

# Developments in Administrative Law and Regulatory Practice 2002-2003

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Jeffrey S. Lubbers, editor



Section of Administrative Law  
and Regulatory Practice

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Defending Liberty  
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## Chapter 20

# Homeland Security\*

Described as the most massive reorganization of federal government since the creation of the Department of Defense in 1947—affecting 22 agencies and some 170,000 existing employees—the Department of Homeland Security (DHS or Department) came into being on January 24, 2003, pursuant to the Homeland Security Act of 2002.<sup>1</sup> It is the first cabinet-level department charged with the overarching mission of preventing and mitigating terrorist attacks on American soil.<sup>2</sup> Other agencies have joined the effort, as well. In

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\* By William S. Morrow, Jr., Washington Metropolitan Area Transit Commission; James T. O'Reilly, University of Cincinnati College of Law (Committee Vice-Chairs); Brian E. Foont, US Airways, Inc.; Jonathan Linde, Morrison & Foerster LLP (*Homeland Security Monitor* associate editors).

1. Pub. L. No. 107-296, 116 Stat. 2135 (2002). See Exec. Order No. 13,284, 68 Fed. Reg. 4,075 (Jan. 28, 2003) (implementing reorganization); see also Exec. Order No. 13,286, 68 Fed. Reg. 10,617 (Mar. 5, 2003) (further implementing reorganization); 68 Fed. Reg. 10,921 (Mar. 6, 2003) (same); 68 Fed. Reg. 49,718 (Aug. 19, 2003) (same).
2. DHS's primary mission is to (A) prevent terrorist attacks within the United States; (B) reduce the vulnerability of the United States to terrorism; (C) minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States; (D) carry out all functions of entities transferred to the Department; (E) ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by a specific explicit Act of Congress; (F) ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland; and (G) monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking. 116 Stat. 2142.

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