

(d) The function of the President under section 892(b)(7) of the Act is delegated to the Attorney General and the Director of Central 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 Central 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 [50 U.S.C. 435 note], 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 Central Intelligence under section 103(c)(7) 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 [50 U.S.C. 435 note], as amended, and 12968 of August 2, 1995 [50 U.S.C. 435 note], 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.

GEORGE W. BUSH.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 483, 484 of this title.

§ 483. Report

(a) Report required

Not later than 12 months after November 25, 2002, the President shall submit to the congressional committees specified in subsection (b) of this section a report on the implementation of section 482 of this title. The report shall include any recommendations for additional measures or appropriation requests, beyond the requirements of section 482 of this title, to increase the effectiveness of sharing of information between and among Federal, State, and local entities.

(b) Specified congressional committees

The congressional committees referred to in subsection (a) of this section are the following committees:

(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(Pub. L. 107–296, title VIII, § 893, Nov. 25, 2002, 116 Stat. 2255.)

DELEGATION OF FUNCTIONS

For assignment of function of President under this section, subject to certain limitations, to Secretary of

Homeland Security, see Ex. Ord. No. 13311, §1(b), July 29, 2003, 68 F.R. 45149, set out as a note under section 482 of this title.

§ 484. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out section 482 of this title.

(Pub. L. 107–296, title VIII, § 894, Nov. 25, 2002, 116 Stat. 2256.)

SUBCHAPTER IX—NATIONAL HOMELAND SECURITY COUNCIL

§ 491. National Homeland Security Council

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

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

§ 492. Function

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

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

§ 493. Membership

The members of the Council shall be the following:

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

(Pub. L. 107–296, title IX, § 903, Nov. 25, 2002, 116 Stat. 2258.)

§ 494. Other functions and activities

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

- (1) assess the objectives, commitments, and risks of the United States in the interest of homeland security and to¹ make resulting recommendations to the President;
- (2) oversee and review homeland security policies of the Federal Government and to¹ make resulting recommendations to the President; and
- (3) perform such other functions as the President may direct.

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

§ 495. Staff composition

The Council shall have a staff, the head of which shall be a civilian Executive Secretary, who shall be appointed by the President. The President is authorized to fix the pay of the Executive Secretary at a rate not to exceed the

¹ So in original. The word “to” probably should not appear.