

Union Calendar No. 520

112TH CONGRESS
2^D SESSION

H. R. 3116

[Report No. 112-717, Part I]

To authorize certain programs of the Department of Homeland Security,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mrs. MILLER of Michigan, Mr. BILIRAKIS, Mr. MEEHAN, Mr. LONG, Mr. MARINO, Mr. QUAYLE, Mr. RIGELL, Mr. WALBERG, and Mr. TURNER of New York) introduced the following bill; which was referred to the Committee on Homeland Security

DECEMBER 20, 2012

Reported with an amendment and referred to the Committees on Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure, for a period ending not later than December 21, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clauses 1(f), 1(p) and 1(r) of Rule X, respectively

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 21, 2012

The Committees on Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 6, 2011]

A BILL

To authorize certain programs of the Department of Homeland Security, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Department of Home-*
 5 *land Security Authorization Act for Fiscal Year 2012”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7 *The table of contents for this Act is as follows:*

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. Definitions.*
- Sec. 4. Amendment references.*

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

- Sec. 101. Under Secretary for Policy.*
- Sec. 102. Countering homegrown radicalization and violent Islamist extremism.*
- Sec. 103. Direct line authority for Chief Operating Officers.*
- Sec. 104. Department of Homeland Security International Affairs Office.*
- Sec. 105. Assistant Secretary for Health Affairs.*
- Sec. 106. Department of Homeland Security reorganization authority.*
- Sec. 107. Repeal of Office of Domestic Preparedness.*
- Sec. 108. Quadrennial homeland security review.*
- Sec. 109. Development of explosives detection canine standards.*
- Sec. 110. Development of a balanced workforce.*
- Sec. 111. Danger pay allowances for employees of the Department of Homeland Security.*
- Sec. 112. FLETC reporting requirements on counter-violent extremism training.*
- Sec. 113. Future-years homeland security program.*
- Sec. 114. Cost of submissions to Congress.*
- Sec. 115. Protection of name, initials, insignia, and seal.*
- Sec. 116. Office of Policy.*
- Sec. 117. Federal vacancy compliance.*
- Sec. 118. Electronic submissions.*
- Sec. 119. Chief information officer.*
- Sec. 120. Cost savings and efficiency reviews.*

*TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION
POLICY*

- Sec. 201. Department of Homeland Security acquisitions and procurement review.*
- Sec. 202. Capabilities and Requirements Council.*
- Sec. 203. Acquisition authorities for the Under Secretary for Management.*
- Sec. 204. Acquisition Professional Career Program.*
- Sec. 205. Strategic plan for acquisition workforce.*
- Sec. 206. Notification to Congress of major awards.*
- Sec. 207. Independent verification and validation.*
- Sec. 208. Other transaction authority.*

- Sec. 209. Report on competition.*
Sec. 210. Buy American requirement imposed on Department of Homeland Security; exceptions.
Sec. 211. Strategic sourcing for marine and aviation assets.
Sec. 212. Strategic sourcing for detection and screening technology.
Sec. 213. Special emergency procurement authority for domestic emergency operations.
Sec. 214. Software licensing.
Sec. 215. Financial management.

TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

- Sec. 301. Department of Homeland Security National Network of Fusion Centers Initiative.*
Sec. 302. Homeland security information sharing networks development.
Sec. 303. Authority for flexible personnel management at the Department of Homeland Security Intelligence elements.
Sec. 304. Support and oversight of fusion centers.
Sec. 305. Audit on privacy and civil liberties and update on privacy and civil liberties impact assessments.

TITLE IV—9/11 REVIEW COMMISSION

- Sec. 401. Short title.*
Sec. 402. Establishment.
Sec. 403. Purposes of the 9/11 Review Commission.
Sec. 404. Composition of the 9/11 Review Commission.
Sec. 405. Authority of 9/11 Review Commission.
Sec. 406. Compensation.
Sec. 407. Appointment of staff.
Sec. 408. Security clearances for Commission members and staff.
Sec. 409. Nonapplicability of Federal Advisory Committee Act.
Sec. 410. Reports of 9/11 Review Commission.
Sec. 411. Funding.

TITLE V—PREPAREDNESS AND RESPONSE

Subtitle A—WMD Preparedness and Response

- Sec. 501. Homeland Security Biodefense Strategy.*
Sec. 502. Weapons of mass destruction intelligence and information sharing.
Sec. 503. Risk assessments.
Sec. 504. Individual and community preparedness.
Sec. 505. Detection of biological threats.
Sec. 506. Rapid biological threat detection and identification at ports of entry.
Sec. 507. Communications planning.
Sec. 508. Response guidelines concerning weapons of mass destruction.
Sec. 509. Plume modeling.
Sec. 510. Disaster recovery.

Subtitle B—Grants

- Sec. 521. Sense of Congress.*
Sec. 522. Use of grant funds for projects conducted in conjunction with a national laboratory or research facility.
Sec. 523. Notification of homeland security grant awards.
Sec. 524. Transparency in homeland security grant funding.

- Sec. 525. Metropolitan Medical Response System.*
Sec. 526. Transit security grant program.
Sec. 527. Prioritization.
Sec. 528. Transportation security grant program study.
Sec. 529. Interagency grants working group.

Subtitle C—Communications

- Sec. 541. Sense of Congress regarding interoperability.*
Sec. 542. Roles and responsibilities with respect to policy and guidance for communications-related expenditures with grant funds.
Sec. 543. Integrated public alert and warning system modernization.

Subtitle D—Broadband for First Responders

- Sec. 561. Allocation and assignment of public safety licenses.*
Sec. 562. Standards.
Sec. 563. Rule of construction.
Sec. 564. Funding.
Sec. 565. Public safety interoperable broadband network construction.
Sec. 566. Public safety interoperable broadband maintenance and operation.
Sec. 567. Audits.
Sec. 568. Auction of spectrum to fund the interoperable broadband network construction fund and the operation and maintenance fund.
Sec. 569. Extension of auction authority and assurance of open auctions.
Sec. 570. Definitions.

Subtitle E—Miscellaneous Provisions

- Sec. 581. Audit of the National Level Exercise.*
Sec. 582. FEMA report to Congress on sourcing and distribution of disaster response goods and services.
Sec. 583. Rural resilience initiative.
Sec. 584. National Domestic Preparedness Consortium.
Sec. 585. Technical correction.
Sec. 586. Certification that disaster fund recipients subject to recoupment receive a notice of debt and opportunity to appeal before debt is forwarded to Department of the Treasury.
Sec. 587. Conforming amendment.
Sec. 588. Delegation of authorities to the regional offices review.
Sec. 589. Lessons learned for national level exercises.
Sec. 590. System assessment and validation for emergency responders.
Sec. 591. National Transportation Security Center of Excellence.
Sec. 592. Mental health counseling for disaster victims.
Sec. 593. Effectiveness of certain disaster preparation.

TITLE VI—BORDER SECURITY PROVISIONS

- Sec. 601. Definitions.*
Sec. 602. Strategy to achieve operational control of the border.
Sec. 603. Maintaining Border Patrol staffing.
Sec. 604. Jaime Zapata Border Enforcement Security Task Force.
Sec. 605. Cost-effective training for Border Patrol agents.
Sec. 606. Prohibition on impeding certain activities of U.S. Customs and Border Protection related to border security.
Sec. 607. Border security infrastructure and technology.
Sec. 608. Northern border canine teams.

- Sec. 609. Unmanned vehicles pilot program.*
- Sec. 610. Report on unmanned aerial vehicles.*
- Sec. 611. Student visa security improvement.*
- Sec. 612. Asia-Pacific Economic Cooperation Business Travel Cards.*
- Sec. 613. Border crossing documentation.*
- Sec. 614. Internal review of adequacy of U.S. Customs and Border Protection in busiest international airports.*
- Sec. 615. Port security grant program.*
- Sec. 616. Port security grant funding for mandated security personnel.*
- Sec. 617. Securing the TWIC against use by unauthorized aliens.*
- Sec. 618. Small vessel threat analysis.*
- Sec. 619. Customs and Border Protection professionalism and transparency.*
- Sec. 620. Sense of Congress regarding deployment of additional UAV.*
- Sec. 621. Report on status of unobligated balances in U.S. Customs and Border Protection Customs User Fee Account.*
- Sec. 622. Outbound inspections.*
- Sec. 623. Deporting criminal aliens.*
- Sec. 624. Establishment of Immigration and Customs Enforcement.*
- Sec. 625. Report on drug cartels.*
- Sec. 626. Increase in unmanned aerial vehicles.*
- Sec. 627. Border Area Security Initiative.*
- Sec. 628. Foreign terrorist organizations.*
- Sec. 629. Border Condition Index.*
- Sec. 630. Sense of Congress.*
- Sec. 631. Issuance of visas at designated diplomatic and consular posts.*
- Sec. 632. Private-public partnership for land port of entry project.*
- Sec. 633. Report to Congress on Immigration Advisory Program.*
- Sec. 634. Coast Guard deployable special forces assets.*
- Sec. 635. Implementation of US-VISIT biometric exit.*
- Sec. 636. Coordination with the Transportation Security Administration on Risk-Based Screening of Aviation Passengers.*
- Sec. 637. Enhanced customer service standards and professionalism training.*

TITLE VII—SCIENCE AND TECHNOLOGY

Subtitle A—Directorate of Science and Technology

- Sec. 701. Directorate of Science and Technology strategic plan.*
- Sec. 702. 5-year research and development plan.*
- Sec. 703. Identification and prioritization of research and development requirements.*
- Sec. 704. Research and development progress.*
- Sec. 705. Acquisition and operations support.*
- Sec. 706. Operational Test and Evaluation.*
- Sec. 707. Availability of testing facilities and equipment.*
- Sec. 708. Bioforensics capabilities.*
- Sec. 709. Homeland Security Science and Technology Fellows Program.*
- Sec. 710. Homeland Security Science and Technology Advisory Committee.*
- Sec. 711. Federally funded research and development centers.*
- Sec. 712. Criteria for designation as a university-based center for homeland security.*
- Sec. 713. Authority for flexible personnel management at the Science and Technology Directorate.*
- Sec. 714. Independent testing and evaluation of homeland security detection technologies.*
- Sec. 715. Northern border unmanned aerial vehicle pilot project.*

Subtitle B—Domestic Nuclear Detection Office

- Sec. 721. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.*
- Sec. 722. Domestic implementation of the global nuclear detection architecture.*
- Sec. 723. Radiation portal monitor alternatives.*
- Sec. 724. Contracting and grantmaking authorities.*
- Sec. 725. Domestic nuclear detection implementation plan.*
- Sec. 726. Science and technology fellows program outreach.*
- Sec. 727. Buy American requirement for information technology.*
- Sec. 728. University-based centers.*
- Sec. 729. Review of university-based centers.*

TITLE VIII—IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE

- Sec. 801. Short title.*
- Sec. 802. Amendment to the Homeland Security Act of 2002.*

TITLE IX—MISCELLANEOUS

- Sec. 901. Redesignation and movement of miscellaneous provisions.*
- Sec. 902. Guidance to and coordination with local educational and school districts.*
- Sec. 903. Federal law enforcement training opportunities for local law enforcement personnel with responsibilities for securing ports.*
- Sec. 904. Security gaps at drinking water and wastewater treatment facilities.*
- Sec. 905. Guidance and coordination for outreach to people with disabilities during emergencies.*
- Sec. 906. TWIC process reform.*
- Sec. 907. Report on progress toward conducting security vulnerability assessments at airports in the United States.*
- Sec. 908. Regulation of the sale and transfer of ammonium nitrate.*
- Sec. 909. Sense of Congress on inclusion of the Western Hemisphere in the 2012 National Strategy for Counterterrorism’s “Area of Focus”.*

1 SEC. 3. DEFINITIONS.

2 *In this Act:*

- 3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
- 4 *TEES.—The term “appropriate congressional commit-*
- 5 *tees” means the Committee on Homeland Security of*
- 6 *the House of Representatives and the Committee on*
- 7 *Homeland Security and Governmental Affairs of the*
- 8 *Senate, and any committee of the House of Represent-*
- 9 *atives or the Senate having legislative or oversight ju-*
- 10 *risdiction under the Rules of the House of Representa-*

1 *tives or the Senate, respectively, over the matter con-*
2 *cerned.*

3 (2) *DEPARTMENT.*—*The term “Department”*
4 *means the Department of Homeland Security.*

5 (3) *FUNCTION.*—*The term “function” includes*
6 *authorities, powers, rights, privileges, immunities,*
7 *programs, projects, activities, duties, and responsibil-*
8 *ities.*

9 (4) *LOCAL GOVERNMENT.*—*The term “local gov-*
10 *ernment” means—*

11 (A) *a county, municipality, city, town,*
12 *township, local public authority, school district,*
13 *special district, intrastate district, council of*
14 *governments (regardless of whether the council of*
15 *governments is incorporated as a nonprofit cor-*
16 *poration under State law), regional or interstate*
17 *government entity, or agency or instrumentality*
18 *of a local government;*

19 (B) *an Indian tribe or authorized tribal or-*
20 *ganization, or in Alaska a Native village or*
21 *Alaska Regional Native Corporation; and*

22 (C) *a rural community, unincorporated*
23 *town or village, or other public entity.*

24 (5) *PERSONNEL.*—*The term “personnel” means*
25 *officers and employees.*

1 (6) *SECRETARY*.—The term “Secretary” means
2 the Secretary of Homeland Security.

3 (7) *STATE*.—The term “State” means any State
4 of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, the United States Vir-
6 gin Islands, Guam, American Samoa, the Common-
7 wealth of the Northern Mariana Islands, and any
8 possession of the United States.

9 (8) *TERRORISM*.—The term “terrorism” means
10 any activity that—

11 (A) involves an act that—

12 (i) is dangerous to human life or po-
13 tentially destructive of critical infrastruc-
14 ture or key resources; and

15 (ii) is a violation of the criminal laws
16 of the United States or of any State or other
17 subdivision of the United States; and

18 (B) appears to be intended—

19 (i) to intimidate or coerce a civilian
20 population;

21 (ii) to influence the policy of a govern-
22 ment by intimidation or coercion; or

23 (iii) to affect the conduct of a govern-
24 ment by mass destruction, assassination, or
25 kidnapping.

1 (9) *UNITED STATES.*—

2 (A) *IN GENERAL.*—*The term “United*
3 *States”, when used in a geographic sense, means*
4 *any State of the United States, the District of*
5 *Columbia, the Commonwealth of Puerto Rico, the*
6 *Virgin Islands, Guam, American Samoa, the*
7 *Commonwealth of the Northern Mariana Islands,*
8 *any possession of the United States, and any*
9 *waters within the jurisdiction of the United*
10 *States.*

11 (B) *INA NOT AFFECTED.*—*Nothing in this*
12 *paragraph or any other provision of this Act*
13 *shall be construed to modify the definition of*
14 *“United States” for the purposes of the Immigra-*
15 *tion and Nationality Act or any other immigra-*
16 *tion or nationality law.*

17 **SEC. 4. AMENDMENT REFERENCES.**

18 *Except as otherwise specifically provided, whenever in*
19 *this Act an amendment or repeal is expressed in terms of*
20 *an amendment to, or repeal of, a provision, the reference*
21 *shall be considered to be made to a provision of the Home-*
22 *land Security Act of 2002 (6 U.S.C. 101 et seq.).*

1 **TITLE I—POLICY, MANAGEMENT,**
2 **AND EFFICIENCY**

3 **SEC. 101. UNDER SECRETARY FOR POLICY.**

4 (a) *IN GENERAL.*—*The Homeland Security Act of*
5 *2002 (6 U.S.C. 101 et seq.) is amended by—*

6 (1) *redesignating section 601 (6 U.S.C. 331) as*
7 *section 890A and transferring that section to appear*
8 *immediately after section 890; and*

9 (2) *striking the heading for title VI and insert-*
10 *ing the following:*

11 **“TITLE VI—POLICY, PLANNING,**
12 **AND OPERATIONS COORDINA-**
13 **TION**

14 **“SEC. 601. UNDER SECRETARY FOR POLICY.**

15 “(a) *IN GENERAL.*—*There shall be in the Department*
16 *an Under Secretary for Policy, who shall be appointed by*
17 *the President, by and with the advice and consent of the*
18 *Senate.*

19 “(b) *RESPONSIBILITIES.*—*Subject to the direction and*
20 *control of the Secretary, the Under Secretary for Policy*
21 *shall—*

22 (1) *serve as a principal policy advisor to the*
23 *Secretary;*

24 (2) *supervise policy development for the pro-*
25 *grams, offices, and activities of the Department;*

1 “(3) *establish and direct a formal policymaking*
2 *process for the Department;*

3 “(4) *ensure that the budget of the Department*
4 *can fulfill the Department’s statutory and regulatory*
5 *responsibilities and implement strategic plans and*
6 *policies established by the Secretary in a risk-based*
7 *manner;*

8 “(5) *conduct long-range, risk-based, strategic*
9 *planning for the Department, including overseeing*
10 *each quadrennial homeland security review required*
11 *under section 707;*

12 “(6) *coordinate policy development undertaken*
13 *by the component agencies and offices of the Depart-*
14 *ment; and*

15 “(7) *carry out such other functions as the Sec-*
16 *retary determines are appropriate, consistent with*
17 *this section.”.*

18 **(b) CLERICAL AMENDMENTS.**—*The table of contents in*
19 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
20 *101 et seq.) is amended by striking the items relating to*
21 *title VI and inserting the following:*

 “**TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION**
 “*Sec. 601. Under Secretary for Policy.*”.

1 **SEC. 102. COUNTERING HOMEGROWN RADICALIZATION AND**
2 **VIOLENT ISLAMIST EXTREMISM.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date of enactment of this Act, the Secretary shall designate
5 an official of the Department to coordinate efforts to counter
6 homegrown violent Islamist extremism, including the vio-
7 lent ideology of Al Qaeda and its affiliated groups, in the
8 United States.

9 (b) *NOTICE.*—Not later than 15 days after the date on
10 which the Secretary designates an official under subsection
11 (a), the Secretary shall submit to the appropriate congres-
12 sional committees a written notification of the designation.

13 (c) *REPORT.*—Not later than 90 days after the date
14 on which the Secretary designates an official under sub-
15 section (a), the official designated shall submit to the appro-
16 priate congressional committees a report detailing—

17 (1) *the strategy and activities of the Department*
18 *to counter homegrown violent Islamist extremism;*

19 (2) *the division of responsibilities within the De-*
20 *partment for countering homegrown violent Islamist*
21 *extremism, including the violent ideology of Al Qaeda*
22 *and its affiliated groups;*

23 (3) *the strategy of the Department to monitor*
24 *open source messaging that incite violence, including*
25 *Internet websites that disseminate videos, graphics,*

1 *text calling for violent activities, and to provide*
2 *counter-messaging to that messaging;*

3 *(4) the number of employees of the Department*
4 *and the amount of funding dedicated by the Depart-*
5 *ment to countering homegrown violent Islamist extre-*
6 *mism, including the violent ideology of Al Qaeda and*
7 *its affiliated groups;*

8 *(5) the type of Department-sponsored activities*
9 *and training for States and local governments, in-*
10 *cluding products and activities associated with State*
11 *and major urban area fusion centers, for countering*
12 *homegrown violent Islamist extremism; and*

13 *(6) the metrics used to measure the effectiveness*
14 *of programs or activities of the Department aimed to*
15 *counter homegrown violent Islamist extremism, in-*
16 *cluding the violent ideology of Al Qaeda and its affili-*
17 *ated groups.*

18 **SEC. 103. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**

19 **OFFICERS.**

20 *(a) IN GENERAL.—Title VI of the Homeland Security*
21 *Act of 2002 (6 U.S.C. 201 et seq.) is further amended by*
22 *adding at the end the following:*

1 **“SEC. 602. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**
2 **OFFICERS.**

3 “(a) *IN GENERAL.*—*The Department’s Chief Oper-*
4 *ating Officers shall include—*

5 “(1) *the Chief Financial Officer;*

6 “(2) *the Chief Procurement Officer;*

7 “(3) *the Chief Information Officer;*

8 “(4) *the Chief Human Capital Officer;*

9 “(5) *the Chief Administrative Officer; and*

10 “(6) *the Chief Security Officer.*

11 “(b) *DELEGATION.*—*Subject to the direction and con-*
12 *trol of the Secretary, the Chief Operating Officers shall have*
13 *direct authority over their respective counterparts in the*
14 *components of the Department to ensure that the compo-*
15 *nents comply with the laws, rules, regulations, and depart-*
16 *mental policies the Chief Operating Officers are responsible*
17 *for implementing. In coordination with the head of the rel-*
18 *evant component, such authorities shall include, with re-*
19 *spect to the Officer’s counterparts within components of the*
20 *Department, direction of—*

21 “(1) *the activities of personnel;*

22 “(2) *planning, operations, and training; and*

23 “(3) *the budget and other financial resources.*

24 “(c) *COORDINATION WITH HEADS OF AGENCIES.*—*The*
25 *chief operating officers of components of the Department*
26 *shall coordinate with the heads of their respective agencies*

1 *while fulfilling their responsibilities under subsection (b) to*
 2 *report directly to the Chief Operating Officers.”.*

3 (b) *CLERICAL AMENDMENT.—The table of contents in*
 4 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
 5 *101 et seq.) is further amended by inserting after the item*
 6 *relating to section 601, as added by section 101 of this Act,*
 7 *the following:*

“Sec. 602. Direct line authority for Chief Operating Officers.”.

8 **SEC. 104. DEPARTMENT OF HOMELAND SECURITY INTER-**
 9 **NATIONAL AFFAIRS OFFICE.**

10 *Section 879 of the Homeland Security Act of 2002 (6*
 11 *U.S.C. 459) is amended to read as follows:*

12 **“SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.**

13 *“(a) ESTABLISHMENT.—There is established within*
 14 *the Department an Office of International Affairs. The Of-*
 15 *fice shall be headed by the Assistant Secretary for Inter-*
 16 *national Affairs, who shall be appointed by the President,*
 17 *by and with the advice and consent of the Senate.*

18 *“(b) RESPONSIBILITIES OF THE ASSISTANT SEC-*
 19 *RETARY.—The Assistant Secretary for International Affairs*
 20 *shall—*

21 *“(1) coordinate international functions within*
 22 *the Department, including functions carried out by*
 23 *the components of the Department, in consultation*
 24 *with other Federal officials with responsibility for*
 25 *counterterrorism and homeland security matters;*

1 “(2) advise, inform, and assist the Secretary, in
2 consultation with overseas Department personnel, on
3 strategies, foreign policy matters, and Department
4 international programs;

5 “(3) develop, in consultation with the Under Sec-
6 retary for Management, for selecting, assigning,
7 training, and monitoring overseas deployments of De-
8 partment personnel, including minimum standards
9 for predeployment training;

10 “(4) develop and update, in coordination with
11 all components of the Department engaged in inter-
12 national activities, a strategic plan for the inter-
13 national activities of the Department and establish a
14 process for managing its implementation and monitor
15 the ability of Department’s components to comply
16 with implementation;

17 “(5) develop and distribute guidance on Depart-
18 ment policy priorities for overseas functions to per-
19 sonnel deployed overseas that, at a minimum, sets
20 forth the regional and national priorities being ad-
21 vanced by their deployment;

22 “(6) maintain awareness regarding the inter-
23 national travel of senior officers of the Department, as
24 well as their intent to pursue negotiations with for-

1 *oreign government officials and reviewing resulting*
2 *draft agreements;*

3 *“(7) develop, in consultation with the compo-*
4 *nents and, where appropriate, with the Science and*
5 *Technology Directorate, programs to support the over-*
6 *seas programs conducted by the Department, includ-*
7 *ing training, technical assistance, and equipment to*
8 *ensure that Department personnel deployed abroad*
9 *have proper resources and receive adequate and time-*
10 *ly support;*

11 *“(8) conduct exchange of homeland security in-*
12 *formation and best practices relating to homeland se-*
13 *curity with foreign nations that, in the determination*
14 *of the Secretary, reciprocate the sharing of such infor-*
15 *mation in a substantially similar manner;*

16 *“(9) ensure that internationally deployed De-*
17 *partment personnel have access to, as appropriate for*
18 *the requirements of their duties, Department systems*
19 *with the capability of sending and receiving cables or*
20 *other messages; and*

21 *“(10) submit information to the Under Secretary*
22 *of Policy for oversight and purposes, including prepa-*
23 *ration of the quadrennial homeland security review,*
24 *on the status of overseas activities, including training*
25 *and technical assistance and information exchange*

1 *activities, and the Department’s resources dedicated*
2 *to these activities.*

3 “(c) *RESPONSIBILITIES OF THE COMPONENTS OF THE*
4 *DEPARTMENT.—*

5 “(1) *NOTICE OF FOREIGN NEGOTIATIONS.—All*
6 *components of the Department shall coordinate with*
7 *the Office of International Affairs of the intent of the*
8 *component to pursue negotiations with foreign gov-*
9 *ernments to ensure consistency with the Department’s*
10 *policy priorities.*

11 “(2) *NOTICE OF INTERNATIONAL TRAVEL BY SEN-*
12 *IOR OFFICERS.—All components of the Departments*
13 *shall notify the Office of International Affairs about*
14 *the international travel of senior officers of the De-*
15 *partment.*

16 “(d) *INVENTORY OF ASSETS DEPLOYED ABROAD.—*
17 *The Office of International Affairs shall provide to the ap-*
18 *propriate congressional committees, with the annual budget*
19 *request for the Department, an annual accounting of all*
20 *assets of the Department, including personnel, deployed out-*
21 *side the United States on behalf of the Department.*

22 “(e) *EXCLUSIONS.—This section does not apply to*
23 *international activities related to the protective mission of*
24 *the United States Secret Service, or to the Coast Guard*

1 *when operating under the direct authority of the Secretary*
2 *of Defense or the Secretary of the Navy.”.*

3 **SEC. 105. ASSISTANT SECRETARY FOR HEALTH AFFAIRS.**

4 *Section 516 of the Homeland Security Act of 2002 (6*
5 *U.S.C. 321e) is amended—*

6 *(1) in subsection (a), by striking the period at*
7 *the end and inserting “, and who shall also have the*
8 *title of Assistant Secretary for Health Affairs.”; and*

9 *(2) in subsection (c)—*

10 *(A) in paragraph (6), by striking “and”*
11 *after the semicolon at the end;*

12 *(B) by redesignating paragraph (7) as*
13 *paragraph (10); and*

14 *(C) by inserting after paragraph (6) the fol-*
15 *lowing:*

16 *“(7) ensuring that the workforce of the Depart-*
17 *ment has science-based policy, standards, require-*
18 *ments, and metrics for occupational safety and*
19 *health;*

20 *“(8) providing medical expertise for the compo-*
21 *nents of the Department with respect to prevention,*
22 *preparedness, protection, response, and recovery for*
23 *medical and public health matters;*

24 *“(9) working in conjunction with appropriate*
25 *entities of the Department and other appropriate Fed-*

1 *eral agencies to develop guidance for prevention, pre-*
 2 *paredness, protection, response, and recovery from*
 3 *catastrophic events with human, animal, and agricul-*
 4 *tural health consequences; and”.*

5 **SEC. 106. DEPARTMENT OF HOMELAND SECURITY REORGA-**
 6 **NIZATION AUTHORITY.**

7 *Section 872 of the Homeland Security Act of 2002 (6*
 8 *U.S.C. 452) is amended—*

9 *(1) in subsection (a), by striking “only” and all*
 10 *that follows through “(2) after” and inserting “only*
 11 *after”; and*

12 *(2) by striking subsection (b) and inserting the*
 13 *following:*

14 *“(b) LIMITATIONS ON OTHER REORGANIZATION AU-*
 15 *THORITY.—*

16 *“(1) IN GENERAL.—Authority under subsection*
 17 *(a) shall not extend to the discontinuance, abolition,*
 18 *substantial consolidation, alteration, or transfer of*
 19 *any agency, entity, organizational unit, program, or*
 20 *function established or required to be maintained by*
 21 *statute.*

22 *“(2) EXCEPTION.—*

23 *“(A) IN GENERAL.—Notwithstanding para-*
 24 *graph (1), if the President determines it to be*
 25 *necessary because of an imminent threat to*

1 *homeland security, a function, power, or duty*
2 *vested by law in the Department, or an officer,*
3 *official, or agency thereof, may be transferred,*
4 *reassigned, or consolidated within the Depart-*
5 *ment.*

6 “(B) NOTICE.—*Not later than 30 days after*
7 *the date on which the President makes a trans-*
8 *fer, reassignment, or consolidation under sub-*
9 *paragraph (A), the President shall notify the ap-*
10 *propriate congressional committees of the trans-*
11 *fer, reassignment, or consolidation.*

12 “(C) DURATION.—*A transfer, reassignment,*
13 *or consolidation under subparagraph (A) shall*
14 *remain in effect only until the President deter-*
15 *mines that the threat to homeland security has*
16 *terminated or is no longer imminent.*

17 “(c) PUBLICATION.—*Not later than 30 days after the*
18 *date on which the President or the Secretary makes a trans-*
19 *fer, allocation, assignment, consolidation, alteration, estab-*
20 *lishment, or discontinuance under this section, the Presi-*
21 *dent or the Secretary shall publish in the Federal Reg-*
22 *ister—*

23 “(1) *the reasons for the action taken; and*

24 “(2) *a list of each statutory provision implicated*
25 *by the action.*

1 “(d) *SUBMITTAL OF NOTIFICATION TO CONGRESS.*—
2 *No reorganization, realignment, consolidation, or other sig-*
3 *nificant organizational change to a component, directorate,*
4 *or agency of the Department, may take effect before the ap-*
5 *propriate congressional committees receive information*
6 *from the Secretary to support the determination that such*
7 *reorganization, realignment, consolidation, or other signifi-*
8 *cant organizational change will enhance the component, di-*
9 *rectorate, or office’s efficiency, operational capabilities, or*
10 *capacity, balance the numbers of Federal workers in accord-*
11 *ance with the balanced workforce strategy, and result in ad-*
12 *ministrative cost saving.”.*

13 **SEC. 107. REPEAL OF OFFICE OF DOMESTIC PREPARED-**
14 **NESS.**

15 (a) *TERMINATION.*—*Title IV of the Homeland Security*
16 *Act of 2002 is amended by striking section 430 (6 U.S.C.*
17 *238).*

18 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
19 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
20 *101(b)) is amended by striking the item relating to section*
21 *430.*

22 **SEC. 108. QUADRENNIAL HOMELAND SECURITY REVIEW.**

23 (a) *IN GENERAL.*—*Section 707 of the Homeland Secu-*
24 *rity Act of 2002 (6 U.S.C. 347) is amended—*

25 (1) *in subsection (a)—*

1 (A) in paragraph (1), by striking “fiscal
2 year 2009” and inserting “calendar year 2013”;
3 and

4 (B) in paragraph (3), by striking “The Sec-
5 retary shall conduct each quadrennial homeland
6 security review under this subsection” and in-
7 serting “In order to ensure that each quadren-
8 nial homeland security review conducted under
9 this section is coordinated with the quadrennial
10 defense review conducted by the Secretary of De-
11 fense under section 118 of title 10, United States
12 Code, and any other major strategic review relat-
13 ing to diplomacy, intelligence, or other national
14 security issues, the Secretary shall conduct each
15 quadrennial homeland security review”; and

16 (2) by striking subsections (b), (c), and (d) and
17 inserting the following:

18 “(b) SCOPE OF REVIEW AND REPORT.—

19 “(1) IN GENERAL.—In each quadrennial home-
20 land security review, the Secretary shall—

21 “(A) examine the homeland security aspects
22 of the security environment of the Nation, in-
23 cluding existing and potential homeland security
24 threats and challenges, and the effect of laws,
25 Presidential directives, national strategies, and

1 *other relevant guidance documents in meeting*
2 *existing and potential homeland security threats*
3 *and challenges;*

4 “(B) *review the capabilities and capacities*
5 *across the homeland security enterprise, and the*
6 *roles of executive agencies, States, local govern-*
7 *ments, Indian tribes, and private entities in pro-*
8 *viding those capabilities and capacities;*

9 “(C) *evaluate and prioritize the homeland*
10 *security mission areas of the Nation and associ-*
11 *ated goals and objectives, and recommend any*
12 *necessary revisions to the mission areas, goals,*
13 *and objectives as appropriate;*

14 “(D) *examine whether the capabilities and*
15 *capacities across the homeland security enter-*
16 *prise should be adjusted based on any proposed*
17 *modifications to the mission areas, goals, or ob-*
18 *jectives;*

19 “(E) *identify additional capabilities and*
20 *capacities that may be needed across the home-*
21 *land security enterprise in response to potential*
22 *homeland security threats and challenges, and*
23 *the resources required to provide the capabilities*
24 *and capacities;*

1 “(F) identify redundant, wasteful, or unnec-
2 essary capabilities and capacities where re-
3 sources can be redirected to support capabilities
4 and capacities identified under subparagraph
5 (E);

6 “(G) evaluate the organization, organiza-
7 tional structure, governance structure, and busi-
8 ness processes (including acquisition processes) of
9 the Department, as they relate to the ability of
10 the Department to meet the responsibilities of the
11 Department; and

12 “(H) review any other matter the Secretary
13 considers appropriate.

14 “(2) REPORT.—During the year following the
15 year in which a quadrennial homeland security re-
16 view is conducted, and not later than the date on
17 which the budget of the President for the next fiscal
18 year is submitted to Congress under section 1105(a)
19 of title 31, United States Code, the Secretary shall—

20 “(A) submit to the appropriate congres-
21 sional committees a report—

22 “(i) describing the process used in con-
23 ducting the quadrennial homeland security
24 review and explaining any underlying as-

1 *assumptions used in conducting the quadren-*
2 *ennial homeland security review;*

3 “(ii) *describing the findings and con-*
4 *clusions of the review, including findings*
5 *and conclusions relating to each issue ad-*
6 *ressed under subparagraphs (A) through*
7 *(H) of paragraph (1);*

8 “(iii) *detailing any proposed revisions*
9 *to the national homeland security strategy,*
10 *including any proposed revisions to the*
11 *homeland security missions, capabilities*
12 *and capacities, goals, or objectives of the*
13 *Nation;*

14 “(iv) *detailing how the conclusions*
15 *under the quadrennial homeland security*
16 *review will inform efforts to develop capa-*
17 *bilities and build capacity of States, local*
18 *governments, Indian tribes, and private en-*
19 *tities, and of individuals, families, and*
20 *communities;*

21 “(v) *providing proposed changes to the*
22 *authorities, organization, governance struc-*
23 *ture, or business processes (including acqui-*
24 *sition processes) of the Department in order*

1 to better fulfill the responsibilities of the De-
2 partment; and

3 “(vi) describing any other matter the
4 Secretary considers appropriate; and

5 “(B) consistent with the protection of na-
6 tional security and other sensitive matters, make
7 the report required under subparagraph (A) pub-
8 licly available on the website of the Department;
9 and

10 “(C) where appropriate, the Secretary may
11 include as an annex to the report materials pre-
12 pared pursuant to section 306 of title 5, relating
13 to the preparation of an agency strategic plan,
14 to satisfy, in whole or in part, the reporting re-
15 quirements of this paragraph.”.

16 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
17 table of contents in section 1(b) of the Homeland Security
18 Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking
19 the item relating to section 707 and inserting the following:

 “Sec. 707. Quadrennial homeland security review.”.

20 **SEC. 109. DEVELOPMENT OF EXPLOSIVES DETECTION CA-**
21 **NINE STANDARDS.**

22 (a) *IN GENERAL.*—Section 1307(c) of the Imple-
23 menting Recommendations of the 9/11 Commission Act of
24 2007 (6 U.S.C. 1116(c)) is amended to read as follows:

1 “(c) *EXPLOSIVES DETECTION CANINE ACCREDITATION*
2 *AND MINIMUM CERTIFICATION STANDARDS.*—

3 “(1) *IN GENERAL.*—*To assist in the Depart-*
4 *ment’s counterterrorism mission, the Secretary*
5 *shall—*

6 “(A) *issue mission-specific accreditation*
7 *and minimum certification standards for all ex-*
8 *plosives detection canines, and their handlers,*
9 *that are used or funded by the Department; and*

10 “(B) *ensure that all explosives detection ca-*
11 *nines used or funded by the Department, and*
12 *their handlers, are trained by persons who have*
13 *met those accreditation standards and utilize*
14 *such minimum certification standards.*

15 “(2) *INCLUDED CANINES AND HANDLERS.*—*The*
16 *canines and handlers referred to in paragraph (1) in-*
17 *clude—*

18 “(A) *canines that are not bred by the De-*
19 *partment;*

20 “(B) *canines and handlers that are not*
21 *trained by the Department; and*

22 “(C) *canine and handlers that are obtained*
23 *by the Department by contract, or funded by the*
24 *Department by grant or otherwise.*

25 “(3) *RECOMMENDATIONS.*—

1 “(A) *PANEL.*—*The Secretary shall convene*
2 *a panel that will develop recommendations for*
3 *the accreditation and minimum certification*
4 *standards under this subsection, which shall con-*
5 *sist of canine training subject matter experts, in-*
6 *cluding representatives from the private sector*
7 *and academia, as designated by the Secretary.*

8 “(B) *RECOMMENDATIONS.*—*The rec-*
9 *ommendations shall consist of a multitier set of*
10 *standards designed to provide minimum accredi-*
11 *tation and certification standards, as well as a*
12 *higher level of standards based on mission-crit-*
13 *ical objectives of the components that use explo-*
14 *sives detection canines. The standards shall ad-*
15 *dress both initial and recurrent training and*
16 *certification.*

17 “(C) *REVIEW AND REVISION.*—*After provi-*
18 *sion of the recommendations, the panel shall*
19 *meet no less than biennially to review and revise*
20 *the recommendations.*

21 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—*To*
22 *carry out this subsection there is authorized to be ap-*
23 *propriated \$300,000 for fiscal year 2012.”.*

24 (b) *DEADLINE FOR STANDARDS.*—*The Secretary of*
25 *Homeland Security shall issue accreditation and minimum*

1 *certification standards under the amendment made by sub-*
2 *section (a) by not later than 180 days after the date of en-*
3 *actment of this Act.*

4 **SEC. 110. DEVELOPMENT OF A BALANCED WORKFORCE.**

5 (a) *COMPONENT STRATEGIES.*—*Each component of the*
6 *Department shall coordinate with the Chief Human Capital*
7 *Officer of the Department to develop its own 5-year work-*
8 *force strategy that will support the Department’s goals, ob-*
9 *jectives, and performance measures for determining the*
10 *proper balance of Federal employees and private labor re-*
11 *sources.*

12 (b) *STRATEGY REQUIREMENTS.*—*The Chief Human*
13 *Capital Officer shall ensure that in the development of the*
14 *strategy required by subsection (a) for a component the*
15 *head of the component reports to the Chief Human Capital*
16 *Officer on the human resources considerations associated*
17 *with creating additional Federal full-time equivalent posi-*
18 *tions, converting private contractors to Federal employees,*
19 *or relying on the private sector for goods and services, in-*
20 *cluding—*

21 (1) *hiring projections, including occupation and*
22 *grade level, as well as corresponding salaries, benefits,*
23 *and hiring or retention bonuses;*

24 (2) *the identification of critical skills require-*
25 *ments over the 5-year period, any current or antici-*

1 *puted deficiency in critical skills required at the De-*
2 *partment, and the training or other measures re-*
3 *quired to address those deficiencies in skills;*

4 *(3) recruitment of qualified candidates and re-*
5 *tention of qualified employees;*

6 *(4) supervisory and management requirements;*

7 *(5) travel and related personnel support costs;*

8 *(6) the anticipated cost and impact on mission*
9 *performance associated with replacing Federal per-*
10 *sonnel due to their retirement or other attrition; and*

11 *(7) other appropriate factors.*

12 *(c) ANNUAL SUBMISSION.—The Department shall pro-*
13 *vide to the appropriate congressional committees, together*
14 *with submission of the annual budget justification, infor-*
15 *mation on the progress within the Department of fulfilling*
16 *the workforce strategies required under subsection (a).*

17 **SEC. 111. DANGER PAY ALLOWANCES FOR EMPLOYEES OF**
18 **THE DEPARTMENT OF HOMELAND SECURITY.**

19 *Section 151 of the Foreign Relations Authorization*
20 *Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 5*
21 *U.S.C. 5928 note) is amended by striking “Drug Enforce-*
22 *ment Administration or Federal Bureau of Investigations”*
23 *and inserting “Drug Enforcement Administration, Federal*
24 *Bureau of Investigation, or the Department of Homeland*
25 *Security”.*

1 **SEC. 112. FLETC REPORTING REQUIREMENTS ON COUNTER-**
2 **VIOLENT EXTREMISM TRAINING.**

3 *Prior to offering or implementing any program, in-*
4 *cluding any pilot program, intended to provide training*
5 *on increasing awareness relating to and countering violent*
6 *Islamist extremism, the Director of the Federal Law En-*
7 *forcement Training Center (FLETC) shall submit to the ap-*
8 *propriate congressional committees the following:*

9 (1) *The classified case study information that the*
10 *Department provided to the National Consortium for*
11 *the Study of Terrorism and Responses to Terrorism*
12 *regarding the radicalization process for the goal of*
13 *violent extremism.*

14 (2) *A detailed description of the training that*
15 *FLETC intends to implement as part of the program,*
16 *including all training materials that are being dis-*
17 *tributed as part of the program.*

18 (3) *An identification of the executive agency or*
19 *agencies that participated in the development of the*
20 *training.*

21 (4) *A description of what qualifications will be*
22 *required for instructors to provide the training, in-*
23 *cluding—*

24 (A) *whether the instructor has counterter-*
25 *rorism or intelligence experience; and*

1 (B) the degree of the instructor’s knowledge
2 and expertise on Al Qaeda and radicalization.

