(5) Delegations of original classification authority shall be reported or made available by name or position to the Director of the Information Security Oversight Office.

(d) All original classification authorities must receive training in proper classification (including the avoidance of over-classification) and declassification as provided in this order and its implementing directives at least once a calendar year. Such training must include instruction on the proper safeguarding of classified information and on the sanctions in section 5.5 of this order that may be brought against an individual who fails to classify information properly or protect classified information from unauthorized disclosure. Original classification authorities who do not receive such mandatory training at least once within a calendar year shall have their classification authority suspended by the agency head or the senior agency official designated under section 5.4(d) of this order until such training has taken place. A waiver may be granted by the agency head, the deputy agency head, or the senior agency official if an individual is unable to receive such training due to unavoidable circumstances. Whenever a waiver is granted, the individual shall receive such training as soon as practicable.

(e) Exceptional cases. When an employee, government contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with this order and its implementing directives. The information shall be transmitted promptly as provided under this order or its implementing directives to the agency that has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within 30 days whether to classify this information.

**Sec. 1.4. Classification Categories.** Information shall not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security in accordance with section 1.2 of this order, and it pertains to one or more of the following:

(a) military plans, weapons systems, or operations;

- (b) foreign government information;
- (c) intelligence activities (including covert action), intelligence sources or methods, or cryptology;
- (d) foreign relations or foreign activities of the United States, including confidential sources;
- (e) scientific, technological, or economic matters relating to the national security;
- (f) United States Government programs for safeguarding nuclear materials or facilities;
- (g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or
- (h) the development, production, or use of weapons of mass destruction.

**Sec. 1.5. Duration of Classification.**

(a) At the time of original classification, the original classification authority shall establish a specific date or event for declassification based on the duration of the national security sensitivity of the information. Upon reaching the date or event, the information shall be automatically declassified. Except for information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, the date or event shall not exceed the time frame established in paragraph (b) of this section.

(b) If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, unless the original classification authority otherwise determines that the sensitivity of the information requires that it be marked for declassification for up to 25 years from the date of the original decision.

(c) An original classification authority may extend the duration of classification up to 25 years from the date of origin of the document, change the level of classification, or reclassify specific information only when the standards and procedures for classifying information under this order are followed.

(d) No information may remain classified indefinitely. Information marked for an indefinite duration of classification under predecessor orders, for example, marked as "Originating Agency's Determination Required," or classified information that contains incomplete declassification instructions or lacks declassification instructions shall be declassified in accordance with part 3 of this order.

**Sec. 1.6. Identification and Markings.**

(a) At the time of original classification, the following shall be indicated in a manner that is immediately apparent:

- (1) one of the three classification levels defined in section 1.2 of this order;
- (2) the identity, by name and position, or by personal identifier, of the original classification authority;
- (3) the agency and office of origin, if not otherwise evident;



(4) declassification instructions, which shall indicate one of the following:

(A) the date or event for declassification, as prescribed in section 1.5(a);

(B) the date that is 10 years from the date of original classification, as prescribed in section 1.5(b);

(C) the date that is up to 25 years from the date of original classification, as prescribed in section 1.5(b); or

(D) in the case of information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, the marking prescribed in implementing directives issued pursuant to this order; and

(5) a concise reason for classification that, at a minimum, cites the applicable classification categories in section 1.4 of this order.

(b) Specific information required in paragraph (a) of this section may be excluded if it would reveal additional classified information.

(c) With respect to each classified document, the agency originating the document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are unclassified. In accordance with standards prescribed in directives issued under this order, the Director of the Information Security Oversight Office may grant and revoke temporary waivers of this requirement. The Director shall revoke any waiver upon a finding of abuse.

(d) Markings or other indicia implementing the provisions of this order, including abbreviations and requirements to safeguard classified working papers, shall conform to the standards prescribed in implementing directives issued pursuant to this order.

(e) Foreign government information shall retain its original classification markings or shall be assigned a U.S. classification that provides a degree of protection at least equivalent to that required by the entity that furnished the information. Foreign government information retaining its original classification markings need not be assigned a U.S. classification marking provided that the responsible agency determines that the foreign government markings are adequate to meet the purposes served by U.S. classification markings.

(f) Information assigned a level of classification under this or predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Whenever such information is used in the derivative classification process or is reviewed for possible declassification, holders of such information shall coordinate with an appropriate classification authority for the application of omitted markings.

(g) The classification authority shall, whenever practicable, use a classified addendum whenever classified information con-

stitutes a small portion of an otherwise unclassified document or prepare a product to allow for dissemination at the lowest level of classification possible or in unclassified form.

(h) Prior to public release, all declassified records shall be appropriately marked to reflect their declassification.

**Sec. 1.7. Classification Prohibitions and Limitations.**

(a) In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to:

- (1) conceal violations of law, inefficiency, or administrative error;
- (2) prevent embarrassment to a person, organization, or agency;
- (3) restrain competition; or
- (4) prevent or delay the release of information that does not require protection in the interest of the national security.

(b) Basic scientific research information not clearly related to the national security shall not be classified.

(c) Information may not be reclassified after declassification and release to the public under proper authority unless:

- (1) the reclassification is personally approved in writing by the agency head based on a document-by-document determination by the agency that reclassification is required to prevent significant and demonstrable damage to the national security;
- (2) the information may be reasonably recovered without bringing undue attention to the information;
- (3) the reclassification action is reported promptly to the Assistant to the President for National Security Affairs (National Security Advisor) and the Director of the Information Security Oversight Office; and

(4) for documents in the physical and legal custody of the National Archives and Records Administration (National Archives) that have been available for public use, the agency head has, after making the determinations required by this paragraph, notified the Archivist of the United States (Archivist), who shall suspend public access pending approval of the reclassification action by the Director of the Information Security Oversight Office. Any such decision by the Director may be appealed by the agency head to the President through the National Security Advisor. Public access shall remain suspended pending a prompt decision on the appeal.

(d) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552), the Presidential Records Act, 44 U.S.C. 2204(c)(1), the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of section 3.5 of this order only if such classification meets the requirements of this order and is accomplished on a document-by-document basis with the personal participation or under the direction of the agency head, the deputy agency head, or the senior agency

official designated under section 5.4 of this order. The requirements in this paragraph also apply to those situations in which information has been declassified in accordance with a specific date or event determined by an original classification authority in accordance with section 1.5 of this order.

(e) Compilations of items of information that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that:

(1) meets the standards for classification under this order; and

(2) is not otherwise revealed in the individual items of information.

#### **Sec. 1.8. Classification Challenges.**

(a) Authorized holders of information who, in good faith, believe that its classification status is improper are encouraged and expected to challenge the classification status of the information in accordance with agency procedures established under paragraph (b) of this section.

(b) In accordance with implementing directives issued pursuant to this order, an agency head or senior agency official shall establish procedures under which authorized holders of information, including authorized holders outside the classifying agency, are encouraged and expected to challenge the classification of information that they believe is improperly classified or unclassified. These procedures shall ensure that:

(1) individuals are not subject to retribution for bringing such actions;

(2) an opportunity is provided for review by an impartial official or panel; and

(3) individuals are advised of their right to appeal agency decisions to the Interagency Security Classification Appeals Panel (Panel) established by section 5.3 of this order.

