

**AMENDMENT TO H.R. 5005, AS REPORTED
OFFERED BY MR. WAXMAN OF CALIFORNIA**

At the end of the bill add the following new title:

1 **TITLE XI—OFFICE OF**
2 **HOMELAND SECURITY**

3 **SEC. 1101. ESTABLISHMENT.**

4 (a) IN GENERAL.—There is established in the Execu-
5 tive Office of the President an Office of Homeland Secu-
6 rity.

7 (b) DIRECTOR.—The head of the Office shall be the
8 Director of Homeland Security, who shall be appointed by
9 the President with advice and consent of the Senate.

10 **SEC. 1102. MISSION.**

11 As provided in Executive Order 13228, the mission
12 of the Office of Homeland Security is to develop and co-
13 ordinate the implementation of a comprehensive national
14 strategy to secure the United States from terrorist threats
15 or attacks.

16 **SEC. 1103. FUNCTIONS.**

17 As provided in Executive Order 13228, the functions
18 of the Office of Homeland Security shall be to coordinate
19 the executive branch’s efforts to detect, prepare for, pre-
20 vent, protect against, respond to, and recover from ter-
21 rorist attacks within the United States. Such functions
22 shall include—



1 (1) working with executive departments and
2 agencies, State and local governments, and private
3 entities to ensure the adequacy of the national strat-
4 egy for detecting, preparing for, preventing, pro-
5 tecting against, responding to, and recovering from
6 terrorist threats or attacks within the United States
7 and periodically reviewing and coordinating revisions
8 to that strategy as necessary;

9 (2) identifying priorities and coordinating ef-
10 ferts for collection and analysis of information re-
11 garding threats of terrorism against the United
12 States, including ensuring that all executive depart-
13 ments and agencies that have intelligence collection
14 responsibilities have sufficient technological capabili-
15 ties and resources and that, to the extent permitted
16 by law, all appropriate and necessary intelligence
17 and law enforcement information relating to home-
18 land security is disseminated to and exchanged
19 among appropriate executive departments and agen-
20 cies;

21 (3) coordinating national efforts to prepare for
22 and mitigate the consequences of terrorist threats or
23 attacks within the United States, including coordi-
24 nating Federal assistance to State and local authori-
25 ties and nongovernmental organizations to prepare



1 for and respond to terrorist threats or attacks and
2 ensuring the readiness and coordinated deployment
3 of Federal response teams to respond to terrorist
4 threats or attacks;

5 (4) coordinating efforts to prevent terrorist at-
6 tacks within the United States;

7 (5) coordinating efforts to protect the United
8 States and its critical infrastructure from the con-
9 sequences of terrorist attacks;

10 (6) coordinating efforts to respond to and pro-
11 mote recovery from terrorist threats or attacks with-
12 in the United States;

13 (7) coordinating the domestic response efforts
14 of all departments and agencies in the event of an
15 imminent terrorist threat and during and in the im-
16 mediate aftermath of a terrorist attack within the
17 United States and acting as the principal point of
18 contact for and to the President with respect to co-
19 ordination of such efforts;

20 (8) in coordination with the Assistant to the
21 President for National Security Affairs, reviewing
22 plans and preparations for ensuring the continuity
23 of the Federal Government in the event of a ter-
24 rorist attack that threatens the safety and security
25 of the United States Government or its leadership;



1 (9) coordinating the strategy of the executive
2 branch for communicating with the public in the
3 event of a terrorist threat or attack within the
4 United States and coordinating the development of
5 programs for educating the public about the nature
6 of terrorist threats and appropriate precautions and
7 responses; and

8 (10) encouraging and inviting the participation
9 of State and local governments and private entities,
10 as appropriate, in carrying out the Offices's func-
11 tions.

12 **SEC. 1104. ACCESS TO INFORMATION.**

13 As provided in Executive Order 13288, executive
14 agencies, shall, to the extent permitted by law, make avail-
15 able to the Office of Homeland Security all information
16 relating to terrorist threats and activities within the
17 United States.

18 **SEC. 1105. BUDGET APPROVAL.**

19 (a) **AUTHORITY.**—The Director of the Office of
20 Homeland Security shall—

21 (1) review the budget requests submitted to the
22 President by all executive agencies with homeland
23 security responsibilities; and

24 (2) if a budget request fails to conform to the
25 objectives set forth in the national strategy described



1 in section 1102, may disapprove such budget re-
2 quest.

3 (b) EFFECT OF DISAPPROVAL.—In any case in which
4 a budget request is disapproved under subsection (a)—

5 (1) the Director shall notify the appropriate
6 Committees of Congress; and

7 (2) the President may not include such budget
8 request in the annual budget submission to Congress
9 unless the President makes an express determination
10 that including such request is in the national inter-
11 est.

12 **SEC. 1106. ADMINISTRATION.**

13 As provided in Executive Order 13288, the Office of
14 Administration within the Executive Office of the Presi-
15 dent shall provide the Office of Homeland Security with
16 such personnel, funding, and administrative support, to
17 the extent permitted by law and subject to the availability
18 of appropriations, as necessary to carry out the provisions
19 of this title.

20 **SEC. 1107. DETAIL AND ASSIGNMENT.**

21 As provided in Executive Order 13288, the heads of
22 executive agencies are authorized, to the extent permitted
23 by law, to detail or assign personnel of such agencies to
24 the Office of Homeland Security upon request of the Di-
25 rector of Homeland Security.



1 **SEC. 1108. OVERSIGHT BY CONGRESS.**

2 The establishment of the Office of Homeland Secu-
3 rity within the Executive Office of the President shall not
4 be construed as affecting access by Congress, or any com-
5 mittee of Congress, to—

6 (1) any information, document, or study in the
7 possession of, or conducted by or at the direction of,
8 the Director; or

9 (2) personnel of the Office.