3 (5) An estimate of the amount of funds the De-
4 partment will expend for any such program, includ-
5 ing a plan for such expenditures and specification of
6 the existing programs from which the funds will be
7 drawn.

8 **SEC. 113. FUTURE-YEARS HOMELAND SECURITY PROGRAM.**

9 (a) *IN GENERAL.*—Section 874 of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 454) is amended to read as fol-
11 lows:

12 **“SEC. 874. FUTURE-YEARS HOMELAND SECURITY PROGRAM.**

13 “(a) *IN GENERAL.*—Not later than the 30 days fol-
14 lowing the date of each fiscal year on which the budget of
15 the President is submitted to Congress under section
16 1105(a) of title 31, United States Code, the Secretary shall
17 submit to the appropriate congressional committees a fu-
18 ture-years homeland security program that provides de-
19 tailed estimates of the projected expenditures and cor-
20 responding requests for appropriations included in that
21 budget. The future-years homeland security program shall
22 cover the fiscal year for which the budget is submitted as
23 well as the four succeeding fiscal years.

24 “(b) *CONSISTENCY OF BUDGET REQUEST WITH ESTI-*
25 *MATES OF NECESSARY EXPENDITURES AND APPROPRIA-*

1 TIONS.—For each fiscal year, the Secretary shall endeavor
2 to ensure that the projected amounts specified in program
3 and budget information submitted to Congress in support
4 of the President’s budget request are consistent with the esti-
5 mates for expenditures and proposed appropriations nec-
6 essary to support the programs, projects, and activities of
7 the Department included in the budget pursuant to section
8 1105(a) (5) of title 31, United States Code.

9 “(c) *EXPLANATION OF ALIGNMENT WITH STRATEGIES*
10 *AND PLANS.*—Together with the detailed estimates of the
11 projected expenditures and corresponding requests for ap-
12 propriations submitted for the future years homeland secu-
13 rity program, the Secretary shall provide an explanation
14 of how those estimates and requests align with the homeland
15 security strategies and plans developed and updated as ap-
16 propriate by the Secretary.

17 “(d) *PROJECTION OF ACQUISITION ESTIMATES.*—Each
18 futures year homeland security funding program shall
19 project acquisition estimates for a period of 5 fiscal years,
20 with specified estimates for each fiscal year, for all tech-
21 nology acquisitions within the Department and each com-
22 ponent therein, including refresh and sustainment expenses,
23 as well as the annual deployment schedule of any acquisi-
24 tion with a total cost over the 5-fiscal-year period estimated
25 to exceed \$50,000,000.

1 “(e) *CONTINGENCY AMOUNTS.*—*Nothing in this section*
2 *shall be construed as prohibiting the inclusion in the future-*
3 *years homeland security program of amounts for manage-*
4 *ment contingencies, subject to the requirements of subsection*
5 *(b).*”

6 “(f) *AVAILABILITY OF INFORMATION TO THE PUB-*
7 *LIC.*—*The Secretary shall make available to the public in*
8 *electronic form the information required to be submitted to*
9 *Congress under this section, except those portions that are*
10 *deemed to be classified in nature under the parameters of*
11 *section 537 of the Department of Homeland Security Ap-*
12 *propriations Act, 2006 (6 U.S.C. 114).”.*

13 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
14 *section 1(b) of such Act is amended by striking the item*
15 *relating to such section and inserting the following:*

 “*Sec. 874. Future-years homeland security program.*”.

16 **SEC. 114. COST OF SUBMISSIONS TO CONGRESS.**

17 *Beginning on the date that is 90 days after the date*
18 *of the enactment of this Act, the Secretary shall include at*
19 *the front of each plan, report, strategy, or other written ma-*
20 *terial provided to the appropriate congressional committees*
21 *pursuant to a congressional mandate, information on the*
22 *costs and the number of full-time equivalent (FTE) per-*
23 *sonnel required for complying with the mandate to the*
24 *greatest extent practical. If the Secretary deems that it is*
25 *not practical, the Secretary shall instead provide an ex-*

1 *planatory statement delineating why the information can-*
2 *not be provided.*

3 **SEC. 115. PROTECTION OF NAME, INITIALS, INSIGNIA, AND**
4 **SEAL.**

5 *(a) IN GENERAL.—Section 875 of the Homeland Secu-*
6 *rity Act of 2002 (6 U.S.C. 455) is amended by adding at*
7 *the end the following new subsection:*

8 *“(d) PROTECTION OF NAME, INITIALS, INSIGNIA, AND*
9 *SEAL.—*

10 *“(1) PROTECTION.—Except with the written per-*
11 *mission of the Secretary, no person may knowingly*
12 *use, in connection with any advertisement, commer-*
13 *cial activity, audiovisual production (including, but*
14 *not limited to, film or television production), imper-*
15 *sonation, Internet domain name, Internet e-mail ad-*
16 *dress, or Internet web site, merchandise, retail prod-*
17 *uct, or solicitation in a manner reasonably calculated*
18 *to convey the impression that the Department of*
19 *Homeland Security or any organizational element of*
20 *the Department has approved endorsed, or authorized*
21 *such use, any of the following (or any colorable imita-*
22 *tion thereof):*

23 *“(A) the words ‘Department of Homeland*
24 *Security’, the initials ‘DHS’, or the insignia seal*
25 *of the Department; or*

1 “(B) any ‘DHS visual identities’ meaning
2 DHS or DHS Component name, initials, seal,
3 insignia, trade or certification marks of DHS or
4 any DHS Component or any combination, vari-
5 ation, or colorable imitation of indicia alone or
6 in combination with other words to convey the
7 impression of affiliation, connection, approval,
8 or endorsement by DHS or any DHS compo-
9 nent; or

10 “(C) the name, initials, insignia, or seal of
11 any organizational element/component (includ-
12 ing any former such element/component) of the
13 Department.

14 “(2) CIVIL PROCEEDINGS.—Whenever it appears
15 to the Attorney General that any person is engaged
16 or is about to engage in an act or practice which con-
17 stitutes or will constitute conduct prohibited by sub-
18 section (d)(1), the Attorney General may initiate a
19 civil proceeding in a district court of the United
20 State to enjoin such act or practice. Such court shall
21 proceed as soon as practicable to the hearing and de-
22 termination of such action and may, at any time be-
23 fore final determination, enter such restraining orders
24 or prohibitions, or take such other actions as is war-
25 ranted, to prevent injury to the United State or to

1 any person or class of persons for whose protection the
2 act is brought.

3 “(3) *DEFINITION.*—For the purpose of this sub-
4 section, the term ‘audiovisual production’ means the
5 production of a work that consists of a series of re-
6 lated images which are intrinsically intended to be
7 shown by the use of machines or devices such as pro-
8 jectors, viewers, or electronic equipment, together with
9 accompanying sounds, if any, regardless of the nature
10 of the material objects, such as films or taps, in which
11 the work is embodied.”.

12 (b) *PENALTIES.*—Section 709 of title 18, United States
13 Code, is amended by inserting after “authorized by the Fed-
14 eral Bureau of Investigation; or” the following new para-
15 graph:

16 “Whoever, except with the written permission of the
17 Secretary of the Department of Homeland Security, know-
18 ingly uses the words “Department of Homeland Security,”
19 the initials “DHS,” or any colorable imitation of such
20 words or initials, or the words, initials, seals, or colorable
21 imitations relating to any subcomponents thereof, in con-
22 nection with any advertisement, circular, book, pamphlet
23 or other publication, play, motion picture, broadcast, tele-
24 cast, or other production, in a manner reasonably cal-
25 culated to convey the impression that such advertisement,

1 *circular, book, pamphlet or other publication, play, motion*
2 *picture, broadcast telecast, or other production, is approved,*
3 *endorsed, or authorized by the Department of Homeland Se-*
4 *curity; or”.*

5 **SEC. 116. OFFICE OF POLICY.**

6 *(a) IN GENERAL.—Title VI of the Homeland Security*
7 *Act of 2002 (6 U.S.C. 201 et seq.) is further amended by*
8 *inserting after section 602 the following:*

9 **“SEC. 603. OFFICE OF POLICY.**

10 *“(a) ESTABLISHMENT.—There is established in the De-*
11 *partment the Office of Policy, to be headed by the Under*
12 *Secretary for Policy as authorized under the Department*
13 *of Homeland Security Authorization Act for Fiscal Year*
14 *2012.*

15 *“(b) FUNCTIONS OF THE OFFICE OF POLICY.—The Of-*
16 *fice of Policy shall—*

17 *“(1) develop Department policies, programs, and*
18 *planning, consistent with the quadrennial homeland*
19 *security review, to promote and ensure quality, con-*
20 *sistency, and integration for the programs, offices,*
21 *and activities of the Department across all homeland*
22 *security missions;*

23 *“(2) develop and articulate the long-term stra-*
24 *tegic view of the Department and translate the Sec-*
25 *retary’s strategic priorities into capstone planning*

1 *products that drive increased operational effectiveness*
2 *through integration, prioritization, and resource allo-*
3 *cation;*

4 *“(3) lead Departmental international engage-*
5 *ment and activities;*

6 *“(4) represent the Department position to other*
7 *Federal Agencies and the President; and*

8 *“(5) coordinate with policy officials in Depart-*
9 *mental components to ensure the effective and efficient*
10 *implementation of policy.”.*

11 *(b) CLERICAL AMENDMENT.—The table of contents in*
12 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
13 *101 et seq.) is further amended by inserting after the item*
14 *relating to section 602 the following:*

“Sec. 603. Office of Policy.”.

15 **SEC. 117. FEDERAL VACANCY COMPLIANCE.**

16 *For a position at the Department that is subject to*
17 *sections 3345 through 3349d of title 5, United States Code*
18 *(referred to as the “Vacancies Reform Act of 1998”), the*
19 *Secretary shall notify the appropriate congressional com-*
20 *mittees of any position held by an individual on a tem-*
21 *porary or acting basis for 210 days. Such notification shall*
22 *include—*

23 *(1) the duration of the vacancy as of the date of*
24 *the notification;*

1 (2) *information on whether a nomination to fill*
2 *the vacancy is pending before the Senate and, if so,*
3 *the status of that nomination within the Senate; and*
4 (3) *what actions, if any, the Secretary intends to*
5 *take to bring the Department in compliance with such*
6 *sections.*

7 **SEC. 118. ELECTRONIC SUBMISSIONS.**

8 *Beginning on the date that is 90 days after the date*
9 *of the enactment of this Act, the Secretary shall, to the*
10 *greatest extent practicable, submit each plan, report, strat-*
11 *egy, or other written material provided to the appropriate*
12 *congressional committees pursuant to a congressional man-*
13 *date in an electronic format.*

14 **SEC. 119. CHIEF INFORMATION OFFICER.**

15 *Section 703 of the Homeland Security Act of 2002 (6*
16 *U.S.C. 343) is amended—*

17 (1) *by redesignating subsection (b) as subsection*
18 *(c); and*

19 (2) *by inserting after subsection (a) the fol-*
20 *lowing:*

21 “(b) *RESPONSIBILITIES.—The Chief Information Offi-*
22 *cer shall—*

23 “(1) *advise and assist the Secretary, heads of the*
24 *components of the Department, and other senior offi-*
25 *cers in carrying out the responsibilities of the Depart-*

1 *ment for all activities relating to the programs and*
2 *operations of the information technology functions of*
3 *the Department;*

4 *“(2) establish the information technology prior-*
5 *ities, policies, processes, standards, guidelines, and*
6 *procedures of the Department;*

7 *“(3) coordinate and ensure implementation of*
8 *information technology priorities, policies, processes,*
9 *standards, guidelines, and procedures within the De-*
10 *partment;*

11 *“(4) be responsible for information technology*
12 *capital planning and investment management in ac-*
13 *cordance with sections 11312 and 11313 of title 40,*
14 *United States Code;*

15 *“(5) in coordination with the Chief Procurement*
16 *Officer of the Department, assume responsibility for*
17 *information systems acquisition, development, and in-*
18 *tegration as required by section 11312 of title 40,*
19 *United States Code;*

20 *“(6) in coordination with the Chief Procurement*
21 *Officer of the Department, review and approve any*
22 *information technology acquisition with a total value*
23 *greater than a threshold level to be determined by the*
24 *Secretary;*

1 “(7) in coordination with relevant officials of the
2 Department, ensure that information technology sys-
3 tems meet the standards established under the infor-
4 mation sharing environment, as defined in section
5 1016 of the Intelligence Reform and Terrorism Pre-
6 vention Act of 2004 (6 U.S.C. 485);

7 “(8) perform other responsibilities required
8 under section 3506 of title 44, United States Code,
9 and section 11315 of title 40, United States Code; and

10 “(9) perform such other responsibilities as the
11 Secretary may prescribe.”.

12 **SEC. 120. COST SAVINGS AND EFFICIENCY REVIEWS.**

13 *The Secretary, acting through the Under Secretary for*
14 *Management of the Department, shall submit to the appro-*
15 *priate congressional committees the following:*

16 (1) *A report that provides a detailed accounting*
17 *of the management and administrative expenditures*
18 *and activities of the components of the Department*
19 *and identifies potential cost savings and efficiencies*
20 *for those expenditures and activities of each compo-*
21 *nent of the Department.*

22 (2) *The findings of a study that examines the*
23 *size, experience level, and geographic distribution of*
24 *the operational personnel of the Department, includ-*
25 *ing U.S. Customs and Border Protection officers, Bor-*

1 *der Patrol agents, U.S. Customs and Border Protec-*
2 *tion Air and Marine agents, U.S. Customs and Bor-*
3 *der Protection Agriculture Specialists, Federal Protec-*
4 *tive Service Law Enforcement Security Officers, U.S.*
5 *Immigration and Customs Enforcement agents,*
6 *Transportation Security Officers, Federal air mar-*
7 *shals, and members of the Coast Guard, and rec-*
8 *ommendations for adjustments that would reduce defi-*
9 *ciencies in the Department’s capabilities, reduce costs,*
10 *and enhance efficiencies.*

11 **TITLE II—DEPARTMENT OF**
12 **HOMELAND SECURITY ACQUI-**
13 **SITION POLICY**

14 **SEC. 201. DEPARTMENT OF HOMELAND SECURITY ACQUI-**
15 **SITIONS AND PROCUREMENT REVIEW.**

16 *(a) IN GENERAL.—Title VII of the Homeland Security*
17 *Act of 2002 (6 U.S.C. 341 et seq.), is amended by adding*
18 *at the end the following:*

19 **“SEC. 708. DEPARTMENT ACQUISITIONS AND PROCURE-**
20 **MENT REVIEW.**

21 *“(a) IN GENERAL.—The Secretary shall review the*
22 *proposed acquisitions and procurements by the Department.*

23 *“(b) PURPOSE.—The review under subsection (a) shall*
24 *inform the Department’s investment decisions, evaluate*

1 *lifecycles of procurements, strengthen acquisition oversight,*
2 *and improve resource management in a risk-based manner.*

3 “(c) *ACQUISITION REVIEW BOARD.*—

4 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
5 *tablish an Acquisition Review Board for the purpose*
6 *of carrying out the review of proposed acquisitions*
7 *and procurements required under subsection (a).*

8 “(2) *MEMBERSHIP.*—*The Secretary shall des-*
9 *ignate appropriate officers from throughout the De-*
10 *partment to serve on the Acquisition Review Board,*
11 *including an appointee to serve as chair of the Board.*

12 “(3) *SUBORDINATE BOARDS AND COUNCILS.*—
13 *The Secretary may establish subordinate boards and*
14 *councils to support the Acquisition Review Board.*

15 “(d) *INVESTMENT THRESHOLDS.*—*The Secretary may*
16 *establish materiality thresholds for the review of invest-*
17 *ments by the Acquisition Review Board or any subordinate*
18 *board or council.*

19 “(e) *SAFETY ACT.*—*The Acquisition Review Board*
20 *shall identify proposed investments and acquisitions across*
21 *the Department that should utilize the pre-qualification des-*
22 *ignation notice, the block designation, or the block certifi-*
23 *cation processes available under subtitle G of title VIII, and*
24 *provide its findings to the Under Secretary for Manage-*

1 *ment, the Under Secretary for Science and Technology, and*
 2 *the relevant acquisition authority for implementation.*

3 “(f) **REPORTING REQUIREMENT.**—*The Secretary shall*
 4 *submit to the appropriate congressional committees an an-*
 5 *nual report, broken down on a quarterly basis, on the ac-*
 6 *tivities of the Acquisition Review Board, including detailed*
 7 *descriptions of and statistics on programs and activities re-*
 8 *viewed by the Acquisition Review Board.”.*

9 (b) **INITIAL REPORT.**—*Not later than 90 days after the*
 10 *date of enactment of this Act, the Secretary of Homeland*
 11 *Security shall submit a report to the appropriate congres-*
 12 *sional committees on the processes and protocols imple-*
 13 *mented to carry out the review required under the amend-*
 14 *ment made by subsection (a).*

15 (c) **CLERICAL AMENDMENT.**—*The table of contents in*
 16 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
 17 *101 et seq.) is amended by adding at the end of the items*
 18 *relating to title VII the following:*

 “*Sec. 708. Department acquisitions and procurement review.*”.

19 **SEC. 202. CAPABILITIES AND REQUIREMENTS COUNCIL.**

20 (a) **IN GENERAL.**—*Title VII of the Homeland Security*
 21 *Act of 2002 (6 U.S.C. 181 et seq.) is further amended by*
 22 *adding at the end the following new section:*

23 **“SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.**

24 “(a) **ESTABLISHMENT.**—*There is established a Capa-*
 25 *bilities and Requirements Council in the Department.*

1 “(b) *MISSION.—The Capabilities and Requirements*
2 *Council shall provide recommendations and assistance to*
3 *the Secretary for the following:*

4 “(1) *Identifying, assessing, and approving home-*
5 *land security investments and acquisition require-*
6 *ments, including investments in and requirements for*
7 *existing programs, systems, and equipment, to meet*
8 *homeland security strategic goals and objectives.*

9 “(2) *Harmonizing common investments and re-*
10 *quirements across Department organizational ele-*
11 *ments.*

12 “(3) *Reviewing the mission need associated with*
13 *each proposed investment or acquisition requirement*
14 *identified under paragraph (1).*

15 “(4) *Reviewing major investments across the De-*
16 *partment to ensure consistency with homeland secu-*
17 *rity strategic goals and objectives.*

18 “(5) *Ensuring the use of cost-benefit analyses,*
19 *giving consideration to factors such as cost, schedule,*
20 *performance, risk, and operational efficiency, in order*
21 *to determine the most viable homeland security in-*
22 *vestments or acquisition requirements identified*
23 *under paragraph (1).*

24 “(6) *Establishing and assigning priority levels*
25 *for the homeland security investments and require-*

1 *ments identified under paragraph (1), in consultation*
2 *with advisors to the Council engaged under subsection*
3 *(d).*

4 *“(7) Reviewing the estimated level of resources*
5 *required to fulfill the homeland security requirements*
6 *identified under paragraph (1) and to ensure that*
7 *such resource level is consistent with the level of pri-*
8 *ority assigned to such requirement.*

9 *“(8) Proposing schedules for delivery of the oper-*
10 *ational capability needed to meet each homeland secu-*
11 *rity requirement identified under paragraph (1).*

12 *“(9) Identifying alternatives to any acquisition*
13 *program that meet homeland security requirements*
14 *identified under paragraph (1).*

15 *“(10) Providing recommendations to the Acquisi-*
16 *tion Review Board established under section 708.*

17 *“(11) Performing any other duties established by*
18 *the Secretary.*

19 *“(c) COMPOSITION.—The Capabilities and Require-*
20 *ments Council is composed of—*

21 *“(1) the Under Secretary for Management of the*
22 *Department, who shall act as the Chairman of the*
23 *Council; and*

1 “(A) supervising the management of De-
2 partment acquisition activities and acquisition
3 programs, evaluating the performance of those
4 activities and programs, and advising the Sec-
5 retary regarding the appropriate risk-based ac-
6 quisition strategy to achieve the mission of the
7 Department;

8 “(B) directing all of the Department’s com-
9 ponents with regard to the Under Secretary’s re-
10 sponsibility under this subsection;

11 “(C) establishing policies for acquisition
12 that implement a risk-based approach, as appro-
13 priate, including investment review, program
14 management, procurement of goods and services,
15 research and development, and contract adminis-
16 tration, for all components of the Department;

17 “(D) establishing policies for logistics,
18 maintenance, and sustainment support for all
19 components of the Department;

20 “(E) ensuring the procurement activities of
21 the Department’s components consider the appli-
22 cability of the SAFETY Act in accordance with
23 the procedures in the Federal Acquisition Regu-
24 lations Subpart 50.205; and

1 “(F) prescribing policies to ensure that
2 audit and oversight of contractor activities are
3 coordinated and carried out in a risk-based
4 manner that prevents redundancies among the
5 different components of the Department.

6 “(2) UNDER SECRETARY FOR SCIENCE AND
7 TECHNOLOGY.—Nothing in this subsection shall di-
8 minish or otherwise affect the authority granted to the
9 Under Secretary for Science and Technology under
10 this Act. The Under Secretary for Management and
11 the Under Secretary for Science and Technology shall
12 cooperate in matters of mutual interest related to the
13 subjects addressed by this subsection.”.

14 (b) REPORT TO CONGRESS.—The Under Secretary for
15 Management shall report to Congress within 180 days after
16 the date of the enactment of this Act on a comprehensive
17 acquisition management plan for the Department, includ-
18 ing performance metrics, to—

19 (1) improve collaboration, coordination, and
20 awareness of technologies and capabilities across com-
21 ponents of the Department, the Federal Government,
22 universities, and the private sector when developing
23 program requirements for acquisitions by the Depart-
24 ment;

1 (2) *evaluate the reasons for modifying program*
2 *requirements after an award of a contract and ana-*
3 *lyze the need for modifications and whether modifica-*
4 *tions would lead to contract cost overruns or time*
5 *delays;*

6 (3) *ensure regular communication with and sup-*
7 *port from State and local entities when developing*
8 *program requirements and modifying program re-*
9 *quirements;*

10 (4) *provide increased oversight and management*
11 *on identified high-risk acquisitions;*

12 (5) *evaluate the turnover rate of program man-*
13 *agers and contracting officers throughout a contract*
14 *and its impact on program requirement modifica-*
15 *tions, cost overruns, and time delays; and*

16 (6) *evaluate the time it takes between first devel-*
17 *oping program requirements, through the acquisition*
18 *review process, up until a contract award is made.*

19 **SEC. 204. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

20 (a) *IN GENERAL.*—*Title VII of the Homeland Security*
21 *Act of 2002 (6 U.S.C. 341 et seq.) is further amended by*
22 *adding at the end the following new section:*

23 **“SEC. 710. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

24 “(a) *ESTABLISHMENT.*—*The Secretary may establish*
25 *at the Department an Acquisition Professional Career Pro-*

1 *gram for the recruitment, training, and retention of acqui-*
 2 *sition professionals for the Department.*

3 “(b) *PROGRAM.—The program established under sub-*
 4 *section (a) shall rotate participants through various head-*
 5 *quarters and component acquisition and program offices to*
 6 *assure that participants receive broad experience and devel-*
 7 *opmental training throughout the Department.*

8 “(c) *ACQUISITION PROFESSIONAL.—An acquisition*
 9 *professional shall include, but is not limited to, an indi-*
 10 *vidual employed by the Department as a contract specialist,*
 11 *program manager, or technical representative of a con-*
 12 *tracting office.*

13 “(d) *LIMIT.—Subject to appropriations, the Secretary*
 14 *may not hire more than 100 participants for the program*
 15 *established under subsection (a) in each fiscal year from*
 16 *2012 to 2015.”.*

17 “(b) *CLERICAL AMENDMENT.—The table of contents in*
 18 *section 1(b) of such Act is further amended by adding at*
 19 *the end of the items relating to such title the following new*
 20 *item:*

“*Sec. 710. Acquisition Professional Career Program.*”.

21 **SEC. 205. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.**

22 “(a) *STRATEGIC PLAN.—Not later than 180 days after*
 23 *the date of enactment of this Act, the Chief Procurement*
 24 *Officer and the Chief Human Capital Officer of the Depart-*
 25 *ment of Homeland Security shall submit to the appropriate*

1 congressional committees a 5-year strategic plan for the ac-
2 quisition workforce of the Department.

3 (b) *ELEMENTS OF PLAN.*—The plan required under
4 subsection (a) shall—

5 (1) designate the acquisition positions that will
6 be necessary to support the Department acquisition
7 requirements, including in the fields of—

8 (A) program management;

9 (B) systems planning, research, develop-
10 ment, engineering, and testing;

11 (C) procurement, including contracting;

12 (D) industrial property management;

13 (E) logistics;

14 (F) quality control and assurance;

15 (G) manufacturing and production;

16 (H) business, cost estimating, financial
17 management, and auditing;

18 (I) education, training, and career develop-
19 ment;

20 (J) construction; and

21 (K) joint projects with other Government
22 agencies and foreign countries;

23 (2) identify acquisition workforce needs of each
24 Department component performing acquisition func-
25 tions and develop a schedule for filling those needs;

1 “(1) making a contract award, other transaction
2 agreement, or task and delivery order exceeding
3 \$10,000,000; or

4 “(2) announcing the intention to make such an
5 award.

6 “(b) *EXCEPTION.*—If the Secretary determines that
7 compliance with this section would pose a substantial risk
8 to homeland security, an award may be made without the
9 notification required by subsection (a) if the Secretary noti-
10 fies the appropriate congressional committees by not later
11 than 5 business days after such award is made.”.

12 (b) *CLERICAL AMENDMENT.*—The table of contents in
13 section 1(b) of such Act is further amended by adding at
14 the end of the items relating to such title the following new
15 item:

 “Sec. 711. Notification to Congress of major procurement awards.”.

16 **SEC. 207. INDEPENDENT VERIFICATION AND VALIDATION.**

17 (a) *IN GENERAL.*—Title VII of the Homeland Security
18 Act of 2002 (6 U.S.C. 341 et seq.) is further amended by
19 adding at the end the following new section:

20 **“SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.**

21 “(a) *IN GENERAL.*—The Under Secretary for Manage-
22 ment shall establish a process to provide for the evaluation
23 of the integrity and quality of major acquisitions, to be con-
24 ducted independently by personnel with no involvement or
25 interest in the underlying acquisitions.

1 “(b) *REQUIREMENT FOR GUIDANCE.—The Under Sec-*
2 *retary for Management shall create a transparent acquisi-*
3 *tion process by making available to the public written guid-*
4 *ance that provides the following:*

5 “(1) *Criteria for applying and planning inde-*
6 *pendent verification and validation, including appro-*
7 *prate thresholds above which acquisitions may not*
8 *proceed without independent verification and valida-*
9 *tion unless authorized to do so by the Acquisition Re-*
10 *view Board established under section 708.*

11 “(2) *Procedures for ensuring the managerial, fi-*
12 *nancial, and technical independence of providers of*
13 *independent verification and validation.*

14 “(3) *Methods for integrating independent*
15 *verification and validation results into program man-*
16 *agement.*

17 “(c) *REPORTING TO CONGRESS.—The annual report*
18 *required by section 708(e) shall—*

19 “(1) *identify any acquisition that is granted ini-*
20 *tial approval to proceed by the Acquisition Review*
21 *Board without undergoing the process to establish*
22 *independent verification and validation required*
23 *under this section; and*

24 “(2) *provide an explanation of the decision not*
25 *to employ independent verification and validation.”.*

1 (b) *DEADLINE.*—*The Under Secretary for Management*
 2 *shall establish the process required by the amendment made*
 3 *by subsection (a) not later than 180 days after the date*
 4 *of the enactment of this Act.*

5 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
 6 *section 1(b) of such Act is further amended by adding at*
 7 *the end of the items relating to such title the following new*
 8 *item:*

“Sec. 712. Independent verification and validation.”.

9 **SEC. 208. OTHER TRANSACTION AUTHORITY.**

10 *Section 831 of the Homeland Security Act of 2002 (6*
 11 *U.S.C. 391) is amended—*

12 (1) *in subsection (a), by striking “Until Sep-*
 13 *tember 30, 2011” and inserting “Until September 30,*
 14 *2016”;*

15 (2) *in subsection (b), by striking “Not later than*
 16 *2 years after the effective date of this Act, and annu-*
 17 *ally thereafter” and inserting “Not later than Sep-*
 18 *tember 30, 2015”;* and

19 (3) *in subsection (d)(1), by striking “September*
 20 *30, 2011” and inserting “September 30, 2016”.*

21 **SEC. 209. REPORT ON COMPETITION.**

22 *Not later than 180 days after the date of the enactment*
 23 *of this Act, the Inspector General of the Department of*
 24 *Homeland Security shall prepare a report analyzing the*
 25 *use of competition in the award of contracts by the Depart-*

1 *ment under the requirements of the Competition in Con-*
2 *tracting Act (41 U.S.C. 3301 et seq.), which shall include—*

3 *(1) for each component of the Department—*

4 *(A) the total number and dollar value of*
5 *new contracts for each of the last three full fiscal*
6 *years for which data is available; and*

7 *(B) of that total number, the number of con-*
8 *tracts that were either—*

9 *(i) entered into without full and open*
10 *competition; or*

11 *(ii) awarded under competition after*
12 *receipt of only one offer;*

13 *(2) a statistical analysis of statutory exceptions*
14 *used to enter contracts without full and open competi-*
15 *tion;*

16 *(3) a discussion of the trends in competition in*
17 *each component of the Department; and*

18 *(4) a comparison of the percentage of contracts*
19 *awarded under full and open competition by the De-*
20 *partment and the percentage of contracts awarded*
21 *under full and open competition by other Federal de-*
22 *partments and agencies.*

1 **SEC. 210. BUY AMERICAN REQUIREMENT IMPOSED ON DE-**
2 **PARTMENT OF HOMELAND SECURITY; EXCEP-**
3 **TIONS.**

4 (a) *IN GENERAL.*—Subtitle H of title VIII of the
5 *Homeland Security Act of 2002* (6 U.S.C. 451 et seq.) is
6 amended by adding at the end the following new section:

7 **“SEC. 890B. BUY AMERICAN REQUIREMENT; EXCEPTIONS.**

8 “(a) *REQUIREMENT.*—Except as provided in sub-
9 sections (c) through (e), the Secretary may not procure an
10 item described in subsection (b) if the item is not grown,
11 reprocessed, reused, or produced in the United States.

12 “(b) *COVERED ITEMS.*—

13 “(1) *IN GENERAL.*—An item referred to in sub-
14 section (a) is any item described in paragraph (2), if
15 the item is directly related to the national security
16 interests of the United States.

17 “(2) *ITEMS DESCRIBED.*—An item described in
18 this paragraph is any article or item of—

19 “(A) clothing and the materials and compo-
20 nents thereof, other than sensors, electronics, or
21 other items added to, and not normally associ-
22 ated with, clothing (and the materials and com-
23 ponents thereof);

24 “(B) tents, tarpaulins, or covers;

25 “(C) cotton and other natural fiber prod-
26 ucts, woven silk or woven silk blends, spun silk

1 *yarn for cartridge cloth, synthetic fabric or coat-*
2 *ed synthetic fabric (including all textile fibers*
3 *and yarns that are for use in such fabrics), can-*
4 *vas products, or wool (whether in the form of*
5 *fiber or yarn or contained in fabrics, materials,*
6 *or manufactured articles); or*

7 *“(D) any item of individual equipment*
8 *manufactured from or containing such fibers,*
9 *yarns, fabrics, or materials.*

10 *“(c) AVAILABILITY EXCEPTION.—Subsection (a) does*
11 *not apply to the extent that the Secretary determines that*
12 *satisfactory quality and sufficient quantity of any such ar-*
13 *ticle or item described in subsection (b)(2) grown, reproc-*
14 *essed, reused, or produced in the United States cannot be*
15 *procured as and when needed.*

16 *“(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUT-*
17 *SIDE THE UNITED STATES.—Subsection (a) does not apply*
18 *to the following:*

19 *“(1) Procurements by vessels in foreign waters.*

20 *“(2) Emergency procurements.*

21 *“(e) EXCEPTION FOR SMALL PURCHASES.—Subsection*
22 *(a) does not apply to purchases for amounts not greater*
23 *than the simplified acquisition threshold referred to in sec-*
24 *tion 2304(g) of title 10, United States Code.*

1 “(f) *APPLICABILITY TO CONTRACTS AND SUB-*
2 *CONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—*
3 *This section is applicable to contracts and subcontracts for*
4 *the procurement of commercial items notwithstanding sec-*
5 *tion 34 of the Office of Federal Procurement Policy Act (41*
6 *U.S.C. 430).*

7 “(g) *GEOGRAPHIC COVERAGE.—In this section, the*
8 *term ‘United States’ includes the possessions of the United*
9 *States.*

10 “(h) *NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER*
11 *CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In*
12 *the case of any contract for the procurement of an item de-*
13 *scribed in subsection (b)(2), if the Secretary applies an ex-*
14 *ception set forth in subsection (c) with respect to that con-*
15 *tract, the Secretary shall, not later than 7 days after the*
16 *award of the contract, post a notification that the exception*
17 *has been applied.*

18 “(i) *TRAINING.—*

19 “(1) *IN GENERAL.—The Secretary shall ensure*
20 *that each member of the acquisition workforce who*
21 *participates personally and substantially in the ac-*
22 *quisition of textiles on a regular basis receives train-*
23 *ing on the requirements of this section and the regula-*
24 *tions implementing this section.*

1 **“SEC. 714. STRATEGIC SOURCING FOR MARINE AND AVIA-**
2 **TION ASSETS.**

3 *“Before the development and procurement by the De-*
4 *partment of any marine or aviation asset or equipment,*
5 *the Chief Procurement Officer for the Department shall co-*
6 *ordinate with the chief procurement officers of the Depart-*
7 *ment’s components, as appropriate—*

8 *“(1) to identify common mission requirements;*
9 *and*

10 *“(2) to the extent practicable, to standardize*
11 *equipment purchases, streamline the acquisition proc-*
12 *ess, improve efficiencies, and conduct best practices*
13 *for strategic sourcing that would unify purchasing,*
14 *address procurement issues, and improve control and*
15 *oversight of asset purchases.”.*

16 *(b) CLERICAL AMENDMENT.—The table of contents in*
17 *section 1(b) of such Act is further amended by adding at*
18 *the end of the items relating to such title the following:*

“Sec. 714. Strategic sourcing for marine and aviation assets.”.

19 **SEC. 212. STRATEGIC SOURCING FOR DETECTION AND**
20 **SCREENING TECHNOLOGY.**

21 *(a) IN GENERAL.—Title VII of the Homeland Security*
22 *Act of 2002 (6 U.S.C. 341 et seq.) is further amended by*
23 *adding at the end the following new section:*

1 **“SEC. 715. STRATEGIC SOURCING FOR DETECTION AND**
2 **SCREENING TECHNOLOGY.**

3 *“(a) IN GENERAL.—Before the development and pro-*
4 *curement by the Department of any detection or screening*
5 *technology, the Chief Procurement Officer for the Depart-*
6 *ment shall coordinate with the chief procurement officers*
7 *of the Department’s components, as appropriate—*

8 *“(1) to identify common mission requirements;*
9 *and*

10 *“(2) to the extent practicable, to standardize*
11 *equipment purchases, streamline the acquisition of se-*
12 *curity screening technologies, improve efficiencies,*
13 *and conduct best practices for strategic sourcing that*
14 *would unify purchasing, address procurement issues,*
15 *and improve control and oversight of technology as-*
16 *sets.*

17 *“(b) DETECTION OR SCREENING TECHNOLOGY DE-*
18 *FINED.—In this section the term ‘detection or screening*
19 *technology’ includes x-ray equipment, metal detectors, and*
20 *radiation detectors.”.*

21 *(b) CLERICAL AMENDMENT.—The table of contents in*
22 *section 1(b) of such Act is further amended by adding at*
23 *the end of the items relating to such title the following:*

“Sec. 715. Strategic sourcing for detection and screening technology.”.

1 **SEC. 213. SPECIAL EMERGENCY PROCUREMENT AUTHORITY**
2 **FOR DOMESTIC EMERGENCY OPERATIONS.**

3 (a) *IN GENERAL.*—Title V of the Homeland Security
4 Act of 2002 is amended by adding at the end the following
5 new section:

6 **“SEC. 526. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
7 **ITY FOR DOMESTIC EMERGENCY OPER-**
8 **ATIONS.**

9 “(a) *IN GENERAL.*—Notwithstanding any other provi-
10 sion of law, the Secretary is authorized to permit a class
11 deviation to the Federal Acquisition Regulation with re-
12 spect to the micropurchase threshold and may do so in such
13 official’s sole discretion to support domestic emergency op-
14 erations and response activities related to acts of terrorism.

15 “(b) *DELEGATION OF AUTHORITY.*—The Secretary
16 may carry out this section by acting through the Under
17 Secretary for Management.

18 “(c) *LIMITATION.*—In any class deviation under sub-
19 section (a), the micropurchase threshold may not exceed
20 \$15,000.

21 “(d) *DOMESTIC EMERGENCY OPERATION DEFINED.*—
22 In this section, the term ‘domestic emergency operation’
23 means assistance activities carried out in support of or in
24 response to—

25 “(1) an emergency or major disaster, as those
26 terms are defined in section 102 of the Robert T. Staf-

1 *ford Disaster Relief and Emergency Assistance Act*
2 *(42 U.S.C. 5122);*

3 “(2) *any occasion or instance for which the Sec-*
4 *retary determines Federal assistance is needed to sup-*
5 *plement State and local efforts and capabilities to*
6 *save lives and to protect property and public health*
7 *and safety, or to lessen or avert the threat of a catas-*
8 *trophe in any part of the United States;*

9 “(3) *any natural catastrophe (including any*
10 *hurricane, tornado, storm, high water, wind-driven*
11 *water, tidal wave, tsunami, earthquake, volcanic*
12 *eruption, landslide, mudslide, snowstorm, or drought),*
13 *or, regardless of cause, any fire, flood, or explosion,*
14 *in any part of the United States, that in the deter-*
15 *mination of the Secretary causes damage of sufficient*
16 *severity and magnitude to warrant major disaster as-*
17 *sistance to supplement the efforts and available re-*
18 *sources of States, local governments, and disaster re-*
19 *lief organizations in alleviating the damage, loss,*
20 *hardship, or suffering caused thereby; or*

21 “(4) *any act of terrorism, in any part of the*
22 *United States, that in the determination of the Sec-*
23 *retary causes damage of sufficient severity and mag-*
24 *nitude to warrant major disaster assistance to supple-*
25 *ment the efforts and available resources of States,*

1 *local governments, and disaster relief organizations in*
2 *alleviating the damage, loss, hardship, or suffering*
3 *caused thereby.”.*

4 *(b) CLERICAL AMENDMENT.—The table of contents in*
5 *section 1(b) of such Act is amended by adding at the end*
6 *of the items relating to title V the following new item:*

“Sec. 526. Special emergency procurement authority for domestic emergency operations.”.

7 **SEC. 214. SOFTWARE LICENSING.**

8 *(a) IN GENERAL.—Not later than 180 days after the*
9 *enactment of this Act, and every 2 years thereafter, the*
10 *Chief Information Officer of the Department, in consulta-*
11 *tion with Department component chief information officers,*
12 *shall—*

13 *(1) conduct a Department-wide inventory of all*
14 *existing software licenses including utilized and un-*
15 *utilized licenses;*

16 *(2) assess the needs of the Department and the*
17 *components of the Department for software licenses*
18 *for the upcoming 2 fiscal years; and*

19 *(3) examine how the Department can achieve the*
20 *greatest possible economies of scale and cost-savings*
21 *in the procurement of software licenses.*

22 *(b) EXCESS SOFTWARE LICENSES.—*

23 *(1) PLAN TO REDUCE SOFTWARE LICENSES.—If*
24 *the Chief Information Officer determines through the*

1 *inventory conducted under subsection (a) that the*
2 *number of existing software licenses of the Depart-*
3 *ment and the components of the Department exceeds*
4 *the needs of the Department as assessed under sub-*
5 *section (a), the Secretary, not later than 90 days after*
6 *the date on which the inventory is completed under*
7 *subsection (a), shall establish a plan for bringing the*
8 *number of software licenses into balance with such*
9 *needs of the Department.*

10 (2) *PROHIBITION ON PROCUREMENT OF NEW*
11 *SOFTWARE LICENSES.—*

12 (A) *IN GENERAL.—Except as provided in*
13 *subparagraph (A), upon completion of a plan es-*
14 *tablished under paragraph (1), no additional re-*
15 *sources may be obligated for the procurement of*
16 *new software licenses until such time as the need*
17 *of the Department exceeds the number of existing*
18 *and unused licenses.*

19 (B) *EXCEPTION.—The Chief Information*
20 *Officer of the Department may allow the pur-*
21 *chase of additional licenses and amend the num-*
22 *ber of needed licenses as necessary.*

23 (c) *GAO REVIEW.—The Comptroller General of the*
24 *United States shall review the inventory conducted under*
25 *subsection (a) and the plan established under subsection (b).*

1 (d) *SUBMISSION TO CONGRESS.*—A copy of each in-
2 ventory conducted under subsection (a) and each plan estab-
3 lished under subsection (b) shall be submitted to the Com-
4 mittee on Homeland Security and Governmental Affairs of
5 the Senate and the Committee on Homeland Security of the
6 House of Representatives.

7 **SEC. 215. FINANCIAL MANAGEMENT.**

8 (a) *IN GENERAL.*—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary shall submit
10 to the appropriate congressional committees a Department-
11 wide financial management strategy.