(c) Documents required to be submitted for prepublication review or other administrative process pursuant to an approved nondisclosure agreement are not covered by this section.

#### **Sec. 1.9. Fundamental Classification Guidance Review.**

(a) Agency heads shall complete on a periodic basis a comprehensive review of the agency's classification guidance, particularly classification guides, to ensure the guidance reflects current circumstances and to identify classified information that no longer requires protection and can be declassified. The initial fundamental classification guidance review shall be completed within 2 years of the effective date of this order.

(b) The classification guidance review shall include an evaluation of classified information to determine if it meets the standards for classification under section 1.4 of this order, taking into account an up-to-date assessment of likely damage as described under section 1.2 of this order.

(c) The classification guidance review shall include original classification authorities and agency subject matter experts to ensure a broad range of perspectives.

(d) Agency heads shall provide a report summarizing the results of the classification guidance review to the Director of the Information Security Oversight Office and shall release an unclassified version of this report to the public.

## PART 2—DERIVATIVE CLASSIFICATION

### **Sec. 2.1. Use of Derivative Classification.**

(a) Persons who reproduce, extract, or summarize classified information, or who apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(b) Persons who apply derivative classification markings shall:

(1) be identified by name and position, or by personal identifier, in a manner that is immediately apparent for each derivative classification action;

(2) observe and respect original classification decisions; and

(3) carry forward to any newly created documents the pertinent classification markings. For information derivatively classified based on multiple sources, the derivative classifier shall carry forward:

(A) the date or event for declassification that corresponds to the longest period of classification among the sources, or the marking established pursuant to section 1.6(a)(4)(D) of this order; and

(B) a listing of the source materials.

(c) Derivative classifiers shall, whenever practicable, use a classified addendum whenever classified information constitutes a small portion of an otherwise unclassified document or prepare a product to allow for dissemination at the lowest level of classification possible or in unclassified form.

(d) Persons who apply derivative classification markings shall receive training in the proper application of the derivative classification principles of the order, with an emphasis on avoiding over-classification, at least once every 2 years. Derivative classifiers who do not receive such training at least once every 2 years shall have their authority to apply derivative classification markings suspended until they have received such training. A waiver may be granted by the agency head, the deputy agency head, or the senior agency official if an individual is unable to receive such training due to unavoidable circumstances. Whenever a waiver is granted, the individual shall receive such training as soon as practicable.

### **Sec. 2.2. Classification Guides.**

(a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. These guides shall conform to standards contained in directives issued under this order.

(b) Each guide shall be approved personally and in writing by an official who:

- (1) has program or supervisory responsibility over the information or is the senior agency official; and
- (2) is authorized to classify information originally at the highest level of classification prescribed in the guide.
- (c) Agencies shall establish procedures to ensure that classification guides are reviewed and updated as provided in directives issued under this order.
- (d) Agencies shall incorporate original classification decisions into classification guides on a timely basis and in accordance with directives issued under this order.
- (e) Agencies may incorporate exemptions from automatic declassification approved pursuant to section 3.3(j) of this order into classification guides, provided that the Panel is notified of the intent to take such action for specific information in advance of approval and the information remains in active use.
- (f) The duration of classification of a document classified by a derivative classifier using a classification guide shall not exceed 25 years from the date of the origin of the document, except for:
  - (1) information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction; and
  - (2) specific information incorporated into classification guides in accordance with section 2.2(e) of this order.

### PART 3—DECLASSIFICATION AND DOWNGRADING

#### **Sec. 3.1. Authority for Declassification.**

- (a) Information shall be declassified as soon as it no longer meets the standards for classification under this order.
- (b) Information shall be declassified or downgraded by:
  - (1) the official who authorized the original classification, if that official is still serving in the same position and has original classification authority;
  - (2) the originator's current successor in function, if that individual has original classification authority;
  - (3) a supervisory official of either the originator or his or her successor in function, if the supervisory official has original classification authority; or
  - (4) officials delegated declassification authority in writing by the agency head or the senior agency official of the originating agency.
- (c) The Director of National Intelligence (or, if delegated by the Director of National Intelligence, the Principal Deputy Director of National Intelligence) may, with respect to the Intelligence Community, after consultation with the head of the originating Intelligence Community element or department, declassify, downgrade, or direct the declassification or downgrading of information or intelligence relating to intelligence sources, methods, or activities.
- (d) It is presumed that information that continues to meet the classification requirements under this order requires continued protection. In some exceptional cases, however, the need to protect such information may be outweighed by the public

interest in disclosure of the information, and in these cases the information should be declassified. When such questions arise, they shall be referred to the agency head or the senior agency official. That official will determine, as an exercise of discretion, whether the public interest in disclosure outweighs the damage to the national security that might reasonably be expected from disclosure. This provision does not:

(1) amplify or modify the substantive criteria or procedures for classification; or

(2) create any substantive or procedural rights subject to judicial review.

(e) If the Director of the Information Security Oversight Office determines that information is classified in violation of this order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the President through the National Security Advisor. The information shall remain classified pending a prompt decision on the appeal.

(f) The provisions of this section shall also apply to agencies that, under the terms of this order, do not have original classification authority, but had such authority under predecessor orders.

(g) No information may be excluded from declassification under section 3.3 of this order based solely on the type of document or record in which it is found. Rather, the classified information must be considered on the basis of its content.

(h) Classified nonrecord materials, including artifacts, shall be declassified as soon as they no longer meet the standards for classification under this order.

(i) When making decisions under sections 3.3, 3.4, and 3.5 of this order, agencies shall consider the final decisions of the Panel.

### **Sec. 3.2. Transferred Records.**

(a) In the case of classified records transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this order.

(b) In the case of classified records that are not officially transferred as described in paragraph (a) of this section, but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such records shall be deemed to be the originating agency for purposes of this order. Such records may be declassified or downgraded by the agency in possession of the records after consultation with any other agency that has an interest in the subject matter of the records.

(c) Classified records accessioned into the National Archives shall be declassified or downgraded by the Archivist in accordance with this order, the directives issued pursuant to this order, agency declassification guides, and any existing procedural agreement between the Archivist and the relevant agency head.

(d) The originating agency shall take all reasonable steps to declassify classified information contained in records deter-

mined to have permanent historical value before they are accessioned into the National Archives. However, the Archivist may require that classified records be accessioned into the National Archives when necessary to comply with the provisions of the Federal Records Act. This provision does not apply to records transferred to the Archivist pursuant to section 2203 of title 44, United States Code, or records for which the National Archives serves as the custodian of the records of an agency or organization that has gone out of existence.

(e) To the extent practicable, agencies shall adopt a system of records management that will facilitate the public release of documents at the time such documents are declassified pursuant to the provisions for automatic declassification in section 3.3 of this order.

**Sec. 3.3 Automatic Declassification.**

(a) Subject to paragraphs (b)—(d) and (g)—(j) of this section, all classified records that (1) are more than 25 years old and (2) have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified whether or not the records have been reviewed. All classified records shall be automatically declassified on December 31 of the year that is 25 years from the date of origin, except as provided in paragraphs (b)—(d) and (g)—(j) of this section. If the date of origin of an individual record cannot be readily determined, the date of original classification shall be used instead.

(b) An agency head may exempt from automatic declassification under paragraph (a) of this section specific information, the release of which should clearly and demonstrably be expected to:

(1) reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source; or impair the effectiveness of an intelligence method currently in use, available for use, or under development;

(2) reveal information that would assist in the development, production, or use of weapons of mass destruction;

(3) reveal information that would impair U.S. cryptologic systems or activities;

(4) reveal information that would impair the application of state-of-the-art technology within a U.S. weapon system;

(5) reveal formally named or numbered U.S. military war plans that remain in effect, or reveal operational or tactical elements of prior plans that are contained in such active plans;

(6) reveal information, including foreign government information, that would cause serious harm to relations between the United States and a foreign government, or to ongoing diplomatic activities of the United States;

(7) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and other protectees for whom

protection services, in the interest of the national security, are authorized;

(8) reveal information that would seriously impair current national security emergency preparedness plans or reveal current vulnerabilities of systems, installations, or infrastructures relating to the national security; or

(9) violate a statute, treaty, or international agreement that does not permit the automatic or unilateral declassification of information at 25 years.

(c)(1) An agency head shall notify the Panel of any specific file series of records for which a review or assessment has determined that the information within that file series almost invariably falls within one or more of the exemption categories listed in paragraph (b) of this section and that the agency proposes to exempt from automatic declassification at 25 years.

(2) The notification shall include:

(A) a description of the file series;

(B) an explanation of why the information within the file series is almost invariably exempt from automatic declassification and why the information must remain classified for a longer period of time; and

(C) except when the information within the file series almost invariably identifies a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, a specific date or event for declassification of the information, not to exceed December 31 of the year that is 50 years from the date of origin of the records.

(3) The Panel may direct the agency not to exempt a designated file series or to declassify the information within that series at an earlier date than recommended. The agency head may appeal such a decision to the President through the National Security Advisor.

(4) File series exemptions approved by the President prior to December 31, 2008, shall remain valid without any additional agency action pending Panel review by the later of December 31, 2010, or December 31 of the year that is 10 years from the date of previous approval.

(d) The following provisions shall apply to the onset of automatic declassification:

(1) Classified records within an integral file block, as defined in this order, that are otherwise subject to automatic declassification under this section shall not be automatically declassified until December 31 of the year that is 25 years from the date of the most recent record within the file block.

(2) After consultation with the Director of the National Declassification Center (the Center) established by section 3.7 of this order and before the records are subject to automatic declassification, an agency head or senior agency official may delay automatic declassification for up to five additional years for classified information contained in media that make a review for possible declassification exemptions more difficult or costly.



(3) Other than for records that are properly exempted from automatic declassification, records containing classified information that originated with other agencies or the disclosure of which would affect the interests or activities of other agencies with respect to the classified information and could reasonably be expected to fall under one or more of the exemptions in paragraph (b) of this section shall be identified prior to the onset of automatic declassification for later referral to those agencies.

(A) The information of concern shall be referred by the Center established by section 3.7 of this order, or by the centralized facilities referred to in section 3.7(e) of this order, in a prioritized and scheduled manner determined by the Center.

(B) If an agency fails to provide a final determination on a referral made by the Center within 1 year of referral, or by the centralized facilities referred to in section 3.7(e) of this order within 3 years of referral, its equities in the referred records shall be automatically declassified.

(C) If any disagreement arises between affected agencies and the Center regarding the referral review period, the Director of the Information Security Oversight Office shall determine the appropriate period of review of referred records.

(D) Referrals identified prior to the establishment of the Center by section 3.7 of this order shall be subject to automatic declassification only in accordance with subparagraphs (d)(3)(A)—(C) of this section.

(4) After consultation with the Director of the Information Security Oversight Office, an agency head may delay automatic declassification for up to 3 years from the date of discovery of classified records that were inadvertently not reviewed prior to the effective date of automatic declassification.

(e) Information exempted from automatic declassification under this section shall remain subject to the mandatory and systematic declassification review provisions of this order.

(f) The Secretary of State shall determine when the United States should commence negotiations with the appropriate officials of a foreign government or international organization of governments to modify any treaty or international agreement that requires the classification of information contained in records affected by this section for a period longer than 25 years from the date of its creation, unless the treaty or international agreement pertains to information that may otherwise remain classified beyond 25 years under this section.

(g) The Secretary of Energy shall determine when information concerning foreign nuclear programs that was removed from the Restricted Data category in order to carry out provisions of the National Security Act of 1947, as amended, may be declassified. Unless otherwise determined, such information shall be declassified when comparable information concerning the United States nuclear program is declassified.

(h) Not later than 3 years from the effective date of this order, all records exempted from automatic declassification under paragraphs (b) and (c) of this section shall be automatically declassified on December 31 of a year that is no more than 50 years from the date of origin, subject to the following:

(1) Records that contain information the release of which should clearly and demonstrably be expected to reveal the following are exempt from automatic declassification at 50 years:

(A) the identity of a confidential human source or a human intelligence source; or

(B) key design concepts of weapons of mass destruction.

(2) In extraordinary cases, agency heads may, within 5 years of the onset of automatic declassification, propose to exempt additional specific information from declassification at 50 years.

(3) Records exempted from automatic declassification under this paragraph shall be automatically declassified on December 31 of a year that is no more than 75 years from the date of origin unless an agency head, within 5 years of that date, proposes to exempt specific information from declassification at 75 years and the proposal is formally approved by the Panel.

(i) Specific records exempted from automatic declassification prior to the establishment of the Center described in section 3.7 of this order shall be subject to the provisions of paragraph (h) of this section in a scheduled and prioritized manner determined by the Center.

(j) At least 1 year before information is subject to automatic declassification under this section, an agency head or senior agency official shall notify the Director of the Information Security Oversight Office, serving as Executive Secretary of the Panel, of any specific information that the agency proposes to exempt from automatic declassification under paragraphs (b) and (h) of this section.

(1) The notification shall include:

(A) a detailed description of the information, either by reference to information in specific records or in the form of a declassification guide;

(B) an explanation of why the information should be exempt from automatic declassification and must remain classified for a longer period of time; and

(C) a specific date or a specific and independently verifiable event for automatic declassification of specific records that contain the information proposed for exemption.

(2) The Panel may direct the agency not to exempt the information or to declassify it at an earlier date than recommended. An agency head may appeal such a decision to the President through the National Security Advisor. The information will remain classified while such an appeal is pending.

(k) For information in a file series of records determined not to have permanent historical value, the duration of classification beyond 25 years shall be the same as the disposition (destruction) date of those records in each Agency Records Control Schedule or General Records Schedule, although the duration of classification shall be extended if the record has been retained for business reasons beyond the scheduled disposition date.

**Sec. 3.4. Systematic Declassification Review.**

(a) Each agency that has originated classified information under this order or its predecessors shall establish and conduct a program for systematic declassification review for records of permanent historical value exempted from automatic declassification under section 3.3 of this order. Agencies shall prioritize their review of such records in accordance with priorities established by the Center.