12 (b) *CONTENTS.*—The plan developed and submitted
13 under subsection (a) shall—

14 (1) clearly define and document a Department-
15 wide financial management strategy which shall inte-
16 grate the financial operations of all Department com-
17 ponents;

18 (2) leverage existing best practices from compo-
19 nent legacy systems that meet expected performance
20 and functionality targets;

21 (3) include a detailed plan for consolidating and
22 migrating various Department components to the new
23 system;

24 (4) implement specific processes to minimize
25 project risk, including requirements management,

1 *testing, data conversion and system interfaces, risk*
2 *management, configuration management, project*
3 *management, quality assurance and internal controls;*

4 *(5) consider key human capital practices to en-*
5 *sure that financial management transformation ef-*
6 *forts are properly staffed with appropriately skilled*
7 *employees;*

8 *(6) clearly define the Department's strategy for*
9 *obtaining reliable auditable financial reporting and*
10 *compliance with Federal financial laws and regula-*
11 *tions; and*

12 *(7) develop an approach for obtaining reliable*
13 *information on the costs of its financial management*
14 *systems investments.*

15 *(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not*
16 *later than 270 days after the date of the enactment of this*
17 *Act, the Comptroller General of the United States shall sub-*
18 *mit to Congress a report that contains—*

19 *(1) the review and comments of the Comptroller*
20 *General on the plan under subsection (a);*

21 *(2) an evaluation of whether the plan under sub-*
22 *section (a) complies with and includes the implemen-*
23 *tation of prior Government Accountability Office rec-*
24 *ommendations regarding Department financial man-*
25 *agement; and*

1 (3) recommendations regarding any additional
2 actions necessary to address existing financial inter-
3 nal control weaknesses and achieve financial manage-
4 ment integration.

5 **TITLE III—INFORMATION SHAR-**
6 **ING AND INTELLIGENCE**
7 **ANALYSIS**

8 **SEC. 301. DEPARTMENT OF HOMELAND SECURITY NA-**
9 **TIONAL NETWORK OF FUSION CENTERS INI-**
10 **TIATIVE.**

11 (a) AMENDMENTS TO ESTABLISH NETWORK.—

12 (1) AMENDMENTS.—Section 210A of the Home-
13 land Security Act of 2002 (6 U.S.C. 124h) is amend-
14 ed—

15 (A) by striking the section heading and in-
16 serting the following:

17 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY NA-**
18 **TIONAL NETWORK OF FUSION CENTERS INI-**
19 **TIATIVE.”;**

20 (B) in subsection (a), by striking “a De-
21 partment of Homeland Security State, Local,
22 and Regional Fusion Center Initiative to estab-
23 lish partnerships with State, local, and regional
24 fusion centers” and inserting “a Department of
25 Homeland Security National Network of Fusion

1 *Centers Initiative to establish partnerships with*
2 *State and major urban area fusion centers”;*

3 *(C) by amending subsection (b) to read as*
4 *follows:*

5 “(b) *INTERAGENCY SUPPORT AND COORDINATION.—*
6 *Through the Department of Homeland Security National*
7 *Network of Fusion Centers Initiative, principal officials of*
8 *participating State and major urban area fusion centers,*
9 *and the officers designated as the Homeland Security Advi-*
10 *sors of the States, the Secretary shall—*

11 “(1) *coordinate with other Federal departments*
12 *and agencies to provide operational and intelligence*
13 *advice and assistance to the National Network of Fu-*
14 *sion Centers;*

15 “(2) *support the integration of State and major*
16 *urban area fusion centers into the information shar-*
17 *ing environment and the National Prevention Frame-*
18 *work as required by Presidential Policy Directive 8;*

19 “(3) *oversee the maturation and sustainment of*
20 *the National Network of Fusion Centers, including the*
21 *development of a fusion center performance manage-*
22 *ment program and exercises to assess the capability*
23 *of individual fusion centers, the statewide fusion proc-*
24 *ess, and the national network;*

1 “(4) reduce inefficiencies and maximize the effec-
2 tiveness of Federal resource support;

3 “(5) develop criteria for designating fusion cen-
4 ters that enables the most effective allocation of Fed-
5 eral resources and aligns with priorities of the De-
6 partment as determined by the Secretary;

7 “(6) coordinate with the Nationwide Suspicious
8 Activity Reporting Initiative to ensure information
9 within the scope of the information sharing environ-
10 ment created under section 1016 of the Intelligence
11 Reform and Terrorism Prevention Act of 2004 (6
12 U.S.C. 485) gathered by the National Network of Fu-
13 sion Centers is incorporated into the Department’s in-
14 formation resources;

15 “(7) provide management guidance and assist-
16 ance to the National Network of Fusion Centers;

17 “(8) serve as a point of contact for and effective
18 dissemination of information within the scope of such
19 information sharing environment to the National Net-
20 work of Fusion Centers;

21 “(9) serve as the single point of contact to ensure
22 the close communication and coordination between the
23 National Network of Fusion Centers and the Depart-
24 ment;

1 “(10) provide the National Network of Fusion
2 Centers with expertise on Department resources and
3 operations;

4 “(11) coordinate the provision of training and
5 technical assistance to the National Network of Fu-
6 sion Centers and encourage fusion centers in such
7 Network to participate in terrorism threat-related ex-
8 ercises conducted by the Department;

9 “(12) ensure, to the greatest extent practicable,
10 that support to fusion centers in such network is re-
11 flected as a national priority in all applicable grant
12 guidance;

13 “(13) ensure that each fusion center in such net-
14 work has a privacy policy approved by the Chief Pri-
15 vacy Officer of the Department; and

16 “(14) carry out such other duties as the Sec-
17 retary determines are appropriate.”;

18 (D) in subsection (c), by striking so much
19 as precedes paragraph (3)(B) and inserting the
20 following:

21 “(c) RESOURCE ALLOCATION.—

22 “(1) RESPONSIBILITIES OF UNDER SEC-
23 RETARY.—

24 “(A) IN GENERAL.—The Under Secretary
25 for Intelligence and Analysis shall—

1 “(i) lead Department efforts to ensure
2 fusion centers in the Network are the pri-
3 mary focal points for the sharing of ter-
4 rorism-related information with State and
5 local entities; and

6 “(ii) ensure that, as appropriate, oper-
7 ational, programmatic, and administrative
8 resources, including intelligence officers, in-
9 telligence analysts, reporting officers, and
10 other liaisons from components of the De-
11 partment are provided to qualifying State
12 and major urban area fusion centers.

13 “(B) GRANT GUIDANCE.—The Under Sec-
14 retary for Intelligence and Analysis shall provide
15 guidance on fusion centers to the Administrator
16 of the Federal Emergency Management Agency
17 in accordance with the memorandum of under-
18 standing required under section 210F.

19 “(2) SOURCES OF SUPPORT.—

20 “(A) IN GENERAL.—Resources allocated
21 under this subsection to fusion centers in the
22 Network shall be provided by the following De-
23 partment components and offices, in coordina-
24 tion with the respective component head and in

1 *consultation with the principal officials of fusion*
2 *centers in the Network:*

3 “(i) *The Office of Intelligence and*
4 *Analysis.*

5 “(ii) *The Office of Infrastructure Pro-*
6 *tection.*

7 “(iii) *The Transportation Security Ad-*
8 *ministration.*

9 “(iv) *U.S. Customs and Border Protec-*
10 *tion.*

11 “(v) *U.S. Immigration and Customs*
12 *Enforcement.*

13 “(vi) *The Coast Guard.*

14 “(vii) *The Privacy Office of the De-*
15 *partment.*

16 “(viii) *The Office for Civil Rights and*
17 *Civil Liberties of the Department.*

18 “(ix) *Other components or offices of the*
19 *Department, as determined by the Sec-*
20 *retary.*

21 “(B) *COORDINATION WITH OTHER FEDERAL*
22 *AGENCIES.—The Under Secretary for Intelligence*
23 *and Analysis shall coordinate with appropriate*
24 *officials throughout the Federal government to*

1 *ensure the relevant deployment of representatives*
2 *of other Federal departments and agencies.*

3 “(3) *RESOURCE ALLOCATION CRITERIA.*—

4 “(A) *IN GENERAL.*—*The Secretary shall*
5 *make available criteria for allocating resources*
6 *referred to in paragraph (1)(A)(ii) to any fusion*
7 *center in the Network.”;*

8 (E) *in subsection (c)(3)(B), by striking*
9 *“and” after the semicolon at the end of clause*
10 *(iv), by striking the period at the end of clause*
11 *(v) and inserting “; and”, and by adding at the*
12 *end the following:*

13 “(vi) *whether the fusion center has pri-*
14 *vacy protections in place that are deter-*
15 *mined to be at least as comprehensive as the*
16 *Federal information sharing environment*
17 *privacy guidelines in effect on the date of*
18 *the enactment.”;*

19 (F) *in subsection (e)—*

20 (i) *by amending paragraph (1) to read*
21 *as follows:*

22 “(1) *IN GENERAL.*—*The Secretary shall make it*
23 *a priority to allocate resources, including deployed*
24 *personnel, under this section from U.S. Customs and*
25 *Border Protection, U.S. Immigration and Customs*

1 *Enforcement, and the Coast Guard to participating*
2 *State and major urban area fusion centers located in*
3 *jurisdictions along land or maritime borders of the*
4 *United States in order to enhance the integrity of and*
5 *security at such borders by helping Federal, State,*
6 *local, and tribal law enforcement authorities to iden-*
7 *tify, investigate, and otherwise interdict persons,*
8 *weapons, and related contraband that pose a threat to*
9 *homeland security.”; and*

10 *(ii) in paragraph (2), by striking*
11 *“participating State, local, and regional fu-*
12 *sion centers” and inserting “participating*
13 *State and major urban area fusion centers”;*

14 *(G) by redesignating subsections (f), (g),*
15 *(h), (i), (j), and (k) as subsections (g), (h), (i),*
16 *(j), (k), and (l), respectively, and inserting after*
17 *subsection (e) the following new subsection:*

18 *“(f) MASS TRANSIT INTELLIGENCE PRIORITY.—*

19 *“(1) IN GENERAL.—To the greatest extent prac-*
20 *ticable, the Secretary shall, under this section, assign*
21 *personnel with expertise in security of mass transit*
22 *systems to participating State and major urban area*
23 *fusion centers located in high-risk jurisdictions with*
24 *mass transit systems.*

1 “(2) *MASS TRANSIT INTELLIGENCE PRODUCTS.*—
2 *In performing the responsibilities under subsection*
3 *(d), officers and intelligence analysts assigned to fu-*
4 *sion centers in the Network shall, as a primary re-*
5 *sponsibility, create mass transit intelligence products*
6 *that—*

7 “(A) *assist State, local, and tribal law en-*
8 *forcement agencies in detecting and interdicting*
9 *terrorists, weapons of mass destruction, and re-*
10 *lated contraband traveling on mass transit sys-*
11 *tems or targeting mass transit systems;*

12 “(B) *promote consistent and timely sharing*
13 *of mass transit security-relevant information*
14 *among jurisdictions with mass transit systems;*
15 *and*

16 “(C) *enhance the Department’s situational*
17 *awareness of the threat of acts of terrorism at or*
18 *involving mass transit systems.*

19 “(3) *DECONFLICTION.*—*In performing the re-*
20 *sponsibilities under subsection (d), officers and intel-*
21 *ligence analysts assigned to fusion centers in the Net-*
22 *work shall assist Federal, State, local, and tribal law*
23 *enforcement authorities overseeing the security of*
24 *mass transit systems with resolving conflicting threat*

1 *information provided by Federal Government*
2 *sources.”;*

3 *(H) by amending subsection (j), as so redesi-*
4 *gnated, to read as follows:*

5 *“(j) GUIDELINES.—The Secretary, in consultation*
6 *with the Attorney General, shall—*

7 *“(1) ensure the consistent application of guid-*
8 *ance for identifying baseline capabilities and oper-*
9 *ational standards that must be achieved by a fusion*
10 *center to participate in the Network; and*

11 *“(2) ensure that such guidance aligns with and*
12 *is mutually supportive of the role of fusion centers in*
13 *the National Prevention Framework.”; and*

14 *(I) in subsection (l), as so redesignated, by*
15 *striking “subsection (i)” and inserting “sub-*
16 *section (j)”.*

17 *(2) CLERICAL AMENDMENT.—The table of con-*
18 *tents in section 1(b) of such Act is amended by strik-*
19 *ing the item relating to such section and inserting the*
20 *following:*

“Sec. 210A. Department of Homeland Security National Network of Fusion Cen-
 ters Initiative.”.

21 *(b) MEMORANDUM OF UNDERSTANDING ON FUSION*
22 *CENTERS.—*

1 (1) *IN GENERAL.*—*Subtitle A of title II of the*
2 *Homeland Security Act of 2002 (6 U.S.C. 121 et seq.)*
3 *is amended by adding at the end the following:*

4 **“SEC. 210G. MEMORANDUM OF UNDERSTANDING ON FU-**
5 **SION CENTERS.**

6 *“The Administrator of the Federal Emergency Man-*
7 *agement Agency shall enter into a memorandum of under-*
8 *standing with the Under Secretary for Intelligence and*
9 *Analysis that delineates the roles and responsibilities of*
10 *their respective organizations with respect to policy and*
11 *guidance for fusion center-related expenditures with grant*
12 *funds.”.*

13 (2) *CLERICAL AMENDMENT.*—*The table of con-*
14 *tents in section 1(b) of such Act is amended by add-*
15 *ing at the end of the items relating to such subtitle*
16 *the following:*

“Sec. 210G. Memorandum of understanding on fusion centers.”.

17 **SEC. 302. HOMELAND SECURITY INFORMATION SHARING**
18 **NETWORKS DEVELOPMENT.**

19 (a) *STRATEGY.*—*Within 180 days after the date of the*
20 *enactment of this Act, the Secretary of Homeland Security*
21 *shall develop a comprehensive strategy for the coordinated*
22 *development and deployment of unclassified, sensitive but*
23 *unclassified, and classified information sharing computer*
24 *networks of the Department of Homeland Security.*

25 (b) *PLAN.*—

1 (1) *IN GENERAL.*—*The strategy under subsection*
2 *(a) shall include a comprehensive plan for the further*
3 *development, acquisition, and deployment, and con-*
4 *tinual operations of—*

5 (A) *the Homeland Security Information*
6 *Network;*

7 (B) *the Homeland Secure Data Network;*
8 *and*

9 (C) *the Homeland Top Secret Network.*

10 (2) *CONTENTS.*—*The plan shall include the fol-*
11 *lowing:*

12 (A) *cost estimates for the further develop-*
13 *ment of the networks identified in paragraph*
14 *(1);*

15 (B) *development and acquisition schedules;*

16 (C) *a schedule for the decommissioning the*
17 *legacy C-LAN system and transition to the*
18 *Homeland Top Secret Network;*

19 (D) *a comprehensive list of systems require-*
20 *ments that meet strategic goals and Department-*
21 *wide operational and analytical mission require-*
22 *ments;*

23 (E) *a plan for standardizing and properly*
24 *disseminating the networks across the Depart-*
25 *ment;*

1 (F) consideration for any homeland security
2 computer system or database not listed in para-
3 graph (1) that is currently in development or in
4 operation in any component or office of the De-
5 partment and that should be merged with or in-
6 corporated into one of the networks listed in
7 paragraph (1) to eliminate redundancy, and a
8 schedule for such merger or incorporation; and

9 (G) a comprehensive plan for the coordi-
10 nated deployment of the systems listed in para-
11 graph (1), as considered appropriate by the Sec-
12 retary, to—

13 (i) the Department of Homeland Secu-
14 rity Headquarters offices;

15 (ii) the Department of Homeland Secu-
16 rity component headquarters;

17 (iii) the field elements of Department
18 of Homeland Security components;

19 (iv) the National Network of Fusion
20 Centers;

21 (v) State and local government entities;
22 and

23 (vi) other Federal departments and
24 agencies.

1 (c) *REPORTING REQUIREMENT.*—*The Secretary shall*
2 *report the strategy required by subsection (a) to the congres-*
3 *sional homeland security committees within 30 days after*
4 *it is completed.*

5 **SEC. 303. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-**
6 **MENT AT THE DEPARTMENT OF HOMELAND**
7 **SECURITY INTELLIGENCE ELEMENTS.**

8 (a) *IN GENERAL.*—*The Homeland Security Act of*
9 *2002 (6 U.S.C. 101 et seq.) is amended by inserting after*
10 *section 845 the following:*

11 **“SEC. 846. AUTHORITY TO ESTABLISH EXCEPTED SERVICE**
12 **POSITIONS WITHIN THE INTELLIGENCE COM-**
13 **ONENTS OF THE DEPARTMENT OF HOME-**
14 **LAND SECURITY.**

15 “(a) *AUTHORITY.*—*The Secretary of Homeland Secu-*
16 *rity may convert both unencumbered and encumbered com-*
17 *petitive service positions, and the incumbents of any such*
18 *positions, within the elements of the intelligence community*
19 *within the Department of Homeland Security, to excepted*
20 *service positions as the Secretary determines necessary to*
21 *carry out the intelligence functions of the Department.*

22 “(b) *INCUMBENTS.*—*Any incumbent currently occu-*
23 *pying a position selected to be converted to the excepted*
24 *service under this section shall have the right to refuse such*
25 *conversion. Once such individual no longer occupies the po-*

1 *sition, the position may be converted to the excepted serv-*
2 *ice.”.*

3 (b) *REPORTING.—The Secretary shall include infor-*
4 *mation, together with submission of the annual budget jus-*
5 *tification, on the following:*

6 (1) *the challenge with filling vacancies of the po-*
7 *sitions referenced in subsection (a);*

8 (2) *the extent to which the authority provided*
9 *under subsection (a) was utilized to fill those posi-*
10 *tions; and*

11 (3) *any impact that the exercise of that author-*
12 *ity had on diversity within the Department.*

13 (c) *CLERICAL AMENDMENT.—The table of contents in*
14 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
15 *101(b)) is amended by inserting after the item relating to*
16 *section 845 the following:*

“Sec. 846. Authority to establish excepted service positions within the intelligence components of the Department of Homeland Security.”.

17 **SEC. 304. SUPPORT AND OVERSIGHT OF FUSION CENTERS.**

18 *To ensure that the Department, as the lead Federal*
19 *agency with responsibility for supporting fusion centers, is*
20 *maximizing the utility of Federal funding awarded to fu-*
21 *sion centers through the Homeland Security Grant Pro-*
22 *gram, as a means of justifying support to fusion centers*
23 *in subsequent fiscal years, the Inspector General shall, with-*
24 *in 180 days of the date of the enactment of this Act, submit*

1 to Congress a report. The report shall include each of the
2 following:

3 (1) An audit of Federal homeland security grant
4 funding awarded to fusion centers, to measure the ex-
5 tent to which the funding is used to achieve measur-
6 able homeland security outcomes, including filling
7 gaps in critical baseline capabilities.

8 (2) An assessment of the processes in place at the
9 Department designed to track and measure the effec-
10 tiveness of grant funding to fusion centers, including
11 an evaluation of the extent to which the Office of In-
12 telligence and Analysis and the Federal Emergency
13 Management Agency coordinate to design and imple-
14 ment effective grant guidance and conduct proper
15 oversight of the grant funding to fusion centers.

16 (3) An assessment of the processes in place at the
17 Department designed to track and measure the effec-
18 tiveness of grant funding to fusion centers, including
19 an evaluation of the extent to which the fusion center
20 considers privacy, civil rights, and civil liberties in
21 the selection of contractors, trainers, and other per-
22 sonnel that provide advice and guidance to the fusion
23 centers.

24 (4) An assessment to determine whether each fu-
25 sion center has privacy protections in place that are

1 *determined to be at least as comprehensive as the Fed-*
2 *eral information sharing environment privacy guide-*
3 *lines in effect on the date of enactment.*

4 (5) *Recommendations on the development and*
5 *implementation of a metrics program for the Federal*
6 *Emergency Management Agency to measure the effi-*
7 *cacy of grant funding to fusion centers.*

8 **SEC. 305. AUDIT ON PRIVACY AND CIVIL LIBERTIES AND UP-**
9 **DATE ON PRIVACY AND CIVIL LIBERTIES IM-**
10 **PACT ASSESSMENTS.**

11 (a) *INSPECTOR GENERAL AUDIT.*—*Not later than 1*
12 *year after the date of the enactment of this Act, the Inspec-*
13 *tor General of the Department shall—*

14 (1) *conduct an audit on the activities of the De-*
15 *partment to ensure that State and local fusion centers*
16 *take appropriate measures to protect privacy and*
17 *civil liberties, including through the implementation*
18 *of training programs and support for the development*
19 *of fusion center privacy policies; and*

20 (2) *submit a report on the results of that audit*
21 *to the Homeland Security and Governmental Affairs*
22 *Committee of the Senate and the Committee on*
23 *Homeland Security of the House of Representatives.*

1 (b) *PRIVACY IMPACT ASSESSMENT.*—Not later than
2 180 days after the date of the enactment of this Act, the
3 Privacy Officer of the Department shall—

4 (1) update the Privacy Impact Assessment for
5 the State, Local, and Regional Fusion Center Initia-
6 tive completed in 2008 in accordance with the re-
7 quirements of section 511(d)(2) of the Implementing
8 Recommendations of the 9/11 Commission Act of 2007
9 in order to reflect the evolution of State and local fu-
10 sion centers since that date; and

11 (2) submit the updated assessment to the Home-
12 land Security and Governmental Affairs Committee
13 of the Senate and the Committee on Homeland Secu-
14 rity of the House of Representatives.

15 (c) *CIVIL LIBERTIES IMPACT ASSESSMENT.*—Not later
16 than 180 days after the date of the enactment of this Act,
17 the Officer for Civil Liberties and Civil Rights of the De-
18 partment shall—

19 (1) update the Civil Liberties Impact Assessment
20 for the State, Local and Regional Fusion Center Ini-
21 tiative completed in 2008 in accordance with the re-
22 quirements of section 511(d)(2) of the Implementing
23 Recommendations of the 9/11 Commission Act of 2007
24 in order to reflect the evolution of State and local fu-
25 sion centers since that date; and

1 (2) *submit the updated assessment to the Home-*
2 *land Security and Governmental Affairs Committee*
3 *of the Senate and the Committee on Homeland Secu-*
4 *rity of the House of Representatives.*

5 **TITLE IV—9/11 REVIEW**
6 **COMMISSION**

7 **SEC. 401. SHORT TITLE.**

8 *This title may be cited as the “9/11 Review Commis-*
9 *sion Act”.*

10 **SEC. 402. ESTABLISHMENT.**

11 *There is established in the legislative branch a Na-*
12 *tional Commission to Review the National Response Since*
13 *the Terrorist Attacks of September 11, 2001 (referred to as*
14 *the “9/11 Review Commission”).*

15 **SEC. 403. PURPOSES OF THE 9/11 REVIEW COMMISSION.**

16 *The 9/11 Review Commission shall conduct a com-*
17 *prehensive review of the implementation of the rec-*
18 *ommendations proposed in the report issued by the Na-*
19 *tional Commission on Terrorist Attacks Upon the United*
20 *States (commonly known as the “9/11 Commission”), as es-*
21 *tablished pursuant to section 601 of the Intelligence Author-*
22 *ization Act for Fiscal Year 2003 (Public Law 107–306).*
23 *The review of the 9/11 Review Commission shall—*

24 (1) *assess the progress and challenges in carrying*
25 *out the recommendations of the 9/11 Commission, in-*

1 *cluding any relevant legislation, executive order, regu-*
2 *lation, plan, policy, practice, or procedure imple-*
3 *mented since the attacks of September 11, 2001;*

4 *(2) analyze the trends of domestic terror attacks*
5 *since the attacks of September 11, 2001, including the*
6 *growing influence of domestic radicalization and its*
7 *causes, and recommendations on how Federal, State,*
8 *and local agencies can deter and mitigate such*
9 *radicalization;*

10 *(3) investigate whether there exists evidence that*
11 *was not considered by the 9/11 Commission of any*
12 *conduct, relationships, or other factors which served*
13 *in any manner to contribute to, facilitate, support, or*
14 *assist the hijackers who carried out the terrorist at-*
15 *tacks of September 11, 2001; and*

16 *(4) provide additional recommendations with re-*
17 *gard to protecting United States homeland security,*
18 *ensuring interagency intelligence sharing, and other*
19 *matters relating to counterterrorism policy.*

20 **SEC. 404. COMPOSITION OF THE 9/11 REVIEW COMMISSION.**

21 *The 9/11 Review Commission shall be composed of a*
22 *chairman, to be appointed by the Speaker of the House of*
23 *Representatives, and a vice chairman, to be appointed by*
24 *the Majority Leader of the Senate.*

1 **SEC. 405. AUTHORITY OF 9/11 REVIEW COMMISSION.**

2 (a) *HEARINGS AND EVIDENCE.*—*The 9/11 Review*
3 *Commission, or any panel acting on the authority of the*
4 *9/11 Review Commission, may—*

5 (1) *hold hearings, take testimony, receive evi-*
6 *dence, and administer oaths; and*

7 (2) *subject to subsection (b)(1), require, by sub-*
8 *poena or otherwise, the attendance and testimony of*
9 *such witnesses and the production of such books,*
10 *records, correspondence, memoranda, electronic com-*
11 *munications, papers, and documents, as the 9/11 Re-*
12 *view Commission or such designated panel may deter-*
13 *mine advisable.*

14 (b) *SUBPOENA AUTHORITY.*—

15 (1) *ISSUANCE.*—*Upon the agreement of the*
16 *chairman and the vice chairman, the chairman may*
17 *issue a subpoena to compel the production of docu-*
18 *ments or sworn testimony.*

19 (2) *PROCESS.*—*Subpoenas issued pursuant to*
20 *this subsection shall be signed by the chairman or any*
21 *person designated by the chairman, and may be*
22 *served by any person designated by the chairman.*

23 (3) *ENFORCEMENT.*—

24 (A) *IN GENERAL.*—*In the event that any*
25 *person fails to obey a subpoena issued pursuant*
26 *to paragraph (1), the United States district*

1 *court for the judicial district in which the sub-*
2 *poenaed person resides, is served, or may be*
3 *found, or where the subpoena is returnable, may*
4 *issue an order requiring such person to appear*
5 *at any designated place to testify or to produce*
6 *documentary or other evidence. Any person fail-*
7 *ing to obey the order of the court may be held*
8 *in contempt of the court.*

9 *(B) ADDITIONAL ENFORCEMENT.—In the*
10 *case of any failure of any witness to comply with*
11 *any subpoena or to testify when summoned*
12 *under authority of this section, the chairman*
13 *may certify a statement of fact constituting such*
14 *failure to the appropriate United States attor-*
15 *ney, who may bring the matter before the grand*
16 *jury for its action, under the same statutory au-*
17 *thority and procedures as if the United States*
18 *attorney had received a certification under sec-*
19 *tions 102 through 104 of the Revised Statutes of*
20 *the United States (2 U.S.C. 192–194).*

21 *(c) INFORMATION FROM FEDERAL AGENCIES.—*

22 *(1) IN GENERAL.—The 9/11 Review Commission*
23 *is authorized to secure directly from any executive de-*
24 *partment, bureau, agency, board, commission, office,*
25 *independent establishment, or instrumentality of the*

1 *Government, information, suggestions, estimates, and*
2 *statistics for the purposes of this title. Each such de-*
3 *partment, bureau, agency, board, commission, office,*
4 *independent establishment, or instrumentality shall,*
5 *to the extent authorized by law, furnish such informa-*
6 *tion, suggestions, estimates, and statistics directly to*
7 *the 9/11 Review Commission, upon request made by*
8 *the chairman or the vice chairman.*

9 (2) *RECEIPT, HANDLING, STORAGE, AND DIS-*
10 *SEMINATION.—Information shall only be received,*
11 *handled, stored, and disseminated by the 9/11 Review*
12 *Commission, including its staff, in accordance with*
13 *all applicable statutes, regulations, and Executive or-*
14 *ders.*

15 (d) *ADVISORY PANELS.—The chairman may establish*
16 *advisory panels composed of individuals, including such ex-*
17 *perts as the chairman determines appropriate, who may*
18 *undertake investigations, evaluate evidence, make findings,*
19 *and provide recommendations to the 9/11 Review Commis-*
20 *sion.*

21 (e) *CONTRACTING.—The 9/11 Review Commission*
22 *may, to such extent and in such amounts as are provided*
23 *by appropriations, enter into contracts to enable the Com-*
24 *mission to discharge its duties under this title.*

25 (f) *ASSISTANCE FROM FEDERAL AGENCIES.—*

1 (1) *GENERAL SERVICES ADMINISTRATION.*—*The*
2 *Administrator of General Services shall provide to the*
3 *9/11 Review Commission, on a reimbursable basis,*
4 *administrative support and other services for the per-*
5 *formance of the 9/11 Review Commission’s functions.*

6 (2) *OTHER DEPARTMENTS AND AGENCIES.*—*In*
7 *addition to the assistance prescribed in paragraph*
8 *(1), the heads of Federal departments and agencies*
9 *may provide to the 9/11 Review Commission such*
10 *services, funds, facilities, staff, and other support*
11 *services as such heads determine advisable and as*
12 *may be authorized by law.*

13 (g) *POSTAL SERVICES.*—*The 9/11 Review Commission*
14 *may use the United States mails in the same manner and*
15 *under the same conditions as Federal departments and*
16 *agencies.*

17 **SEC. 406. COMPENSATION.**

18 *The chairman and vice chairman of the 9/11 Review*
19 *Commission may receive compensation in an amount not*
20 *to exceed the daily equivalent of the annual rate of basic*
21 *pay in effect for a position at level IV of the Executive*
22 *Schedule under section 5315 of title 5, United States Code,*
23 *for each day during which the chairman or vice chairman,*
24 *as the case may be, is engaged in the actual performance*
25 *of the duties of the 9/11 Review Commission.*

1 **SEC. 407. APPOINTMENT OF STAFF.**

2 (a) *IN GENERAL.*—*The chairman, in consultation with*
3 *the vice chairman and in accord with any rule agreed upon*
4 *by the 9/11 Review Commission, may appoint and fix the*
5 *compensation of a staff director and such other personnel*
6 *as may be necessary to enable the 9/11 Review Commission*
7 *to carry out its functions, without regard to the provisions*
8 *of title 5, United States Code, governing appointments in*
9 *the competitive service, and without regard to the provisions*
10 *of chapter 51 and subchapter III of chapter 53 of such title*
11 *relating to classification and General Schedule pay rates,*
12 *except that no rate of pay fixed under this subsection may*
13 *exceed the equivalent of that payable for a position at level*
14 *V of the Executive Schedule under section 5316 of title 5,*
15 *United States Code.*

16 (b) *TRAVEL EXPENSES.*—*While away from their*
17 *homes or regular places of business in the performance of*
18 *services for the 9/11 Review Commission, members and staff*
19 *of the Commission shall be allowed travel expenses, includ-*
20 *ing per diem in lieu of subsistence, in the same manner*
21 *as persons employed intermittently in the Government serv-*
22 *ice are allowed expenses under section 5703(b) of title 5,*
23 *United States Code.*

24 (c) *STAFF AS FEDERAL EMPLOYEES.*—

25 (1) *IN GENERAL.*—*Any staff receiving compensa-*
26 *tion under this section shall be employees under sec-*

1 *tion 2105 of title 5, United States Code, for purposes*
 2 *of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such*
 3 *title.*

4 (2) *MEMBERS OF COMMISSION.—Paragraph (1)*
 5 *shall not be construed to apply to the chairman or*
 6 *vice chairman.*

7 (d) *DETAILEES.—Any Federal Government employee*
 8 *may be detailed to the 9/11 Review Commission without*
 9 *reimbursement from the 9/11 Review Commission, and such*
 10 *detailee shall retain the rights, status, and privileges of his*
 11 *or her regular employment without interruption.*

12 (e) *CONSULTANT SERVICES.—The 9/11 Review Com-*
 13 *mission is authorized to procure the services of experts and*
 14 *consultants in accordance with section 3109 of title 5,*
 15 *United States Code, but at rates not to exceed the daily*
 16 *rate paid to a person occupying a position at level IV of*
 17 *the Executive Schedule under section 5315 of title 5, United*
 18 *States Code.*

19 **SEC. 408. SECURITY CLEARANCES FOR COMMISSION MEM-**
 20 **BERS AND STAFF.**

21 *The appropriate Federal agencies or departments shall*
 22 *provide to the 9/11 Review Commission, to the extent pos-*
 23 *sible, personnel with appropriate security clearances. No*
 24 *person shall be provided with access to classified informa-*

1 *tion under this title without the appropriate security clear-*
2 *ances.*

3 **SEC. 409. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
4 **MITTEE ACT.**

5 *(a) IN GENERAL.—The Federal Advisory Committee*
6 *Act (5 U.S.C. App.) shall not apply to the 9/11 Review*
7 *Commission.*

8 *(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC*
9 *VERSIONS OF REPORTS.—The 9/11 Review Commission*
10 *shall—*

11 *(1) hold public hearings and meetings to the ex-*
12 *tent appropriate; and*

13 *(2) release public versions of the reports required*
14 *under this title.*

15 *(c) PUBLIC HEARINGS.—Any public hearings of the 9/*
16 *11 Review Commission shall be conducted in a manner con-*
17 *sistent with the protection of information provided to or*
18 *developed for or by the 9/11 Review Commission as required*
19 *by any applicable statute, regulation, or Executive order.*

20 **SEC. 410. REPORTS OF 9/11 REVIEW COMMISSION.**

21 *(a) INTERIM REPORTS.—The 9/11 Review Commission*
22 *may submit to the President and provide to Congress in-*
23 *terim reports containing its findings, conclusions, and rec-*
24 *ommendations, and may submit with such reports any clas-*
25 *sified annexes.*

1 (b) *FINAL REPORT.*—Not later than 12 months after
2 the date of the enactment of this Act, the 9/11 Review Com-
3 mission shall submit to the President and appropriate con-
4 gressional committees (as such term is defined in section
5 101 of the Homeland Security Act of 2002 (6 U.S.C. 101))
6 a final report, together with a classified annex if such is
7 determined appropriate, containing such findings, conclu-
8 sions, and recommendations for corrective measures as have
9 been agreed to by the chairman and vice chairman.

10 (c) *TERMINATION.*—

11 (1) *IN GENERAL.*—The 9/11 Review Commission,
12 and all the authorities of this title, shall terminate 30
13 days after the date on which the final report is sub-
14 mitted under subsection (b).

15 (2) *ADMINISTRATIVE ACTIVITIES BEFORE TERMI-*
16 *NATION.*—The 9/11 Review Commission may use the
17 30-day period referred to in paragraph (1) for the
18 purpose of concluding its activities, including pro-
19 viding testimony to Congress concerning its reports
20 and disseminating the final report.

21 **SEC. 411. FUNDING.**

22 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
23 authorized to be appropriated \$1,000,000 to carry out this
24 title.

1 (b) *DURATION OF AVAILABILITY.*—Amounts made
2 available to the 9/11 Review Commission under this section
3 shall remain available until the termination of the 9/11 Re-
4 view Commission.

5 ***TITLE V—PREPAREDNESS AND***
6 ***RESPONSE***

7 ***Subtitle A—WMD Preparedness and***
8 ***Response***

9 ***SEC. 501. HOMELAND SECURITY BIODEFENSE STRATEGY.***

10 (a) *BIODEFENSE REVIEW AND STRATEGY.*—

11 (1) *IN GENERAL.*—The Homeland Security Act
12 of 2002 (6 U.S.C. 101 et seq.) is amended by adding
13 at the end the following new title:

14 ***“TITLE XXI—WEAPONS OF MASS***
15 ***DESTRUCTION***

16 ***“SEC. 2101. BIODEFENSE STRATEGY.***

17 “(a) *IN GENERAL.*—The Secretary shall issue, at least
18 once every four years, a biodefense strategy that establishes
19 detailed strategic biodefense objectives for the Department’s
20 mission areas.

21 “(b) *COMPONENTS.*—The strategy shall—

22 “(1) delineate those areas of biodefense for which
23 the Department is explicitly responsible;

24 “(2) include an inventory of the Department’s
25 biodefense capabilities and assets;

1 “(3) be sufficiently detailed to guide
2 prioritization of Department investments in and stra-
3 tegic approach to biodefense-related research, develop-
4 ment, planning, and preparedness; and

5 “(4) include an implementation plan to enable
6 the Department to carry out the objectives contained
7 in the strategy.

8 “(c) ANNUAL REVIEW.—

9 “(1) IN GENERAL.—The Secretary shall annually
10 review the most recent biodefense strategy under this
11 section to determine any necessary major adjustments
12 to the strategy.

13 “(2) CONSIDERATION OF BIODEFENSE POLICY.—
14 Each review shall—

15 “(A) identify continuing gaps or
16 vulnerabilities in the Department’s biodefense
17 posture;

18 “(B) make recommendations for refining the
19 Department’s biodefense investments; and

20 “(C) include a detailed analysis of how well
21 the implementation plan included in the most
22 recent biodefense strategy is allowing the Depart-
23 ment to meet the objectives of the biodefense
24 strategy, with special emphasis on unmet objec-
25 tives and proposed mechanisms to eliminate

1 *shortfalls in meeting those objectives, through*
 2 *budgetary, management, or other refinements.*

3 **“SEC. 2102. SUBMISSIONS TO CONGRESS.**

4 *“The Secretary shall submit each biodefense strategy*
 5 *and annual biodefense strategy review under this title to*
 6 *the appropriate congressional committees.”.*

7 (2) *CLERICAL AMENDMENT.—The table of con-*
 8 *tents in section 1(b) of such Act is amended by add-*
 9 *ing at the end the following:*

“TITLE XXI—WEAPONS OF MASS DESTRUCTION

“Sec. 2101. Biodefense strategy.

“Sec. 2102. Submissions to Congress.”.

10 (b) *DEADLINE FOR FIRST STRATEGY.—The Secretary*
 11 *of Homeland Security shall complete the first biodefense*
 12 *strategy under section 2101 of the Homeland Security Act*
 13 *of 2002, as amended by this section, by not later than one*
 14 *year after the date of enactment of this Act.*

15 **SEC. 502. WEAPONS OF MASS DESTRUCTION INTELLIGENCE**
 16 **AND INFORMATION SHARING.**

17 (a) *IN GENERAL.—Title XXI of the Homeland Secu-*
 18 *rity Act of 2002, as added by section 501 of this Act, is*
 19 *amended by adding at the end the following:*

20 **“SEC. 2103. WEAPONS OF MASS DESTRUCTION INTEL-**
 21 **LIGENCE AND INFORMATION SHARING.**

22 “(a) *IN GENERAL.—The Office of Intelligence and*
 23 *Analysis of the Department shall—*

1 “(1) support homeland security-focused intel-
2 ligence analysis of terrorist actors, their claims, and
3 their plans to conduct attacks involving chemical, bio-
4 logical, radiological, and nuclear materials against
5 the Nation;

6 “(2) support homeland security-focused intel-
7 ligence analysis of global infectious disease, public
8 health, food, agricultural, and veterinary issues;

9 “(3) support homeland-security focused risk
10 analysis and risk assessments of the homeland secu-
11 rity hazards described in paragraphs (1) and (2) by
12 providing relevant quantitative and nonquantitative
13 threat information;

14 “(4) leverage existing and emerging homeland se-
15 curity capabilities and structures to enhance preven-
16 tion, protection, response, and recovery efforts with
17 respect to a chemical, biological, radiological, or nu-
18 clear attack;

19 “(5) share information and provide tailored ana-
20 lytical support on these threats to State, local, and
21 tribal authorities; and

22 “(6) perform other responsibilities, as assigned
23 by the Secretary.

24 “(b) COORDINATION.—Where appropriate, the Office of
25 Intelligence and Analysis shall—

1 “(1) *coordinate with other relevant Department*
2 *components;*

3 “(2) *consult with others in the Intelligence Com-*
4 *munity, including State, local, and tribal authorities,*
5 *in particular officials from high-threat areas; and*

6 “(3) *enable such entities to provide recommenda-*
7 *tions on optimal information sharing mechanisms,*
8 *including expeditious sharing of classified informa-*
9 *tion, and on how they can provide information to the*
10 *Department.*

11 “(c) *REPORT.—*

12 “(1) *IN GENERAL.—Not later than one year after*
13 *the date of the enactment of this section and annually*
14 *thereafter, the Secretary shall report to the appro-*
15 *priate congressional committees on—*

16 “(A) *the intelligence and information shar-*
17 *ing activities under subsection (a) and of all rel-*
18 *evant entities within the Department to counter*
19 *the threat from weapons of mass destruction; and*

20 “(B) *the Department’s activities in accord-*
21 *ance with relevant intelligence strategies.*

22 “(2) *ASSESSMENT OF IMPLEMENTATION.—The*
23 *report shall include—*

1 “(A) a description of methods established to
2 *assess progress of the Office of Intelligence and*
3 *Analysis in implementing this section; and*

4 “(B) *such assessment.*”.

5 (b) *CLERICAL AMENDMENT.—The table of contents in*
6 *section 1(b) of such Act is further amended by adding at*
7 *the end of the items relating to such title the following:*

 “*Sec. 2103. Weapons of mass destruction intelligence and information sharing.*”.

8 **SEC. 503. RISK ASSESSMENTS.**

9 (a) *IN GENERAL.—Title XXI of the Homeland Secu-*
10 *rity Act of 2002, as added by section 501 of this Act, is*
11 *amended by adding at the end the following:*

12 **“SEC. 2104. RISK ASSESSMENTS.**

13 “(a) *IN GENERAL.—The Secretary, acting through the*
14 *Under Secretary for Science and Technology and in coordi-*
15 *nation with relevant Department components and other ap-*
16 *propriate Federal departments and agencies, shall—*

17 “(1) *produce and update periodically a ter-*
18 *rorism risk assessment of chemical, biological, radio-*
19 *logical, and nuclear threats; and*

20 “(2) *produce and update periodically an inte-*
21 *grated terrorism risk assessment that assesses all of*
22 *those threats and compares them against one another*
23 *according to their relative risk.*

24 “(b) *METHODOLOGY.—*

25 “(1) *IN GENERAL.—The Secretary shall—*

1 “(A) convene an interagency task force of
2 relevant subject matter experts to assess the pro-
3 posed methodology to be used for assessments re-
4 quired under subsection (a), and to provide rec-
5 ommendations to the Secretary as to the ade-
6 quacy of such methodology;

7 “(B) conduct sensitivity analysis on each
8 assessment to identify and prioritize research ac-
9 tivities to close knowledge gaps; and

10 “(C) consider the evolving threat from an
11 intelligent adversary.