(b) The Archivist shall conduct a systematic declassification review program for classified records:

- (1) accessioned into the National Archives;
- (2) transferred to the Archivist pursuant to 44 U.S.C. 2203; and (3) for which the National Archives serves as the custodian for an agency or organization that has gone out of existence.

**Sec. 3.5. Mandatory Declassification Review.**

(a) Except as provided in paragraph (b) of this section, all information classified under this order or predecessor orders shall be subject to a review for declassification by the originating agency if:

- (1) the request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort;
- (2) the document or material containing the information responsive to the request is not contained within an operational file exempted from search and review, publication, and disclosure under 5 U.S.C. 552 in accordance with law; and
- (3) the information is not the subject of pending litigation.

(b) Information originated by the incumbent President or the incumbent Vice President; the incumbent President's White House Staff or the incumbent Vice President's Staff; committees, commissions, or boards appointed by the incumbent President; or other entities within the Executive Office of the President that solely advise and assist the incumbent President is exempted from the provisions of paragraph (a) of this section. However, the Archivist shall have the authority to review, downgrade, and declassify papers or records of former Presidents and Vice Presidents under the control of the Archivist pursuant to 44 U.S.C. 2107, 2111, 2111 note, or 2203. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable

laws or lawful agreements that pertain to the respective Presidential papers or records. Agencies with primary subject matter interest shall be notified promptly of the Archivist's decision. Any final decision by the Archivist may be appealed by the requester or an agency to the Panel. The information shall remain classified pending a prompt decision on the appeal.

(c) Agencies conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification under this order. They shall release this information unless withholding is otherwise authorized and warranted under applicable law.

(d) If an agency has reviewed the requested information for declassification within the past 2 years, the agency need not conduct another review and may instead inform the requester of this fact and the prior review decision and advise the requester of appeal rights provided under subsection (e) of this section.

(e) In accordance with directives issued pursuant to this order, agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They also shall provide a means for administratively appealing a denial of a mandatory review request, and for notifying the requester of the right to appeal a final agency decision to the Panel.

(f) After consultation with affected agencies, the Secretary of Defense shall develop special procedures for the review of cryptologic information; the Director of National Intelligence shall develop special procedures for the review of information pertaining to intelligence sources, methods, and activities; and the Archivist shall develop special procedures for the review of information accessioned into the National Archives.

(g) Documents required to be submitted for republication review or other administrative process pursuant to an approved nondisclosure agreement are not covered by this section.

(h) This section shall not apply to any request for a review made to an element of the Intelligence Community that is made by a person other than an individual as that term is defined by 5 U.S.C. 552a(a)(2), or by a foreign government entity or any representative thereof.

### **Sec. 3.6. Processing Requests and Reviews.**

Notwithstanding section 4.1(i) of this order, in response to a request for information under the Freedom of Information Act, the Presidential Records Act, the Privacy Act of 1974, or the mandatory review provisions of this order:

(a) An agency may refuse to confirm or deny the existence or nonexistence of requested records whenever the fact of their existence or nonexistence is itself classified under this order or its predecessors.

(b) When an agency receives any request for documents in its custody that contain classified information that originated with other agencies or the disclosure of which would affect the interests or activities of other agencies with respect to the clas-

sified information, or identifies such documents in the process of implementing sections 3.3 or 3.4 of this order, it shall refer copies of any request and the pertinent documents to the originating agency for processing and may, after consultation with the originating agency, inform any requester of the referral unless such association is itself classified under this order or its predecessors. In cases in which the originating agency determines in writing that a response under paragraph (a) of this section is required, the referring agency shall respond to the requester in accordance with that paragraph.

(c) Agencies may extend the classification of information in records determined not to have permanent historical value or nonrecord materials, including artifacts, beyond the time frames established in sections 1.5(b) and 2.2(f) of this order, provided:

- (1) the specific information has been approved pursuant to section 3.3(j) of this order for exemption from automatic declassification; and
- (2) the extension does not exceed the date established in section 3.3(j) of this order.

**Sec. 3.7. National Declassification Center.**

(a) There is established within the National Archives a National Declassification Center to streamline declassification processes, facilitate quality-assurance measures, and implement standardized training regarding the declassification of records determined to have permanent historical value. There shall be a Director of the Center who shall be appointed or removed by the Archivist in consultation with the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, and the Director of National Intelligence.

(b) Under the administration of the Director, the Center shall coordinate:

- (1) timely and appropriate processing of referrals in accordance with section 3.3(d)(3) of this order for accessioned Federal records and transferred presidential records.
- (2) general interagency declassification activities necessary to fulfill the requirements of sections 3.3 and 3.4 of this order;
- (3) the exchange among agencies of detailed declassification guidance to enable the referral of records in accordance with section 3.3(d)(3) of this order;
- (4) the development of effective, transparent, and standard declassification work processes, training, and quality assurance measures;
- (5) the development of solutions to declassification challenges posed by electronic records, special media, and emerging technologies;
- (6) the linkage and effective utilization of existing agency databases and the use of new technologies to document and make public declassification review decisions and support declassification activities under the purview of the Center; and

- (7) storage and related services, on a reimbursable basis, for Federal records containing classified national security information.
- (c) Agency heads shall fully cooperate with the Archivist in the activities of the Center and shall:
- (1) provide the Director with adequate and current declassification guidance to enable the referral of records in accordance with section 3.3(d)(3) of this order; and
  - (2) upon request of the Archivist, assign agency personnel to the Center who shall be delegated authority by the agency head to review and exempt or declassify information originated by their agency contained in records accessioned into the National Archives, after consultation with subject-matter experts as necessary.
- (d) The Archivist, in consultation with representatives of the participants in the Center and after input from the general public, shall develop priorities for declassification activities under the purview of the Center that take into account the degree of researcher interest and the likelihood of declassification.
- (e) Agency heads may establish such centralized facilities and internal operations to conduct internal declassification reviews as appropriate to achieve optimized records management and declassification business processes. Once established, all referral processing of accessioned records shall take place at the Center, and such agency facilities and operations shall be coordinated with the Center to ensure the maximum degree of consistency in policies and procedures that relate to records determined to have permanent historical value.
- (f) Agency heads may exempt from automatic declassification or continue the classification of their own originally classified information under section 3.3(a) of this order except that in the case of the Director of National Intelligence, the Director shall also retain such authority with respect to the Intelligence Community.
- (g) The Archivist shall, in consultation with the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the Information Security Oversight Office, provide the National Security Advisor with a detailed concept of operations for the Center and a proposed implementing directive under section 5.1 of this order that reflects the coordinated views of the aforementioned agencies.

#### PART 4—SAFEGUARDING

##### **Sec. 4.1. General Restrictions on Access.**

- (a) A person may have access to classified information provided that:
- (1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee;

- (2) the person has signed an approved nondisclosure agreement; and
  - (3) the person has a need-to-know the information.
- (b) Every person who has met the standards for access to classified information in paragraph (a) of this section shall receive contemporaneous training on the proper safeguarding of classified information and on the criminal, civil, and administrative sanctions that may be imposed on an individual who fails to protect classified information from unauthorized disclosure.
- (c) An official or employee leaving agency service may not remove classified information from the agency's control or direct that information be declassified in order to remove it from agency control.
- (d) Classified information may not be removed from official premises without proper authorization.
- (e) Persons authorized to disseminate classified information outside the executive branch shall ensure the protection of the information in a manner equivalent to that provided within the executive branch.
- (f) Consistent with law, executive orders, directives, and regulations, an agency head or senior agency official or, with respect to the Intelligence Community, the Director of National Intelligence, shall establish uniform procedures to ensure that automated information systems, including networks and telecommunications systems, that collect, create, communicate, compute, disseminate, process, or store classified information:
- (1) prevent access by unauthorized persons;
  - (2) ensure the integrity of the information; and
  - (3) to the maximum extent practicable, use:
    - (A) common information technology standards, protocols, and interfaces that maximize the availability of, and access to, the information in a form and manner that facilitates its authorized use; and
    - (B) standardized electronic formats to maximize the accessibility of information to persons who meet the criteria set forth in section 4.1(a) of this order.
- (g) Consistent with law, executive orders, directives, and regulations, each agency head or senior agency official, or with respect to the Intelligence Community, the Director of National Intelligence, shall establish controls to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed under conditions that provide adequate protection and prevent access by unauthorized persons.
- (h) Consistent with directives issued pursuant to this order, an agency shall safeguard foreign government information under standards that provide a degree of protection at least equivalent to that required by the government or international organization of governments that furnished the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to U.S. "Confidential" information, including modified handling and transmission and allowing access to individuals with a need-to-know who have not otherwise been

cleared for access to classified information or executed an approved nondisclosure agreement.

(i)(1) Classified information originating in one agency may be disseminated to another agency or U.S. entity by any agency to which it has been made available without the consent of the originating agency, as long as the criteria for access under section 4.1(a) of this order are met, unless the originating agency has determined that prior authorization is required for such dissemination and has marked or indicated such requirement on the medium containing the classified information in accordance with implementing directives issued pursuant to this order.

(2) Classified information originating in one agency may be disseminated by any other agency to which it has been made available to a foreign government in accordance with statute, this order, directives implementing this order, direction of the President, or with the consent of the originating agency. For the purposes of this section, "foreign government" includes any element of a foreign government, or an international organization of governments, or any element thereof.

(3) Documents created prior to the effective date of this order shall not be disseminated outside any other agency to which they have been made available without the consent of the originating agency. An agency head or senior agency official may waive this requirement for specific information that originated within that agency.

(4) For purposes of this section, the Department of Defense shall be considered one agency, except that any dissemination of information regarding intelligence sources, methods, or activities shall be consistent with directives issued pursuant to section 6.2(b) of this order.

(5) Prior consent of the originating agency is not required when referring records for declassification review that contain information originating in more than one agency.

#### **Sec. 4.2 Distribution Controls.**

(a) The head of each agency shall establish procedures in accordance with applicable law and consistent with directives issued pursuant to this order to ensure that classified information is accessible to the maximum extent possible by individuals who meet the criteria set forth in section 4.1(a) of this order.

(b) In an emergency, when necessary to respond to an imminent threat to life or in defense of the homeland, the agency head or any designee may authorize the disclosure of classified information (including information marked pursuant to section 4.1(i)(1) of this order) to an individual or individuals who are otherwise not eligible for access. Such actions shall be taken only in accordance with directives implementing this order and any procedure issued by agencies governing the classified information, which shall be designed to minimize the classified information that is disclosed under these circumstances and the number of individuals who receive it. Information disclosed



under this provision or implementing directives and procedures shall not be deemed declassified as a result of such disclosure or subsequent use by a recipient. Such disclosures shall be reported promptly to the originator of the classified information. For purposes of this section, the Director of National Intelligence may issue an implementing directive governing the emergency disclosure of classified intelligence information.

(c) Each agency shall update, at least annually, the automatic, routine, or recurring distribution mechanism for classified information that it distributes. Recipients shall cooperate fully with distributors who are updating distribution lists and shall notify distributors whenever a relevant change in status occurs.

**Sec. 4.3. Special Access Programs.**

(a) *Establishment of special access programs.* Unless otherwise authorized by the President, only the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, and the Director of National Intelligence, or the principal deputy of each, may create a special access program. For special access programs pertaining to intelligence sources, methods, and activities (but not including military operational, strategic, and tactical programs), this function shall be exercised by the Director of National Intelligence. These officials shall keep the number of these programs at an absolute minimum, and shall establish them only when the program is required by statute or upon a specific finding that:

(1) the vulnerability of, or threat to, specific information is exceptional; and

(2) the normal criteria for determining eligibility for access applicable to information classified at the same level are not deemed sufficient to protect the information from unauthorized disclosure.

(b) *Requirements and limitations.*

(1) Special access programs shall be limited to programs in which the number of persons who ordinarily will have access will be reasonably small and commensurate with the objective of providing enhanced protection for the information involved.

(2) Each agency head shall establish and maintain a system of accounting for special access programs consistent with directives issued pursuant to this order.

(3) Special access programs shall be subject to the oversight program established under section 5.4(d) of this order. In addition, the Director of the Information Security Oversight Office shall be afforded access to these programs, in accordance with the security requirements of each program, in order to perform the functions assigned to the Information Security Oversight Office under this order. An agency head may limit access to a special access program to the Director of the Information Security Oversight Office and no more than one other employee of the Information Security Oversight Office or, for special access programs that are extraordinarily sensitive and vulnerable, to the Director only.

(4) The agency head or principal deputy shall review annually each special access program to determine whether it continues to meet the requirements of this order.

(5) Upon request, an agency head shall brief the National Security Advisor, or a designee, on any or all of the agency's special access programs.

(6) For the purposes of this section, the term "agency head" refers only to the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, and the Director of National Intelligence, or the principal deputy of each.

(c) Nothing in this order shall supersede any requirement made by or under 10 U.S.C. 119.

**Sec. 4.4. Access by Historical Researchers and Certain Former Government Personnel.**

(a) The requirement in section 4.1(a)(3) of this order that access to classified information may be granted only to individuals who have a need-to-know the information may be waived for persons who:

(1) are engaged in historical research projects;

(2) previously have occupied senior policy-making positions to which they were appointed or designated by the President or the Vice President; or

(3) served as President or Vice President.

(b) Waivers under this section may be granted only if the agency head or senior agency official of the originating agency:

(1) determines in writing that access is consistent with the interest of the national security;

(2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this order; and

(3) limits the access granted to former Presidential appointees or designees and Vice Presidential appointees or designees to items that the person originated, reviewed, signed, or received while serving as a Presidential or Vice Presidential appointee or designee.