12 “(2) *INCLUSION IN ASSESSMENT.*—Each assess-
13 ment under subsection (a) shall include a description
14 of the methodology used for the assessment.

15 “(c) *USAGE.*—The assessments required under sub-
16 section (a) shall be used to inform and guide risk manage-
17 ment decisions, including—

18 “(1) the threat assessments and determinations
19 by the Secretary regarding agents and toxins pursu-
20 ant to section 319F-2 of the Public Health Service
21 Act;

22 “(2) allocation of resources for research and de-
23 velopment for prevention of, protection against, re-
24 sponse to, and recovery from a chemical, biological,
25 radiological, or nuclear attack;

1 “(3) prioritization of medical countermeasure re-
2 search, development, acquisition, and distribution ac-
3 tivities and other national strategic biodefense re-
4 search;

5 “(4) tailored risk assessments and risk mitiga-
6 tion studies, as appropriate, on topics such as radio-
7 logical materials security or the economic risks of a
8 biological attack; and

9 “(5) other homeland security activities as deter-
10 mined appropriate by the Secretary and the heads of
11 other agencies.

12 “(d) *INPUT AND SHARING.*—The Secretary shall, for
13 each assessment required under subsection (a)—

14 “(1) seek input from Federal, State, local, and
15 tribal officials involved in efforts to prevent, protect
16 against, respond to, and recover from chemical, bio-
17 logical, radiological, and nuclear threats;

18 “(2) ensure that written procedures are in place
19 to guide the development and review of risk assess-
20 ments through coordinated efforts of relevant Federal
21 agencies;

22 “(3) share the risk assessments with Federal,
23 State, local and tribal officials with appropriate secu-
24 rity clearances and a need for the information in the
25 classified version; and

1 “(4) to the extent practicable, make available an
2 unclassified version for Federal, State, local, and trib-
3 al officials involved in prevention and preparedness
4 for chemical, biological, radiological, and nuclear
5 events.”.

6 (b) *CLERICAL AMENDMENT.*—The table of contents in
7 section 1(b) of such Act is further amended by adding at
8 the end of the items relating to such title the following:

 “Sec. 2104. Risk assessments.”.

9 **SEC. 504. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

10 (a) *INDIVIDUAL AND COMMUNITY PREPAREDNESS.*—
11 Title V of the Homeland Security Act of 2002 (6 U.S.C.
12 311 et seq.) is further amended by adding at the end the
13 following:

14 **“SEC. 527. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

15 “(a) *IN GENERAL.*—The Administrator shall assist
16 State, local, and tribal authorities in improving and pro-
17 moting individual and community preparedness and collec-
18 tive response to weapons of mass destruction and terrorist
19 attacks involving chemical, biological, radiological, and nu-
20 clear materials, including those that cause mass fatalities,
21 against the United States, by—

22 “(1) developing guidance and checklists of rec-
23 ommended actions for individual and community
24 prevention and preparedness efforts and dissemi-

1 *nating such guidance and checklists to communities*
2 *and individuals;*

3 *“(2) updating new and existing guidance and*
4 *checklists as appropriate;*

5 *“(3) disseminating the guidance developed under*
6 *section 510 to communities and individuals, as ap-*
7 *propriate;*

8 *“(4) providing information and training mate-*
9 *rials in support of individual and community pre-*
10 *paredness efforts;*

11 *“(5) conducting individual and community pre-*
12 *paredness outreach efforts; and*

13 *“(6) such other actions as the Secretary deter-*
14 *mines appropriate.*

15 *“(b) COORDINATION.—Where appropriate, the Sec-*
16 *retary shall coordinate with private sector and nongovern-*
17 *mental organizations to promote individual and commu-*
18 *nity preparedness and collective response to weapons of*
19 *mass destruction and terrorist attacks involving chemical,*
20 *biological, radiological, and nuclear materials against the*
21 *United States.*

22 *“(c) BEST PRACTICES.—In compiling guidance for in-*
23 *dividual and community preparedness in order to carry out*
24 *subsection (a)(4), the Secretary shall give due regard to best*
25 *practices based on the experience of other agencies and*

1 *countries and the expertise of academic institutions and*
2 *nongovernmental organizations.”.*

3 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
4 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
5 *101 et seq.) is further amended by adding at the end of*
6 *the items relating to such title the following:*

“Sec. 527. Individual and community preparedness.”.

7 **SEC. 505. DETECTION OF BIOLOGICAL THREATS.**

8 **(a) IN GENERAL.**—*Title XXI of the Homeland Secu-*
9 *rity Act of 2002, as added by section 501 of this Act, is*
10 *further amended by adding at the end the following:*

11 **“SEC. 2105. DETECTION OF BIOLOGICAL ATTACKS.**

12 **“(a) PROGRAM.**—*The Secretary shall carry out a pro-*
13 *gram to detect a biological attack or event that poses a high*
14 *risk to homeland security. Through such program, the Sec-*
15 *retary shall—*

16 **“(1)** *deploy detection capabilities to areas, based*
17 *on risks identified by Department assessments, to in-*
18 *dicade the presence of biological agents;*

19 **“(2)** *consider multiple deployment strategies in-*
20 *cluding surge capability;*

21 **“(3)** *provide information to participating lab-*
22 *oratories and programs for their use in monitoring*
23 *public health, and biological material or other data*
24 *from those detectors to participating laboratories and*
25 *programs for testing and evaluation;*

1 “(4) regularly communicate with, and provide
2 information about the presence of biological agents to,
3 appropriate Federal, State, and local agencies respon-
4 sible for public health, law enforcement, and emer-
5 gency services, in a manner that ensures trans-
6 parency with the governments served by such per-
7 sonnel;

8 “(5) provide advanced planning tools, concepts of
9 operations (including alarm resolution protocols and
10 response guidance), and training exercises (including
11 in collaboration with relevant national level exercises)
12 for collective response to and recovery from biological
13 attacks; and

14 “(6) provide technical assistance to jurisdictions
15 hosting the program to improve their ability to re-
16 spond to a detected pathogen.

17 “(b) *PROGRAM REQUIREMENTS*.—Under the program
18 required under subsection (a), the Secretary shall—

19 “(1) enter into memoranda of agreement or
20 interagency agreements under the Economy Act of
21 1933 (31 U.S.C. 1535 et seq.) with the Director of the
22 Centers of Disease Control and Prevention and the
23 Administrator of the Environmental Protection Agen-
24 cy, and the heads of other Federal departments and
25 agencies, setting forth roles and responsibilities, in-

1 *cluding with respect to validating performance and*
2 *developing testing protocols for participating labora-*
3 *tories and coordination with appropriate State, local,*
4 *and tribal agencies;*

5 *“(2) establish criteria for determining whether*
6 *plans for biological detector capabilities and coverage*
7 *sufficiently protect the United States population, and*
8 *make such determinations on an annual basis;*

9 *“(3) acting through the Under Secretary for*
10 *Science and Technology, and in consultation with the*
11 *heads of other relevant departments and agencies, im-*
12 *plement a process for establishing assay performance*
13 *standards and evaluation for equivalency for biologi-*
14 *cal threat assays, that—*

15 *“(A) evaluates biological threat detection as-*
16 *says, their protocols for use, and their associated*
17 *response algorithms for confirmation of biologi-*
18 *cal threat agents, taking performance measures*
19 *and concepts of operation into consideration;*

20 *“(B) develops peer-reviewed assay perform-*
21 *ance and equivalency standards based on the*
22 *findings of the evaluation under subparagraph*
23 *(A);*

1 “(C) requires implementation of the stand-
2 ards developed under subparagraph (B) for all
3 Department biological detection programs;

4 “(D) makes such standards available and
5 promotes their use to support all other Federal
6 biological detection programs; and

7 “(E) is updated as necessary;

8 “(4) prior to obligating funds to acquire bio-
9 detection systems for purposes of operational testing
10 and evaluation, require—

11 “(A) a determination of the sensitivity and
12 specificity of the currently deployed biodetection
13 system;

14 “(B) an assessment of the sensitivity and
15 specificity of the next generation biodetection
16 system or systems under consideration for acqui-
17 sition and whether it meets established oper-
18 ational requirements;

19 “(C) provision of all raw data to the
20 Science and Technology Directorate to enable the
21 Under Secretary to—

22 “(i) conduct a trade-off study com-
23 paring the results of subparagraphs (A) and
24 (B); and

1 “(ii) perform a technical readiness as-
2 assessment in accordance with section 308(b);
3 and

4 “(D) that the findings under subparagraph
5 (C) inform the cost-benefit analysis under para-
6 graph (5)(A) and any acquisition decision made
7 by the Acquisition Review Board under section
8 708(c) of the biodetection system or systems
9 under consideration; and

10 “(5) prior to acquiring and deploying biodetec-
11 tion technology, require—

12 “(A) a cost-benefit analysis, including an
13 analysis of alternatives, that shall be informed
14 by the terrorism risk assessments under section
15 503;

16 “(B) operational testing and evaluation;

17 “(C) operational assessment by the end
18 users of the technology; and

19 “(D) the Department, other relevant execu-
20 tive agencies, and local jurisdictions intended to
21 host the systems to agree on concepts of oper-
22 ations for resolving alarms.

23 “(c) *CONTRACT AUTHORITY.*—The Secretary may
24 enter into contracts with participating laboratories and
25 programs for—

1 “(1) the provision of laboratory services or other
2 biosurveillance activities as appropriate for purposes
3 of this section on a fee-for-service basis or on a pre-
4 payment or other similar basis; and

5 “(2) administrative and other costs related to
6 hosting program personnel and equipment in these
7 laboratories or programs.

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term ‘participating laboratory’ means
10 a laboratory that has been accepted as a member of
11 the Laboratory Response Network for Bioterrorism
12 that—

13 “(A) is fully equipped to detect and respond
14 quickly to acts of biological terrorism;

15 “(B) provides biocontainment and micro-
16 biological analysis in support of the Department
17 and relevant law enforcement agencies with re-
18 sponsibilities for investigating biological inci-
19 dents; and

20 “(C) supports threat agent characterization
21 studies and assay evaluation, research and devel-
22 opment.

23 “(2) The term ‘assay’ means any scientific test
24 that is designed to detect the presence of a biological

1 *threat agent that is of a type selected under criteria*
2 *established by the Secretary.”.*

3 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
4 *section 1(b) of such Act is further amended by adding at*
5 *the end of the items relating to such title the following:*

 “*Sec. 2105. Detection of biological attacks.*”.

6 **SEC. 506. RAPID BIOLOGICAL THREAT DETECTION AND**
7 **IDENTIFICATION AT PORTS OF ENTRY.**

8 **(a) IN GENERAL.**—*Title XXI of the Homeland Secu-*
9 *rity Act of 2002, as added by section 501 of this Act, is*
10 *further amended by adding at the end the following:*

11 **“SEC. 2106. RAPID BIOLOGICAL THREAT DETECTION AND**
12 **IDENTIFICATION AT PORTS OF ENTRY.**

13 “*(a) IN GENERAL.*—*The Secretary of Homeland Secu-*
14 *rity shall require the Under Secretary for Science and Tech-*
15 *nology, in consultation with the heads of other relevant*
16 *operational components of the Department of Homeland Se-*
17 *curity, to assess whether the development of technological*
18 *screening capabilities for biological agents, pandemic influ-*
19 *enza, and other infectious diseases should be undertaken by*
20 *the Science and Technology Directorate to support entry*
21 *and exit screening at ports of entry and for other homeland*
22 *security purposes.*

23 “*(b) DEVELOPMENT OF METHODS.*—*If the Under Sec-*
24 *retary determines that the development of such screening*
25 *capabilities should be undertaken, the Secretary shall, to the*

1 *extent possible, initiate development of safe and effective*
2 *methods to—*

3 “(1) *rapidly screen incoming persons at ports of*
4 *entry for biological agents, pandemic influenza, and*
5 *other infectious diseases; and*

6 “(2) *obtain results of such screening near the*
7 *point of entry.*”.

8 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
9 *section 1(b) of such Act is further amended by adding at*
10 *the end of the items relating to such title the following:*

*“Sec. 2106. Rapid biological threat detection and identification at ports of
entry.”.*

11 **SEC. 507. COMMUNICATIONS PLANNING.**

12 **(a) IN GENERAL.**—*Title V of the Homeland Security*
13 *Act of 2002 (6 U.S.C. 311 et seq.) is further amended by*
14 *adding at the end the following:*

15 **“SEC. 528. COMMUNICATIONS PLANNING.**

16 **“(a) COMMUNICATIONS PLAN.**—

17 “(1) *IN GENERAL.*—*The Administrator shall de-*
18 *velop a communications plan designed to provide in-*
19 *formation to the public related to preventing, pro-*
20 *tecting against, responding to, and recovering from*
21 *chemical, biological, radiological, and nuclear attacks;*

22 “(2) *PRE-SCRIPTED MESSAGES AND MESSAGE*
23 *TEMPLATES.*—

1 “(A) *IN GENERAL.*—*The Administrator*
2 *shall develop and disseminate, through the Fed-*
3 *eral Emergency Management Agency, a public*
4 *alerts and warnings system, and prescribed*
5 *messages and message templates to be provided*
6 *to State, local, and tribal authorities so that*
7 *those authorities can quickly and rapidly dis-*
8 *seminate critical information to the public in*
9 *anticipation of, during, or in the immediate*
10 *aftermath of a chemical, biological, radiological,*
11 *or nuclear attack, and to be included in the De-*
12 *partment of Homeland Security’s lessons learned*
13 *information sharing system.*

14 “(B) *DEVELOPMENT AND DESIGN.*—*The*
15 *pre-scripted messages or message templates*
16 *shall—*

17 “(i) *be developed in consultation with*
18 *State, local, and tribal authorities and in*
19 *coordination with other appropriate Federal*
20 *departments and agencies;*

21 “(ii) *be designed to provide accurate,*
22 *essential, and appropriate information and*
23 *instructions to the population directly af-*
24 *ected by an incident, including informa-*
25 *tion regarding an evacuation, sheltering in*

1 *place, hospital surge operations, health, and*
2 *safety;*

3 “(iii) *be designed to provide accurate,*
4 *essential, and appropriate information and*
5 *instructions to emergency response pro-*
6 *viders and medical personnel responding to*
7 *an incident; and*

8 “(iv) *include direction for the coordi-*
9 *nation of Federal, State, local, and tribal*
10 *communications teams.*

11 “(C) *COMMUNICATIONS FORMATS.—The Ad-*
12 *ministrator shall develop pre-scripted messages*
13 *or message templates under this paragraph in*
14 *multiple formats to ensure delivery—*

15 “(i) *in cases where the usual commu-*
16 *nications infrastructure is unusable; and*

17 “(ii) *to individuals with disabilities or*
18 *other special needs and individuals with*
19 *limited English proficiency.*

20 “(D) *DISSEMINATION AND TECHNICAL AS-*
21 *SISTANCE.—The Administrator shall ensure that*
22 *all pre-scripted messages and message templates*
23 *developed under this paragraph are made avail-*
24 *able to State, local, and tribal authorities so that*
25 *those authorities may incorporate them, as ap-*

1 *appropriate, into their emergency plans. The Ad-*
2 *ministrator shall also make available relevant*
3 *technical assistance to those authorities to sup-*
4 *port communications planning.*

5 “(E) *EXERCISES.*—*To ensure that the pre-*
6 *scripted messages or message templates developed*
7 *under this paragraph can be effectively utilized*
8 *in a disaster or incident, the Administrator shall*
9 *incorporate Federal, State, local, and tribal com-*
10 *munications teams that deliver such pre-scripted*
11 *messages or message templates into exercises, in-*
12 *cluding those conducted under the National Ex-*
13 *ercise Program.*

14 “(b) *TERRORISM THREAT AWARENESS.*—

15 “(1) *TERRORISM THREAT AWARENESS.*—*The*
16 *Secretary, in consultation with the heads of appro-*
17 *priate Federal departments and agencies, shall for*
18 *purposes of preparedness and collective response to*
19 *terrorism and for other purposes—*

20 “(A) *ensure that homeland security infor-*
21 *mation concerning terrorist threats is provided*
22 *to State, local, and tribal authorities and the*
23 *public within the United States, as appropriate;*
24 *and*

1 “(B) *establish a process to optimize oppor-*
2 *tunities for qualified heads of State, local, and*
3 *tribal government entities to obtain appropriate*
4 *security clearances so that they may receive clas-*
5 *sified threat information when appropriate.*

6 “(2) *THREAT BULLETINS.—*

7 “(A) *IN GENERAL.—Consistent with the re-*
8 *quirements of paragraph (1), the Secretary shall,*
9 *on a timely basis, prepare unclassified threat*
10 *bulletins on chemical, biological, radiological,*
11 *and nuclear threats.*

12 “(B) *REQUIREMENTS.—Each assessment re-*
13 *quired under subparagraph (A) shall—*

14 “(i) *include guidance to the public for*
15 *preventing and responding to acts of ter-*
16 *rorism arising from such threats; and*

17 “(ii) *be made available on the Internet*
18 *Web site of the Department and other pub-*
19 *licly accessible Internet Web sites, commu-*
20 *nication systems, and information net-*
21 *works.*

22 “(3) *GUIDANCE TO STATE, LOCAL, AND TRIBAL*
23 *AUTHORITIES.—The Secretary, using information*
24 *provided by the terrorism risk assessments required*

1 *under section 2104 and other threat assessments*
2 *available to the Department—*

3 *“(A) shall provide to State, local, and tribal*
4 *authorities written guidance on communicating*
5 *terrorism-related threats and risks to the public*
6 *within their jurisdictions; and*

7 *“(B) shall identify the governmental ration-*
8 *ale for identifying particular communities as*
9 *being at heightened risk of exploitation.”.*

10 *(b) REPORT.—Not later than one year after the date*
11 *of the enactment of this Act, the Administrator shall submit*
12 *to the appropriate congressional committees the commu-*
13 *nications plans required to be developed under the amend-*
14 *ments made by subsection (a), including pre-scripted mes-*
15 *sages or message templates developed in conjunction with*
16 *the plans and a description of the means that will be used*
17 *to deliver these messages during such incidents.*

18 *(c) CLERICAL AMENDMENT.—The table of contents in*
19 *section 1(b) of such Act is further amended by adding at*
20 *the end of the items relating to such title the following new*
21 *item:*

“Sec. 528. Communications planning.”.

22 **SEC. 508. RESPONSE GUIDELINES CONCERNING WEAPONS**
23 **OF MASS DESTRUCTION.**

24 *(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—Not*
25 *later than one year after the date of the enactment of this*

1 *Act, the Secretary of Homeland Security, in consultation*
2 *with the heads of other relevant Federal departments and*
3 *agencies, shall—*

4 (1) *develop for police, fire, emergency medical*
5 *services, emergency management, and medical and*
6 *public health personnel, voluntary guidance for re-*
7 *sponding to chemical, biological, radiological, or nu-*
8 *clear attacks;*

9 (2) *make such guidance available to State, local,*
10 *and tribal authorities, educational institutions, non-*
11 *governmental organizations, the private sector, and*
12 *the public; and*

13 (3) *in developing the guidance under paragraph*
14 *(1)—*

15 (A) *review the experiences of other countries*
16 *and the expertise of academic institutions and*
17 *nongovernmental organizations; and*

18 (B) *consider the unique needs of children*
19 *and other vulnerable populations.*

20 (b) *CONTENTS.—The guidance developed under sub-*
21 *section (a)(1) shall be voluntary, risk-based guidance that*
22 *shall include—*

23 (1) *protective action guidance for ensuring the*
24 *security, health, and safety of emergency response*
25 *providers and their families and household contacts;*

1 (2) *specific information regarding the effects of*
2 *the chemical, biological, radiological, or nuclear mate-*
3 *rial on those exposed to the agent; and*

4 (3) *best practices for emergency response pro-*
5 *viders to effectively diagnose, handle, and otherwise*
6 *manage individuals affected by an incident involving*
7 *chemical, biological, radiological, or nuclear material.*

8 (c) *REVIEW AND REVISION OF GUIDANCE.—The Sec-*
9 *retary shall—*

10 (1) *review the guidance developed under sub-*
11 *section (a)(1) at least once every 2 years;*

12 (2) *make revisions to the guidance as appro-*
13 *priate; and*

14 (3) *make any revised guidance available to*
15 *State, local, and tribal authorities, nongovernmental*
16 *organizations, the private sector, and the public.*

17 (d) *PROCEDURES FOR DEVELOPING AND REVISING*
18 *GUIDANCE.—In carrying out the requirements of this sec-*
19 *tion, the Secretary shall establish procedures to—*

20 (1) *enable members of the first responder and*
21 *first provider community to submit recommendations*
22 *of areas in which guidance is needed and could be de-*
23 *veloped under subsection (a)(1);*

24 (2) *determine which entities should be consulted*
25 *in developing or revising the guidance;*

1 (3) *prioritize, on a regular basis, guidance that*
2 *should be developed or revised; and*

3 (4) *develop and disseminate the guidance in ac-*
4 *cordance with the prioritization under paragraph (3).*

5 **SEC. 509. PLUME MODELING.**

6 (a) *IN GENERAL.—Title XXI of the Homeland Secu-*
7 *rity Act of 2002, as added by section 501 of this Act, is*
8 *further amended by adding at the end the following:*

9 **“SEC. 2107. PLUME MODELING.**

10 “(a) *DEVELOPMENT.—*

11 “(1) *IN GENERAL.—The Secretary shall acquire,*
12 *use, and disseminate the best available integrated*
13 *plume models to enable rapid response activities fol-*
14 *lowing a chemical, biological, nuclear, or radiological*
15 *attack or event.*

16 “(2) *SCOPE.—The Secretary shall—*

17 “(A) *identify Federal, State, and local needs*
18 *regarding plume models and ensure the rapid de-*
19 *velopment and distribution of integrated plume*
20 *models that meet those needs to appropriate offi-*
21 *cial of the Federal Government and State, local,*
22 *and tribal authorities to enable immediate re-*
23 *sponse to a chemical, biological, or radiological*
24 *attack or event;*

1 “(B) establish mechanisms for dissemina-
2 tion by appropriate emergency response officials
3 of the integrated plume models described in
4 paragraph (1) to nongovernmental organizations
5 and the public to enable appropriate collective
6 response activities;

7 “(C) ensure that guidance and training in
8 how to appropriately use such models are pro-
9 vided; and

10 “(D) ensure that lessons learned from as-
11 sessing the development and dissemination of in-
12 tegrated plume models during exercises adminis-
13 tered by the Department are put into the lessons
14 learned information sharing system maintained
15 by the Department.

16 “(b) DEFINITIONS.—For purposes of this section:

17 “(1) PLUME MODEL.—The term ‘plume model’
18 means the assessment of the location and prediction
19 of the spread of agents following a chemical, biologi-
20 cal, radiological, or nuclear attack or event.

21 “(2) INTEGRATED PLUME MODEL.—The term ‘in-
22 tegrated plume model’ means a plume model that in-
23 tegrates protective action guidance and other informa-
24 tion as the Secretary determines appropriate.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of such Act is further amended by adding at*
3 *the end of the items relating to such title the following:*

“Sec. 2107. Plume modeling.”.

4 **SEC. 510. DISASTER RECOVERY.**

5 (a) *IN GENERAL.*—*Title XXI of the Homeland Secu-*
6 *rity Act of 2002, as added by section 501 of this Act, is*
7 *further amended by adding at the end the following:*

8 **“SEC. 2108. IDENTIFYING AND ADDRESSING GAPS IN RE-**
9 **COVERY CAPABILITIES.**

10 “(a) *RISK ASSESSMENT.*—

11 “(1) *TAILORED RISK ASSESSMENT.*—*The Sec-*
12 *retary, acting through the Under Secretary for*
13 *Science and Technology, shall conduct tailored risk*
14 *assessments to inform prioritization of national recov-*
15 *ery activities for chemical, biological, radiological,*
16 *and nuclear incidents, to be updated as necessary.*

17 “(2) *CONSIDERATIONS.*—*In conducting the risk*
18 *assessments under paragraph (1), the Secretary*
19 *shall—*

20 “(A) *consult with the heads of other relevant*
21 *Federal departments and agencies;*

22 “(B) *consider recovery of both indoor areas*
23 *and outdoor environments; and*

1 “(C) consider relevant studies previously
2 prepared by other Federal agencies, or other ap-
3 propriate stakeholders.

4 “(3) COLLABORATION.—Upon completion of the
5 risk assessments required by this section, the Sec-
6 retary shall provide the findings to the heads of rel-
7 evant Federal agencies in order to inform ongoing
8 and future work, including research and guidance de-
9 velopment, undertaken by those agencies in recovery
10 and remediation from chemical, biological, radio-
11 logical, or nuclear incidents.

12 “(b) RESEARCH.—The results of the risk assessment
13 under this section shall inform appropriate Federal re-
14 search to address the high-risk capability gaps uncovered
15 by each assessment.

16 “**SEC. 2109. RECOVERY FROM CHEMICAL, BIOLOGICAL, RA-**
17 **DIOLOGICAL, AND NUCLEAR ATTACKS OR IN-**
18 **CIDENTS.**

19 “(a) ESTABLISHMENT OF GUIDANCE.—Within 24
20 months from the date of enactment of this Act, the Sec-
21 retary, in consultation with the heads of other appropriate
22 Federal departments and agencies, shall develop and issue
23 guidance for clean-up and restoration of indoor and outdoor
24 areas, including subways and other mass transportation fa-

1 *cilities, that have been exposed to chemical, biological, radi-*
2 *ological, or nuclear materials.*

3 “(b) *CONTENTS.—The guidance developed under sub-*
4 *section (a) shall clarify Federal roles and responsibilities*
5 *for assisting State, local, and tribal authorities and include*
6 *risk-based recommendations for—*

7 “(1) *standards for effective decontamination of*
8 *affected sites;*

9 “(2) *standards for safe post-event occupancy of*
10 *affected sites, including for vulnerable populations*
11 *such as children and individuals with health con-*
12 *cerns;*

13 “(3) *requirements to ensure that the decon-*
14 *tamination procedures for responding organizations*
15 *do not conflict;*

16 “(4) *requirements that each responding organi-*
17 *zation uses a uniform system for tracking costs and*
18 *performance of clean-up contractors;*

19 “(5) *maintenance of negative air pressure in*
20 *buildings;*

21 “(6) *standards for proper selection and use of*
22 *personal protective equipment;*

23 “(7) *air sampling procedures;*

1 “(8) *development of occupational health and*
2 *safety plans that are appropriate for the specific risk*
3 *to responder health; and*

4 “(9) *waste disposal.*

5 “(c) *REVIEW AND REVISION OF GUIDANCE.—The Sec-*
6 *retary shall—*

7 “(1) *not less frequently than once every two*
8 *years, review the guidance developed under subsection*
9 *(a);*

10 “(2) *make revisions to the guidance as appro-*
11 *priate; and*

12 “(3) *make the revised guidance available to the*
13 *Federal Government, State, local, and tribal authori-*
14 *ties, nongovernmental organizations, the private sec-*
15 *tor, and the public.*

16 “(d) *PROCEDURES FOR DEVELOPING AND REVISING*
17 *GUIDANCE.—In carrying out the requirements of this sec-*
18 *tion, the Secretary shall establish procedures to—*

19 “(1) *prioritize issuance of guidance based on the*
20 *results of the risk assessment conducted pursuant to*
21 *section 2108;*

22 “(2) *inventory existing relevant guidance;*

23 “(3) *enable the public to submit recommenda-*
24 *tions of areas in which guidance is needed;*

1 “(4) determine which entities should be consulted
2 in developing or revising the guidance;

3 “(5) prioritize, on a regular basis, guidance that
4 should be developed or revised; and

5 “(6) develop and disseminate the guidance in ac-
6 cordance with the prioritization under paragraph (5).

7 “(e) *CONSULTATIONS.*—The Secretary shall develop
8 and revise the guidance developed under subsection (a), and
9 the procedures required under subsection (d), in consulta-
10 tion with—

11 “(1) the heads of other Federal departments and
12 agencies, as appropriate;

13 “(2) State, local, and tribal authorities; and

14 “(3) nongovernmental organizations and private
15 industry.

16 **“SEC. 2110. EXERCISES.**

17 “To facilitate environmental recovery from a chemical,
18 biological, radiological, or nuclear attack or other incident
19 involving chemical, biological, radiological, or nuclear ma-
20 terials and to foster collective response to terrorism, the Sec-
21 retary shall develop exercises in consultation with State,
22 local, and tribal authorities and other appropriate Federal
23 agencies, and, as appropriate, in collaboration with na-
24 tional level exercises, including exercises that address, to the
25 best knowledge available at the time, analysis, indoor envi-

1 *ronmental cleanup methods, and decontamination stand-*
 2 *ards, including those published in the guidance documents*
 3 *required by section 2109.”.*

4 *(b) CLERICAL AMENDMENTS.—The table of contents in*
 5 *section 1(b) of such Act is amended by adding at the end*
 6 *of the items relating to such title the following:*

“Sec. 2108. Identifying and addressing gaps in recovery capabilities.

“Sec. 2109. Recovery from chemical, biological, radiological, and nuclear attacks
or incidents.

“Sec. 2110. Exercises.”.

7 ***Subtitle B—Grants***

8 ***SEC. 521. SENSE OF CONGRESS.***

9 *(a) FINDINGS.—Congress finds the following:*

10 *(1) Terrorism preparedness grant programs ad-*
 11 *ministered by the Department of Homeland Security*
 12 *since the attacks of September 11, 2001, including the*
 13 *State Homeland Security Grant Program, Urban*
 14 *Area Security Initiative, Transit Security Grant Pro-*
 15 *gram, and Port Security Grant Program, have con-*
 16 *tributed to increased preparedness, resilience, and re-*
 17 *sponse capabilities at the State and local levels.*

18 *(2) State and local governments have utilized*
 19 *grant funding to, among other things, conduct plan-*
 20 *ning, training, and exercises, improve information*
 21 *sharing, and enhance communications.*

22 *(3) More than a decade after the terrorist attacks*
 23 *of September 11, 2001, the United States remains the*

1 *top target of Al Qaeda and its affiliates, and faces in-*
2 *creasing threats of domestic radicalization and from*
3 *lone wolf extremists.*

4 *(4) Continued Federal assistance to States and*
5 *localities is necessary to maintain the increased pre-*
6 *paredness and response capabilities developed over the*
7 *past decade in order to address this continuing*
8 *threat.*

9 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
10 *that grant programs such as the State Homeland Security*
11 *Grant Program, Urban Area Security Initiative, Transit*
12 *Security Grant Program, and Port Security Grant Pro-*
13 *gram, should be funded consistent with their previously au-*
14 *thorized levels to ensure that States and localities build and*
15 *sustain the necessary capabilities to prevent, prepare for,*
16 *and respond to terrorist attacks or other emergencies.*

17 **SEC. 522. USE OF GRANT FUNDS FOR PROJECTS CON-**
18 **DUCTED IN CONJUNCTION WITH A NATIONAL**
19 **LABORATORY OR RESEARCH FACILITY.**

20 *Section 2008(a)(2) of the Homeland Security Act of*
21 *2002 (6 U.S.C. 609(a)(2)) is amended by inserting “train-*
22 *ing conducted in conjunction with a national laboratory*
23 *or research facility and” after “including”.*

1 **SEC. 523. NOTIFICATION OF HOMELAND SECURITY GRANT**
2 **AWARDS.**

3 *Section 2002 of the Homeland Security Act of 2002*
4 *is amended by adding at the end the following new sub-*
5 *section:*

6 “(d) *NOTIFICATION.—The Administrator of the Fed-*
7 *eral Emergency Management Agency shall report to the*
8 *Committee on Homeland Security of the House of Rep-*
9 *resentatives and the Committee on Homeland Security and*
10 *Governmental Affairs of the Senate not less than three busi-*
11 *ness days in advance of announcing publicly an allocation*
12 *or award made pursuant to section 2003 or 2004.”.*

13 **SEC. 524. TRANSPARENCY IN HOMELAND SECURITY GRANT**
14 **FUNDING.**

15 (a) *IN GENERAL.—Subtitle B of title XX of the Home-*
16 *land Security Act of 2002 is amended by adding at the end*
17 *the following new section:*

18 “**SEC. 2024. TRANSPARENCY IN HOMELAND SECURITY**
19 **GRANT FUNDING.**

20 “(a) *IN GENERAL.—The Assistant Administrator of*
21 *the Grant Programs Directorate, or an official otherwise*
22 *designated by the Administrator, shall serve as the Author-*
23 *ization Liaison Officer within the Federal Emergency Man-*
24 *agement Agency.*

25 “(b) *REPORTING TO CONGRESS.—The Authorization*
26 *Liaison Officer shall provide timely information on all*

1 *grants administered by the Federal Emergency Manage-*
2 *ment Agency upon request to the appropriate congressional*
3 *committees.*

4 “(c) *SEMIANNUAL REPORTING.*—

5 “(1) *IN GENERAL.*—*The Administrator of the*
6 *Federal Emergency Management Agency shall submit*
7 *a written report to the appropriate congressional*
8 *committees, on not less than a semiannual basis, that*
9 *provides a full accounting of funds awarded by the*
10 *Department under all homeland security grant pro-*
11 *grams administered by the Federal Emergency Man-*
12 *agement Agency for the previous five fiscal years, end-*
13 *ing with the year in which the report is provided.*

14 “(2) *SCOPE OF REPORTS.*—*The Authorization*
15 *Liaison Officer shall ensure, to the greatest extent*
16 *practicable, that each report under this subsection in-*
17 *cludes a full accounting of funds awarded by the De-*
18 *partment under all homeland security grant pro-*
19 *grams administered by the Federal Emergency Man-*
20 *agement Agency for the previous five fiscal years, end-*
21 *ing with the year in which the report is provided, in-*
22 *cluding—*

23 “(A) *the number and type of projects ap-*
24 *proved, by grantee;*

1 “(B) the amount of funds awarded for each
2 project;

3 “(C) the amount of funds available for each
4 project;

5 “(D) the date on which those funds were
6 made available;

7 “(E) the amount of funds not yet released
8 by the Department, by project; and

9 “(F) the reasons funds have not been re-
10 leased, by project.

11 “(d) MEASURES AND METRICS.—

12 “(1) QUARTERLY PROVISION OF INFORMATION TO
13 CONGRESS.—The Assistant Administrator of the
14 Grant Programs Directorate shall provide informa-
15 tion quarterly to the appropriate congressional com-
16 mittees on its efforts to develop performance measures
17 and metrics for the Homeland Security Grant Pro-
18 gram pursuant to section 2023 of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 613), until the development
20 and implementation of such performance measures
21 and metrics.

22 “(2) BIENNIAL BRIEFINGS.—After the develop-
23 ment and implementation of such performance meas-
24 ures and metrics, the Assistant Administrator shall
25 provide biannual briefings to the appropriate congres-

1 “(A) *IN GENERAL.*—*The Secretary, through*
2 *the Administrator, may make grants under this*
3 *section to State and local governments to assist*
4 *in preparing for and responding to mass cas-*
5 *ualty incidents resulting from acts of terrorism*
6 *and natural disasters.*

7 “(B) *CONSULTATION.*—*In developing guid-*
8 *ance for grants authorized under this section, the*
9 *Administrator shall consult with the Assistant*
10 *Secretary for Health Affairs of the Department.*

11 “(2) *USE OF FUNDS.*—*A grant made under this*
12 *section may be used to support the integration of*
13 *emergency management, health, and medical systems*
14 *into a coordinated response to mass casualty inci-*
15 *dents caused by any hazard, including—*

16 “(A) *to strengthen medical surge capacity;*

17 “(B) *to strengthen mass prophylaxis capa-*
18 *bilities including development and maintenance*
19 *of an initial pharmaceutical stockpile sufficient*
20 *to protect first responders, their families, and*
21 *immediate victims from a chemical or biological*
22 *event;*

23 “(C) *to strengthen chemical, biological, ra-*
24 *diological, nuclear, and explosive detection, re-*
25 *sponse, and decontamination capabilities;*

1 “(D) to develop and maintain mass triage
2 and pre-hospital treatment plans and capabilities;
3 ties;

4 “(E) for planning;

5 “(F) to support efforts to strengthen information sharing and collaboration capabilities of
6 regional, State, and urban areas in support of
7 public health and medical preparedness;
8

9 “(G) for medical supplies management and
10 distribution;

11 “(H) for training and exercises;

12 “(I) for integration and coordination of the
13 activities and capabilities of public health personnel and medical care providers with those of
14 other emergency response providers as well as
15 other Federal agencies, the private sector, and
16 nonprofit organizations, for the forward movement of patients; and
17
18

19 “(J) for such other activities as the Administrator provides.
20

21 “(3) ELIGIBILITY.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), any jurisdiction that received
24 funds through the Metropolitan Medical Response

1 *System Program in fiscal year 2010 shall be eli-*
2 *gible to receive a grant under this section.*

3 “(B) *PERFORMANCE REQUIREMENT AFTER*
4 *FISCAL YEAR 2012.—A jurisdiction shall not be*
5 *eligible for a grant under this subsection from*
6 *funds available after fiscal year 2012 unless the*
7 *Secretary determines that the jurisdiction main-*
8 *tains a sufficient measured degree of capability*
9 *in accordance with the performance measures*
10 *issued under subsection (c).*

11 “(4) *DISTRIBUTION OF FUNDS.—*

12 “(A) *IN GENERAL.—The Administrator*
13 *shall distribute grant funds under this section to*
14 *the State in which the jurisdiction receiving a*
15 *grant under this section is located.*

16 “(B) *PASS THROUGH.—Subject to subpara-*
17 *graph (C), not later than 45 days after the date*
18 *on which a State receives grant funds under sub-*
19 *paragraph (A), the State shall provide the juris-*
20 *isdiction receiving the grant 100 percent of the*
21 *grant funds, and not later than 45 days after the*
22 *State releases the funds, all fiscal agents shall*
23 *make the grant funds available for expenditure.*

24 “(C) *EXCEPTION.—The Administrator may*
25 *permit a State to provide to a jurisdiction re-*

1 *ceiving a grant under this section 97 percent of*
2 *the grant funds awarded if doing so would not*
3 *result in any jurisdiction eligible for a grant*
4 *under paragraph (3)(A) receiving less funding*
5 *than such jurisdiction received in fiscal year*
6 *2009.*

7 *“(5) REGIONAL COORDINATION.—The Adminis-*
8 *trator shall ensure that each jurisdiction that receives*
9 *a grant under this section, as a condition of receiving*
10 *such grant, is actively coordinating its preparedness*
11 *efforts with surrounding jurisdictions, with the offi-*
12 *cial with primary responsibility for homeland secu-*
13 *rity (other than the Governor) of the government of*
14 *the State in which the jurisdiction is located, and*
15 *with emergency response providers from all relevant*
16 *disciplines, as determined by the Administrator, to ef-*
17 *fectively enhance regional preparedness.*

18 *“(c) PERFORMANCE MEASURES.—The Administrator,*
19 *in coordination with the Assistant Secretary for Health Af-*
20 *airs, and the National Metropolitan Medical Response Sys-*
21 *tem Working Group, shall issue performance measures with-*
22 *in one year after the date of enactment of this section that*
23 *enable objective evaluation of the performance and effective*
24 *use of funds provided under this section in any jurisdiction.*

1 “(d) *METROPOLITAN MEDICAL RESPONSE SYSTEM*
2 *WORKING GROUP DEFINED.*—*In this section, the term ‘Na-*
3 *tional Metropolitan Medical Response System Working*
4 *Group’ means—*

5 “(1) *10 Metropolitan Medical Response System*
6 *Program grant managers, who shall—*

7 “(A) *include one such grant manager from*
8 *each region of the Agency;*

9 “(B) *comprise a population-based cross sec-*
10 *tion of jurisdictions that are receiving grant*
11 *funds under the Metropolitan Medical Response*
12 *System Program; and*

13 “(C) *include—*

14 “(i) *3 selected by the Administrator;*
15 *and*

16 “(ii) *3 selected by the Chief Medical*
17 *Officer of the Department; and*

18 “(2) *3 State officials who are responsible for ad-*
19 *ministration of State programs that are carried out*
20 *with grants under this section, who shall be selected*
21 *by the Administrator.*

22 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*From the*
23 *total amount authorized to be appropriated under this Act,*
24 *\$42,000,000 shall be authorized for appropriations to carry*

1 out the program for each of fiscal years 2012 through
2 2016.”.

3 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
4 *section 1(b) of such Act is further amended by adding at*
5 *the end of the items relating to such title the following new*
6 *item:*

“Sec. 529. Metropolitan Medical Response System Program.”.