PART 5—IMPLEMENTATION AND REVIEW

**Sec. 5.1. Program Direction.**

(a) The Director of the Information Security Oversight Office, under the direction of the Archivist and in consultation with the National Security Advisor, shall issue such directives as are necessary to implement this order. These directives shall be binding on the agencies. Directives issued by the Director of the Information Security Oversight Office shall establish standards for:

(1) classification, declassification, and marking principles;

(2) safeguarding classified information, which shall pertain to the handling, storage, distribution, transmittal,

and destruction of and accounting for classified information;

- (3) agency security education and training programs;
- (4) agency self-inspection programs; and
- (5) classification and declassification guides.

(b) The Archivist shall delegate the implementation and monitoring functions of this program to the Director of the Information Security Oversight Office.

(c) The Director of National Intelligence, after consultation with the heads of affected agencies and the Director of the Information Security Oversight Office, may issue directives to implement this order with respect to the protection of intelligence sources, methods, and activities. Such directives shall be consistent with this order and directives issued under paragraph (a) of this section.

**Sec. 5.2. Information Security Oversight Office.**

(a) There is established within the National Archives an Information Security Oversight Office. The Archivist shall appoint the Director of the Information Security Oversight Office, subject to the approval of the President.

(b) Under the direction of the Archivist, acting in consultation with the National Security Advisor, the Director of the Information Security Oversight Office shall:

(1) develop directives for the implementation of this order;

(2) oversee agency actions to ensure compliance with this order and its implementing directives;

(3) review and approve agency implementing regulations prior to their issuance to ensure their consistency with this order and directives issued under section 5.1(a) of this order;

(4) have the authority to conduct on-site reviews of each agency's program established under this order, and to require of each agency those reports and information and other cooperation that may be necessary to fulfill its responsibilities. If granting access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior agency official shall submit a written justification recommending the denial of access to the President through the National Security Advisor within 60 days of the request for access. Access shall be denied pending the response;

(5) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend Presidential approval through the National Security Advisor;

(6) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the program established under this order;

(7) have the authority to prescribe, after consultation with affected agencies, standardization of forms or procedures that will promote the implementation of the program established under this order;

(8) report at least annually to the President on the implementation of this order; and

(9) convene and chair interagency meetings to discuss matters pertaining to the program established by this order.

**Sec. 5.3. Interagency Security Classification Appeals Panel.**

(a) Establishment and administration.

(1) There is established an Interagency Security Classification Appeals Panel. The Departments of State, Defense, and Justice, the National Archives, the Office of the Director of National Intelligence, and the National Security Advisor shall each be represented by a senior-level representative who is a full-time or permanent part-time Federal officer or employee designated to serve as a member of the Panel by the respective agency head. The President shall designate a Chair from among the members of the Panel.

(2) Additionally, the Director of the Central Intelligence Agency may appoint a temporary representative who meets the criteria in paragraph (a)(1) of this section to participate as a voting member in all Panel deliberations and associated support activities concerning classified information originated by the Central Intelligence Agency.

(3) A vacancy on the Panel shall be filled as quickly as possible as provided in paragraph (a)(1) of this section.

(4) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Panel. The staff of the Information Security Oversight Office shall provide program and administrative support for the Panel.

(5) The members and staff of the Panel shall be required to meet eligibility for access standards in order to fulfill the Panel's functions.

(6) The Panel shall meet at the call of the Chair. The Chair shall schedule meetings as may be necessary for the Panel to fulfill its functions in a timely manner.

(7) The Information Security Oversight Office shall include in its reports to the President a summary of the Panel's activities.

(b) Functions. The Panel shall:

(1) decide on appeals by persons who have filed classification challenges under section 1.8 of this order;

(2) approve, deny, or amend agency exemptions from automatic declassification as provided in section 3.3 of this order;

(3) decide on appeals by persons or entities who have filed requests for mandatory declassification review under section 3.5 of this order; and

(4) appropriately inform senior agency officials and the public of final Panel decisions on appeals under sections 1.8 and 3.5 of this order.

(c) Rules and procedures. The Panel shall issue bylaws, which shall be published in the *Federal Register*. The bylaws shall establish the rules and procedures that the Panel will fol-

low in accepting, considering, and issuing decisions on appeals. The rules and procedures of the Panel shall provide that the Panel will consider appeals only on actions in which:

- (1) the appellant has exhausted his or her administrative remedies within the responsible agency;
  - (2) there is no current action pending on the issue within the Federal courts; and
  - (3) the information has not been the subject of review by the Federal courts or the Panel within the past 2 years.
- (d) Agency heads shall cooperate fully with the Panel so that it can fulfill its functions in a timely and fully informed manner. The Panel shall report to the President through the National Security Advisor any instance in which it believes that an agency head is not cooperating fully with the Panel.
- (e) The Panel is established for the sole purpose of advising and assisting the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States. Panel decisions are committed to the discretion of the Panel, unless changed by the President.
- (f) An agency head may appeal a decision of the Panel to the President through the National Security Advisor. The information shall remain classified pending a decision on the appeal.

**Sec. 5.4. General Responsibilities.** Heads of agencies that originate or handle classified information shall:

- (a) demonstrate personal commitment and commit senior management to the successful implementation of the program established under this order;
- (b) commit necessary resources to the effective implementation of the program established under this order;
- (c) ensure that agency records systems are designed and maintained to optimize the appropriate sharing and safeguarding of classified information, and to facilitate its declassification under the terms of this order when it no longer meets the standards for continued classification; and
- (d) designate a senior agency official to direct and administer the program, whose responsibilities shall include:
  - (1) overseeing the agency's program established under this order, provided an agency head may designate a separate official to oversee special access programs authorized under this order. This official shall provide a full accounting of the agency's special access programs at least annually;
  - (2) promulgating implementing regulations, which shall be published in the *Federal Register* to the extent that they affect members of the public;
  - (3) establishing and maintaining security education and training programs;
  - (4) establishing and maintaining an ongoing self-inspection program, which shall include the regular reviews of representative samples of the agency's original and derivative classification actions, and shall authorize appropriate agency officials to correct misclassification actions not covered by sections 1.7(c) and 1.7(d) of this order; and

reporting annually to the Director of the Information Security Oversight Office on the agency's self-inspection program;

(5) establishing procedures consistent with directives issued pursuant to this order to prevent unnecessary access to classified information, including procedures that:

(A) require that a need for access to classified information be established before initiating administrative clearance procedures; and

(B) ensure that the number of persons granted access to classified information meets the mission needs of the agency while also satisfying operational and security requirements and needs;

(6) developing special contingency plans for the safeguarding of classified information used in or near hostile or potentially hostile areas;

(7) ensuring that the performance contract or other system used to rate civilian or military personnel performance includes the designation and management of classified information as a critical element or item to be evaluated in the rating of:

(A) original classification authorities;

(B) security managers or security specialists; and

(C) all other personnel whose duties significantly involve the creation or handling of classified information, including personnel who regularly apply derivative classification markings;

(8) accounting for the costs associated with the implementation of this order, which shall be reported to the Director of the Information Security Oversight Office for publication;

(9) assigning in a prompt manner agency personnel to respond to any request, appeal, challenge, complaint, or suggestion arising out of this order that pertains to classified information that originated in a component of the agency that no longer exists and for which there is no clear successor in function; and

(10) establishing a secure capability to receive information, allegations, or complaints regarding over-classification or incorrect classification within the agency and to provide guidance to personnel on proper classification as needed.

#### **Sec. 5.5. Sanctions.**

(a) If the Director of the Information Security Oversight Office finds that a violation of this order or its implementing directives has occurred, the Director shall make a report to the head of the agency or to the senior agency official so that corrective steps, if appropriate, may be taken.

(b) Officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees shall be subject to appropriate sanctions if they knowingly, willfully, or negligently:

(1) disclose to unauthorized persons information properly classified under this order or predecessor orders;

(2) classify or continue the classification of information in violation of this order or any implementing directive;

(3) create or continue a special access program contrary to the requirements of this order; or

(4) contravene any other provision of this order or its implementing directives.

(c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.

(d) The agency head, senior agency official, or other supervisory official shall, at a minimum, promptly remove the classification authority of any individual who demonstrates reckless disregard or a pattern of error in applying the classification standards of this order.

(e) The agency head or senior agency official shall:

(1) take appropriate and prompt corrective action when a violation or infraction under paragraph (b) of this section occurs; and

(2) notify the Director of the Information Security Oversight Office when a violation under paragraph (b)(1), (2), or (3) of this section occurs.

## PART 6—GENERAL PROVISIONS

### **Sec. 6.1. Definitions.** For purposes of this order:

(a) “Access” means the ability or opportunity to gain knowledge of classified information.

(b) “Agency” means any “Executive agency,” as defined in 5 U.S.C. 105; any “Military department” as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.

(c) “Authorized holder” of classified information means anyone who satisfies the conditions for access stated in section 4.1(a) of this order.

(d) “Automated information system” means an assembly of computer hardware, software, or firmware configured to collect, create, communicate, compute, disseminate, process, store, or control data or information.

(e) “Automatic declassification” means the declassification of information based solely upon:

(1) the occurrence of a specific date or event as determined by the original classification authority; or

(2) the expiration of a maximum time frame for duration of classification established under this order.

(f) “Classification” means the act or process by which information is determined to be classified information.

(g) “Classification guidance” means any instruction or source that prescribes the classification of specific information.

(h) “Classification guide” means a documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

(i) "Classified national security information" or "classified information" means information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(j) "Compilation" means an aggregation of preexisting unclassified items of information.

(k) "Confidential source" means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation that the information or relationship, or both, are to be held in confidence.

(l) "Damage to the national security" means harm to the national defense or foreign relations of the United States from the unauthorized disclosure of information, taking into consideration such aspects of the information as the sensitivity, value, utility, and provenance of that information.

(m) "Declassification" means the authorized change in the status of information from classified information to unclassified information.

(n) "Declassification guide" means written instructions issued by a declassification authority that describes the elements of information regarding a specific subject that may be declassified and the elements that must remain classified.

(o) "Derivative classification" means the incorporating, paraphrasing, restating, or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Derivative classification includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.

(p) "Document" means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(q) "Downgrading" means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(r) "File series" means file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access or use.

(s) "Foreign government information" means:

(1) information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;



(2) information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or

(3) information received and treated as “foreign government information” under the terms of a predecessor order.

(t) “Information” means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

(u) “Infraction” means any knowing, willful, or negligent action contrary to the requirements of this order or its implementing directives that does not constitute a “violation,” as defined below.

(v) “Integral file block” means a distinct component of a file series, as defined in this section, that should be maintained as a separate unit in order to ensure the integrity of the records. An integral file block may consist of a set of records covering either a specific topic or a range of time, such as a Presidential administration or a 5-year retirement schedule within a specific file series that is retired from active use as a group. For purposes of automatic declassification, integral file blocks shall contain only records dated within 10 years of the oldest record in the file block.

(w) “Integrity” means the state that exists when information is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed.

(x) “Intelligence” includes foreign intelligence and counterintelligence as defined by Executive Order 12333 of December 4, 1981, as amended, or by a successor order.

(y) “Intelligence activities” means all activities that elements of the Intelligence Community are authorized to conduct pursuant to law or Executive Order 12333, as amended, or a successor order.

(z) “Intelligence Community” means an element or agency of the U.S. Government identified in or designated pursuant to section 3(4) of the National Security Act of 1947, as amended, or section 3.5(h) of Executive Order 12333, as amended.

(aa) “Mandatory declassification review” means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.5 of this order.

(bb) “Multiple sources” means two or more source documents, classification guides, or a combination of both.

(cc) “National security” means the national defense or foreign relations of the United States.

(dd) “Need-to-know” means a determination within the executive branch in accordance with directives issued pursuant to this order that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.

(ee) "Network" means a system of two or more computers that can exchange data or information.

(ff) "Original classification" means an initial determination that information requires, in the interest of the national security, protection against unauthorized disclosure.

(gg) "Original classification authority" means an individual authorized in writing, either by the President, the Vice President, or by agency heads or other officials designated by the President, to classify information in the first instance.

(hh) "Records" means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

(ii) "Records having permanent historical value" means Presidential papers or Presidential records and the records of an agency that the Archivist has determined should be maintained permanently in accordance with title 44, United States Code.

(jj) "Records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.

(kk) "Safeguarding" means measures and controls that are prescribed to protect classified information.

(ll) "Self-inspection" means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the implementation of the program established under this order and its implementing directives.

(mm) "Senior agency official" means the official designated by the agency head under section 5.4(d) of this order to direct and administer the agency's program under which information is classified, safeguarded, and declassified.

(nn) "Source document" means an existing document that contains classified information that is incorporated, paraphrased, restated, or generated in new form into a new document.

(oo) "Special access program" means a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

(pp) "Systematic declassification review" means the review for declassification of classified information contained in records that have been determined by the Archivist to have permanent historical value in accordance with title 44, United States Code.

(qq) "Telecommunications" means the preparation, transmission, or communication of information by electronic means.

(rr) “Unauthorized disclosure” means a communication or physical transfer of classified information to an unauthorized recipient.

(ss) “U.S. entity” includes:

- (1) State, local, or tribal governments;
- (2) State, local, and tribal law enforcement and fire-fighting entities;
- (3) public health and medical entities;
- (4) regional, state, local, and tribal emergency management entities, including State Adjutants General and other appropriate public safety entities; or
- (5) private sector entities serving as part of the nation’s Critical Infrastructure/Key Resources.

(tt) “Violation” means:

- (1) any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information;
  - (2) any knowing, willful, or negligent action to classify or continue the classification of information contrary to the requirements of this order or its implementing directives; or
  - (3) any knowing, willful, or negligent action to create or continue a special access program contrary to the requirements of this order.
- (uu) “Weapons of mass destruction” means any weapon of mass destruction as defined in 50 U.S.C. 1801(p).

### **Sec. 6.2. General Provisions.**

(a) Nothing in this order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended, or the National Security Act of 1947, as amended. “Restricted Data” and “Formerly Restricted Data” shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

(b) The Director of National Intelligence may, with respect to the Intelligence Community and after consultation with the heads of affected departments and agencies, issue such policy directives and guidelines as the Director of National Intelligence deems necessary to implement this order with respect to the classification and declassification of all intelligence and intelligence-related information, and for access to and dissemination of all intelligence and intelligence-related information, both in its final form and in the form when initially gathered. Procedures or other guidance issued by Intelligence Community element heads shall be in accordance with such policy directives or guidelines issued by the Director of National Intelligence. Any such policy directives or guidelines issued by the Director of National Intelligence shall be in accordance with directives issued by the Director of the Information Security Oversight Office under section 5.1(a) of this order.