7 (c) *METROPOLITAN MEDICAL RESPONSE PROGRAM*
8 *REVIEW.*—

9 (1) *IN GENERAL.*—*The Administrator of the Fed-*
10 *eral Emergency Management Agency, the Assistant*
11 *Secretary for Health Affairs of the Department, and*
12 *the National Metropolitan Medical Response System*
13 *Working Group shall conduct a review of the Metro-*
14 *politan Medical Response System Program authorized*
15 *under this section, including an examination of—*

16 (A) *the extent to which the goals and objec-*
17 *tives are being met;*

18 (B) *the performance metrics that can best*
19 *help assess whether the Metropolitan Medical Re-*
20 *sponse System Program is succeeding;*

21 (C) *how the Metropolitan Medical Response*
22 *System Program can be improved;*

23 (D) *how the Metropolitan Medical Response*
24 *System Program complements and enhances*
25 *other preparedness programs supported by the*

1 *Department of Homeland Security and the De-*
2 *partment of Health and Human Services;*

3 *(E) the degree to which the strategic goals,*
4 *objectives, and capabilities of the Metropolitan*
5 *Medical Response System Program are incor-*
6 *porated in State and local homeland security*
7 *plans;*

8 *(F) how eligibility for financial assistance,*
9 *and the allocation of financial assistance, under*
10 *the Metropolitan Medical Response System Pro-*
11 *gram should be determined, including how allo-*
12 *cation of assistance could be based on risk;*

13 *(G) implications for the Metropolitan Med-*
14 *ical Response System Program if it were man-*
15 *aged as a contractual agreement; and*

16 *(H) the resource requirements of the Metro-*
17 *politan Medical Response System Program.*

18 (2) *REPORT.*—*Not later than one year after the*
19 *date of enactment of this Act, the Administrator and*
20 *the Assistant Secretary for Health Affairs shall sub-*
21 *mit to the appropriate congressional committees a re-*
22 *port on the results of the review under this section.*

23 (3) *CONSULTATION.*—*The Administrator of the*
24 *Federal Emergency Management Agency shall consult*

1 *with the heads of other relevant departments and*
2 *agencies in the implementation of subsection (a)(5).*

3 (4) *DEFINITION.—In this subsection the term*
4 *“National Metropolitan Medical Response System*
5 *Working Group” has the meaning that term has in*
6 *section 529 of the Homeland Security Act of 2002, as*
7 *added by subsection (a) of this section.*

8 (c) *CONFORMING AMENDMENT.—Section 635 of the*
9 *Post-Katrina Management Reform Act of 2006 (6 U.S.C.*
10 *723) is repealed.*

11 **SEC. 526. TRANSIT SECURITY GRANT PROGRAM.**

12 (a) *SECURITY ASSISTANCE PROGRAM.—Section*
13 *1406(a) of the Implementing Recommendations of the 9/11*
14 *Commission Act of 2007 (6 U.S.C. 1135(a)) is amended—*

15 (1) *in paragraph (1) by inserting “and law en-*
16 *forcement” after “public transportation”; and*

17 (2) *by adding at the end the following:*

18 “(3) *LAW ENFORCEMENT AGENCY ELIGIBILITY.—*
19 *A law enforcement agency is eligible for a grant*
20 *under this section if the agency enters into a memo-*
21 *randum of agreement or other arrangement with a*
22 *public transportation agency that is eligible for a*
23 *grant under paragraph (2) to oversee, direct, and*
24 *command the security operations of that public trans-*
25 *portation agency.”.*

1 **(b) USES OF FUNDS.**—Section 1406(b)(1) of the Imple-
2 *menting Recommendations of the 9/11 Commission Act of*
3 *2007 (6 U.S.C. 1135(b)(1)) is amended—*

4 (1) *in subparagraph (J), by striking “evacuation*
5 *improvements” and inserting “consequence manage-*
6 *ment investments, including investments with respect*
7 *to evacuation improvements, route designation and*
8 *signage, and public assistance materials”;*

9 (2) *in subparagraph (N), by striking “and” at*
10 *the end;*

11 (3) *by redesignating subparagraph (O) as sub-*
12 *paragraph (P); and*

13 (4) *by inserting after subparagraph (N) the fol-*
14 *lowing new subparagraph (O):*

15 *“(O) systems for identity verification for*
16 *access control, including biometrics; and”.*

17 **(c) OPERATIONAL ALLOWANCES.**—Section 1406(m)(1)
18 *of the Implementing Recommendations of the 9/11 Commis-*
19 *sion Act of 2007 (6 U.S.C. 1135(m)(1)) is amended—*

20 (1) *in subparagraph (D) by striking “and” at*
21 *the end;*

22 (2) *in subparagraph (E)—*

23 (A) *by striking “10 percent” and inserting*
24 *“50 percent”; and*

1 (B) by striking “subsection (b)(2).” and in-
2 serting “subsection (b)(2); and”;

3 (3) by adding at the end the following:

4 “(F) \$400,000,000 for fiscal year 2012, ex-
5 cept that not more than 50 percent of such funds
6 may be used for operational costs under sub-
7 section (b)(2).”.

8 **SEC. 527. PRIORITIZATION.**

9 (a) *CRUISE SHIP PASSENGERS AND BORDER CROSS-*
10 *INGS.*—Section 2007(a)(1) of the Homeland Security Act
11 *of 2002 (6 U.S.C. 608(a)(1)) is amended—*

12 (1) in subparagraph (A), by inserting “(includ-
13 ing cruise ship passengers)” after “tourist”; and

14 (2) by redesignating subparagraphs (H) through
15 (K) as subparagraphs (I) through (L) and inserting
16 after subparagraph (G) the following:

17 “(H) the number of border crossings at
18 land, air, and maritime ports of entry;”.

19 (b) *CONFORMING AMENDMENT.*—Section
20 *2003(b)(2)(A)(i) of such Act (6 U.S.C. 604(a)(2)(A)(i)) is*
21 *amended by striking “(H) and (K)” and inserting “(I) and*
22 *(L)”.*

1 **SEC. 528. TRANSPORTATION SECURITY GRANT PROGRAM**

2 **STUDY.**

3 (a) *IN GENERAL.*—*The Comptroller General of the*
4 *United States shall conduct a study evaluating the home-*
5 *land security impacts of transportation security grant pro-*
6 *gram funding levels in States located on the west coast of*
7 *the United States. In carrying out the study, the Comp-*
8 *troller General shall review—*

9 (1) *how funding under the grant program has*
10 *been distributed in correlation to locations near crit-*
11 *ical infrastructure sectors, eligible metropolitan areas,*
12 *and high risk urban areas in such States; and*

13 (2) *the level of coordination in the disbursements*
14 *of such funds with the risk determinations based on*
15 *State and local entities.*

16 (b) *REPORT.*—*Not later than 180 days after the date*
17 *of the enactment of this Act, the Comptroller General shall*
18 *submit to the appropriate congressional committees a report*
19 *on the results of the study required under this section.*

20 **SEC. 529. INTERAGENCY GRANTS WORKING GROUP.**

21 (a) *IN GENERAL.*—*The Secretary shall, in coordina-*
22 *tion with relevant Department components and other ap-*
23 *propriate Federal departments and agencies, establish an*
24 *interagency working group to better coordinate Federal pre-*
25 *paredness grants.*

1 (b) *MEMBERSHIP.*—*The working group shall be*
2 *chaired by the Secretary and be composed of the Secretary*
3 *and representatives from the Department of Health and*
4 *Human Services, Department of Transportation, Depart-*
5 *ment of Justice, and other Federal agencies as determined*
6 *appropriate by the Secretary.*

7 (c) *RESPONSIBILITIES.*—*The working group shall—*

8 (1) *meet regularly to coordinate, as appropriate,*
9 *development of grant guidance, application and*
10 *award timelines, monitoring, and assessments;*

11 (2) *seek input from State, local, and tribal offi-*
12 *cial s involved in grant management in order to in-*
13 *form grant processes, allocations, and awards;*

14 (3) *promote coordinated grant timelines; and*

15 (4) *ensure all preparedness grant programs em-*
16 *ploy a common Internet Web portal.*

17 (d) *REPORT.*—*Not later than 1 year after the date of*
18 *enactment of this section, the Secretary shall submit to the*
19 *appropriate congressional committees a report on the ac-*
20 *tivities of the working group.*

21 **Subtitle C—Communications**

22 **SEC. 541. SENSE OF CONGRESS REGARDING INTEROPER-** 23 **ABILITY.**

24 (a) *FINDINGS.*—*Congress finds the following:*

1 (1) *The National Commission on Terrorist At-*
2 *tacks Upon the United States (in this section referred*
3 *to as the “9/11 Commission”)* determined that the in-
4 *ability of first responders to communicate effectively*
5 *on September 11, 2001 was a critical obstacle to an*
6 *effective multijurisdictional response.*

7 (2) *More than 10 years have passed since the ter-*
8 *rorist attacks of September 11, 2001, and many jurisdic-*
9 *tions across the country still experience difficulties*
10 *communicating that may contribute to confusion,*
11 *delays, or added risks when responding to a terrorist*
12 *attack or natural disaster.*

13 (3) *In the years since September 11, 2001, the*
14 *need for a national wireless first responder interoper-*
15 *able communications network has remained, but the*
16 *Nation has not yet completed building this vital re-*
17 *source for public safety.*

18 (4) *The earthquake that originated in Virginia*
19 *on August 23, 2011, and affected areas throughout the*
20 *East Coast jammed commercial communications and*
21 *data networks, making them incapable of handling*
22 *the mission critical communications needs of first re-*
23 *sponders even if provided with priority access.*

24 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that Federal resources should be allocated to improve first*

1 *responder interoperable communications and the D Block*
2 *spectrum should be reallocated for the construction of a na-*
3 *tional interoperable public safety wireless broadband net-*
4 *work as expeditiously as possible.*

5 **SEC. 542. ROLES AND RESPONSIBILITIES WITH RESPECT TO**
6 **POLICY AND GUIDANCE FOR COMMUNICA-**
7 **TIONS-RELATED EXPENDITURES WITH GRANT**
8 **FUNDS.**

9 (a) *RESPONSIBILITIES OF THE DIRECTOR OF THE OF-*
10 *FICE OF EMERGENCY COMMUNICATIONS.*—Section 1801(c)
11 *of the Homeland Security Act of 2002 (6 U.S.C. 571(c))*
12 *is amended by striking “and” after the semicolon at the*
13 *end of paragraph (14), striking the period at the end of*
14 *paragraph (15) and inserting “; and”, and adding at the*
15 *end the following:*

16 “(16) *provide guidance on interoperable emer-*
17 *gency communications to the Administrator of the*
18 *Federal Emergency Management Agency in accord-*
19 *ance with the memorandum of understanding re-*
20 *quired under section 1811.”.*

21 (b) *AUTHORIZATION FOR MEMORANDUM OF UNDER-*
22 *STANDING ON EMERGENCY COMMUNICATIONS.*—

23 (1) *IN GENERAL.*—Title XVIII of the Homeland
24 *Security Act of 2002 is amended by adding at the end*
25 *the following new section:*

1 **“SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMER-**
 2 **GENCY COMMUNICATIONS.**

3 *“The Administrator of the Federal Emergency Man-*
 4 *agement Agency shall execute a memorandum of under-*
 5 *standing with the Director of the Office of Emergency Com-*
 6 *munications delineating the roles and responsibilities of*
 7 *each office with respect to policy and guidance for commu-*
 8 *nications-related expenditures with grant funds.”.*

9 (2) *CLERICAL AMENDMENT.—The table of con-*
 10 *tents in section 1(b) of such Act is amended by add-*
 11 *ing at the end of the items relating to such title the*
 12 *following:*

“Sec. 1811. Memorandum of understanding on emergency communications.”.

13 **SEC. 543. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
 14 **TEM MODERNIZATION.**

15 (a) *IN GENERAL.—Title V of the Homeland Security*
 16 *Act of 2002 (6 U.S.C. 311 et seq.) is further amended by*
 17 *adding at the end of the following new section:*

18 **“SEC. 530. NATIONAL INTEGRATED PUBLIC ALERT AND**
 19 **WARNING SYSTEM MODERNIZATION.**

20 *“(a) IN GENERAL.—In order to provide timely and ef-*
 21 *fective warnings and disseminate homeland security and*
 22 *other information, the Secretary shall—*

23 *“(1) establish a national integrated public alert*
 24 *and warning system (in this section referred to as ‘the*

1 *system’) not later than one year after the date of the*
2 *enactment of this section; and*

3 *“(2) designate an agency within the Department*
4 *to receive, aggregate, validate, and authenticate home-*
5 *land security and other information originated by*
6 *authorized Federal, State, local, and tribal govern-*
7 *ments to facilitate the transmission of the Personal-*
8 *ized Localized Alerting Network.*

9 *“(b) IMPLEMENTATION REQUIREMENTS.—In carrying*
10 *out subsection (a), the Secretary shall—*

11 *“(1) establish, as appropriate, common alerting*
12 *and warning protocols, standards of performance, and*
13 *terminology for the system established under sub-*
14 *section (a)(1) by adopting, where appropriate, mecha-*
15 *nisms that integrate various approaches developed by*
16 *key stakeholders;*

17 *“(2) include in the system the capability to*
18 *adapt the dissemination of homeland security and*
19 *other information and the content of communications*
20 *on the basis of geographic location, risks, or user pref-*
21 *erences, as appropriate;*

22 *“(3) include in the system the capability to alert*
23 *and warn individuals with disabilities and access*
24 *and functional needs;*

1 “(4) ensure that the system is incorporated into
2 the training and exercise programs of the Depart-
3 ment; and

4 “(5) coordinate, to the extent practicable, with
5 other Federal agencies and departments and with
6 State, local, and tribal governments, and other key
7 stakeholders to leverage existing alert and warning
8 capabilities.

9 “(c) *SYSTEM REQUIREMENTS.*—The Secretary shall
10 ensure that the system—

11 “(1) incorporates redundant and diverse modes
12 to disseminate homeland security and other informa-
13 tion in warning messages to the public so as to reach
14 the greatest number of individuals;

15 “(2) can be adapted to incorporate future tech-
16 nologies;

17 “(3) is resilient, secure, and can withstand acts
18 of terrorism and other external attacks;

19 “(4) delivers alerts to populations in remote
20 areas; and

21 “(5) promotes State, local, tribal, and regional
22 partnerships to enhance coordination.

23 “(d) *REPORT.*—Not later than one year after the date
24 on which the system established under subsection (a) is fully
25 functional and every six months thereafter, the Secretary

1 *shall report to the Committee on Homeland Security of the*
2 *House of Representatives and the Homeland Security and*
3 *Governmental Affairs Committee of the Senate on the*
4 *functionality and performance of the integrated public alert*
5 *and warning system, including—*

6 “(1) *an assessment of the accomplishments and*
7 *deficiencies of the system;*

8 “(2) *recommendations for improvements to the*
9 *system; and*

10 “(3) *information on the feasibility and effective-*
11 *ness of disseminating homeland security and other in-*
12 *formation, notices, and alerts prior to and following*
13 *an incident requiring use of the system.”.*

14 (b) *CLERICAL AMENDMENT.—The table of contents in*
15 *section 1(b) of such Act is amended by adding at the end*
16 *of the items relating to such title the following:*

 “*Sec. 530. National integrated public alert and warning system modernization.*”.

17 (c) *LIMITATION ON STATUTORY CONSTRUCTION.—*
18 *Nothing in this Act (including the amendment made by this*
19 *Act) shall be construed to affect the authority of the Depart-*
20 *ment of Commerce, the Federal Communications Commis-*
21 *sion, or the Robert T. Stafford Disaster Relief and Emer-*
22 *gency Assistance Act.*

23 (d) *HOMELAND SECURITY GRANTS.—Section 2008(a)*
24 *of the Homeland Security Act of 2002 (6 U.S.C. 609(a))*
25 *is amended—*

1 (1) in paragraph (12), by striking “and” at the
2 end;

3 (2) by redesignating paragraph (13) as para-
4 graph (14); and

5 (3) by inserting after paragraph (12) the fol-
6 lowing new paragraph:

7 “(13) improving public alert and warning capa-
8 bilities; and”.

9 **Subtitle D—Broadband for First**
10 **Responders**

11 **SEC. 561. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFE-**
12 **TY LICENSES.**

13 (a) *SPECTRUM ALLOCATION.*—Section 337(a) of the
14 Communications Act of 1934 (47 U.S.C. 337(a)) is amend-
15 ed—

16 (1) in paragraph (1), by striking “24” and in-
17 serting “34”; and

18 (2) in paragraph (2), by striking “36” and in-
19 serting “26”.

20 (b) *ASSIGNMENT.*—Section 337(b) of the Communica-
21 tions Act of 1934 (47 U.S.C. 337(b)) is amended to read
22 as follows:

23 “(b) *ASSIGNMENT.*—

24 “(1) *IN GENERAL.*—Not later than 60 days after
25 the date of enactment of the Department of Homeland

1 *Security Authorization Act for Fiscal Year 2012, the*
2 *Commission shall allocate the paired electromagnetic*
3 *spectrum bands of 758–763 megahertz and 788–793*
4 *megahertz for public safety broadband communica-*
5 *tions and shall license such paired bands to the public*
6 *safety broadband licensee.*

7 “(2) *ESTABLISHMENT OF RULES.*—

8 “(A) *IN GENERAL.*—*The Commission shall*
9 *establish rules to permit the public safety*
10 *broadband licensee to authorize providers of pub-*
11 *lic safety services to construct and operate a*
12 *wireless public safety broadband network in the*
13 *spectrum licensed to the public safety broadband*
14 *licensee if the public safety broadband licensee*
15 *determines that such authorization would expe-*
16 *dite the deployment of public safety broadband*
17 *communications.*

18 “(B) *NETWORK REQUIREMENTS.*—*The Com-*
19 *mission shall require that any such wireless pub-*
20 *lic safety broadband network shall—*

21 “(i) *be fully interoperable and remain*
22 *interoperable with, and in conformance*
23 *with the same broadband technology stand-*
24 *ards as, all other public safety broadband*
25 *systems deployed or authorized;*

1 “(ii) provide for roaming by local,
2 State, tribal, and Federal governments and
3 other authorized users of the spectrum li-
4 censed to the public safety broadband li-
5 censee;

6 “(iii) provide priority access to public
7 safety agencies;

8 “(iv) be built to survive most large-
9 scale disasters;

10 “(v) ensure that networks of such sys-
11 tems have the appropriate level of cyber se-
12 curity;

13 “(vi) ensure that authorized users have
14 control over all local network uses consistent
15 with rules established by the Commission;
16 and

17 “(vii) be consistent with the *Statewide*
18 *Interoperable Communications Plans* adopt-
19 *ed by each State and the National Emer-*
20 *gency Communications Plan, as adopted by*
21 *the Department of Homeland Security.*

22 “(C) *DEADLINES.*—

23 “(i) *RULES.*—*The Commission shall*
24 *establish rules under this paragraph not*
25 *later than 9 months after the date of enact-*

1 *ment of the Department of Homeland Secu-*
2 *rity Authorization Act for Fiscal Year 2012.*

3 “(ii) *REPORT.*—

4 “(I) *IN GENERAL.*—Not later than
5 60 days after the date of enactment of
6 the Department of Homeland Security
7 Authorization Act for Fiscal Year
8 2012, the public safety broadband li-
9 censee shall submit a report to the ap-
10 propriate committees of Congress on
11 the phased network deployment plan of
12 such spectrum bands.

13 “(II) *DEFINITIONS.*—For pur-
14 poses of subclause (I), the term ‘appro-
15 priate committees of Congress’ means
16 the Committee on Homeland Security
17 of the House of Representatives and
18 any other committee of the House of
19 Representatives or the Senate having
20 legislative jurisdiction under the Rules
21 of the House of Representatives or the
22 Senate, respectively, over the matter
23 concerned.”.

1 (c) *NETWORK-SHARING AGREEMENTS.*—Section 337 of
2 *the Communications Act of 1934 (47 U.S.C. 337) is amend-*
3 *ed—*

4 (1) *by redesignating subsection (f) as subsection*
5 *(g); and*

6 (2) *by inserting after subsection (e) the following:*

7 “(f) *RULEMAKING REQUIRED.*—*The Commission shall*
8 *establish regulations to—*

9 “(1) *authorize the shared use of the public safety*
10 *broadband spectrum and network infrastructure by*
11 *entities that are not defined as public safety services*
12 *in subsection (g)(1), subject to the requirement that*
13 *public safety services retain priority access to the*
14 *spectrum, pursuant to procedures adopted by the*
15 *Commission, so long as the needs of other govern-*
16 *mental entities needs are considered before commer-*
17 *cial entities; and*

18 “(2) *allow use of the public safety broadband*
19 *spectrum by emergency response providers, as defined*
20 *in section 2 of the Homeland Security Act of 2002 (6*
21 *U.S.C. 101).”.*

22 (d) *DEFINITION.*—Section 337(g) of the *Communica-*
23 *tions Act of 1934 (as so redesignated) is amended—*

24 (1) *by redesignating paragraphs (1) and (2) as*
25 *paragraphs (3) and (4), respectively; and*

1 (2) *by inserting before paragraph (3), as so re-*
2 *designated, the following:*

3 “(1) *PUBLIC SAFETY BROADBAND LICENSEE.—*
4 *The term ‘public safety broadband licensee’ means a*
5 *licensee as defined by the Commission in its Second*
6 *Report and Order adopted July 31, 2007 (FCC 07–*
7 *132), and selected in the Commission’s Order adopted*
8 *November 19, 2007 (FCC 07–199), by the Commission*
9 *to be the licensee for spectrum between 763–768 and*
10 *793–798 megahertz.*”

11 “(2) *PUBLIC SAFETY BROADBAND SPECTRUM.—*
12 *The term ‘public safety broadband spectrum’ means*
13 *the electromagnetic spectrum between 758 megahertz*
14 *and 768 megahertz, inclusive, and 788 megahertz and*
15 *798 megahertz, inclusive, and any additional electro-*
16 *magnetic frequencies allocated by the Commission for*
17 *public safety broadband use.”.*”

18 **SEC. 562. STANDARDS.**

19 (a) *INTEROPERABILITY REQUIREMENTS.—To enhance*
20 *domestic preparedness for and collective response to a cata-*
21 *strophic incident, not later than 180 days after the date*
22 *of enactment of this Act, the Chairman of the Federal Com-*
23 *munications Commission, in coordination with the Sec-*
24 *retary and in consultation with the Director of the National*
25 *Institute of Standards and Technology, the Attorney Gen-*

1 eral, and local, State, tribal, and Federal public safety
2 agencies, shall develop a public safety agency statement of
3 requirements that enables nationwide interoperability and
4 roaming across any communications system using public
5 safety broadband spectrum, as defined in section 337(g) of
6 the Communications Act of 1934.

7 (b) SPECIFICATIONS.—The Secretary, in coordination
8 with the Director of the National Institute of Standards and
9 Technology, shall establish an appropriate standard, or set
10 of standards, for enhancing domestic preparedness for and
11 collective response to a catastrophic incident and meeting
12 the public safety agency statement requirements developed
13 under subsection (a), taking into consideration—

14 (1) the extent to which particular technologies
15 and user equipment are, or are likely to be, available
16 in the commercial marketplace;

17 (2) the availability of necessary technologies and
18 equipment on reasonable and nondiscriminatory li-
19 censing terms;

20 (3) the ability to evolve with technological devel-
21 opments in the commercial marketplace;

22 (4) the ability to accommodate prioritization for
23 public safety transmissions;

24 (5) the ability to accommodate appropriate secu-
25 rity measures for public safety transmissions; and

1 (6) *any other considerations the Federal Commu-*
2 *nications Commission deems appropriate.*

3 **SEC. 563. RULE OF CONSTRUCTION.**

4 *Nothing in this Act, or the amendments made by this*
5 *Act, shall be construed to overturn, supersede, or otherwise*
6 *preempt the Federal Communication Commission’s Order*
7 *adopted on November 19, 2007 (FCC 07–199), setting forth*
8 *the roles and responsibilities of the public safety broadband*
9 *licensee (as such term is defined in section 337(g) of the*
10 *Communications Act of 1934) and the Federal Communica-*
11 *tions Commission, except that the following may, by rule*
12 *or order, be modified by the Commission:*

13 (1) *Any organization seeking membership to the*
14 *board of directors of the public safety broadband li-*
15 *cencee may be voted in by a simple majority of the*
16 *then serving members of the board of directors.*

17 (2) *The board of directors of the public safety*
18 *broadband licensee shall include the following organi-*
19 *zations:*

20 (A) *International Association of Chiefs of*
21 *Police.*

22 (B) *International Association of Fire*
23 *Chiefs.*

24 (C) *National Sheriffs’ Association.*

1 (D) *International Association of Fire Fight-*
2 *ers.*

3 (E) *National Volunteer Fire Council.*

4 (F) *Fraternal Order of Police.*

5 (G) *Major Cities Chiefs Association.*

6 (H) *Metropolitan Fire Chiefs Association.*

7 (I) *Major County Sheriffs' Association.*

8 (J) *Association of Public-Safety Commu-*
9 *nications Officials, International.*

10 (K) *National Emergency Management Asso-*
11 *ciation.*

12 (L) *International Association of Emergency*
13 *Managers.*

14 (M) *Police Executive Research Forum.*

15 (N) *National Criminal Justice Association.*

16 (O) *National Association of Police Organi-*
17 *zations.*

18 (P) *National Organization of Black Law*
19 *Enforcement Executives.*

20 (Q) *Association of Air Medical Services.*

21 (R) *Advocates for Emergency Medical Serv-*
22 *ices.*

23 (S) *Emergency Nurses Association.*

24 (T) *National Association of Emergency*
25 *Medical Services Physicians.*

1 (U) *National Association of Emergency*
2 *Medical Technicians.*

3 (V) *National Association of State Emer-*
4 *gency Medical Service Officials.*

5 (W) *National Emergency Medical Services*
6 *Management Association.*

7 (X) *International Municipal Signal Asso-*
8 *ciation.*

9 (Y) *American Probation and Parole Asso-*
10 *ciation.*

11 (Z) *National Governors Association.*

12 (AA) *National Association of Counties.*

13 (BB) *National League of Cities.*

14 (CC) *United States Conference of Mayors.*

15 (DD) *Council of State Governments.*

16 (EE) *International City/County Managers*
17 *Association.*

18 (FF) *National Conference of State Legisla-*
19 *tures.*

20 (GG) *National Association of Regional*
21 *Councils.*

22 (HH) *Utilities Telecom Council.*

23 (II) *American Association of State High-*
24 *way Transportation Officials.*

25 (JJ) *American Hospital Association.*

1 (KK) *Forestry Conservation Communica-*
2 *tions Association.*

3 (LL) *National Association of State 911 Ad-*
4 *ministrators.*

5 (MM) *National Troopers Coalition.*

6 (NN) *National Emergency Numbers Asso-*
7 *ciation.*

8 **SEC. 564. FUNDING.**

9 (a) *ESTABLISHMENT OF FUNDS.—*

10 (1) *CONSTRUCTION FUND.—*

11 (A) *ESTABLISHMENT.—There is established*
12 *in the Treasury of the United States a fund to*
13 *be known as the Public Safety Interoperable*
14 *Broadband Network Construction Fund.*

15 (B) *PURPOSE.—The Secretary shall estab-*
16 *lish and administer the grant program under*
17 *section 565 using the funds deposited in the Con-*
18 *struction Fund.*

19 (C) *CREDIT.—*

20 (i) *BORROWING AUTHORITY.—The Sec-*
21 *retary may borrow from the general fund of*
22 *the Treasury beginning on October 1, 2011,*
23 *such sums as may be necessary, but not to*
24 *exceed \$2,000,000,000, to implement section*
25 *565.*

1 (ii) *REIMBURSEMENT.*—*The Secretary*
2 *of the Treasury shall reimburse the general*
3 *fund of the Treasury, without interest, for*
4 *any amounts borrowed under clause (i) as*
5 *funds are deposited into the Construction*
6 *Fund, but in no case later than December*
7 *31, 2014.*

8 (2) *MAINTENANCE AND OPERATION FUND.*—

9 (A) *ESTABLISHMENT.*—*There is established*
10 *in the Treasury of the United States a fund to*
11 *be known as the Public Safety Interoperable*
12 *Broadband Network Maintenance and Operation*
13 *Fund.*

14 (B) *PURPOSE.*—*The Secretary shall use the*
15 *funds deposited in the Maintenance and Oper-*
16 *ation Fund to carry out section 566 and section*
17 *569(c).*

18 (b) *INITIAL DISTRIBUTION OF AUCTION PROCEEDS IN*
19 *FUNDS.*—*Notwithstanding subparagraphs (A) and (D) of*
20 *section 309(j)(8) of the Communications Act of 1934 (47*
21 *U.S.C. 309(j)(8)), the Secretary of the Treasury shall de-*
22 *posit the proceeds (including deposits and upfront pay-*
23 *ments from successful bidders) from the auction of the spec-*
24 *trum described in section 568 in the following manner:*

1 (1) *All proceeds less than or equal to*
2 *\$5,500,000,000 shall be deposited in the Construction*
3 *Fund and shall be made available to the Secretary*
4 *without further appropriations.*

5 (2) *Any proceeds exceeding \$5,500,000,000 shall*
6 *be deposited in the Maintenance and Operation Fund*
7 *and shall be made available to the Secretary without*
8 *further appropriations.*

9 (c) *TRANSFER OF FUNDS AT COMPLETION OF CON-*
10 *STRUCTION.—The Secretary of the Treasury shall transfer*
11 *to the Maintenance and Operation Fund any funds remain-*
12 *ing in the Construction Fund after the date of the comple-*
13 *tion of the construction phase, as determined by the Sec-*
14 *retary.*

15 (d) *TRANSFER OF FUNDS TO TREASURY.—The Sec-*
16 *retary of the Treasury shall transfer to the general fund*
17 *of the Treasury any funds remaining in the Maintenance*
18 *and Operation Fund after the end of the 10-year period*
19 *following receipt of notice by the Secretary that construc-*
20 *tion of the nationwide public safety interoperable*
21 *broadband network has been completed.*

22 (e) *AUTHORIZATION OF APPROPRIATIONS.—*

23 (1) *CONSTRUCTION FUND.—There are authorized*
24 *to be appropriated to the Secretary for deposit in the*
25 *Construction Fund in and after fiscal year 2012 an*

1 *amount not to exceed the amount set forth in para-*
2 *graph (3).*

3 (2) *MAINTENANCE AND OPERATION FUND.—*
4 *There are authorized to be appropriated to the Sec-*
5 *retary for deposit in the Maintenance and Operation*
6 *Fund in and after fiscal year 2012 an amount not*
7 *to exceed the amount set forth in paragraph (3).*

8 (3) *LIMITATION.—The authorization of appro-*
9 *priations under paragraphs (1) and (2) may not ex-*
10 *ceed a total of \$5,500,000,000.*

11 **SEC. 565. PUBLIC SAFETY INTEROPERABLE BROADBAND**
12 **NETWORK CONSTRUCTION.**

13 (a) *CONSTRUCTION GRANT PROGRAM ESTABLISH-*
14 *MENT.—To enhance domestic preparedness for and collec-*
15 *tive response to a catastrophic incident, the Secretary shall*
16 *take such action as is necessary to establish a grant pro-*
17 *gram to assist public safety entities to establish a nation-*
18 *wide public safety interoperable broadband network in the*
19 *700 megahertz band.*

20 (b) *PROJECTS.—The projects for which construction*
21 *grants may be made under this section are the following:*

22 (1) *Construction of a new public safety inter-*
23 *operable broadband network using public safety infra-*
24 *structure or commercial infrastructure, or both, in the*
25 *700 megahertz band.*

1 (2) *Improvement of the existing public safety*
2 *and commercial networks and construction of new in-*
3 *frastructure to meet public safety requirements.*

4 (c) *MATCHING REQUIREMENTS.—*

5 (1) *FEDERAL SHARE.—The Federal share of the*
6 *cost of carrying out a project under this section may*
7 *not exceed 80 percent of the eligible costs of carrying*
8 *out a project, as determined by the Secretary in con-*
9 *sultation with the Chairman of the Federal Commu-*
10 *nications Commission.*

11 (2) *NON-FEDERAL SHARE.—The non-Federal*
12 *share of the cost of carrying out a project under this*
13 *section may be provided through an in-kind contribu-*
14 *tion.*

15 (d) *REQUIREMENTS.—Not later than 6 months after*
16 *the date of enactment of this Act, the Secretary shall estab-*
17 *lish grant program requirements including the following:*

18 (1) *Defining entities that are eligible to receive*
19 *a grant under this section.*

20 (2) *Defining eligible costs for purposes of sub-*
21 *section (c)(1).*

22 (3) *Determining the scope of network infrastruc-*
23 *ture eligible for grant funding under this section.*

1 subsection (a), the Secretary shall submit to Congress a re-
2 port on whether to continue to provide funding for the
3 Maintenance and Operation Fund following completion of
4 the period provided for under section 564(d).

5 **SEC. 567. AUDITS.**

6 (a) *IN GENERAL.*—Not later than 3 years after the
7 date of enactment of this Act, and every 3 years thereafter,
8 the Comptroller General of the United States shall perform
9 an audit of the financial statements, records, and accounts
10 of the—

11 (1) *Public Safety Interoperable Broadband Net-*
12 *work Construction Fund established under section*
13 *564(a)(1);*

14 (2) *Public Safety Interoperable Broadband Net-*
15 *work Maintenance and Operation Fund established*
16 *under section 564(a)(2);*

17 (3) *construction grant program established under*
18 *section 565; and*

19 (4) *maintenance and operation grant program*
20 *established under section 566.*

21 (b) *GAAP.*—Each audit required under subsection (a)
22 shall be conducted in accordance with generally accepted
23 accounting procedures.

1 (c) *REPORT TO CONGRESS.*—A copy of each audit re-
2 quired under subsection (a) shall be submitted to the appro-
3 priate committees of Congress.

4 **SEC. 568. AUCTION OF SPECTRUM TO FUND THE INTER-**
5 **OPERABLE BROADBAND NETWORK CON-**
6 **STRUCTION FUND AND THE OPERATION AND**
7 **MAINTENANCE FUND.**

8 (a) *REALLOCATION OF SPECTRUM.*—Not later than 1
9 year after the date of enactment of this Act, the Assistant
10 Secretary shall reallocate for commercial use electro-
11 magnetic spectrum at 1755–1780 megahertz.

12 (b) *AUCTION.*—Not later than 18 months after the date
13 of enactment of this Act, the Federal Communications Com-
14 mission shall establish rules for pairing electromagnetic
15 spectrum bands at 1755–1780 megahertz and 2155–2180
16 megahertz, inclusive, and auction the licenses for such
17 paired spectrum in accordance with section 309(j) of the
18 Communications Act of 1934.

19 **SEC. 569. EXTENSION OF AUCTION AUTHORITY AND ASSUR-**
20 **ANCE OF OPEN AUCTIONS.**

21 (a) *EXTENSION OF AUCTION AUTHORITY.*—Section
22 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
23 309(j)(11)) is amended by striking “2012” and inserting
24 “2020”.

1 (b) *ELIGIBILITY.*—*The Federal Communications Com-*
2 *mission shall ensure that no bidder is deemed ineligible for*
3 *or otherwise excluded from an auction specified in this Act,*
4 *or any other competitive bidding process under section*
5 *309(j) of the Communications Act of 1934, on account of*
6 *its size or the amount of its other spectrum holdings.*

7 **SEC. 570. DEFINITIONS.**

8 *In this subtitle:*

9 (1) *The term “Assistant Secretary” means the*
10 *Assistant Secretary of Commerce for Communications*
11 *and Information.*

12 (2) *The term “appropriate committees of Con-*
13 *gress” means the Committee on Homeland Security of*
14 *the House of Representatives and any other committee*
15 *of the House of Representatives or the Senate having*
16 *legislative jurisdiction under the Rules of the House*
17 *of Representatives or the Senate, respectively, over the*
18 *matter concerned.*

19 (3) *The term “catastrophic incident” has the*
20 *meaning given such term in section 501(3) of the*
21 *Homeland Security Act of 2002 (6 U.S.C. 311(3)).*

22 (4) *The term “Construction Fund” means the*
23 *Public Safety Interoperable Broadband Network Con-*
24 *struction Fund established under section 564(a)(1).*

1 (5) *The term “Maintenance and Operation*
2 *Fund” means the Public Safety Interoperable*
3 *Broadband Network Maintenance and Operation*
4 *Fund established under section 564(a)(2).*

5 (6) *The term “Secretary” means the Secretary of*
6 *Homeland Security unless otherwise indicated.*

7 ***Subtitle E—Miscellaneous***
8 ***Provisions***

9 ***SEC. 581. AUDIT OF THE NATIONAL LEVEL EXERCISE.***

10 (a) *IN GENERAL.—Not later than 180 days after the*
11 *date of enactment of this Act, the Inspector General of the*
12 *Department of Homeland Security shall conduct—*

13 (1) *an audit of expenses associated with the 2010*
14 *and 2011 National Level Exercises, including costs of*
15 *planning and executing the exercise scenario; and*

16 (2) *a review of whether the Federal Emergency*
17 *Management Agency is incorporating lessons learned*
18 *from national exercises into training, planning, and*
19 *other operations.*

20 (b) *REPORT.—The Inspector General shall submit a*
21 *report on the findings of the audit and review to the appro-*
22 *priate congressional committees.*

1 **SEC. 582. FEMA REPORT TO CONGRESS ON SOURCING AND**
2 **DISTRIBUTION OF DISASTER RESPONSE**
3 **GOODS AND SERVICES.**

4 *Not later than 90 days after the date of enactment of*
5 *this Act, the Administrator of the Federal Emergency Man-*
6 *agement Agency shall submit to the appropriate congres-*
7 *sional committees a report on the Agency's progress in im-*
8 *proving sourcing for disaster response goods and services,*
9 *including on—*

10 *(1) the adoption of a single-point ordering con-*
11 *cept as recommended by the Department of Homeland*
12 *Security Inspector General;*

13 *(2) investment in information technology systems*
14 *to support single-point ordering and make sourcing*
15 *and supply movement transparent as recommended*
16 *by the Department of Homeland Security Inspector*
17 *General;*

18 *(3) development of an overarching strategy for*
19 *the sourcing of disaster response goods and services;*
20 *and*

21 *(4) other steps taken by the Agency to promote*
22 *efficiency in sourcing and distribution, and to elimi-*
23 *nate duplication and waste of essential goods and*
24 *services during response to a disaster.*

1 **SEC. 583. RURAL RESILIENCE INITIATIVE.**

2 (a) *IN GENERAL.*—*Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is*
3 *further amended by adding at the end the following:*

5 **“SEC. 2111. RURAL RESILIENCE INITIATIVE.**

6 “(a) *IN GENERAL.*—*The Under Secretary for Science*
7 *and Technology of the Department of Homeland Security*
8 *shall conduct research intended to assist State, local, and*
9 *tribal leaders and the private sector in developing the tools*
10 *and methods to enhance rural preparation for, and response*
11 *and resilience to, terrorist attacks and other incidents.*

12 “(b) *INCLUDED ACTIVITIES.*—*Activities under this sec-*
13 *tion may include—*

14 “(1) *research and implementation through out-*
15 *reach activities with rural communities;*

16 “(2) *an examination of how communities employ*
17 *resilience capabilities and response assets;*

18 “(3) *development and use of a community resil-*
19 *ience baseline template for determining the resilience*
20 *capacity of a rural community;*

21 “(4) *a plan to address community needs for re-*
22 *silience;*

23 “(5) *an education program for community lead-*
24 *ers and first responders about their resilience capac-*
25 *ity and mechanisms for mitigation, including via dis-*
26 *tance learning; and*

1 “(6) a mechanism by which this research can
2 serve as a model for adoption by communities across
3 the Nation.”.

4 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
5 *section 1(b) of such Act is further amended by adding at*
6 *the end of the items relating to such title the following:*

“Sec. 2111. Rural resilience initiative.”.

7 **SEC. 584. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
8 **TIUM.**

9 *Section 1204 of the Implementing Recommendations*
10 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is*
11 *amended—*

12 (1) *in subsection (b)(6), by striking “the Trans-*
13 *portation Technology Center, Incorporated, in Pueblo,*
14 *Colorado” and inserting “the Railroad Research*
15 *Foundation”;*

16 (2) *in subsection (c), by inserting “(including*
17 *medical readiness training)” after “deliver training”;*

18 (3) *in subsection (d)(1)—*

19 (A) *in subparagraph (C), by striking “and”*
20 *at the end; and*

21 (B) *by inserting after subparagraph (D) the*
22 *following new subparagraph:*

23 “(E) \$62,500,000 for fiscal year 2012;
24 and”;

25 (4) *in subsection (d)(2)—*

1 (A) in subparagraph (C), by striking “and”
2 at the end;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(E) \$22,000,000 for fiscal year 2012.”.

8 **SEC. 585. TECHNICAL CORRECTION.**

9 Section 525(a) of the Homeland Security Act of 2002
10 (6 U.S.C. 321n(a)) is amended by inserting “, acting
11 through the Administrator,” after “Secretary”.

12 **SEC. 586. CERTIFICATION THAT DISASTER FUND RECIPI-**
13 **ENTS SUBJECT TO RECOUPMENT RECEIVE A**
14 **NOTICE OF DEBT AND OPPORTUNITY TO AP-**
15 **PEAL BEFORE DEBT IS FORWARDED TO DE-**
16 **PARTMENT OF THE TREASURY.**

17 The Administrator of the Federal Emergency Manage-
18 ment Agency, or the Administrator’s duly appointed rep-
19 resentative, shall certify to the Department of the Treasury
20 that any recipient of disaster funds subject to recoupment
21 received a notice of debt and opportunity to appeal prior
22 to the Federal Emergency Management Agency forwarding
23 the debt to the Department of the Treasury.

1 **SEC. 587. CONFORMING AMENDMENT.**

2 *Section 316 of the Homeland Security Act of 2002 (6*
3 *U.S.C. 195b), and the item relating to such section in sec-*
4 *tion 1(b) of such Act, are repealed.*

5 **SEC. 588. DELEGATION OF AUTHORITIES TO THE REGIONAL**
6 **OFFICES REVIEW.**

7 *(a) IN GENERAL.—The Inspector General of the De-*
8 *partment shall audit how all regional offices within the*
9 *Federal Emergency Management Agency are carrying out*
10 *delegated authorities pursuant to the Post-Katrina Emer-*
11 *gency Management and Reform Act of 2006 and a memo-*
12 *randum executed in July 2009 by the Administrator.*

13 *(b) CONTENTS.—The audit shall assess, at a min-*
14 *imum, the following:*

15 *(1) The ability of each regional office to—*

16 *(A) coordinate, on an ongoing basis, with*
17 *State, local, and tribal governments, emergency*
18 *response providers, and other appropriate enti-*
19 *ties to identify and address regional priorities;*

20 *(B) foster better regional operable and*
21 *interoperable emergency communications capa-*
22 *bilities;*

23 *(C) support coordinated and integrated*
24 *Federal preparedness, protection, response, recov-*
25 *ery, and mitigation capabilities to respond to*

1 *natural disasters, acts of terrorism, and other*
2 *manmade disasters within that region;*

3 *(D) identify critical gaps in regional capa-*
4 *bilities to respond to populations with special*
5 *needs;*

6 *(E) conduct all procurements in a timely*
7 *and secure manner that prevents waste and*
8 *fraud and is consistent with Federal Emergency*
9 *Management Agency procurement policies and*
10 *programs;*

11 *(F) engage in employment practices that*
12 *are consistent with Federal requirements and are*
13 *transparent, efficient, and ethical; and*

14 *(G) effectively conduct ongoing oversight of*
15 *the use of homeland security grants and funding*
16 *within the region to promote greater prepared-*
17 *ness and response capabilities and prevent waste*
18 *and fraud.*

19 *(2) The impact of the delegation of authorities on*
20 *the Administrator's ability to achieve consistency*
21 *throughout the regions.*

22 *(3) The adequacy of oversight by the Adminis-*
23 *trator of how the regions are executing the delegated*
24 *authorities and carrying out assigned responsibilities.*

1 (4) *The impact of the delegation of authorities on*
2 *the Federal Emergency Management Agency and spe-*
3 *cific regions to address the recommendations of the*
4 *Office of Inspector General and the Comptroller Gen-*
5 *eral of the United States in a timely manner.*

6 **SEC. 589. LESSONS LEARNED FOR NATIONAL LEVEL EXER-**
7 **CISES.**

8 *The Administrator of the Federal Emergency Manage-*
9 *ment Agency shall provide electronically, to the maximum*
10 *extent practicable, lessons learned reports to each designated*
11 *representative of participating State, local, and tribal jurisdic-*
12 *tions and private sector entities that participate in Na-*
13 *tional Level Exercises of the Department. At the time the*
14 *Administrator provides such reports to participating jurisdic-*
15 *tions, the Administrator shall also provide the reports*
16 *electronically to the Committee on Homeland Security of*
17 *the House of Representatives and the Committee on Home-*
18 *land Security and Governmental Affairs of the Senate.*
19 *Each lessons learned report shall be tailored to convey infor-*
20 *mation on that exercise that could be leveraged to enhance*
21 *preparedness and response.*

22 **SEC. 590. SYSTEM ASSESSMENT AND VALIDATION FOR**
23 **EMERGENCY RESPONDERS.**

24 *The Under Secretary for Science and Technology of the*
25 *Department shall establish and maintain a program for*

1 *system assessment and validation of emergency responder*
2 *equipment, which shall be known as the “SAVER Pro-*
3 *gram”.* *The Under Secretary shall ensure that such pro-*
4 *gram—*

5 (1) *conducts objective, impartial, practitioner-*
6 *relevant, and operationally oriented assessments and*
7 *validations of commercial emergency responder equip-*
8 *ment and systems;*

9 (2) *is supported by a network of technical enti-*
10 *ties that coordinate emergency responder participa-*
11 *tion to perform the assessment and validation activi-*
12 *ties using robust scientific and testing protocols;*

13 (3) *in coordination with the Administrator of*
14 *the Federal Emergency Management Agency, identi-*
15 *fies emergency responder equipment information*
16 *needs and prioritizes equipment to be assessed;*

17 (4) *provides quantitative results along with other*
18 *relevant equipment information to the emergency re-*
19 *sponse provider community in an operationally use-*
20 *ful form;*

21 (5) *provides information on equipment that falls*
22 *within the categories listed in the Department’s au-*
23 *thorized equipment list;*

1 (6) provides information that enables decision-
2 makers and responders to better select, procure, use,
3 and maintain emergency responder equipment; and

4 (7) shares such information nationally with the
5 emergency response provider community at the Fed-
6 eral, State, and local levels.

7 **SEC. 591. NATIONAL TRANSPORTATION SECURITY CENTER**
8 **OF EXCELLENCE.**

9 Section 1205(d) of the Implementing Recommenda-
10 tions of the 9/11 Commission Act of 2007 (6 U.S.C.
11 1103(d)) is amended—

12 (1) in paragraph (3), by striking “and” at the
13 end;

14 (2) in paragraph (4), by striking the period at
15 the end and inserting a semicolon; and

16 (3) by adding at the end the following new para-
17 graphs:

18 “(5) \$18,000,000 for fiscal year 2012;

19 “(6) \$18,000,000 for fiscal year 2013; and

20 “(7) \$18,000,000 for fiscal year 2014.”.

21 **SEC. 592. MENTAL HEALTH COUNSELING FOR DISASTER**
22 **VICTIMS.**

23 The Secretary shall conduct a review on the activities
24 associated with mental health counseling for disaster vic-
25 tims to ensure that policies, procedures, and coordination

1 *efforts of the Department are adequate and serve the inter-*
2 *ests of disaster victims.*

3 **SEC. 593. EFFECTIVENESS OF CERTAIN DISASTER PREPARA-**
4 **TION.**

5 *The Comptroller General of the United States shall*
6 *conduct a study evaluating the effectiveness of the Robert*
7 *T. Stafford Disaster Relief and Emergency Assistance Act*
8 *(42 U.S.C. 5121 et seq.) relating to disaster housing pro-*
9 *grams and collaboration and coordination between the Fed-*
10 *eral Emergency Management Agency and the Department*
11 *of Housing and Urban Development.*

12 **TITLE VI—BORDER SECURITY**
13 **PROVISIONS**

14 **SEC. 601. DEFINITIONS.**

15 *In this title:*

16 (1) *COMMISSIONER.*—*The term “Commissioner”*
17 *means the Commissioner of U.S. Customs and Border*
18 *Protection of the Department of Homeland Security.*

19 (2) *MAJOR VIOLATOR.*—*The term “major viola-*
20 *tor” means a person or entity that is or has engaged*
21 *in serious criminal activities at any land, air, or sea*
22 *port of entry, including possession of narcotics, smug-*
23 *gling of prohibited products, human smuggling, weap-*
24 *ons possession, use of fraudulent United States docu-*

1 (2) *Investment in infrastructure, including pe-*
2 *destrian fencing, vehicle barriers, and roads.*

3 (3) *The use of unmanned aerial vehicles, camera*
4 *technology, sensors, and other innovative technology*
5 *as the Secretary may determine.*

6 (4) *Cooperative agreements with international,*
7 *State, local, tribal, and other Federal law enforcement*
8 *agencies that have jurisdiction on the northern border*
9 *and southern border.*

10 (5) *Other means designed to detect, respond to,*
11 *and interdict unlawful cross-border activity and to*
12 *reduce the level of violence.*

13 (6) *A schedule for implementing security meas-*
14 *ures, including a prioritization for future invest-*
15 *ments.*

16 (7) *A comprehensive technology plan for major*
17 *surveillance and detection technology programs, in-*
18 *cluding a justification and rationale for technology*
19 *choices and deployment locations.*

20 (8) *The feasibility of using existing Tethered*
21 *Aerostat Radar Systems for use along the southwest*
22 *border.*

23 (b) *SECURING THE BORDER AT PORTS OF ENTRY.—*

24 *Not later than 180 days after the date of the enactment of*
25 *this Act, the Secretary shall develop metrics to measure the*

1 *effectiveness of security at ports of entry, which shall con-*
2 *sider, at minimum, the following:*

3 (1) *The number of infractions related to per-*
4 *sonnel and cargo committed by major violators who*
5 *are apprehended by U.S. Customs and Border Protec-*
6 *tion at such ports of entry.*

7 (2) *The estimated number of such infractions*
8 *committed by major violators who are not so appre-*
9 *hended.*

10 (3) *The required number of U.S. Customs and*
11 *Border Protection Officers, Agricultural Specialists,*
12 *and Canine Enforcement Officers necessary to achieve*
13 *operational control at such ports of entry.*

14 (4) *Infrastructure improvements required to*
15 *achieve operational control at such ports of entry, in-*
16 *cluding the installation of nonintrusive detection*
17 *equipment, radiation portal monitors, biometrics, and*
18 *other sensors and technology that the Secretary deter-*
19 *mines necessary.*

20 (5) *The deployment of resources based on the*
21 *overall commercial and passenger traffic, cargo vol-*
22 *ume, and threat environment at such ports of entry.*

23 (c) *EVALUATION BY NATIONAL LABORATORY.—The*
24 *Secretary shall submit a request to a Department of Energy*
25 *national laboratory with appropriate expertise in border se-*

1 *curity to evaluate the suitability and statistical validity of*
2 *the measurement system required under subsection (b) for*
3 *analyzing progress in the interdiction of unlawful crossings*
4 *and contraband at ports of entry.*

5 *(d) CONSIDERATION OF ALTERNATIVE BORDER SECUR-*
6 *ITY STANDARDS.—If in developing the strategic plan re-*
7 *quired under subsection (a) the Secretary determines to*
8 *measure security between ports of entry by a standard other*
9 *than operational control, the Secretary shall submit a re-*
10 *quest to a Department of Energy national laboratory with*
11 *appropriate expertise in border security to evaluate the*
12 *suitability and statistical validity of the measurement sys-*
13 *tem required under subsection (b) for analyzing progress*
14 *in the interdiction of unlawful crossings and contraband*
15 *at ports of entry.*

16 *(e) REPORTS.—Not later than 90 days after the date*
17 *of the enactment of this Act and annually thereafter, the*
18 *Secretary shall submit to the appropriate congressional*
19 *committees a report on the following:*

20 *(1) A resource allocation model for current and*
21 *future year staffing requirements that includes opti-*
22 *mal staffing levels at all land, air, and sea ports of*
23 *entry and an explanation of U.S. Customs and Bor-*
24 *der Protection methodology for aligning staffing levels*

1 *and workload to threats and vulnerabilities across all*
2 *mission areas.*

3 (2) *Detailed information on the level of man-*
4 *power data available at all land, air, and sea ports*
5 *of entry, including the number of canine and agricul-*
6 *tural officers assigned to each such port of entry.*

7 (f) *PRIORITY.—In making infrastructure improve-*
8 *ments at ports of entry in accordance with subsection*
9 *(b)(4), the Commissioner of U.S. Customs and Border Pro-*
10 *tection, in coordination with the heads of relevant Federal*
11 *departments and agencies, shall give priority to those ports*
12 *of entry determined to be in most need of repair in order*
13 *to improve border security and for other purposes in accord-*
14 *ance with port of entry infrastructure assessment studies*
15 *required in section 603 of the Border Infrastructure and*
16 *Technology Modernization Act of 2007 (enacted as title VI*
17 *of division E of the Consolidated Appropriations Act, 2008*
18 *(Public Law 110–161)).*

19 **SEC. 603. MAINTAINING BORDER PATROL STAFFING.**

20 (a) *IN GENERAL.—Subject to the availability of appro-*
21 *priations, for each of fiscal years 2012 and 2013, the Sec-*
22 *retary shall maintain a force of not fewer than 21,300 Bor-*
23 *der Patrol agents and sufficient support staff for such*
24 *agents, including mechanics, administrative support, and*
25 *surveillance personnel.*

1 (b) *NORTHERN BORDER.*—*Of the Border Patrol agents*
2 *referred to in subsection (a), not fewer than 2,200 of such*
3 *agents shall be assigned to the northern border.*

4 (c) *DEPLOYMENT.*—*The Commissioner of U.S. Cus-*
5 *toms and Border Protection shall take into account appre-*
6 *hension rates, unlawful border crossings, and the number*
7 *of apprehensions of aliens unlawfully present in the United*
8 *States per Border Patrol agent when determining the de-*
9 *ployment locations of the Border Patrol agents referred to*
10 *in subsection (a).*

11 **SEC. 604. JAIME ZAPATA BORDER ENFORCEMENT SECURITY**

12 **TASK FORCE.**

13 (a) *ESTABLISHMENT.*—*There is established in United*
14 *States Immigration and Customs Enforcement (ICE) a*
15 *program known as a Border Enforcement Security Task*
16 *Force (referred to as “BEST”).*

17 (b) *PURPOSE.*—*The purpose of the BEST program is*
18 *to establish units to enhance border security by addressing*
19 *and reducing border security threats and violence by—*

20 (1) *facilitating collaboration among Federal,*
21 *State, local, tribal, and foreign law enforcement agen-*
22 *cies to execute coordinated activities in furtherance of*
23 *border security, and homeland security; and*

1 (2) *enhancing information-sharing, including the*
2 *dissemination of homeland security information*
3 *among such agencies.*

4 (c) *COMPOSITION AND DESIGNATION.—*

5 (1) *COMPOSITION.—BEST units may be com-*
6 *prised of personnel from—*

7 (A) *United States Immigration and Cus-*
8 *toms Enforcement;*

9 (B) *United States Customs and Border Pro-*
10 *tection;*

11 (C) *the Coast Guard;*

12 (D) *other Federal agencies, as appropriate;*

13 (E) *appropriate State law enforcement*
14 *agencies;*

15 (F) *foreign law enforcement agencies, as ap-*
16 *propriate;*

17 (G) *local law enforcement agencies from af-*
18 *ected border cities and communities; and*

19 (H) *appropriate tribal law enforcement*
20 *agencies.*

21 (2) *DESIGNATION.—The Secretary is authorized*
22 *to establish BEST units in jurisdictions where such*
23 *units can contribute to the BEST program's missions.*
24 *Prior to establishing a BEST unit, the Assistant Sec-*
25 *retary shall consider the following factors:*

1 (A) Whether the area where the BEST unit
2 would be established is significantly impacted by
3 cross-border threats.

4 (B) The availability of Federal, State, local,
5 tribal, and foreign law enforcement resources to
6 participate in the BEST unit.

7 (C) The extent to which border security
8 threats are having a significant harmful impact
9 in the jurisdiction in which the BEST unit is to
10 be established, and other jurisdictions of the
11 country.

12 (D) Whether or not an Integrated Border
13 Enforcement Team already exists in the area
14 where the BEST unit would be established.

15 (d) OPERATION.—After making a designation under
16 subsection (d)(2), and in order to provide Federal assistance
17 to the area so designated, the Secretary may—

18 (1) obligate such sums as are appropriated for
19 the BEST program;

20 (2) direct the assignment of Federal personnel to
21 the BEST program, subject to the approval of the
22 head of the department or agency that employs such
23 personnel; and

1 (3) *take other actions to assist State, local, trib-*
2 *al, and foreign jurisdictions to participate in the*
3 *BEST program.*

4 (e) *REPORT.—Not later than 180 days after the date*
5 *of the establishment of the BEST program under subsection*
6 *(b) and annually thereafter, the Secretary shall submit to*
7 *Congress a report on the effectiveness of the BEST program*
8 *in enhancing border security and reducing the drug traf-*
9 *ficking, arms smuggling, illegal alien trafficking and smug-*
10 *gling, violence, and kidnapping along and across the inter-*
11 *national borders of the United States as measured by crime*
12 *statistics, including violent deaths, incidents of violence,*
13 *and drug-related arrests.*

14 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
15 *authorized to be appropriated to the Secretary to carry out*
16 *this section \$15,400,000 for fiscal year 2012 over amounts*
17 *that are otherwise authorized to be appropriated for this*
18 *purpose. The \$15,400,000 in funds utilized to fund U.S. Im-*
19 *migration and Customs Enforcement’s border enforcement*
20 *security task force, better known as “BEST Teams”, will*
21 *be taken from the cancellation of the Department’s Ad-*
22 *vanced Spectroscopic Portal Program, or ASP.*

1 **SEC. 605. COST-EFFECTIVE TRAINING FOR BORDER PATROL**
2 **AGENTS.**

3 (a) *GOVERNMENT ACCOUNTABILITY OFFICE RE-*
4 *VIEW.*—Not later than 90 days after the date of the enact-
5 *ment of this Act, the Comptroller General of the United*
6 *States shall conduct a review of the basic training provided*
7 *by United States Customs and Border Protection to Border*
8 *Patrol agents to ensure that such training is being con-*
9 *ducted as efficiently and cost-effectively as possible.*

10 (b) *CONTENTS OF REVIEW.*—The review shall include
11 *the following:*

12 (1) *An evaluation of the appropriateness of the*
13 *length and content of the basic training curriculum*
14 *provided by the Federal Law Enforcement Training*
15 *Center to new Border Patrol agents.*

16 (2) *An evaluation of the appropriateness and a*
17 *detailed breakdown of the costs incurred by United*
18 *States Customs and Border Protection and the Fed-*
19 *eral Law Enforcement Training Center to train one*
20 *new Border Patrol agent.*

21 (3) *A cost and effectiveness of training compari-*
22 *son with other similar law enforcement training pro-*
23 *grams provided by State and local agencies, non-prof-*
24 *it organizations, universities, and the private sector.*

1 (4) *Recommendations to increase the number of*
2 *Border Patrol agents trained per year, and to reduce*
3 *the per-agent costs of basic training—*

4 (A) *through utilization of comparable train-*
5 *ing programs sponsored by State and local agen-*
6 *cies, non-profit organizations, universities, and*
7 *the private sector;*

8 (B) *by allowing Border Patrol agents to*
9 *take proficiency tests, enroll in long distance*
10 *learning programs, and waive such courses as*
11 *Spanish language instruction or physical fitness;*
12 *or*

13 (C) *by any other means the Comptroller*
14 *General considers appropriate.*

15 **SEC. 606. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES**
16 **OF U.S. CUSTOMS AND BORDER PROTECTION**
17 **RELATED TO BORDER SECURITY.**

18 (a) *PROHIBITION ON SECRETARIES OF THE INTERIOR*
19 *AND AGRICULTURE.—The Secretary of the Interior or the*
20 *Secretary of Agriculture shall not impede, prohibit, or re-*
21 *strict activities of U.S. Customs and Border Protection on*
22 *land that is located within 100 miles of the international*
23 *land borders of the United States that would otherwise be*
24 *under the jurisdiction of the Secretary of the Interior or*
25 *the Secretary of Agriculture in order to achieve operational*

1 *control over the international land borders of the United*
2 *States.*

3 **(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND**
4 *BORDER PROTECTION.*—*Notwithstanding any other provi-*
5 *sion of law, U.S. Customs and Border Protection shall have*
6 *access to land under the jurisdiction of the Secretary of the*
7 *Interior or the Secretary of Agriculture that is located with-*
8 *in 100 miles of the international land borders of the United*
9 *States for purposes of conducting the following activities on*
10 *such land that assist in securing the international land bor-*
11 *ders of the United States:*

12 (1) *Construction and maintenance of roads.*

13 (2) *Construction and maintenance of fences.*

14 (3) *Use vehicles to patrol.*

15 (4) *Installation, maintenance, and operation of*
16 *surveillance equipment and sensors.*

17 (5) *Use of aircraft.*

18 (6) *Deployment of temporary tactical infrastruc-*
19 *ture, including forward operating bases.*

20 **(c) PROTECTION OF NATURAL AND CULTURAL RE-**
21 *SOURCES.*—*The activities described in subsection (b) shall*
22 *be conducted, to the maximum extent practicable, in a man-*
23 *ner that the Commissioner of U.S. Customs and Border*
24 *Protection determines will best protect the natural and cul-*
25 *tural resources on Federal lands.*

1 (d) *PROTECTION OF LEGAL USES.*—*This section shall*
2 *not be construed to provide—*

3 (1) *authority to restrict legal uses, such as graz-*
4 *ing, hunting, or mining, on land under the jurisdic-*
5 *tion of the Secretary of the Interior or the Secretary*
6 *of Agriculture; or*

7 (2) *any additional authority to restrict legal ac-*
8 *cess to such land.*

9 (e) *LIMITATION REGARDING INTERMINGLED PRIVATE*
10 *AND STATE LAND.*—*This section shall not apply to any pri-*
11 *vate or State-owned land within the boundaries of Federal*
12 *lands.*

13 **SEC. 607. BORDER SECURITY INFRASTRUCTURE AND TECH-**
14 **NOLOGY.**

15 (a) *IN GENERAL.*—*The Commissioner, in collaboration*
16 *with the Under Secretary for Science and Technology, shall*
17 *identify equipment and technology described in subsection*
18 *(b) that would enhance the security of the northern and*
19 *southern borders.*

20 (b) *EQUIPMENT AND TECHNOLOGY DESCRIBED.*—*The*
21 *equipment and technology referred to in subsection (a) shall*
22 *include equipment and technology designed to—*

23 (1) *detect anomalies such as tunnels and*
24 *breaches in perimeter security;*

25 (2) *detect the use of unauthorized vehicles;*

1 (3) *detect low-flying aircraft;*

2 (4) *employ unmanned vehicles; or*

3 (5) *otherwise strengthen the ability to detect and*
4 *deter unlawful entries at and between ports of entry.*

5 (c) *CONSULTATION.*—*In carrying out this section, the*
6 *Commissioner shall consult with the Assistant Secretary of*
7 *Defense for Research and Engineering to leverage existing*
8 *research and development of relevant equipment and tech-*
9 *nologies.*

10 (d) *OFF-THE-SHELF TECHNOLOGY.*—*In identifying*
11 *equipment and technology under subsection (a), the Sec-*
12 *retary shall endeavor to integrate equipment technology*
13 *that has already been acquired and deployed on the north-*
14 *ern and southern border, including cameras, sensors, un-*
15 *manned aerial vehicles, radar, and other technologies, along*
16 *with the emerging technology, using commercial off-the-shelf*
17 *software products in order to establish a common operating*
18 *picture that can autonomously process data, identify*
19 *threats, and initiate an appropriate response.*

20 **SEC. 608. NORTHERN BORDER CANINE TEAMS.**

21 (a) *DEPLOYMENT OF CANINES.*—*Not later than one*
22 *year after the date of the enactment of this Act, the Sec-*
23 *retary shall deploy no less than one additional canine en-*
24 *forcement team, capable of detecting narcotics, at each of*
25 *the 5 busiest northern ports of entry as determined by traf-*

1 *fic volume, and at other ports of entry as the Secretary de-*
2 *termines appropriate.*

3 **(b) ACQUISITION OF CANINES.**—*In acquiring canine*
4 *assets required under subsection (a), the Secretary shall, to*
5 *the greatest extent possible, acquire canines that are bred*
6 *in the United States.*

7 **(c) REPORTING REQUIREMENT.**—*One year after the*
8 *deployment of additional canines under subsection (a), the*
9 *Secretary shall provide information to the appropriate con-*
10 *gressional committees analyzing the effectiveness of the ca-*
11 *nine enforcement teams in enhancing operational control*
12 *and reducing the unlawful trafficking of drugs, or for other*
13 *homeland security missions, with comparisons to relevant*
14 *statistics measuring similar activity in prior years.*

15 **(d) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
16 *authorized to be appropriated \$1,000,000 to carry out this*
17 *section.*

18 **SEC. 609. UNMANNED VEHICLES PILOT PROGRAM.**

19 **(a) IN GENERAL.**—*Not later than six months after the*
20 *date of the enactment of this Act, the Commissioner, in co-*
21 *operation with the Under Secretary of Homeland Security*
22 *for Science and Technology, shall initiate a six-month pilot*
23 *program to test the use of autonomous unmanned vehicles.*

1 (b) *LOCATION.*—*The pilot program shall, at a min-*
2 *imum, test the effectiveness of autonomous unmanned vehi-*
3 *cles to patrol—*

4 (1) *the maritime environment along the northern*
5 *border; and*

6 (2) *the land environment along the southern bor-*
7 *der.*

8 (c) *REPORT.*—*Not later than six months after the date*
9 *of the completion of the pilot program, the Under Secretary*
10 *of Homeland Security for Science and Technology shall sub-*
11 *mit to the appropriate congressional committees a report*
12 *on the effectiveness and scalability of the use of autonomous*
13 *unmanned vehicles to patrol the locations described in sub-*
14 *section (b).*

15 (d) *USE OF AVAILABLE FUNDING.*—*The Secretary*
16 *may use funding already appropriated for the Innovative*
17 *Technology Pilot Program to pay for the pilot described in*
18 *this section.*

19 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
20 *shall be constructed as authorizing flight testing of autono-*
21 *mous unmanned vehicles that are unmanned aerial vehicles*
22 *in any area except for segregated airspace.*

23 **SEC. 610. REPORT ON UNMANNED AERIAL VEHICLES.**

24 (a) *IN GENERAL.*—*Not later than 270 days after the*
25 *date of the enactment of this Act, the Comptroller General*

1 of the United States shall submit to the appropriate con-
2 gressional committees a report that analyzes and compares
3 the costs and missions of different aviation assets, including
4 unmanned aerial vehicles, utilized by U.S. Customs and
5 Border Protection and the Coast Guard, to assess the cost
6 efficiencies and operational advantages provided by un-
7 manned aerial vehicles as compared to manned aerial vehi-
8 cles.

9 (b) *REQUIRED DATA.*—The report required under sub-
10 section (a) shall include a detailed assessment of costs for
11 operating each type of asset described in such report, in-
12 cluding—

13 (1) fuel costs;

14 (2) crew and staffing costs;

15 (3) maintenance costs;

16 (4) communication and satellite bandwidth costs;

17 (5) costs associated with the acquisition of each
18 type of such asset; and

19 (6) any other relevant costs necessary to provide
20 a holistic analysis and to identify potential cost sav-
21 ings.

22 **SEC. 611. STUDENT VISA SECURITY IMPROVEMENT.**

23 (a) *ENHANCED STUDENT VISA BACKGROUND*
24 *CHECKS.*—Section 428(e) of the Homeland Security Act of

1 *2002 (6 U.S.C. 236(e)) is amended by adding at the end*
2 *the following new paragraph:*

3 “(9) *STUDENT VISAS.—In administering the*
4 *program under this subsection, the Secretary, not*
5 *later than 180 days after the date of the enactment*
6 *of the Student Visa Security Improvement Act,*
7 *shall—*

8 “(A) *prescribe regulations to require em-*
9 *ployees assigned under paragraph (1) to review*
10 *the applications of all applicants recommended*
11 *by Department of State personnel for visas under*
12 *subparagraph (F), (J), or (M) of section*
13 *101(a)(15) of the Immigration and Nationality*
14 *Act (8 U.S.C. 1101(a)(15)), and conduct in-per-*
15 *son interviews where appropriate, prior to final*
16 *adjudication, with special emphasis on deter-*
17 *mining whether applicants are inadmissible*
18 *under section 212(a)(3)(B) of such Act (8 U.S.C.*
19 *1182(a)(3)(B)) (relating to terrorist activities);*

20 “(B) *ensure that employees assigned under*
21 *paragraph (1) conduct on-site reviews of any ap-*
22 *plications and supporting documentation for*
23 *visas under subparagraph (F), (J), or (M) of sec-*
24 *tion 101(a)(15) of the Immigration and Nation-*

1 *ality Act (8 U.S.C. 1101(a)(15)) that they deem*
2 *appropriate prior to final adjudication; and*

3 “(C) update, in consultation with the Sec-
4 retary of State, the memorandum of under-
5 standing between the Department of Homeland
6 Security and the Department of State regarding
7 implementation of this section to clarify the roles
8 and responsibilities of employees assigned under
9 paragraph (1) specifically with regard to the du-
10 ties prescribed by this paragraph.”.

11 (b) *STUDENT AND EXCHANGE VISITOR PROGRAM.—*
12 *Section 442 of the Homeland Security Act of 2002 (6 U.S.C.*
13 *252) is amended—*

14 (1) *in subsection (a)—*

15 (A) *by redesignating paragraph (5) as*
16 *paragraph (11); and*

17 (B) *by inserting after paragraph (4) the fol-*
18 *lowing new paragraph:*

19 “(5) *STUDENT AND EXCHANGE VISITOR PRO-*
20 *GRAM.—In administering the program under para-*
21 *graph (4), the Secretary shall, not later than one year*
22 *after the date of the enactment of the Student Visa Se-*
23 *curity Improvement Act—*

24 “(A) *prescribe regulations to require an in-*
25 *stitution or exchange visitor program sponsor*

1 *participating in the Student and Exchange Vis-*
2 *itor Program to ensure that each covered student*
3 *or exchange visitor enrolled at the institution or*
4 *attending the exchange visitor program—*

5 “(i) *is an active participant in the*
6 *program for which the covered student or*
7 *exchange visitor was issued a visa to enter*
8 *the United States;*

9 “(ii) *is not unobserved for any pe-*
10 *riod—*

11 “(I) *exceeding 30 days during*
12 *any academic term or program in*
13 *which the covered student or exchange*
14 *visitor is enrolled; or*

15 “(II) *exceeding 60 days during*
16 *any period not described in subclause*
17 *(I); and*

18 “(iii) *is reported to the Department*
19 *within 10 days of—*

20 “(I) *transferring to another insti-*
21 *tution or program;*

22 “(II) *changing academic majors;*
23 *or*

1 “(III) any other changes to infor-
2 mation required to be maintained in
3 the system described in paragraph (4);

4 “(B) notwithstanding subparagraph (A), re-
5 quire each covered student or exchange visitor to
6 be observed at least once every 60 days; and

7 “(C) prescribe regulations defining what
8 constitutes the commencement of participation of
9 a covered student in a designated exchange vis-
10 itor program (as defined in section 641(h) of the
11 Illegal Immigration Reform and Immigrant Re-
12 sponsibility Act of 1996 (8 U.S.C. 1372(h))).

13 “(6) *ENHANCED ACCESS.*—The Secretary shall
14 provide access to the Student and Exchange Visitor
15 Information System (hereinafter in this subsection re-
16 ferred to as the ‘SEVIS’), or other equivalent or suc-
17 cessor program or system, to appropriate employees of
18 an institution or exchange visitor program sponsor
19 participating in the Student and Exchange Visitor
20 Program if—

21 “(A) at least two authorized users are iden-
22 tified at each participating institution or ex-
23 change visitor sponsor;

24 “(B) at least one additional authorized user
25 is identified at each such institution or sponsor

1 *for every 200 covered students or exchange visi-*
2 *tors enrolled at the institution or sponsor; and*

3 “(C) *each authorized user is certified by the*
4 *Secretary as having completed an appropriate*
5 *training course provided by the Department for*
6 *the program or system.*

7 “(7) *PROGRAM SUPPORT.—The Secretary shall*
8 *provide appropriate technical support options to fa-*
9 *cilitate use of the program or system described in*
10 *paragraph (4) by authorized users.*

11 “(8) *SEVIS DATA.—The system described in*
12 *paragraph (4) shall include—*

13 “(A) *verification that a covered student’s*
14 *performance meets the minimum academic*
15 *standards of the institution in which such stu-*
16 *dent is enrolled; and*

17 “(B) *timely entry of any information re-*
18 *quired by paragraph (5) regarding covered stu-*
19 *dents and exchange visitors enrolled at institu-*
20 *tions or exchange program sponsors.*

21 “(9) *SAVINGS CLAUSE.—Nothing in this section*
22 *shall prohibit the Secretary or any institution or ex-*
23 *change program sponsor participating in the Student*
24 *Exchange Visitor Program from requiring more fre-*

1 quent observations of covered students or exchange
2 visitors.

3 “(10) *DECERTIFICATION.*—*The Secretary is au-*
4 *thorized, without notice, to decertify any approved in-*
5 *stitution or exchange visitor program sponsor if such*
6 *institution or exchange visitor program sponsor is en-*
7 *gaged in egregious criminal activities or is a threat*
8 *to national security.”; and*

9 (2) *by adding at the end the following new sub-*
10 *section:*

11 “(d) *DEFINITIONS.*—*For purposes of this section:*

12 “(1) *The term ‘covered student’ means a student*
13 *who is a nonimmigrant pursuant to subparagraph*
14 *(F), (J), or (M) of section 101(a)(15) of the Immigra-*
15 *tion and Nationality Act (8 U.S.C. 1101(a)(15)).*

16 “(2) *The term ‘observed’ means positively identi-*
17 *fied by physical or electronic means.*

18 “(3) *The term ‘authorized user’ means an indi-*
19 *vidual nominated by an institution participating in*
20 *the Student and Exchange Visitor Program and con-*
21 *firmed by the Secretary as not appearing on any ter-*
22 *rorist watch list.”.*

23 “(c) *COMPTROLLER GENERAL REVIEW.*—*The Comp-*
24 *troller General shall conduct a review of the fees for the Stu-*
25 *dent and Exchange Visitor Program of the Department of*

1 *Homeland Security. The Comptroller General shall include*
2 *in such review data from fiscal years 2007 through 2011*
3 *and shall consider fees collected by the Department and all*
4 *expenses associated with the review, issuance, maintenance,*
5 *data collection, and enforcement functions of the Student*
6 *and Exchange Visitor Program.*

7 **SEC. 612. ASIA-PACIFIC ECONOMIC COOPERATION BUSI-**
8 **NESS TRAVEL CARDS.**

9 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
10 *rity, in coordination with the Secretary of State, may issue*
11 *Asia-Pacific Economic Cooperation Business Travel Cards*
12 *(in this section referred to as “ABT Cards”) to any eligible*
13 *person, including—*

14 (1) *business leaders; and*

15 (2) *United States Government officials engaged*
16 *in Asia-Pacific Economic Cooperation (APEC) busi-*
17 *ness.*

18 (b) *ELIGIBILITY.*—*To be eligible for an ABT Card*
19 *under this section, an individual must be approved and in*
20 *good standing in an international trusted traveler program*
21 *of the Department of Homeland Security, including*
22 *NEXUS, SENTRI, and Global Entry.*

23 (c) *INTEGRATION WITH EXISTING TRAVEL PRO-*
24 *GRAMS.*—*The Secretary shall, to the extent practicable, in-*
25 *tegrate application procedures for, and issuance, suspen-*

1 sion, and revocation of, *ABT Cards* with other appropriate
2 international trusted traveler programs conducted by the
3 Department, including *NEXUS*, *SENTRI*, and *Global*
4 *Entry*.

5 (d) *COOPERATION WITH PRIVATE ENTITIES*.—In car-
6 rying out this section, the Secretary may consult with ap-
7 propriate private sector entities.

8 (e) *REGULATIONS*.—The Secretary may prescribe such
9 regulations as may be necessary to implement this section.

10 (f) *FEES*.—

11 (1) *IN GENERAL*.—The Secretary may charge a
12 fee for the issuance of *ABT Cards* and any associated
13 costs which shall be set at a level that will ensure re-
14 covery of the full costs of providing and administering
15 the *ABT Cards*.

16 (2) *ACCOUNT FOR COLLECTIONS*.—The Secretary
17 may establish a fund for the collection of fees under
18 paragraph (1), which shall be made available to pay
19 the costs incurred to administer.

20 (3) *LIMITATION*.—The Secretary shall ensure
21 that the total amount of any fee available to be used
22 under paragraph (4) in any fiscal year does not ex-
23 ceed the costs associated with carrying out this section
24 in such fiscal year.

1 (g) *TERMINATION OF PROGRAM.*—*The Secretary, in*
2 *consultation with the Secretary of State, may terminate ac-*
3 *tivities under this section if the Secretary deems it in the*
4 *interest of the United States to do so.*

5 **SEC. 613. BORDER CROSSING DOCUMENTATION.**

6 *The Commissioner of U.S. Customs and Border Protec-*
7 *tion shall carry out the NEXUS, SENTRI, Global Entry,*
8 *and ABT Card (as described in section 612) programs of*
9 *U.S. Customs and Border Protection.*

10 **SEC. 614. INTERNAL REVIEW OF ADEQUACY OF U.S. CUS-**

11 **TOMS AND BORDER PROTECTION IN BUSIEST**

12 **INTERNATIONAL AIRPORTS.**

13 *The Secretary, acting through U.S. Customs and Bor-*
14 *der Protection, shall within 180 days after the date of enact-*
15 *ment of this Act conduct an internal review to ensure that*
16 *there enough U.S. Customs and Border Protection agents*
17 *in each of the 10 international airports in the United States*
18 *with the largest volume of international travelers.*

19 **SEC. 615. PORT SECURITY GRANT PROGRAM.**

20 *Section 70107(l) of title 46, United States Code, is*
21 *amended by striking “2013” and inserting “2014”.*

22 **SEC. 616. PORT SECURITY GRANT FUNDING FOR MANDATED**

23 **SECURITY PERSONNEL.**

24 *Section 70107(b)(1) of title 46, United States Code, is*
25 *amended by striking the period and inserting the following:*

1 “, including overtime and backfill costs incurred in support
2 of other expenditures authorized under this subsection, ex-
3 cept that not more than 50 percent of amounts received by
4 a grantee under this section for a fiscal year may be used
5 under this paragraph.”.

6 **SEC. 617. SECURING THE TWIC AGAINST USE BY UNAU-**
7 **THORIZED ALIENS.**

8 (a) *PROCESS.*—

9 (1) *IN GENERAL.*—Not later than 180 days after
10 the date of enactment of this Act, the Secretary shall
11 establish a process to ensure, to the maximum extent
12 practicable, that aliens unlawfully present in the
13 United States are unable to obtain or use a Transpor-
14 tation Worker Identification Credential (in this sec-
15 tion referred to as “TWIC”).

16 (2) *COMPONENTS.*—Under the process, the Sec-
17 retary shall—

18 (A) publish a list of documents that will
19 identify TWIC applicants and verify their im-
20 migration statuses by requiring each applicant
21 to produce a document or documents that dem-
22 onstrate—

23 (i) identity; and

1 (ii) proof of United States citizenship
2 or authorization to work in the United
3 States; and

4 (B) establish training requirements to en-
5 sure that trusted agents at TWIC enrollment cen-
6 ters receive training to identify fraudulent docu-
7 ments.

8 (b) *EXPIRATION OF TWICs.*—A TWIC expires 5 years
9 after the date it is issued, except that if an individual is
10 in a lawful nonimmigrant status category—

11 (1) the term of any TWIC issued to the appli-
12 cant shall not to exceed the expiration of the visa held
13 by the applicant; and

14 (2) a TWIC issued to the individual expires on
15 the date of the expiration of such status, notwith-
16 standing the expiration date on the face of the TWIC.

17 **SEC. 618. SMALL VESSEL THREAT ANALYSIS.**

18 Not later than 1 year after the date of enactment of
19 this Act, the Secretary shall submit to the appropriate con-
20 gressional committees a report analyzing the threat of, vul-
21 nerability to, and consequence of an act of terrorism using
22 a small vessel to attack United States vessels, ports, or mar-
23 itime interests.

1 **SEC. 619. CUSTOMS AND BORDER PROTECTION PROFES-**
2 **SIONALISM AND TRANSPARENCY.**

3 *To increase professionalism and transparency U.S.*
4 *Customs and Border Protection shall—*

5 *(1) publish live wait times at all United States*
6 *air ports of entry, as determined by calculating the*
7 *time elapsed between an individual's entry into the*
8 *U.S. Customs and Border Protection inspection area*
9 *and the individual's clearance by a U.S. Customs and*
10 *Border Protection officer;*

11 *(2) make information about such wait times*
12 *available to the public in real time through the U.S.*
13 *Customs and Border Protection Web site;*

14 *(3) submit monthly reports to Congress that in-*
15 *clude compilations of all such wait times and that*
16 *ranking all United States international airports by*
17 *wait times; and*

18 *(4) increase staffing at the U.S. Customs and*
19 *Border Protection INFO center to reduce wait times*
20 *to under ten minutes for travelers attempting to sub-*
21 *mit comments or speak with a representative about*
22 *their entry experience.*

23 **SEC. 620. SENSE OF CONGRESS REGARDING DEPLOYMENT**
24 **OF ADDITIONAL UAV.**

25 *It is the sense of Congress that, due to frequently*
26 *changing weather conditions and strict air regulations, the*

1 *Secretary should deploy an additional unmanned aerial ve-*
2 *hicle (UAV) over the number of such UAVs that are so de-*
3 *ployed as of the date of the enactment of this Act, at a south-*
4 *west border airfield between Department operations located*
5 *at Fort Huachuca in Sierra Vista, Arizona, and the Naval*
6 *Air Station (NAS) in Corpus Christi, Texas, in order to*
7 *reduce the frequent weather-related lapses in constant sur-*
8 *veillance that weaken security along the international bor-*
9 *ders of the United States and to allow U.S. Customs and*
10 *Border Protection to work with other Federal departments*
11 *and agencies, such as the Air National Guard, to operate*
12 *such missions.*

13 **SEC. 621. REPORT ON STATUS OF UNOBLIGATED BALANCES**
14 **IN U.S. CUSTOMS AND BORDER PROTECTION**
15 **CUSTOMS USER FEE ACCOUNT.**

16 *Not later than 90 days after the date of the enactment*
17 *of this Act, the Secretary shall submit to the appropriate*
18 *congressional committees a report regarding the status of*
19 *\$640,000,000 in unobligated balances in the Customs User*
20 *Fee Account, as reported by the Government Accountability*
21 *Office in report GAO-11-318SP. The report required under*
22 *this section shall include a final determination on the total*
23 *amount of unobligated balances available.*

1 **SEC. 622. OUTBOUND INSPECTIONS.**

2 (a) *IN GENERAL.*—Not later than two years after the
3 date of the enactment of this Act, the Secretary shall ensure
4 that U.S. Customs and Border Protection has instituted an
5 outbound inspections program at land ports of entry.