(c) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this order with respect to any question arising in the course of its administration.

(d) Nothing in this order limits the protection afforded any information by other provisions of law, including the Constitution, Freedom of Information Act exemptions, the Privacy Act of 1974, and the National Security Act of 1947, as amended. This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. The foregoing is in addition to the specific provisos set forth in sections 1.1(b), 3.1(c) and 5.3(e) of this order.

(e) Nothing in this order shall be construed to obligate action or otherwise affect functions by the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented subject to the availability of appropriations.

(g) Executive Order 12958 of April 17, 1995, and amendments thereto, including Executive Order 13292 of March 25, 2003, are hereby revoked as of the effective date of this order.

**Sec. 6.3. Effective Date.** This order is effective 180 days from the date of this order, except for sections 1.7, 3.3, and 3.7, which are effective immediately.

**Sec. 6.4. Publication.** The Archivist of the United States shall publish this Executive Order in the *Federal Register*.

## EXECUTIVE ORDER 13527

### ESTABLISHING FEDERAL CAPABILITY FOR THE TIMELY PROVISION OF MEDICAL COUNTERMEASURES FOLLOWING A BIOLOGICAL ATTACK

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Signed:  
Federal Register page and date:

December 30, 2009  
75 FR 737, January 6, 2010

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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.** It is the policy of the United States to plan and prepare for the timely provision of medical countermeasures to the American people in the event of a biological attack in the United States through a rapid Federal response in coordination with State, local, territorial, and tribal governments.

This policy would seek to:

- (1) mitigate illness and prevent death;
- (2) sustain critical infrastructure; and
- (3) complement and supplement State, local, territorial, and tribal government medical countermeasure distribution capacity.

**Sec. 2. United States Postal Service Delivery of Medical Countermeasures.**

(a) The U.S. Postal Service has the capacity for rapid residential delivery of medical countermeasures for self administration across all communities in the United States. The Federal Government shall pursue a national U.S. Postal Service medical countermeasures dispensing model to respond to a large-scale biological attack.

(b) The Secretaries of Health and Human Services and Homeland Security, in coordination with the U.S. Postal Service, within 180 days of the date of this order, shall establish a national U.S. Postal Service medical countermeasures dispensing model for U.S. cities to respond to a large-scale biological attack, with anthrax as the primary threat consideration.

(c) In support of the national U.S. Postal Service model, the Secretaries of Homeland Security, Health and Human Services, and Defense, and the Attorney General, in coordination with the U.S. Postal Service, and in consultation with State and local public health, emergency management, and law enforcement officials, within 180 days of the date of this order, shall develop an accompanying plan for supplementing local

law enforcement personnel, as necessary and appropriate, with local Federal law enforcement, as well as other appropriate personnel, to escort U.S. Postal workers delivering medical countermeasures.

**Sec. 3. Federal Rapid Response.**

(a) The Federal Government must develop the capacity to anticipate and immediately supplement the capabilities of affected jurisdictions to rapidly distribute medical countermeasures following a biological attack. Implementation of a Federal strategy to rapidly dispense medical countermeasures requires establishment of a Federal rapid response capability.

(b) The Secretaries of Homeland Security and Health and Human Services, in coordination with the Secretary of Defense, within 90 days of the date of this order, shall develop a concept of operations and establish requirements for a Federal rapid response to dispense medical countermeasures to an affected population following a large-scale biological attack.

**Sec. 4. Continuity of Operations.**

(a) The Federal Government must establish mechanisms for the provision of medical countermeasures to personnel performing mission-essential functions to ensure that mission-essential functions of Federal agencies continue to be performed following a biological attack.

(b) The Secretaries of Health and Human Services and Homeland Security, within 180 days of the date of this order, shall develop a plan for the provision of medical countermeasures to ensure that mission-essential functions of executive branch departments and agencies continue to be performed following a large-scale biological attack.

**Sec. 5. General Provisions.**

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

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

(ii) 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.

# EXECUTIVE ORDER 13528

## ESTABLISHMENT OF THE COUNCIL OF GOVERNORS

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Signed:  
Federal Register page and date:

January 11, 2010  
75 FR 2053, January 14, 2010

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1822 of the National Defense Authorization Act of 2008 (Public Law 110-181), and in order to strengthen further the partnership between the Federal Government and State governments to protect our Nation and its people and property, it is hereby ordered as follows:

**Section 1. Council of Governors.**

(a) There is established a Council of Governors (Council). The Council shall consist of 10 State Governors appointed by the President (Members), of whom no more than five shall be of the same political party. The term of service for each Member appointed to serve on the Council shall be 2 years, but a Member may be reappointed for additional terms.

(b) The President shall designate two Members, who shall not be members of the same political party, to serve as Co-Chairs of the Council.

**Sec. 2. Functions.** The Council shall meet at the call of the Secretary of Defense or the Co-Chairs of the Council to exchange views, information, or advice with the Secretary of Defense; the Secretary of Homeland Security; the Assistant to the President for Homeland Security and Counterterrorism; the Assistant to the President for Intergovernmental Affairs and Public Engagement; the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs; the Commander, United States Northern Command; the Chief, National Guard Bureau; the Commandant of the Coast Guard; and other appropriate officials of the Department of Homeland Security and the Department of Defense, and appropriate officials of other executive departments or agencies as may be designated by the Secretary of Defense or the Secretary of Homeland Security. Such views, information, or advice shall concern:

- (a) matters involving the National Guard of the various States;
- (b) homeland defense;
- (c) civil support;

(d) synchronization and integration of State and Federal military activities in the United States; and

(e) other matters of mutual interest pertaining to National Guard, homeland defense, and civil support activities.

**Sec. 3. Administration.**

(a) The Secretary of Defense shall designate an Executive Director to coordinate the work of the Council.

(b) Members shall serve without compensation for their work on the Council. However, Members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law.

(c) Upon the joint request of the Co-Chairs of the Council, the Secretary of Defense shall, to the extent permitted by law and subject to the availability of appropriations, provide the Council with administrative support, assignment or detail of personnel, and information as may be necessary for the performance of the Council's functions.

(d) The Council may establish subcommittees of the Council. These subcommittees shall consist exclusively of Members of the Council and any designated employees of a Member with authority to act on the Member's behalf, as appropriate to aid the Council in carrying out its functions under this order.

(e) The Council may establish a charter that is consistent with the terms of this order to refine further its purpose, scope, and objectives and to allocate duties, as appropriate, among members.

**Sec. 4. Definitions.** As used in this order:

(a) the term "State" has the meaning provided in paragraph (15) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(15)); and

(b) the term "Governor" has the meaning provided in paragraph (5) of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(5)).

**Sec. 5. General Provisions.**

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

(1) the authority granted by law to a department, agency, or the head thereof; or

(2) 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.