6 (b) *PROGRAM COMPONENTS.*—In executing the out-
7 bound inspections program under this section, the Secretary
8 shall leverage existing resources and capabilities within the
9 Department to—

10 (1) ensure that risk-based outbound inspections
11 are routinely conducted;

12 (2) provide for such inspections to be conducted
13 in a safe and efficient manner;

14 (3) direct appropriate resources to areas that
15 demonstrate a higher risk of outbound violations;

16 (4) include a strategy for mitigating efforts by
17 smuggling organizations to circumvent such inspec-
18 tions; and

19 (5) collect information concerning aliens exiting
20 the United States, pursuant to section 110 of the Ille-
21 gal Immigration Reform and Immigrant Responsi-
22 bility Act of 1996 (8 U.S.C. 1365a).

23 (c) *WAIT TIMES.*—The Secretary shall ensure that out-
24 bound inspections carried out under this section do not add
25 significantly to wait times for crossing the border.

1 **SEC. 623. DEPORTING CRIMINAL ALIENS.**

2 *There is authorized to be appropriated to U.S. Cus-*
3 *toms and Immigration Enforcement \$1,600,000,000 for*
4 *each of fiscal years 2012 and 2013 to—*

5 *(1) identify aliens who—*

6 *(A) have been convicted of a crime; or*

7 *(B) may pose a serious risk to public safety*
8 *or national security; and*

9 *(2) remove from the United States any aliens*
10 *identified under paragraph (1) who may be deport-*
11 *able.*

12 **SEC. 624. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS**
13 **ENFORCEMENT.**

14 *(a) IN GENERAL.—Section 442 of the Homeland Secu-*
15 *rity Act of 2002 (6 U.S.C. 252), as amended by section*
16 *611(b), is further amended to read as follows:*

17 **“SEC. 442. ESTABLISHMENT OF IMMIGRATION AND CUS-**
18 **TOMS ENFORCEMENT.**

19 *“(a) ESTABLISHMENT.—There is established within*
20 *the Department an agency to be known as Immigration and*
21 *Customs Enforcement.*

22 *“(b) FUNCTIONS.—The primary functions of the agen-*
23 *cy are the following:*

24 *“(1) To conduct criminal investigations relating*
25 *to homeland security, particularly investigations re-*

1 *lating to border security, customs, immigration, natu-*
2 *ralization, trade, travel, and transportation security.*

3 *“(2) To enforce Federal immigration and natu-*
4 *ralization laws, particularly those laws relating to*
5 *arrest, detention, removal, employment verification,*
6 *and fraud.*

7 *“(c) DIRECTOR.—*

8 *“(1) IN GENERAL.—The head of Immigration*
9 *and Customs Enforcement shall be the Director of Im-*
10 *migration and Customs Enforcement. The Director*
11 *shall—*

12 *“(A) be appointed by the President, by and*
13 *with the advice and consent of the Senate;*

14 *“(B) exercise the duties and powers de-*
15 *scribed in this section, prescribed by other law,*
16 *or delegated by the Secretary; and*

17 *“(C) report directly to the Secretary.*

18 *“(2) COMPENSATION.—The Director shall be*
19 *compensated at the rate of pay for level III of the Ex-*
20 *ecutive Schedule as provided in section 5314 of title*
21 *5, United States Code.*

22 *“(d) DUTIES AND POWERS OF THE DIRECTOR.—Sub-*
23 *ject to the supervision of the Secretary, the Director shall*
24 *be responsible for the direction, management, and adminis-*

1 *tration of the Immigration and Customs Enforcement, its*
2 *employees, and its programs.*

3 “(1) *CRIMINAL INVESTIGATION.*—*The Director*
4 *shall have the power to investigate and, where appro-*
5 *priate, refer for prosecution, any criminal violation of*
6 *Federal law relating to or involving—*

7 “(A) *border control and security (including*
8 *ports of entry), including the prevention of the*
9 *entry or residence of terrorists, criminals, and*
10 *human rights violators;*

11 “(B) *customs, trade, import, or export con-*
12 *trol, including the illicit possession, movement*
13 *of, or trade in goods, services, property, contra-*
14 *band, arms, items controlled or prohibited from*
15 *export, pornography, intellectual property, or*
16 *monetary instruments;*

17 “(C) *transnational money laundering or*
18 *bulk cash smuggling;*

19 “(D) *immigration or naturalization;*

20 “(E) *alien gangs or criminal syndicates;*

21 “(F) *possession of a firearm or explosive by*
22 *an alien;*

23 “(G) *the employment or abuse of an alien,*
24 *including trafficking and peonage, labor viola-*

1 *tions, sexual exploitation, pornography, prostitu-*
2 *tion, and sex tourism;*

3 “(H) *identification, travel, or employment*
4 *documents;*

5 “(I) *identity theft or misuse of social secu-*
6 *urity account numbers or information when such*
7 *theft relates to or affects border security, customs,*
8 *immigration, naturalization, trade, travel, and*
9 *transportation security;*

10 “(J) *travel and transportation security;*

11 “(K) *any other authorities previously held*
12 *by the Commissioner of Customs, the Commis-*
13 *sioner of the Immigration and Naturalization*
14 *Service, and the Under Secretary for Border and*
15 *Transportation Security; and*

16 “(L) *such other authorities of the Depart-*
17 *ment as the Secretary may prescribe.*

18 “(2) *CIVIL IMMIGRATION AND NATURALIZATION*
19 *ENFORCEMENT.—The Director shall have the power to*
20 *enforce the civil immigration and naturalization laws*
21 *of the United States, including the civil and adminis-*
22 *trative power to—*

23 “(A) *investigate, locate, and arrest any*
24 *alien subject to exclusion, deportation, or re-*
25 *moval from the United States;*

1 “(B) remove any alien subject to exclusion,
2 deportation, or removal from the United States
3 through appropriate administrative removal pro-
4 ceedings;

5 “(C) detain an alien for purposes of exclu-
6 sion, deportation, or removal, or as otherwise
7 provided by law;

8 “(D) enforce Federal law relating to the un-
9 lawful employment of aliens and to immigration
10 document fraud; and

11 “(E) exercise such other authorities relating
12 to the enforcement of the immigration and natu-
13 ralization laws that the Secretary may prescribe.

14 “(3) *ENFORCEMENT POLICY.*—The Director
15 shall—

16 “(A) establish and direct the policies of the
17 Immigration and Customs Enforcement;

18 “(B) advise the Secretary and other senior
19 officers of the Department on policy matters re-
20 lating to Immigration and Customs Enforcement
21 and its duties;

22 “(C) coordinate, on behalf of the Depart-
23 ment, with Federal, State, tribal, and foreign
24 agencies to promote the efficient—

1 “(i) investigation of criminal viola-
2 tions of the border security, customs, immi-
3 gration, naturalization, trade, travel, and
4 transportation laws of the United States;
5 and

6 “(ii) civil enforcement of the immigra-
7 tion and naturalization laws of the United
8 States.

9 “(4) GENERAL ENFORCEMENT POWERS.—The
10 Director may authorize agents and officers of Immi-
11 gration and Customs Enforcement to—

12 “(A) execute warrants issued under the laws
13 of the United States;

14 “(B) carry firearms;

15 “(C) make arrests without warrant for any
16 offense against the United States committed in
17 their presence, or for any felony cognizable under
18 the laws of the United States if they have reason-
19 able grounds to believe that the person to be ar-
20 rested has committed or is committing such fel-
21 ony;

22 “(D) offer and pay rewards for services and
23 information leading to the apprehension of per-
24 sons involved in the violation or potential viola-
25 tion of those provisions of law which Immigra-

1 *tion and Customs Enforcement is authorized to*
2 *enforce; and*

3 *“(E) issue civil detainees for purposes of*
4 *immigration enforcement.*

5 *“(5) ADDITIONAL DUTIES AND POWERS.—*

6 *“(A) IN GENERAL.—The Director shall exer-*
7 *cise any other powers prescribed by law and such*
8 *ancillary powers as are necessary to carry out*
9 *the duties and powers described in this section,*
10 *including the relevant powers previously held by*
11 *the Commissioner of Customs, the Commissioner*
12 *of the Immigration and Naturalization Service,*
13 *and the Under Secretary for Border and Trans-*
14 *portation Security.*

15 *“(B) INSPECTION, SEIZURE, AND*
16 *SEARCH.—In carrying out the duties prescribed*
17 *in this section, the Director may exercise the in-*
18 *spection, seizure, and search authorities pre-*
19 *viously held by the Commissioner of Customs, the*
20 *Commissioner of the Immigration and Natu-*
21 *ralization Service, and the Under Secretary for*
22 *Border and Transportation Security.*

23 *“(C) IMMIGRATION ENFORCEMENT.—In car-*
24 *rying out the immigration enforcement duties of*
25 *this section, the Director shall have the authority*

1 *to identify aliens in the criminal justice system*
2 *who have been charged with or convicted of*
3 *criminal offenses and are subject to removal.*

4 “(D) *INTELLECTUAL PROPERTY PROTEC-*
5 *TION.—The Director shall establish and admin-*
6 *ister a National Intellectual Property Rights Co-*
7 *ordination Center to promote Federal and inter-*
8 *national investigation of intellectual property of-*
9 *fenses.*

10 “(E) *LIMITATION.—Notwithstanding the*
11 *authority in paragraph (1)(A) relating to terror-*
12 *ists, primary responsibility for investigating acts*
13 *of terrorism shall rest with the Federal, State,*
14 *and local law enforcement agencies with jurisdic-*
15 *tion over the acts in question.*

16 “(F) *VESTING.—All functions of all officers,*
17 *employees, and organizational units of Immigra-*
18 *tion and Customs Enforcement are vested in the*
19 *Director.*

20 “(G) *DELEGATION.—Except as otherwise*
21 *prohibited by law, the Director may delegate any*
22 *of the Director’s duties and powers to any em-*
23 *ployee or organizational unit of Immigration*
24 *and Customs Enforcement.*

1 “(6) *OVERSEAS OFFICES.*—*In coordination with*
2 *the Department of State, the Director shall establish*
3 *and staff liaison offices in appropriate foreign coun-*
4 *tries to support the international activities and rela-*
5 *tionships of Immigration and Customs Enforcement.*

6 “(e) *ADDITIONAL AGENCY OFFICERS.*—*In addition to*
7 *such officers as the Secretary or Director may provide, Im-*
8 *migration and Customs Enforcement shall have the fol-*
9 *lowing officers to assist the Director in the performance of*
10 *the Director’s duties:*

11 “(1) *A Deputy Director, who shall assist the Di-*
12 *rector in the management of Immigration and Cust-*
13 *oms Enforcement and who shall act for the Director*
14 *in the Director’s absence or disability.*

15 “(2) *A Chief Counsel, who shall provide the Di-*
16 *rector specialized legal advice and represent the Di-*
17 *rector in all administrative proceedings before the Ex-*
18 *ecutive Office for Immigration Review.*

19 “(f) *OTHER LAW ENFORCEMENT AGENCIES.*—*Nothing*
20 *in this section shall be construed to limit the existing au-*
21 *thority of any other Federal law enforcement agency.”.*

22 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
23 *section 1(b) of such Act is amended by striking the item*
24 *relating to section 442 and inserting the following:*

 “*Sec. 442. Establishment of Immigration and Customs Enforcement.*”.

1 (c) *CONFORMING AMENDMENT.*—Section 5314 of title
2 5, *United States Code*, is amended by inserting “Director
3 of *Immigration and Customs Enforcement.*” as a new item
4 after “Director of the *Bureau of Citizenship and Immigra-*
5 *tion Services.*”.

6 (d) *TRANSPORTATION.*—Section 1344(b)(6) of title 31,
7 *United States Code*, is amended by striking “the Adminis-
8 trator of the *Drug Enforcement Administration,*” and in-
9 serting “, the *Administrator of the Drug Enforcement Ad-*
10 *ministration, the Director of Immigration and Customs*
11 *Enforcement, and the Commissioner of Customs and Border*
12 *Protection,*”.

13 (e) *CONTINUATION IN OFFICE.*—The individual serv-
14 ing as *Assistant Secretary for Immigration and Customs*
15 *Enforcement in the Department of Homeland Security on*
16 *the day before the date of the enactment of this Act may*
17 *continue to serve as the Director of Immigration and Cus-*
18 *toms Enforcement in the Department of Homeland Security*
19 *in accordance with section 442 of the Homeland Security*
20 *Act of 2002 (as amended by subsection (a) of this section)*
21 *until the earlier of—*

22 (1) *the date on which such individual is no*
23 *longer eligible to serve as Director; or*

1 (2) *the date on which a person nominated by the*
2 *President to be the Director is confirmed by the Sen-*
3 *ate in accordance with such section 442.*

4 **SEC. 625. REPORT ON DRUG CARTELS.**

5 (a) *IN GENERAL.*—*The Secretary shall submit to the*
6 *appropriate congressional committees a report on the ac-*
7 *tivities of the entities identified in subsection (b) that are—*

8 (1) *designated as foreign terrorist organizations*
9 *under section 219 of the Immigration and Nation-*
10 *ality Act (8 U.S.C. 1189); or*

11 (2) *involved in international terrorism (as such*
12 *term is defined in section 2331 of title 18, United*
13 *States Code).*

14 (b) *IDENTIFICATION.*—*The entities referred to in sub-*
15 *section (a) are the following:*

16 (1) *The Arellano Feliz Organization.*

17 (2) *The Los Zetas Cartel.*

18 (3) *The Beltran Leyva Organization*

19 (4) *La Familia Michoacana.*

20 (5) *The Sinaloa Cartel.*

21 (6) *The Gulf Cartel/New Federation.*

22 (7) *The Juarez Cartel.*

23 **SEC. 626. INCREASE IN UNMANNED AERIAL VEHICLES.**

24 (a) *IN GENERAL.*—*The Secretary shall increase by at*
25 *least two the number of unmanned aerial vehicles for use*

1 *along the southwest border over the number of such vehicles*
2 *in existence as of the date of the enactment of this Act.*

3 (b) *FUNDING.—To carry out this section, the Secretary*
4 *shall use amounts appropriated or otherwise made available*
5 *to U.S. Customs and Border Protection.*

6 **SEC. 627. BORDER AREA SECURITY INITIATIVE.**

7 (a) *REDESIGNATION.—Operation Stonegarden of the*
8 *Department is hereby redesignated as the Border Area Se-*
9 *curity Initiative.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
11 *authorized to be appropriated to the Secretary to carry out*
12 *the Border Area Security Initiative \$54,890,000 for fiscal*
13 *year 2012.*

14 (c) *ALLOCATION.—The Secretary shall ensure that 80.7*
15 *percent of the amounts authorized to be appropriated pur-*
16 *suant to subsection (b) are allocated for activities along the*
17 *southern border.*

18 **SEC. 628. FOREIGN TERRORIST ORGANIZATIONS.**

19 *Not later than 120 days after the date of the enactment*
20 *of this Act, the Secretary, in consultation with appropriate*
21 *members of the intelligence community, shall submit to the*
22 *appropriate congressional committees a report, including*
23 *classified and unclassified sections, assessing the presence,*
24 *activity, capability, and information-sharing between*
25 *Hezbollah, other Department of State-designated foreign*

1 *terrorist organizations, and Mexican drug traffic organiza-*
2 *tions along the southern border of the United States.*

3 **SEC. 629. BORDER CONDITION INDEX.**

4 *In developing the Border Condition Index, the Sec-*
5 *retary shall take into consideration the following:*

6 (1) *Flow estimates by Border Patrol sector of*
7 *aliens who are unlawfully present in the United*
8 *States.*

9 (2) *Interdiction efficiency measuring, with re-*
10 *spect to aliens who are unlawfully present in the*
11 *United States, the difference between apprehensions*
12 *and known estimates of nonapprehensions.*

13 (3) *Recidivism data relating to repeat apprehen-*
14 *sions of aliens who are unlawfully present in the*
15 *United States.*

16 **SEC. 630. SENSE OF CONGRESS.**

17 (a) *FINDINGS.—Congress finds the following:*

18 (1) *The Secure Fence Act of 2006 defined oper-*
19 *ational control as the “prevention of all unlawful en-*
20 *tries into the United States” and required the Sec-*
21 *retary of Homeland Security to “construct reinforced*
22 *fencing along not less than 700 miles of the southwest*
23 *border where fencing would be most practical and ef-*
24 *fective”.*

1 *matic and consular posts, as determined by the Sec-*
2 *retary; and*

3 *“(2) is authorized to assign employees of the De-*
4 *partment to each diplomatic and consular post at*
5 *which visas are issued unless, in the Secretary’s sole*
6 *and unreviewable discretion, the Secretary determines*
7 *that such an assignment at a particular post would*
8 *not promote national or homeland security.”.*

9 *(b) EXPEDITED CLEARANCE AND PLACEMENT OF DE-*
10 *PARTMENT OF HOMELAND SECURITY PERSONNEL AT DIP-*
11 *LOMATIC AND CONSULAR POSTS.—The Secretary of State*
12 *shall accommodate and ensure that—*

13 *(1) not later than one year after the date of the*
14 *enactment of this Act, Department personnel assigned*
15 *by the Secretary under section 428(i)(1) of the Home-*
16 *land Security Act (as amended by subsection (a) of*
17 *this section) have been stationed at a diplomatic or*
18 *consular post such that the post is fully operational;*
19 *and*

20 *(2) not later than one year after the date on*
21 *which the Secretary designates an additional diplo-*
22 *matic or consular post for personnel under section*
23 *428(i)(2) of the Homeland Security Act (as amended*
24 *by subsection (a) of this section), Department per-*
25 *sonnel assigned to such diplomatic or consular post*

1 *have been stationed at such post such that such post*
2 *is fully operational.*

3 **SEC. 632. PRIVATE-PUBLIC PARTNERSHIP FOR LAND PORT**
4 **OF ENTRY PROJECT.**

5 *(a) IN GENERAL.—Subject to subsection (b), the Sec-*
6 *retary may enter into a private-public partnership to ac-*
7 *cept funding or a donation of real or personal property or*
8 *services from any private sector entity or any State, county,*
9 *or other municipal entity for the purpose of the construction*
10 *of a designated project at a designated land border port of*
11 *entry, to be approved by the Secretary, designed to reduce*
12 *wait times at such port of entry.*

13 *(b) CONSULTATION.—To enter into a partnership de-*
14 *scribed in subsection (a), the Secretary shall consult with*
15 *the private sector entity or State, county, or other munic-*
16 *ipal entity referred to in such subsection that is providing*
17 *the funding or donation at issue and provide such entity*
18 *with a description of the designated project to be under-*
19 *taken.*

20 *(c) NONTRANSFERRABLE.—Any funding or donation*
21 *received by the Secretary pursuant to subsection (a) may*
22 *be used only for the designated project that was subject of*
23 *the consultation carried out in accordance with subsection*
24 *(b), unless the private sector entity or State, county, or*

1 *other municipal entity at issue consents to an alternate use*
2 *of such funding or donation.*

3 (d) *RETURN OF FUNDING.*—*If the Secretary of Home-*
4 *land Security does not undertake the designated project de-*
5 *scribed in subsection (a) and the private sector entity or*
6 *State, county, or other municipal entity that provided the*
7 *funding or donation for such project does not consent to*
8 *an alternate use for such funding or donation, the Secretary*
9 *shall return to such entity such funding or donation.*

10 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
11 *may be construed as modifying the authorities of the De-*
12 *partment of Homeland Security.*

13 (f) *AUTHORITY TO AGREE TO AMENDMENTS TO THE*
14 *BORDER ENVIRONMENT COOPERATION AGREEMENT.*—*Sec-*
15 *tion 545 of the North American Free Trade Agreement Im-*
16 *plementation Act (22 U.S.C. 290m–4) is amended—*

17 (1) *in paragraph (1), by striking “and” at the*
18 *end;*

19 (2) *in paragraph (2), by striking the period at*
20 *the end and inserting “; and”; and*

21 (3) *by adding at the end the following new para-*
22 *graph:*

23 “(3) *change the purposes and functions of the*
24 *Bank, including changes that would allow the Bank*
25 *to finance infrastructure projects in the border region*

1 *that promote growth in trade and commerce between*
2 *the United States and Mexico, support sustainable*
3 *economic development, reduce poverty, foster job cre-*
4 *ation, and promote social development in the re-*
5 *gion.”.*

6 **SEC. 633. REPORT TO CONGRESS ON IMMIGRATION ADVI-**
7 **SORY PROGRAM.**

8 *Not later than 90 days after the date of the enactment*
9 *of this Act, the Secretary shall submit to the appropriate*
10 *congressional committees a report regarding—*

11 (1) *the top 20 highest-risk foreign airports that*
12 *are last points of departure to the United States;*

13 (2) *the current status of U.S. Customs and Bor-*
14 *der Protection’s Immigration Advisory Program at*
15 *such airports; and*

16 (3) *the number of Immigration Advisory Pro-*
17 *gram personnel required to carry out operations in*
18 *any location where such personnel are not currently*
19 *present.*

20 **SEC. 634. COAST GUARD DEPLOYABLE SPECIAL FORCES AS-**
21 **SETS.**

22 *In order to assure readiness and meet training needs*
23 *for the Coast Guard’s enhanced deployable specialized*
24 *forces, the Secretary shall establish and maintain at each*
25 *Maritime Security Response Team location a minimum of*

1 *one dedicated medium range air responder that is capable*
2 *of offshore operations and can provide shore-based aviation*
3 *surveillance capability and transport.*

4 **SEC. 635. IMPLEMENTATION OF US-VISIT BIOMETRIC EXIT.**

5 *Not later than 180 days after the date of the enactment*
6 *of this Act, the Secretary shall submit to the appropriate*
7 *congressional committees a plan to implement, not later*
8 *than two years after such date of enactment, a biometric*
9 *exit capability at airports under the US-VISIT program,*
10 *in accordance with the Enhanced Security and Visa Entry*
11 *Reform Act of 2002 (Public Law 107–73). If the Secretary*
12 *determines that development of such a system is not feasible,*
13 *the Secretary shall, not later than 180 days after the date*
14 *of the enactment of this Act, submit to the appropriate con-*
15 *gressional committees a plan for implementing, not later*
16 *than two years after such date of enactment, an alternative*
17 *program to provide the same level of security.*

18 **SEC. 636. COORDINATION WITH THE TRANSPORTATION SE-**
19 **CURITY ADMINISTRATION ON RISK-BASED**
20 **SCREENING OF AVIATION PASSENGERS.**

21 *(a) IN GENERAL.—The Commissioner of U.S. Customs*
22 *and Border Protection shall work with the Assistant Sec-*
23 *retary of Homeland Security (Transportation Security Ad-*
24 *ministration) to designate persons enrolled in trusted pas-*
25 *sengers programs operated by U.S. Customs and Border*

1 *Protection as trusted passengers in programs established*
2 *pursuant to section 109(a)(3) of the Aviation Transpor-*
3 *tation Security Act (Public Law 107-71; 115 Stat. 613;*
4 *49 U.S.C. 114 note), as long as such passengers meet the*
5 *standards and requirements set by the Assistant Secretary.*

6 (b) *REPORT TO CONGRESS.—Not later than 180 days*
7 *after the date of the enactment of this Act, the Commissioner*
8 *shall submit to the Committee on Homeland Security of the*
9 *House of Representatives, the Committee on Homeland Se-*
10 *curity and Government Affairs of the Senate, and the Com-*
11 *mittee on Commerce, Science, and Transportation of the*
12 *Senate, a report on progress in implementing subsection*
13 *(a), including—*

14 (1) *any obstacles to cross-enrolling U.S. Customs*
15 *and Border Protection trusted passengers in trusted*
16 *passenger programs established by the Transportation*
17 *Security Administration; and*

18 (2) *the rate of enrollment of persons enrolled in*
19 *trusted passengers programs operated by U.S. Cus-*
20 *toms and Border Protection as trusted passengers in*
21 *programs operated by the Transportation Security*
22 *Administration.*

1 **SEC. 637. ENHANCED CUSTOMER SERVICE STANDARDS AND**
2 **PROFESSIONALISM TRAINING.**

3 (a) *PLANS REQUIRED.*—The Secretary shall ensure
4 that a comprehensive plan for each of the U.S. Customs and
5 Border Protection, the Transportation Security Adminis-
6 tration, and U.S. Immigration and Customs Enforcement
7 is developed and implemented to improve, based on publicly
8 communicated metrics, professionalism, and customer serv-
9 ice.

10 (b) *PLAN COMPONENT.*—The plan for each agency
11 shall include each of the following:

12 (1) *An initial report on the metrics the agency*
13 *proposes to use to measure customer service.*

14 (2) *An initial report on the metrics the agency*
15 *will use to measure professionalism.*

16 (3) *The implementation of a system to improve*
17 *customer service by soliciting customer comments*
18 *combining in person, phone, and online solutions.*

19 (4) *A requirement that the agency submit to*
20 *Congress quarterly reports on the agency's perform-*
21 *ance against the customer service metrics referred to*
22 *in paragraph (1).*

23 (5) *The establishment of customer service best*
24 *practices based on such metrics.*

1 (6) *The establishment of professionalism best*
2 *practices based on the metrics referred to in para-*
3 *graph (2).*

4 (c) *ANNUAL REPORTS TO CONGRESS.—At least once*
5 *each year, the Secretary shall submit to Congress a report*
6 *on each agency for which a plan is required under this sec-*
7 *tion. Each such report shall include—*

8 (1) *an assessment of the agency’s customer serv-*
9 *ice performance based on the metrics referred to in*
10 *subsection (b)(1);*

11 (2) *detailed description of customer service im-*
12 *provements demanded by customers;*

13 (3) *customer service improvements demanded by*
14 *Department metrics, the costs associated with those*
15 *improvements;*

16 (4) *the security and efficiency benefits derived*
17 *from such improvements;*

18 (5) *an assessment of the agency’s professionalism*
19 *performance based on the metrics referred to in sub-*
20 *section (b)(1);*

21 (6) *a description of any improvements in the*
22 *agency’s professionalism;*

23 (7) *the costs associated with such improvements;*
24 *and*

1 (8) *the security and efficiency benefits derived*
2 *from such improvements.*

3 (d) *OVERSIGHT.—The Department’s Office of Civil*
4 *Rights and Civil Liberties shall have oversight of—*

5 (1) *the customer service and professionalism ef-*
6 *forts at each agency for which a plan is required*
7 *under this section to ensure that comments are col-*
8 *lected, analyzed, and responded to in a timely man-*
9 *ner; and*

10 (2) *the development of monthly reports detailing*
11 *the number and types of comments submitted by the*
12 *public, which shall be made available to the public*
13 *through the Department’s Web site.*

14 **TITLE VII—SCIENCE AND**
15 **TECHNOLOGY**

16 **Subtitle A—Directorate of Science**
17 **and Technology**

18 **SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY**

19 **STRATEGIC PLAN.**

20 (a) *IN GENERAL.—Title III of the Homeland Security*
21 *Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding*
22 *at the end the following new section:*

23 **“SEC. 318. STRATEGIC PLAN.**

24 **“(a) REQUIREMENT FOR STRATEGY.—The Under Sec-**
25 *retary for Science and Technology shall develop, and update*

1 *as necessary, a strategy to guide the activities of the Direc-*
2 *torate of Science and Technology. The strategy shall be risk-*
3 *based and aligned with other strategic guidance provided*
4 *by—*

5 “(1) *the National Strategy for Homeland Secu-*
6 *rity;*

7 “(2) *the Quadrennial Homeland Security Re-*
8 *view;*

9 “(3) *the Capabilities and Requirements Council*
10 *established under section 709; and*

11 “(4) *other relevant strategic planning documents,*
12 *as determined by the Under Secretary.*

13 “(b) *CONTENTS.—The strategy required by subsection*
14 *(a) shall be prepared in accordance with applicable Federal*
15 *requirements and guidelines, and shall include the fol-*
16 *lowing:*

17 “(1) *Long-term strategic goals, objectives, and*
18 *metrics of the Directorate.*

19 “(2) *Analysis of how the research programs of*
20 *the Directorate support achievement of those strategic*
21 *goals and objectives.*

22 “(3) *A description of how the activities and pro-*
23 *grams of the Directorate meet the requirements or*
24 *homeland security capability gaps identified by cus-*

1 *tomers within and outside of the Department, includ-*
2 *ing the first responder community.*

3 *“(4) The role of the Department’s risk analysis*
4 *activities and programs of the Directorate.*

5 *“(5) A technology transition strategy for the pro-*
6 *grams of the Directorate.*

7 *“(6) A description of the policies of the Direc-*
8 *torate on the management, organization, and per-*
9 *sonnel of the Directorate.*

10 *“(7) Short- and long-term strategic goals, and*
11 *objectives for significantly increasing the number of*
12 *designations and certificates issued under subtitle G*
13 *of title VIII, as well as identification of the specific*
14 *metrics to be used to determine whether a designation*
15 *or a certificate will be awarded.*

16 *“(c) SUBMISSION OF PLAN TO CONGRESS.—The Sec-*
17 *retary shall submit to the appropriate congressional com-*
18 *mittees the strategy developed under subsection (a) and any*
19 *update to the strategy.”.*

20 *(b) DEADLINE.—The Under Secretary for Science and*
21 *Technology shall develop and submit to the appropriate*
22 *congressional committees the initial strategy required under*
23 *the amendment made by subsection (a) by not later than*
24 *1 year after the date of enactment of this Act.*

1 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) is amended by adding at the end of the items*
3 *relating to title III the following new item:*

 “*Sec. 318. Strategic plan.*”.

4 **SEC. 702. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.**

5 (a) *IN GENERAL.*—*Title III of the Homeland Security*
6 *Act of 2002 (6 U.S.C. 181 et seq.) is further amended by*
7 *adding at the end the following new section:*

8 **“SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.**

9 “(a) *IN GENERAL.*—*The Under Secretary for Science*
10 *and Technology shall develop, and revise at least every 5*
11 *years, a 5-year research and development plan for the ac-*
12 *tivities of the Directorate of Science and Technology.*

13 “(b) *CONTENTS.*—*The 5-year research and develop-*
14 *ment plan developed under subsection (a) shall—*

15 “(1) *define the Directorate’s research, develop-*
16 *ment, testing, and evaluation activities, priorities,*
17 *performance metrics, and key milestones and*
18 *deliverables for the 5-fiscal-year period from 2013*
19 *through 2017, and for each 5-fiscal-year period there-*
20 *after;*

21 “(2) *link the activities identified in paragraph*
22 *(1) to the goals and objectives described in the stra-*
23 *tegic plan developed under section 318, the research*
24 *requirements established in section 320, and the oper-*
25 *ational capability needs as determined by the Capa-*

1 *bilities and Requirements Council established under*
2 *section 709;*

3 *“(3) describe, for each activity of the strategic*
4 *plan, the planned annual funding levels for the period*
5 *covered by the plan; and*

6 *“(4) indicate joint investments with other Fed-*
7 *eral partners where applicable.*

8 *“(c) SCOPE OF THE PLAN.—The Under Secretary shall*
9 *ensure that each plan developed under subsection (a)—*

10 *“(1) reflects input from a wide range of stake-*
11 *holders; and*

12 *“(2) takes into account how research and devel-*
13 *opment by other Federal, State, private sector, and*
14 *nonprofit institutions contributes to the achievement*
15 *of the priorities identified in the plan, and avoids un-*
16 *necessary duplication with these efforts.*

17 *“(d) REPORTS.—At the time the President submits*
18 *each annual budget request, the Under Secretary shall pro-*
19 *vide a report to the appropriate congressional committees*
20 *on the status and results to date of implementation of the*
21 *current 5-year research and development plan, including—*

22 *“(1) a summary of the research and development*
23 *activities for the previous fiscal year in each topic*
24 *area;*

25 *“(2) the annual expenditures in each topic area;*

1 “(3) an assessment of progress of the research
2 and development activities based on the performance
3 metrics and milestones set forth in the plan; and

4 “(4) any changes to the plan.”.

5 (b) *DEADLINE.*—*The Under Secretary for Science and*
6 *Technology shall develop and submit to the appropriate*
7 *congressional committees the first 5-year homeland security*
8 *research and development plan required under subsection*
9 *(a), for fiscal years 2013 through 2017, by not later than*
10 *1 year after the date of enactment of this Act.*

11 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
12 *section 1(b) is further amended by adding at the end of*
13 *the items relating to title III the following new item:*

 “*Sec. 319. 5-year research and development plan.*”.

14 **SEC. 703. IDENTIFICATION AND PRIORITIZATION OF RE-**
15 **SEARCH AND DEVELOPMENT REQUIRE-**
16 **MENTS.**

17 (a) *IN GENERAL.*—*Title III (6 U.S.C. 181 et seq.) is*
18 *further amended by adding at the end the following new*
19 *section:*

20 **“SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RE-**
21 **SEARCH AND DEVELOPMENT REQUIRE-**
22 **MENTS.**

23 “(a) *IN GENERAL.*—*The Under Secretary for Science*
24 *and Technology shall establish and implement a process to*
25 *identify, prioritize, fund, and task the basic and applied*

1 *homeland security research and development activities of*
2 *the Directorate of Science and Technology.*

3 “(b) *PROCESS.—The process established under sub-*
4 *section (a) shall—*

5 “(1) *account for Departmentwide priorities as*
6 *defined by the Capabilities and Requirements Council*
7 *established under section 709;*

8 “(2) *be responsive to near-, mid-, and long-term*
9 *needs, including unanticipated needs to address*
10 *emerging threats;*

11 “(3) *utilize gap analysis and risk assessment*
12 *tools where available and applicable;*

13 “(4) *include protocols to assess—*

14 “(A) *off-the-shelf technology to determine if*
15 *an identified homeland security capability gap*
16 *can be addressed through the acquisition process*
17 *instead of commencing research and development*
18 *of technology to address that capability gap; and*

19 “(B) *research and development activities*
20 *pursued by other executive agencies, to determine*
21 *if technology can be leveraged to address an*
22 *identified homeland security capability gap;*

23 “(5) *provide for documented and validated re-*
24 *search and development requirements;*

1 “(6) establish roles and responsibilities for the
2 Under Secretary for Science and Technology, the
3 Under Secretary for Policy, the Under Secretary for
4 Management, and the heads of operational compo-
5 nents of the Department;

6 “(7) strengthen first responder participation in
7 identifying and prioritizing homeland security tech-
8 nological gaps, including by—

9 “(A) soliciting feedback from appropriate
10 national associations and advisory groups rep-
11 resenting the first responder community and
12 first responders within the components of the De-
13 partment; and

14 “(B) establishing and promoting a publicly
15 accessible portal to allow the first responder com-
16 munity to help the Directorate develop homeland
17 security research and development goals;

18 “(8) institute a mechanism to publicize the De-
19 partment’s funded and unfunded homeland security
20 technology priorities for the purpose of informing the
21 Federal, State, and local governments, first respond-
22 ers, and the private sector;

23 “(9) establish considerations to be used by the
24 Directorate in selecting appropriate research entities,
25 including the national laboratories, federally funded

1 *research and development centers, university-based*
2 *centers, and the private sector, to carry out research*
3 *and development requirements; and*

4 *“(10) include any other criteria or measures the*
5 *Secretary considers necessary for the identification*
6 *and prioritization of research requirements.”.*

7 *(b) DEADLINE.—The Under Secretary for Science and*
8 *Technology shall establish and begin implementing the*
9 *process required by the amendment made by subsection (a)*
10 *by not later than 180 days after the date of enactment of*
11 *this Act.*

12 *(c) CLERICAL AMENDMENT.—The table of contents in*
13 *section 1(b) is further amended by adding at the end of*
14 *the items relating to title III the following new item:*

*“Sec. 320. Identification and prioritization of research and development require-
ments.”.*

15 **SEC. 704. RESEARCH AND DEVELOPMENT PROGRESS.**

16 *(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is*
17 *further amended by adding at the end the following new*
18 *section:*

19 **“SEC. 321. MONITORING PROGRESS.**

20 *“(a) IN GENERAL.—The Under Secretary for Science*
21 *and Technology shall monitor the progress of the research,*
22 *development, testing, and evaluation activities undertaken*
23 *by the Directorate of Science and Technology, and shall pro-*

1 *vide, at a minimum on a biannual basis, regular updates*
2 *on that progress to relevant customers of those activities.*

3 “(b) *REQUIREMENTS OF PROGRESS UPDATES.—In*
4 *order to provide the progress updates required under sub-*
5 *section (a), the Under Secretary shall develop a system*
6 *that—*

7 “(1) *monitors progress toward project milestones*
8 *identified by the Under Secretary;*

9 “(2) *maps progress toward deliverables identified*
10 *in the 5-year plan required under section 319;*

11 “(3) *generates up-to-date reports to customers*
12 *that transparently disclose the status and progress of*
13 *research, development, testing, and evaluation efforts*
14 *of the Directorate;*

15 “(4) *evaluates the extent to which a technology or*
16 *service produced as a result of the Directorate’s pro-*
17 *grams has addressed homeland security capability*
18 *gaps and requirements as determined by the Capa-*
19 *bilities and Requirements Council established under*
20 *section 709; and*

21 “(5) *allows the Under Secretary to report the*
22 *number of products and services developed by the Di-*
23 *rectorate that have been transitioned into acquisition*
24 *programs and resulted in successfully fielded tech-*
25 *nologies.*

1 “(c) *EVALUATION METHODS.*—

2 “(1) *EXTERNAL INPUT, CONSULTATION, AND RE-*
3 *VIEW.*—*The Under Secretary shall implement proce-*
4 *dures to engage outside experts in assisting in the*
5 *evaluation of the progress of research and development*
6 *programs or activities of the Directorate, including*
7 *through—*

8 “(A) *consultation with experts, including*
9 *scientists and practitioners, to gather inde-*
10 *pendent expert peer opinion and advice on a*
11 *project or on specific issues or analyses con-*
12 *ducted by the Directorate; and*

13 “(B) *periodic, independent, external review*
14 *to assess the quality and relevance of the Direc-*
15 *torate’s programs and projects.*

16 “(2) *CUSTOMER FEEDBACK.*—*The Under Sec-*
17 *retary shall establish a formal process to collect feed-*
18 *back from customers of the Directorate on the per-*
19 *formance of the Directorate, that includes—*

20 “(A) *appropriate methodologies through*
21 *which customers can assess the quality and use-*
22 *fulness of technology and services delivered by the*
23 *Directorate;*

24 “(B) *development of metrics for measuring*
25 *customer satisfaction and the usefulness of any*

1 *technology or service provided by the Directorate;*
2 *and*

3 “(C) *standards for high-quality customer*
4 *service.*”.

5 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
6 *section 1(b) is further amended by adding at the end of*
7 *the items relating to title III the following new item:*

 “*Sec. 321. Monitoring progress.*”.

8 **SEC. 705. ACQUISITION AND OPERATIONS SUPPORT.**

9 (a) *RESPONSIBILITIES AND AUTHORITIES OF THE*
10 *UNDER SECRETARY.*—*Section 302 (6 U.S.C. 183) is*
11 *amended by striking “and” after the semicolon at the end*
12 *of paragraph (13), by striking the period at the end of para-*
13 *graph (14) and inserting “; and”, and by adding at the*
14 *end the following new paragraph:*

15 “(15) *providing science-based, analytic capa-*
16 *bility and capacity across the Department to—*

17 “(A) *support technological assessments of*
18 *major acquisition programs throughout the ac-*
19 *quisition lifecycle;*

20 “(B) *help define appropriate technological*
21 *requirements and perform feasibility analysis;*

22 “(C) *assist in evaluating new and emerging*
23 *technologies against capability gaps;*

24 “(D) *support evaluation of alternatives; and*

1 “(E) improve the use of technology Depart-
2 mentwide.”.

3 (b) *TECHNOLOGY READINESS ASSESSMENT PROC-*
4 *ESS.—Section 308 (6 U.S.C. 188) is amended by adding*
5 *at the end the following new subsection:*

6 “(d) *TECHNOLOGY READINESS ASSESSMENT PROC-*
7 *ESS.—*

8 “(1) *IN GENERAL.—The Under Secretary for*
9 *Science and Technology shall establish a formal, sys-*
10 *tematic, metrics-based process to comprehensively*
11 *evaluate technology maturity and reduce technical*
12 *risks, that includes—*

13 “(A) *an independent assessment of the per-*
14 *formance, maturity, suitability, and*
15 *supportability of a technology and associated*
16 *risks;*

17 “(B) *technology readiness evaluations to es-*
18 *tablish technology readiness levels as a measure*
19 *of the maturity of the technology; and*

20 “(C) *provision of a report containing the*
21 *findings and conclusions of each assessment con-*
22 *ducted under the process provided, to the appro-*
23 *priate customers and personnel of the Depart-*
24 *ment.*

25 “(2) *APPLICATION.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), the process shall be applied*
3 *to—*

4 “(i) *technology developed by the Direc-*
5 *torate; and*

6 “(ii) *technology being procured or con-*
7 *sidered by any component of the Depart-*
8 *ment as part of a major acquisition pro-*
9 *gram.*

10 “(B) *LIMITATION.*—*The Under Secretary*
11 *shall not apply the process to—*

12 “(i) *radiological or nuclear detection*
13 *and countermeasure technologies developed*
14 *or procured by the Department; and*

15 “(ii) *procurement of information tech-*
16 *nology.”.*

17 **SEC. 706. OPERATIONAL TEST AND EVALUATION.**

18 “(a) *IN GENERAL.*—*Title VII (6 U.S.C. 341 et seq.) is*
19 *further amended by adding at the end of the following new*
20 *section:*

21 **“SEC. 713. OPERATIONAL TEST AND EVALUATION.**

22 “(a) *ESTABLISHMENT.*—*There is established within*
23 *the Department a Director of Operational Test and Evalua-*
24 *tion.*

1 “(b) *RESPONSIBILITIES, AUTHORITIES, AND FUNC-*
2 *TIONS.—The Director of Operational Test and Evalua-*
3 *tion—*

4 “(1) *shall advise the Secretary, the Under Sec-*
5 *retary for Management, the Under Secretary for*
6 *Science and Technology, and the heads of other rel-*
7 *evant components of the Department regarding all ac-*
8 *tivities related to operational test and evaluation in*
9 *the Department; and*

10 “(2) *shall—*

11 “(A) *prescribe operational test and evalua-*
12 *tion policies and procedures for the Department,*
13 *which shall include policies to ensure that oper-*
14 *ational testing is done at facilities that already*
15 *have relevant and appropriate safety and mate-*
16 *rial certifications to the extent such facilities are*
17 *available;*

18 “(B) *ensure the effectiveness, reliability, and*
19 *suitability of operational testing and evaluation*
20 *activities planned and conducted by or on behalf*
21 *of components of the Department in major ac-*
22 *quisition programs of the Department;*

23 “(C) *review and approve all operational*
24 *test plans and evaluation procedures for major*
25 *acquisition programs of the Department;*

1 “(D) provide the Department with inde-
2 pendent and objective assessments of the ade-
3 quacy of operational testing and evaluation ac-
4 tivities conducted by or on behalf of the Depart-
5 ment for major acquisition programs of the De-
6 partment; and

7 “(E) coordinate operational testing con-
8 ducted jointly by more than one component of
9 the Department.

10 “(c) ACCESS TO INFORMATION.—The Director of Oper-
11 ational Test and Evaluation—

12 “(1) shall have prompt and full access to test
13 and evaluation and acquisition documents, data, and
14 test results of the Department that the Director con-
15 siders necessary in order to carry out the duties under
16 this section; and

17 “(2) may designate observers to be present dur-
18 ing the preparation for and the conducting of any
19 operational test and evaluation within the Depart-
20 ment.

21 “(d) LIMITATION.—The Director is not required to
22 carry out operational testing.”.

23 (b) CLERICAL AMENDMENT.—The table of contents in
24 section 1(b) is further amended by adding at the end of
25 the items relating to such title the following:

“Sec. 713. Operational test and evaluation.”.

1 **SEC. 707. AVAILABILITY OF TESTING FACILITIES AND**
2 **EQUIPMENT.**

3 (a) *IN GENERAL.*—Title III (6 U.S.C. 181 et seq.) is
4 further amended by adding at the end the following new
5 section:

6 **“SEC. 322. AVAILABILITY OF TESTING FACILITIES AND**
7 **EQUIPMENT.**

8 “(a) *IN GENERAL.*—The Under Secretary for Science
9 and Technology may make available to any person, for an
10 appropriate fee, the services of any testing facility owned
11 by the Federal Government and operated by the Directorate
12 for Science and Technology for the testing of materials,
13 equipment, models, computer software, and other items de-
14 signed to advance the homeland security mission.

15 “(b) *INTERFERENCE WITH FEDERAL PROGRAMS.*—
16 The Under Secretary shall ensure that the testing at such
17 facilities of materials, equipment, models, computer soft-
18 ware, or other items not owned by the Federal Government
19 do not cause personnel or other resources of the Federal Gov-
20 ernment to be diverted from scheduled Federal Government
21 tests or otherwise interfere with Federal Government mis-
22 sion requirements.

23 “(c) *CONFIDENTIALITY OF TEST RESULTS.*—The re-
24 sults of tests performed by a person with services made
25 available under subsection (a) and any associated data pro-
26 vided by the person for the conduct of the tests—

1 “(1) are trade secrets and commercial or finan-
2 cial information that is privileged or confidential
3 within the meaning of section 552(b)(4) of title 5,
4 United States Code; and

5 “(2) may not be disclosed outside the Federal
6 Government without the consent of the person for
7 which the tests are performed.

8 “(d) FEES.—The fee for using the services of a facility
9 under subsection (a) may not exceed the amount necessary
10 to recoup the direct and indirect costs involved, such as di-
11 rect costs of utilities, contractor support, and salaries of
12 personnel, that are incurred by the Federal Government to
13 provide for the testing.

14 “(e) USE OF FEES.—Any fee collected under subsection
15 (a) shall be credited to the appropriations or other funds
16 of the Directorate of Science and Technology and shall be
17 used to directly support the research and development ac-
18 tivities of the Department.”.

19 (b) CLERICAL AMENDMENT.—The table of contents in
20 section 1(b) is further amended by adding at the end of
21 the items relating to title III the following new item:

 “Sec. 322. Availability of testing facilities and equipment.”.

22 **SEC. 708. BIOFORENSICS CAPABILITIES.**

23 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is
24 further amended by adding at the end the following new
25 section:

1 **“SEC. 323. BIOFORENSICS CAPABILITIES.**

2 “(a) *BIOFORENSICS ANALYSIS CENTER.*—*There is au-*
3 *thorized in the Department a bioforensics analysis center*
4 *to provide support for law enforcement and intelligence-re-*
5 *lated investigations and actions to—*

6 “(1) *provide definitive bioforensics analysis in*
7 *support of the executive agencies with primary re-*
8 *sponsibilities for preventing, deterring, responding to,*
9 *attributing, and recovering from biological attacks;*
10 *and*

11 “(2) *undertake other related bioforensics activi-*
12 *ties.*

13 “(b) *PAYMENT FOR SERVICES.*—*The center shall*
14 *charge and retain fees to reimburse the cost of any service*
15 *provided to an executive agency that requested such service.*

16 “(c) *DETAILEE PROGRAM.*—*Subject to the availability*
17 *of appropriations, the Secretary may implement a program*
18 *under which executive agencies as considered appropriate*
19 *by the Secretary provide personnel, on a reimburseable*
20 *basis, to the center for the purpose of—*

21 “(1) *providing training and other educational*
22 *benefits for such stakeholders to help them to better*
23 *understand the policies, procedures, and laws gov-*
24 *erning national bioforensics activities; and*

25 “(2) *bolstering the capabilities and information*
26 *sharing activities of the bioforensics analysis center*

1 “(B) for the use of a Department component
2 outside such Directorate, under an agreement
3 with the head of such a component under which
4 the component will reimburse the Directorate for
5 the costs of such employment.

6 “(2) RESPONSIBILITIES.—Under such an agree-
7 ment—

8 “(A) the Under Secretary shall—

9 “(i) solicit and accept applications
10 from individuals who are currently enrolled
11 in or who are graduates of postgraduate
12 programs in scientific and engineering
13 fields related to the promotion of securing
14 the homeland, including—

15 “(I) biological, chemical, physical,
16 behavioral, social, health, medical, and
17 computational sciences;

18 “(II) geosciences;

19 “(III) all fields of engineering;
20 and

21 “(IV) such other disciplines as are
22 determined relevant by the Secretary;

23 “(ii) screen applicant candidates and
24 interview them as appropriate to ensure
25 that they possess the appropriate level of

1 *scientific and engineering expertise and*
2 *qualifications;*

3 “(iii) *provide a list of qualified appli-*
4 *cants to the heads of Department compo-*
5 *nents seeking to utilize qualified fellows;*

6 “(iv) *subject to the availability of ap-*
7 *propriations, pay financial compensation to*
8 *such fellows;*

9 “(v) *coordinate with the Chief Security*
10 *Officer to facilitate and expedite provision*
11 *of security clearances to fellows, as appro-*
12 *priate; and*

13 “(vi) *otherwise administer all aspects*
14 *of the employment of fellows with the De-*
15 *partment; and*

16 “(B) *the head of the component utilizing a*
17 *fellow shall—*

18 “(i) *select the fellow from the list of*
19 *qualified applicants provided by the Under*
20 *Secretary;*

21 “(ii) *reimburse the Under Secretary*
22 *for the costs of employing the fellow selected,*
23 *including administrative costs; and*

24 “(iii) *be responsible for the day-to-day*
25 *management of the fellow.*

1 “(c) *APPLICATIONS FROM NONPROFIT ORGANIZA-*
 2 *TIONS.—The Under Secretary may accept an application*
 3 *under subsection (b)(2)(A) that is submitted by a nonprofit*
 4 *organization on behalf of individuals whom such nonprofit*
 5 *organization has determined may be qualified applicants*
 6 *under the program.”.*

7 (b) *CLERICAL AMENDMENT.—The table of contents in*
 8 *section 1(b) of such Act is further amended by adding at*
 9 *the end of the items relating to title III the following new*
 10 *item:*

 “*Sec. 324. Homeland Security Science and Technology Fellows Program.*”.

11 **SEC. 710. HOMELAND SECURITY SCIENCE AND TECH-**
 12 **NOLOGY ADVISORY COMMITTEE.**

13 *Section 311 of the Homeland Security Act of 2002 (6*
 14 *U.S.C. 191) is amended—*

15 (1) *by striking subsection (a) and inserting the*
 16 *following:*

17 “(a) *ESTABLISHMENT.—There is established within*
 18 *the Directorate of Science and Technology a Science and*
 19 *Technology Advisory Committee (in this section referred to*
 20 *as the ‘Advisory Committee’). The Advisory Committee*
 21 *shall meet no fewer than 2 times each year and make rec-*
 22 *ommendations with respect to the activities of the Under*
 23 *Secretary for Science and Technology, including—*

1 “(1) identifying research and development areas
2 of potential importance to the security of the Nation;
3 and

4 “(2) providing advice in developing and updat-
5 ing the strategic plan under section 318 and the 5-
6 year homeland security research and development
7 plan under section 319.”; and

8 (2) in subsection (j), by striking “December 31,
9 2008” and inserting “7 years after the date of enact-
10 ment of the Department of Homeland Security Au-
11 thorization Act for Fiscal Year 2012”.

12 **SEC. 711. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
13 **MENT CENTERS.**

14 Section 305 (6 U.S.C. 184) is amended—

15 (1) by inserting “(a) *ESTABLISHMENT.*—” before
16 the first sentence; and

17 (2) by adding at the end the following new sub-
18 sections:

19 “(b) *CONFLICTS OF INTEREST.*—The Secretary shall
20 review and revise, as appropriate, the policies of the De-
21 partment relating to personnel conflicts of interest to ensure
22 that such policies specifically address employees of federally
23 funded research and development centers established under
24 this section who are in a position to make or materially
25 influence research findings or agency decisionmaking.

1 “(c) *ANNUAL REPORTS.*—Each federally funded re-
2 search and development center established under this section
3 shall transmit to the Secretary and appropriate congress-
4 sional committees an annual report describing the activities
5 of the center in support of the Department.”.

6 **SEC. 712. CRITERIA FOR DESIGNATION AS A UNIVERSITY-**
7 **BASED CENTER FOR HOMELAND SECURITY.**

8 Section 308(b)(2)(B) (6 U.S.C. 188(b)(2)(B)) is
9 amended—

10 (1) in the matter preceding clause (i), by strik-
11 ing “in—” and inserting “in one or more of the fol-
12 lowing:”;

13 (2) in clause (iii), by inserting before the period
14 at the end the following: “, including medical readi-
15 ness training and research, and community resiliency
16 for public health and healthcare critical infrastruc-
17 ture”; and

18 (3) in clause (iv), by striking “and nuclear” and
19 inserting “nuclear, and explosive”.

20 **SEC. 713. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-**
21 **MENT AT THE SCIENCE AND TECHNOLOGY DI-**
22 **RECTORATE.**

23 (a) *IN GENERAL.*—Subtitle E of title VIII of the
24 Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is
25 further amended by adding at the end the following:

1 **“SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MAN-**
2 **AGEMENT AT THE SCIENCE AND TECH-**
3 **NOLOGY DIRECTORATE.**

4 *“(a) IN GENERAL.—To the extent necessary to ensure*
5 *that the Department has the personnel required to carry*
6 *out the mission of the Science and Technology Directorate,*
7 *the Secretary may—*

8 *“(1) make appointments to scientific or engi-*
9 *neering positions within such Directorate that require*
10 *an advanced degree without regard to the provisions*
11 *of title 5, United States Code, governing appoint-*
12 *ments in the competitive service, other than sections*
13 *3303 and 3328 of such title; and*

14 *“(2) fix the pay of any personnel appointed*
15 *under paragraph (1) without regard to the provisions*
16 *of chapter 51 and subchapter III of chapter 53 of such*
17 *title relating to classification and General Schedule*
18 *pay rates.*

19 *“(b) LIMITATION.—*

20 *“(1) IN GENERAL.—Not more than 5 percent of*
21 *the occupied positions within the Directorate of*
22 *Science and Technology may at any time consist of*
23 *positions occupied by personnel appointed under this*
24 *section.*

25 *“(2) COUNTING RULE.—For purposes of apply-*
26 *ing the limitation set forth in paragraph (1), deter-*

1 “(A) evaluate, against national consensus
2 standards and homeland security specific tech-
3 nical capability standards or performance
4 metrics adopted by the Department to the great-
5 est extent practicable, the capability of commer-
6 cially available chemical and biological detection
7 equipment to detect high risk biological agents
8 and toxins and chemical agents and meet home-
9 land security mission requirements;

10 “(B) facilitate the accreditation or Depart-
11 ment acceptance of laboratories to be used for the
12 testing and evaluation under subparagraph (A);

13 “(C) standardize test and reporting proto-
14 cols and procedures to be used by the laboratories
15 under accredited under subparagraph (B);

16 “(D) provide for cost-sharing with tech-
17 nology manufacturers whereby manufacturers
18 may pay for the testing and evaluation under
19 subparagraph (A) by the laboratories accredited
20 under subparagraph (B);

21 “(E) inform and enable expedited consider-
22 ation of compliant technology for designation or
23 certification under subtitle G of title VIII;

24 “(F) inform Federal, State, local, tribal,
25 and territorial government procurement and

1 grant decisions, including detection equipment
2 placed on the authorized equipment list; and

3 “(G) provide, with permission from the
4 manufacturer, results of the testing and evalua-
5 tion under subparagraph (A) and operationally
6 relevant technical information on detection
7 equipment to Department components, and other
8 Federal, State, local, tribal, and territorial gov-
9 ernments and first responders, including unclas-
10 sified information through the Responder Knowl-
11 edge Base.”.

12 **SEC. 715. NORTHERN BORDER UNMANNED AERIAL VEHICLE**
13 **PILOT PROJECT.**

14 (a) *RESEARCH AND DEVELOPMENT.*—The Under Sec-
15 retary for Science and Technology, in conjunction with the
16 Commissioner of U.S. Customs and Border Protection, shall
17 research and develop technologies to allow routine operation
18 of medium-sized unmanned aerial vehicles, including au-
19 tonomously piloted drones, within the national airspace for
20 border and maritime security missions without any deg-
21 radation of existing levels of security-related surveillance or
22 of safety for all national airspace system users.

23 (b) *PILOT PROJECT.*—No later than 180 days after the
24 date of enactment of this Act, the Secretary shall commence
25 a pilot project in segregated airspace along the northern

1 border to conduct experiments and collect data in order to
2 accelerate the safe integration of medium-sized unmanned
3 aircraft systems into the national airspace system.

4 ***Subtitle B—Domestic Nuclear***
5 ***Detection Office***

6 **SEC. 721. RADIOLOGICAL AND NUCLEAR DETECTION AND**
7 **COUNTERMEASURES RESEARCH, DEVELOP-**
8 **MENT, TESTING, AND EVALUATION.**

9 (a) *IN GENERAL.*—Title XIX of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 591 et seq.) is amended by add-
11 ing at the end the following new sections:

12 **“SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND**
13 **COUNTERMEASURES RESEARCH, DEVELOP-**
14 **MENT, TESTING, AND EVALUATION.**

15 *“In carrying out radiological and nuclear research, de-*
16 *velopment, testing and evaluation activities required under*
17 *section 1902, the Director for the Domestic Nuclear Detec-*
18 *tion Office shall—*

19 *“(1) have authorities and carry out responsibil-*
20 *ities consistent with those established under sections*
21 *302, 305, 308, 309, 320, and 321 for all radiological*
22 *and nuclear research, development, testing, and eval-*
23 *uation programs of the Department; and*

24 *“(2) utilize an appropriate iterative combination*
25 *of physical tests and computer modeling to provide an*

1 *analytical basis for assessing detector performance of*
2 *major radiological and nuclear detection acquisition*
3 *programs of the Department.*

4 **“SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETEC-**
5 **TION ARCHITECTURE.**

6 “(a) *IN GENERAL.*—*In carrying out the responsibil-*
7 *ities under paragraphs (3), (5), (8), and (9) of section*
8 *1902(a), the Director shall maintain awareness of the Glob-*
9 *al Nuclear Detection Architecture (in this section referred*
10 *to as ‘GNDA’) and its assets, including availability of*
11 *equipment and trained personnel, types of equipment,*
12 *equipment detection events and data, relevant intelligence*
13 *information, and other information as needed.*

14 “(b) *DATA EXCHANGE.*—*To support the activities*
15 *under subsection (a), the Director and heads of agencies in*
16 *the GNDA shall ensure that widely accepted, consensus-*
17 *based data exchange standards are applied to detection and*
18 *communications systems incorporated into the GNDA, to*
19 *the extent practicable.”.*

20 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
21 *section 1(b) is amended by adding at the end of the items*
22 *relating to such title the following:*

 “*Sec. 1908. Radiological and nuclear detection and countermeasures research, de-*
 velopment, testing, and evaluation.

 “*Sec. 1909. Awareness of the Global Nuclear Detection Architecture.”.*

1 **SEC. 722. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
2 **NUCLEAR DETECTION ARCHITECTURE.**

3 (a) *IN GENERAL.*—Title XIX of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 591 et seq.) is further amended
5 by adding at the end the following:

6 **“SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
7 **NUCLEAR DETECTION ARCHITECTURE.**

8 “(a) *IN GENERAL.*—In carrying out the responsibil-
9 ities of the office under section 1902(a)(4)(A), the Director
10 shall provide support for planning, organization and
11 sustainment, equipment, training, exercises, and oper-
12 ational assessments, to State, local, and tribal entities to
13 assist in implementing preventive radiological and nuclear
14 detection capabilities.

15 “(b) *DOMESTIC INTERIOR PROGRAMS.*—

16 “(1) *SECURING THE CITIES.*—The Director for
17 Domestic Nuclear Detection shall establish and main-
18 tain a program to enhance, through State, local, trib-
19 al, and private entities, the Nation’s ability to detect
20 and prevent a radiological or nuclear attack in high-
21 risk United States cities, as determined by the Sec-
22 retary.

23 “(2) *SURGE CAPABILITIES.*—The Director shall
24 coordinate development of a surge capability for radi-
25 ological and nuclear detection systems that can be de-
26 ployed within the United States rapidly in response

1 to intelligence or warnings that includes procurement
2 of appropriate technology, training, exercises, oper-
3 ational assessments, maintenance, and support.

4 “(3) *INTEGRATION.*—The programs under sub-
5 sections (a) and (b) shall be integrated into the global
6 nuclear detection architecture and inform architecture
7 studies, technology gaps, and research activities of the
8 *Domestic Nuclear Detection Office.*”.

9 (b) *CONFORMING AMENDMENT.*—The table of contents
10 in section 1(b) is further amended by adding at the end
11 of the items relating to such title the following:

 “Sec. 1910. Domestic implementation of the global nuclear detection architec-
 ture.”.

12 **SEC. 723. RADIATION PORTAL MONITOR ALTERNATIVES.**

13 The Director of the Domestic Nuclear Detection Office
14 shall analyze and report to the appropriate congressional
15 committees by not later than 90 days after the date of enact-
16 ment of this Act on existing and developmental alternatives
17 that could provide an enhanced capability to currently de-
18 ployed radiation portal monitors, the criteria to measure
19 the operational effectiveness of those alternatives, and the
20 expected timeframe and costs to fully develop and deploy
21 those alternatives.

1 **SEC. 724. CONTRACTING AND GRANTMAKING AUTHORITIES.**

2 *Section 1906 of the Homeland Security Act of 2002*
3 *(6 U.S.C. 596) is amended by striking “paragraphs (6) and*
4 *(7) of” each place it appears.*

5 **SEC. 725. DOMESTIC NUCLEAR DETECTION IMPLEMENTA-**
6 **TION PLAN.**

7 *(a) IN GENERAL.—The Secretary shall develop a 5-*
8 *year plan of investments necessary to implement the De-*
9 *partment of Homeland Security’s responsibilities under the*
10 *domestic component of the global nuclear detection architec-*
11 *ture.*

12 *(b) CONTENTS.—The 5-year plan developed under sub-*
13 *section (a) shall—*

14 *(1) define the roles and responsibilities of each*
15 *component of the Department in support of the do-*
16 *mestic detection architecture, including any existing*
17 *or planned programs to prescreen cargo or convey-*
18 *ances overseas;*

19 *(2) identify and describe the specific investments*
20 *being made or planned by the Department compo-*
21 *nents for the 5-year fiscal period to support the do-*
22 *mestic architecture and the security of sea, land, and*
23 *air pathways into the United States;*

24 *(3) describe the investments necessary to address*
25 *known vulnerabilities and gaps, including associated*
26 *costs and timeframes;*

1 **SEC. 727. BUY AMERICAN REQUIREMENT FOR INFORMA-**
2 **TION TECHNOLOGY.**

3 *The Secretary shall contract for procurement of infor-*
4 *mation technology products or services only with a United*
5 *States-owned corporation or other entity, unless within 15*
6 *days after entering into a contract with a non-United*
7 *States-owned corporation or other entity the Secretary pro-*
8 *vides to the Committee on Homeland Security of the House*
9 *of Representatives—*

10 *(1) notification of the contract, including the*
11 *name of the corporation or entity, the value of the*
12 *contract, the nature of the product or services to be*
13 *procured, and information regarding contract provi-*
14 *sions that will be used to ensure security of United*
15 *States data; and*

16 *(2) certification that no comparable product or*
17 *service was available from a United States-owned cor-*
18 *poration or other entity at a comparable cost.*

19 **SEC. 728. UNIVERSITY-BASED CENTERS.**

20 *There is authorized to be appropriated \$36,600,000 for*
21 *fiscal year 2012 to the Secretary to carry out the university-*
22 *based centers program of the Department.*

23 **SEC. 729. REVIEW OF UNIVERSITY-BASED CENTERS.**

24 *(a) GAO STUDY OF UNIVERSITY-BASED CENTERS.—*
25 *Not later than 120 days after the date of enactment of this*
26 *Act, the Comptroller General of the United States shall ini-*

1 *tiate a study to assess the university-based centers for home-*
2 *land security program authorized by section 308(b)(2) of*
3 *the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)),*
4 *and provide recommendations to the appropriate congres-*
5 *sional committees for appropriate improvements.*

6 (b) *SUBJECT MATTERS.*—*The study under subsection*
7 *(a) shall include the following:*

8 (1) *A review of the Department’s efforts to iden-*
9 *tify key areas of study needed to support the home-*
10 *land security mission, and criteria that the Depart-*
11 *ment utilized to determine those key areas for which*
12 *the Department should maintain, establish, or elimi-*
13 *nate university-based centers.*

14 (2) *A review of the method by which university-*
15 *based centers, federally funded research and develop-*
16 *ment centers, and Department of Energy national*
17 *laboratories receive tasking from the Department, in-*
18 *cluding a review of how university-based research is*
19 *identified, prioritized, and funded.*

20 (3) *A review of selection criteria for designating*
21 *university-based centers and a weighting of such cri-*
22 *teria.*

23 (4) *An examination of best practices from other*
24 *agencies efforts to organize and use university-based*
25 *research to support their missions.*

1 (5) *A review of the Department's criteria and*
2 *metrics to measure demonstrable progress achieved by*
3 *university-based centers in fulfilling Department*
4 *taskings, and mechanisms for delivering and dissemi-*
5 *nating the research results of designated university-*
6 *based centers within the Department and to other*
7 *Federal, State, and local agencies.*

8 (6) *An examination of the means by which aca-*
9 *demically institutions that are not designated or associ-*
10 *ated with the designated university-based centers can*
11 *optimally contribute to the research mission of the*
12 *Directorate.*

13 (7) *An assessment of the interrelationship be-*
14 *tween the different university-based centers.*

15 (8) *A review of any other essential elements of*
16 *the programs determined in the conduct of the study.*

17 (c) *MORATORIUM ON NEW UNIVERSITY-BASED CEN-*
18 *TERS.—The Secretary may not designate any new univer-*
19 *sity-based centers to research new areas in homeland secu-*
20 *riety prior to the completion of the Comptroller General's*
21 *review.*

1 **TITLE VIII—IMMUNITY FOR RE-**
2 **PORTS OF SUSPECTED TER-**
3 **RORIST ACTIVITY OR SUS-**
4 **PICIOUS BEHAVIOR AND RE-**
5 **SPONSE**

6 **SEC. 801. SHORT TITLE.**

7 *This title may be cited as the “See Something, Say*
8 *Something Act of 2011”.*

9 **SEC. 802. AMENDMENT TO THE HOMELAND SECURITY ACT**
10 **OF 2002.**

11 *(a) IN GENERAL.—Subtitle H of title VIII of the*
12 *Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is*
13 *further amended by adding at the end the following:*

14 **“SEC. 890C. IMMUNITY FOR REPORTS OF SUSPECTED TER-**
15 **RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR**
16 **AND RESPONSE.**

17 *“(a) IMMUNITY FOR REPORTS OF SUSPECTED TER-*
18 *RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RE-*
19 *SPONSE.—*

20 *“(1) IN GENERAL.—Any person who, in good*
21 *faith and based on objectively reasonable suspicion,*
22 *makes, or causes to be made, a voluntary report of*
23 *covered activity to an authorized official shall be im-*
24 *mune from civil liability under Federal, State, and*
25 *local law for such report.*

1 “(2) *FALSE REPORTS.*—*Paragraph (1) shall not*
2 *apply to any report that the person knew to be false*
3 *or was made with reckless disregard for the truth at*
4 *the time that the person made that report.*

5 “(b) *IMMUNITY FOR RESPONSE.*—

6 “(1) *IN GENERAL.*—*Any authorized official who*
7 *observes, or receives a report of, covered activity and*
8 *takes reasonable action in good faith to respond to*
9 *such activity shall have qualified immunity from*
10 *civil liability for such action, consistent with applica-*
11 *ble law in the relevant jurisdiction. An authorized of-*
12 *ficial as defined by section (d)(1)(A) not entitled to*
13 *assert the defense of qualified immunity shall none-*
14 *theless be immune from civil liability under Federal,*
15 *State, and local law if such authorized official takes*
16 *reasonable action, in good faith, to respond to the re-*
17 *ported activity.*

18 “(2) *SAVINGS CLAUSE.*—*Nothing in this sub-*
19 *section shall—*

20 “(A) *affect the ability of any authorized of-*
21 *ficial to assert any defense, privilege, or immu-*
22 *nity that would otherwise be available; and*

23 “(B) *be construed as affecting any such de-*
24 *fense, privilege, or immunity.*

1 “(c) *ATTORNEY FEES AND COSTS.*—Any authorized of-
2 *ficial or other person found to be immune from civil liabil-*
3 *ity under this section shall be entitled to recover from the*
4 *plaintiff all reasonable costs and attorney fees.*

5 “(d) *DEFINITIONS.*—In this section:

6 “(1) *AUTHORIZED OFFICIAL.*—The term ‘author-
7 *ized official’ means—*

8 “(A) *any officer, employee, or agent of the*
9 *Federal government with responsibility for pre-*
10 *venting, protecting against, disrupting, or re-*
11 *sponding to a ‘covered activity;’ or*

12 “(B) *any Federal, State, or local law en-*
13 *forcement officer.*

14 “(2) *COVERED ACTIVITY.*—

15 “(A) *IN GENERAL.*—Subject to subpara-
16 *graph (B), the term ‘covered activity’ means any*
17 *suspicious transaction, activity, or occurrence*
18 *indicating that an individual may be engaging,*
19 *or preparing to engage, in a violation of law re-*
20 *lating to an act of terrorism (as that term is de-*
21 *fin ed in section 3077 of title 18, United States*
22 *Code).*

23 “(B) *MARITIME-RELATED ACTS.*—The term
24 *includes any act of terrorism directed against a*
25 *vessel, facility (as that term is defined in section*

1 70101 of title 46, United States Code), port, or
 2 waterway, whether or not a passenger is threat-
 3 ened, indicating that an individual may be en-
 4 gaging, or preparing to engage, in a violation of
 5 law relating to—

6 “(i) a threat to a vessel, facility (as so
 7 defined), port, or waterway; or

8 “(ii) an act of terrorism against a ves-
 9 sel, facility (as so defined), port, or water-
 10 way.”.

11 (b) *AMENDMENT TO THE TABLE OF CONTENTS.*—The
 12 table of contents for the Homeland Security Act of 2002
 13 is further amended by adding at the end of the items relat-
 14 ing to such subtitle the following:

 “Sec. 890C. Immunity for reports of suspected terrorist activity or suspicious be-
 havior and response.”.

15 **TITLE IX—MISCELLANEOUS**

16 **SEC. 901. REDESIGNATION AND MOVEMENT OF MISCELLA-**
 17 **NEOUS PROVISIONS.**

18 (a) *IN GENERAL.*—The Homeland Security Act of
 19 2002 (6 U.S.C. 101 et seq.) is further amended—

20 (1) by redesignating subtitle H of title VIII (re-
 21 lating to miscellaneous provisions) as title XXIII of
 22 such Act;

23 (2) by transferring such title to appear at the
 24 end of the Act;

1 (3) by amending the heading for such title to
2 read as follows:

3 **“TITLE XXIII—MISCELLANEOUS**
4 **PROVISIONS”;** and

5 (4) by striking sections 889 and 890 (consisting
6 of amendments to existing law, which have executed),
7 and redesignating the other sections of such title as
8 section 2301 through 2321, respectively.

9 (b) *CONFORMING AMENDMENTS.*—Such Act is further
10 amended—

11 (1) in section 506(b) (6 U.S.C. 316(b)), by strik-
12 ing “Section 872” and inserting “Section 2302”;

13 (2) in section 508(a) (6 U.S.C. 318(a)), by strik-
14 ing “section 871” and inserting “section 2301”;

15 (3) in section 508(d)(1) (6 U.S.C. 318(d)), by
16 striking “section 871(a)” and inserting “section
17 2301(a)”;

18 (4) in section 702(b)(2) (6 U.S.C. 432(b)(2)), by
19 striking “section 874(b)(2)” each place it appears and
20 inserting “section 2304(b)(2)”;

21 (5) in section 702(b)(2)(E) (6 U.S.C. 432(b)(2)),
22 by striking “section 874” and inserting “section
23 2304”;

1 (6) in section 702(b)(4)(A) (6 U.S.C.
2 432(b)(4)(A)), by striking “section 872(a)” and in-
3 serting “section 2302(a)”;

4 (7) in section 702(b)(4)(B) (6 U.S.C.
5 432(b)(4)(B)), by striking “Section 872(b)” and in-
6 serting “Section 2302(b)”;

7 (8) in section 707(a)(4) (6 U.S.C. 347(a)(4)), by
8 striking “section 874” and inserting “section 2304”;
9 and

10 (9) in section 843(b)(1)(B)(i) (6 U.S.C.
11 413(b)(1)(B)(i)), by striking “section 878” and in-
12 serting “section 2308”.

13 (c) *CLERICAL AMENDMENTS.*—*The table of contents in*
14 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
15 *101 et seq.) is amended—*

16 (1) *by striking the items relating to subtitle H*
17 *of title VIII; and*

18 (2) *by adding at the end the following new items:*

“TITLE XXIII—MISCELLANEOUS PROVISIONS

“Sec. 2301. *Advisory committees.*

“Sec. 2302. *Reorganization.*

“Sec. 2303. *Use of appropriated funds.*

“Sec. 2304. *Future-years homeland security program.*

“Sec. 2305. *Miscellaneous authorities.*

“Sec. 2306. *Military activities.*

“Sec. 2307. *Regulatory authority and preemption.*

“Sec. 2308. *Office of Counternarcotics Enforcement.*

“Sec. 2309. *Office of International Affairs.*

“Sec. 2310. *Prohibition of the Terrorism Information and Prevention System.*

“Sec. 2311. *Review of pay and benefit plans.*

“Sec. 2312. *Office for National Capital Region Coordination.*

“Sec. 2313. *Requirement to comply with laws protecting equal employment op-
portunity and providing whistleblower protections.*

“Sec. 2314. *Federal Law Enforcement Training Center.*

“Sec. 2315. *Joint Interagency Task Force.*

“Sec. 2316. *Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.*

“Sec. 2317. *Coordination with the Department of Health and Human Services under the Public Health Service Act.*

“Sec. 2318. *Preserving Coast Guard mission performance.*

“Sec. 2319. *Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.*

“Sec. 2320. *Buy American requirement; exceptions.*

“Sec. 2321. *Immunity for reports of suspected terrorist activity or suspicious behavior and response.*”.

1 **SEC. 902. GUIDANCE TO AND COORDINATION WITH LOCAL**
 2 **EDUCATIONAL AND SCHOOL DISTRICTS.**

3 *To enhance domestic preparedness for and collective re-*
 4 *sponse to terrorism, natural disasters, and public health*
 5 *emergencies, the Secretary shall provide guidance to and*
 6 *coordinate with local educational and school districts that*
 7 *are at a high risk of acts of terrorism, natural disasters,*
 8 *or public health emergencies.*

9 **SEC. 903. FEDERAL LAW ENFORCEMENT TRAINING OPPOR-**
 10 **TUNITIES FOR LOCAL LAW ENFORCEMENT**
 11 **PERSONNEL WITH RESPONSIBILITIES FOR**
 12 **SECURING PORTS.**

13 *The Secretary shall endeavor to make available Fed-*
 14 *eral law enforcement training opportunities, including*
 15 *through the Federal Law Enforcement Training Center, to*
 16 *local law enforcement personnel with responsibilities for se-*
 17 *curing ports.*

1 **SEC. 904. SECURITY GAPS AT DRINKING WATER AND WASTE-**
2 **WATER TREATMENT FACILITIES.**

3 (a) *IN GENERAL.*—*To enhance domestic preparedness*
4 *for an act of terrorism, the Secretary shall enter into a*
5 *memorandum of understanding with the Administrator of*
6 *the Environmental Protection Agency to establish a plan*
7 *to address security gaps at drinking water treatment facili-*
8 *ties and wastewater treatment facilities.*

9 (b) *CONTENTS.*—*The memorandum shall include a*
10 *plan to provide to operators of such facilities—*

11 (1) *guidance that is substantially similar to the*
12 *Chemical Facility Anti-Terrorism Standards Interim*
13 *Final Rule issued by the Department (6 C.F.R. Part*
14 *27), as amended by the appendix to such standards*
15 *published by the Department (72 Fed. Reg. 65396);*
16 *and*

17 (2) *technical assistance to enhance security at*
18 *such facilities in accordance with such guidance.*

19 **SEC. 905. GUIDANCE AND COORDINATION FOR OUTREACH**
20 **TO PEOPLE WITH DISABILITIES DURING**
21 **EMERGENCIES.**

22 *To enhance domestic preparedness for and collective re-*
23 *sponse to terrorism, natural disasters, and public health*
24 *emergencies, the Secretary shall provide guidance to and*
25 *coordinate with appropriate individuals, officials, and or-*

1 ganizations in implementing plans for outreach to people
2 with disabilities during emergencies.

3 **SEC. 906. TWIC PROCESS REFORM.**

4 (a) *SENSE OF CONGRESS.*—To avoid further imposing
5 unnecessary and costly regulatory burdens on United States
6 workers and businesses, it is the sense of Congress that it
7 is urgent that the Transportation Worker Identification
8 Credential (TWIC) application process be reformed by not
9 later than the end of 2012, when hundreds of thousands of
10 current TWIC holders will begin to face the requirement
11 to renew their TWICs.

12 (b) *TWIC APPLICATION REFORM.*—Not later than 90
13 days after the date of the enactment of this Act, the Sec-
14 retary shall reform the process for the enrollment, activa-
15 tion, issuance, and renewal of a TWIC to require, in total,
16 not more than one in-person visit to a designated enroll-
17 ment center except in cases in which there are extenuating
18 circumstances, as determined by the Secretary, requiring
19 more than one such in-person visit.

20 **SEC. 907. REPORT ON PROGRESS TOWARD CONDUCTING SE-**
21 **CURITY VULNERABILITY ASSESSMENTS AT**
22 **AIRPORTS IN THE UNITED STATES.**

23 (a) *FINDINGS.*—The Congress finds the following:

24 (1) According to a July 2011 interview with the
25 Government Accountability Office, the Transportation

1 *Security Authority (TSA) admitted to not having*
2 *conducted security vulnerability assessments at 83*
3 *percent of airports in the United States. This figure*
4 *increased from 87 percent in 2009, but shows little*
5 *progress on the matter and leaves airport perimeters*
6 *throughout the United States vulnerable to security*
7 *breaches.*

8 *(2) TSA identified security vulnerability assess-*
9 *ments, along with professional judgment, as TSA's*
10 *primary mechanism for assessing airport security*
11 *vulnerabilities in accordance with National Infra-*
12 *structure Protection Plan requirements.*

13 *(3) The Federal Government reports that between*
14 *1996 and November 2010, there have been 86 stow-*
15 *aways involving 76 flights, of which 68 were fatal*
16 *and 18 survived.*

17 *(4) In November 2011, Delvonte Tisdale stowed*
18 *away on a commercial jet at the Charlotte-Douglas*
19 *International Airport in Charlotte, North Carolina,*
20 *and fell out of the aircraft as it neared Boston's*
21 *Logan Airport. To this day, no comprehensive rea-*
22 *soning has been provided as to how Mr. Tisdale was*
23 *able to stow away in the wheel well of the aircraft.*

24 *(b) REPORT.—*

1 (1) *No later than 180 days after the date of en-*
2 *actment of this Act, the Secretary shall issue a report*
3 *to Congress and the appropriate congressional com-*
4 *mittees, detailing TSA’s progress toward conducting*
5 *security vulnerability assessments at 100 percent of*
6 *airports in the United States. The report shall detail*
7 *the reasoning behind why TSA has currently con-*
8 *ducted these assessments at only 17 percent of air-*
9 *ports nationwide and how it will bring this figure up*
10 *to 100 percent in the next two years.*

11 (2) *The report shall include steps taken to in-*
12 *crease perimeter security since the incident involving*
13 *Delvonte Tisdale in November 2010.*

14 (3) *The report shall include a thorough expla-*
15 *nation of the conclusions reached by TSA during the*
16 *Tisdale investigation.*

17 **SEC. 908. REGULATION OF THE SALE AND TRANSFER OF**
18 **AMMONIUM NITRATE.**

19 *Section 899B (6 U.S.C. 488a) is amended—*

20 (1) *in subsection (a), by inserting “of ownership*
21 *rights” after “sale and transfer” and inserting “and*
22 *transfer of possession to entities that provide applica-*
23 *tion services for ammonium nitrate” after “ammo-*
24 *nium nitrate facility”;*

1 (2) *by redesignating subsections (f) through (i)*
2 *as subsections (g) through (j), respectively; and*

3 (3) *by inserting after subsection (e) the following*
4 *new subsection (f):*

5 “(f) *EXEMPTION FOR TRANSPORTATION PROVIDERS.—*
6 *The Secretary shall exempt from this subtitle persons en-*
7 *gaged in transportation activities covered by chapter 51 or*
8 *section 114(d) of title 49, United States Code, who, in the*
9 *determination of the Secretary, do no pose a security threat*
10 *to homeland security based on existing security programs.”.*

11 **SEC. 909. SENSE OF CONGRESS ON INCLUSION OF THE**
12 **WESTERN HEMISPHERE IN THE 2012 NA-**
13 **TIONAL STRATEGY FOR COUNTERTERROR-**
14 **ISM’S “AREA OF FOCUS”.**

15 (a) *FINDINGS.—Congress finds the following:*

16 (1) *A 2009 Department of State Country Report*
17 *on Terrorism found that Hezbollah is the most tech-*
18 *nically capable terrorist group in the world with*
19 *thousands of supporters, several thousand members,*
20 *and a few hundred terrorist operatives.*

21 (2) *Officials from the Iranian Islamic Revolu-*
22 *tionary Guard Corps’ (IRGC) Qods Force have been*
23 *working in concert with Iran’s chief global terrorist*
24 *proxy, Lebanese Hezbollah, since the 1990s, and they*
25 *have developed networks in the Western Hemisphere*

1 *that encompass more than 80 operatives in at least*
2 *12 countries throughout the region.*

3 (3) *Hezbollah's chief sponsors, Iran and Syria,*
4 *have been forging relationships with the governments*
5 *in Latin America to achieve state cover and effective*
6 *immunity for their activities, and Hezbollah has es-*
7 *tablished a working relationship with the Revolu-*
8 *tionary Armed Forces of Colombia (FARC) in arms*
9 *and drug trafficking.*

10 (4) *Hezbollah has demonstrated its ability to co-*
11 *operate with Mexican drug cartels to utilize smug-*
12 *gling techniques and routes in order to bring drugs*
13 *and people into the United States. Sophisticated*
14 *narco-tunneling resembling the types used by*
15 *Hezbollah in Lebanon have been found along the*
16 *United States-Mexican border, and arrested Mexican*
17 *gang members entering the United States with Farsi*
18 *tattoos also support a Hezbollah influence.*

19 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
20 *there exists a significant cause for concern and for further*
21 *investigation of potential counterterrorism threats to the*
22 *United States from Iran's growing presence and influence*
23 *in the Western Hemisphere. The Secretary of Homeland Se-*
24 *curity, in coordination with other related agencies, should*
25 *include the Western Hemisphere in the 2012 National*

- 1 *Strategy for Counterterrorism's "Area of Focus", with spe-*
- 2 *cific attention on the counterterrorism threat to the home-*
- 3 *land emanating from Iran's growing presence and influence*
- 4 *in the Western Hemisphere.*

Union Calendar No. 520

112TH CONGRESS
2^D SESSION

H. R. 3116

[Report No. 112-717, Part I]

A BILL

To authorize certain programs of the Department of Homeland Security, and for other purposes.

DECEMBER 21, 2012

The Committees on Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed