

**Calendar No. 565**112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1546****[Report No. 112-249]**

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2011

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill;  
which was read twice and referred to the Committee on Homeland Security  
and Governmental Affairs

DECEMBER 13, 2012

Reported by Mr. LIEBERMAN, with an amendment

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Department of Homeland Security Authorization Act of  
 4 2011”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—MANAGEMENT AND EFFICIENCY**

Sec. 101. Department of Homeland Security investment review.

Sec. 102. Acquisition professional career program.

Sec. 103. Strategic plan for acquisition workforce.

Sec. 104. Notification to Congress of major awards.

Sec. 105. Independent verification and validation.

Sec. 106. Other transaction authority.

Sec. 107. Report on competition.

Sec. 108. Open architecture study.

Sec. 109. Cost analysis division.

Sec. 110. Strategic acquisition plan.

Sec. 111. Transparency and innovation in acquisition.

Sec. 112. Disaster relief procurement authorities.

Sec. 113. Special emergency procurement authority for domestic emergency op-  
 erations.

Sec. 114. Field efficiencies report and implementation plan.

Sec. 115. Cost savings and efficiency reviews.

Sec. 116. Consolidation of youth programs.

**TITLE II—STRUCTURE AND ORGANIZATION**

Sec. 201. Under Secretary for Policy.

Sec. 202. Office of International Affairs.

Sec. 203. Chief Medical Officer.

Sec. 204. Quadrennial homeland security review.

Sec. 205. Designation of foreign terrorist organizations.

Sec. 206. Office for Domestic Preparedness termination.

Sec. 207. State and Local Government Coordination.

Sec. 208. Termination of Office of Counternarcotics Enforcement.

Sec. 209. Reorganization authority.

Sec. 210. Chief Information Officer.

Sec. 211. Department of Homeland Security headquarters.

Sec. 212. Future Years Homeland Security Program.

Sec. 213. Countering homegrown terrorism.

Sec. 214. Office of Cargo Security Policy.

Sec. 215. Technical and conforming amendments.

**TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE**

Sec. 301. Infrastructure Protection and Resilience Directorate.

Sec. 302. Federal Protective Service.

#### TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY

- Sec. 401. Catastrophic incident planning.
- Sec. 402. Preparedness of individuals and communities.
- Sec. 403. Federal response and recovery preparedness officials.
- Sec. 404. Recovery.
- Sec. 405. Enhancing response and recovery operations and programs.
- Sec. 406. Department and agency officials.
- Sec. 407. Infrastructure protection assistance.
- Sec. 408. Federal-State border security cooperation.
- Sec. 409. Emergency management assistance compact.
- Sec. 410. Repeal of emergency operations center grant program.
- Sec. 411. Performance measures.
- Sec. 412. Communications planning.
- Sec. 413. Guidelines concerning weapons of mass destruction.
- Sec. 414. Plume modeling.
- Sec. 415. Identification of disaster management resources.
- Sec. 416. Antifraud training.
- Sec. 417. Information technology.
- Sec. 418. Metropolitan Medical Response System.
- Sec. 419. Regional Catastrophic Grant Program.
- Sec. 420. Report on consolidation of grant programs.

#### TITLE V—BORDER SECURITY

- Sec. 501. Workforce staffing plan.
- Sec. 502. Surge deployment.
- Sec. 503. Enhanced training for Border Patrol agents.
- Sec. 504. Outbound inspections.
- Sec. 505. Situational awareness of the northern border.
- Sec. 506. Office of International Travel Security and Screening.
- Sec. 507. Visa security.
- Sec. 508. Report on border security task forces and drug intelligence centers.

#### TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS

- Sec. 601. Authorization of intelligence activities.
- Sec. 602. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.
- Sec. 603. Flexible personnel management at the Office of Intelligence and Analysis.
- Sec. 604. Under Secretary for Intelligence and Analysis technical correction.

#### TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS

- Sec. 701. Directorate of science and technology.
- Sec. 702. Director of testing and evaluation.
- Sec. 703. Five-year research and development investment plan; technology readiness assessment process; and availability of testing facilities and equipment.
- Sec. 704. National academy of sciences report.
- Sec. 705. Domestic nuclear detection office.

Sec. 706. Flexible personnel management at the Science and Technology Directorate.

Sec. 707. Technical and conforming amendment.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Department” means the Department of Homeland Security; and

5 (2) the term “Secretary” means the Secretary of Homeland Security.

7 **TITLE I—MANAGEMENT AND**  
8 **EFFICIENCY**

9 **SEC. 101. DEPARTMENT OF HOMELAND SECURITY INVEST-**  
10 **MENT REVIEW.**

11 (a) **IN GENERAL.**—Subtitle D of title VIII of the  
12 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)  
13 is amended by adding at the end the following new section:

14 **“SEC. 836. DEPARTMENT INVESTMENT REVIEW.**

15 **“(a) ESTABLISHMENT OF PROCESS.**—The Secretary  
16 shall establish a process for the review of proposed invest-  
17 ments by the Department.

18 **“(b) PURPOSE.**—The Secretary shall use the process  
19 established under subsection (a) to provide a consistent  
20 method to evaluate the progress and status of acquisitions  
21 at critical points in the acquisition life cycle; inform invest-  
22 ment decisions; strengthen acquisition oversight; and im-  
23 prove resource management throughout the Department.

24 **“(c) ACQUISITION REVIEW BOARD.**—

1           “(1) ESTABLISHMENT.—The Secretary shall es-  
2           tablish a Department-wide Acquisition Review Board  
3           for the purpose of carrying out the investment re-  
4           view process established under subsection (a).

5           “(2) MEMBERSHIP.—The Secretary shall—

6                   “(A) designate the Director of Cost Anal-  
7                   ysis as a member of the Acquisition Review  
8                   Board; and

9                   “(B) designate other appropriate officials  
10                  of the Department to serve on the Acquisition  
11                  Review Board.

12          “(3) SUBORDINATE BOARDS AND COUNCILS.—

13          The Secretary may establish, as needed, subordinate  
14          boards and councils reporting to the Acquisition Re-  
15          view Board to review certain categories of invest-  
16          ments on a Department-wide basis.

17          “(d) RISK-BASED CRITERIA FOR REVIEW.—The Sec-  
18          retary shall establish risk-based criteria for the review of  
19          investments by the Acquisition Review Board and any sub-  
20          ordinate boards and councils, which should include thresh-  
21          old dollar amounts.

22          “(e) REPORTING REQUIREMENTS.—

23                  “(1) ACQUISITION DECISION MEMORANDA.—

24                  Not later than three business days after signature of  
25                  any acquisition decision memorandum of the Acqui-

1 sition Review Board, the Under Secretary for Man-  
2 agement shall provide a copy of the memorandum,  
3 together with a copy of the Letter of Assessment  
4 signed by the Director of Testing and Evaluation, to  
5 the Committee on Homeland Security and Govern-  
6 mental Affairs of the Senate and the Committee on  
7 Homeland Security of the House or Representatives.

8 “(2) QUARTERLY STATUS REPORTS.—The  
9 Under Secretary for Management shall provide a  
10 quarterly report to the Committee on Homeland Se-  
11 curity and Governmental Affairs of the Senate and  
12 the Committee on Homeland Security of the House  
13 of Representatives detailing the status of each acqui-  
14 sition subject to the review process established by  
15 this section. The report shall include the following  
16 elements:

17 “(A) A description of the acquisition.

18 “(B) The status of review of the acquisi-  
19 tion by the Acquisition Review Board or other  
20 board designated to review the acquisition.

21 “(C) The estimated life-cycle cost of the  
22 acquisition, and the basis for the estimate.

23 “(D) The Acquisition Program Baseline  
24 approved by the Acquisition Review Board.

1           “(E) Information on whether the Acquisi-  
 2           tion Review Board has reviewed and approved  
 3           other key planning documents, including, as ap-  
 4           plicable—

5                   “(i) a Concept of Operations;

6                   “(ii) a Statement of Mission Need;

7                   “(iii) an Analysis of Alternatives;

8                   “(iv) an Operational Requirements  
 9           Document;

10                   “(v) an Acquisition Plan; and

11                   “(vi) an Integrated Logistics Support  
 12           Plan.

13           “(F) Identification of acquisitions that  
 14           have not met cost, schedule, or performance pa-  
 15           rameters, and a description of the corrective  
 16           measures implemented or planned for such ac-  
 17           quisitions.

18           “(G) An indication of whether a certified  
 19           program manager has been assigned to the ac-  
 20           quisition.”.

21           (b) CLERICAL AMENDMENT.—The table of contents  
 22           in section 1(b) of such Act (6 U.S.C. 101(b)) is amended  
 23           by inserting after the item relating to section 835 the fol-  
 24           lowing new item:

“Sec. 836. Department investment review.”.

1 **SEC. 102. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

2 (a) **ESTABLISHMENT.**—The Secretary shall establish  
3 an acquisition professional career program for selected  
4 professionals to foster the recruitment, training, certifi-  
5 cation, and retention of qualified acquisition personnel  
6 throughout the Department.

7 (b) **CAREER FIELDS COVERED.**—The program estab-  
8 lished under subsection (a) shall provide training in key  
9 acquisition career fields supporting the entire life cycle of  
10 acquisitions, including the positions of contract specialist,  
11 program manager, logistician, systems engineer, cost esti-  
12 mator, and information technology acquisition specialist.

13 (c) **ROTATIONAL ASSIGNMENTS.**—To the extent prac-  
14 ticable, the Department should strive to have participants  
15 in the program established under subsection (a) complete,  
16 at a minimum, three rotational assignments, to be at least  
17 one year in length unless otherwise provided by the Sec-  
18 retary, at Department components in order to gain a  
19 broad perspective on how acquisitions support the Depart-  
20 ment's missions.

21 (d) **SIZE.**—The size of the program established under  
22 subsection (a) shall be commensurate with available fund-  
23 ing and consistent with the projected acquisition workforce  
24 needs established in the strategic plan for acquisition  
25 workforce required by section 103.



1 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
 2 tion shall be construed to conflict with or supersede the  
 3 authority vested in the Administrator for Federal Procure-  
 4 ment Policy.

5 **SEC. 103. STRATEGIC PLAN FOR ACQUISITION WORK-**  
 6 **FORCE.**

7 (a) **STRATEGIC HUMAN CAPITAL PLAN.**—Not later  
 8 than 1 year after the date of enactment of this Act, and  
 9 at a minimum every 3 years thereafter, the Secretary shall  
 10 develop a long-term strategic human capital plan for the  
 11 recruitment, retention, and training of the Department’s  
 12 acquisition workforce that is consistent with requirements  
 13 issued by the Administrator for Federal Procurement Pol-  
 14 icy and includes—

15 (1) an identification of gaps in capabilities in  
 16 each component of the Department for, at a min-  
 17 imum, the acquisition career fields identified pursu-  
 18 ant to section 102, and specific steps that will be  
 19 taken to address those gaps;

20 (2) projections in personnel needed for each ac-  
 21 quisition career field in each component; and

22 (3) a plan and projected schedule for training  
 23 the acquisition workforce.

24 (b) **SUBMISSION TO CONGRESS.**—The Secretary shall  
 25 deliver a copy of the strategic plan developed pursuant to

1 subsection (a) to the Committee on Homeland Security  
2 and Governmental Affairs of the Senate and the Com-  
3 mittee on Homeland Security of the House of Representa-  
4 tives.

5 **SEC. 104. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.**

6 (a) **REPORTING OF SIGNIFICANT CONTRACTS.**—The  
7 Secretary shall notify the Committee on Homeland Secu-  
8 rity and Governmental Affairs of the Senate and the Com-  
9 mittee on Homeland Security of the House of Representa-  
10 tives at least 3 business days before—

11 (1) making a contract award, other transaction  
12 agreement, or task and delivery order exceeding  
13 \$10,000,000; or

14 (2) announcing the intention to make such an  
15 award.

16 (b) **EXCEPTION.**—If the Secretary determines that  
17 compliance with this section would pose a substantial risk  
18 to human life, health, or safety, an award may be made  
19 without the notification required by subsection (a), and  
20 the Committee on Homeland Security and Governmental  
21 Affairs of the Senate and the Committee on Homeland  
22 Security of the House of Representatives shall be notified  
23 not later than 5 business days after such an award is  
24 made.

1 **SEC. 105. INDEPENDENT VERIFICATION AND VALIDATION.**

2 (a) **GUIDANCE REQUIRED.**—Not later than 270 days  
3 after the date of the enactment of this Act, the Chief Pro-  
4 curement Officer of the Department, in consultation with  
5 the Chief Information Officer of the Department, shall  
6 issue guidance on use of independent verification and vali-  
7 dation to provide a process for the independent evaluation  
8 of the integrity and quality of major acquisitions. The  
9 guidance shall include—

10 (1) a definition of independent verification and  
11 validation for consistent use by Department compo-  
12 nents;

13 (2) criteria for applying and planning inde-  
14 pendent verification and validation that—

15 (A) gives priority for consideration of inde-  
16 pendent verification and validation based on  
17 factors including mission criticality of the pro-  
18 gram and its components and potential impacts  
19 to the program from undetected system errors;

20 (B) includes appropriate thresholds above  
21 which acquisitions may not proceed without  
22 independent verification and validation unless  
23 authorized to do so by the Acquisition Review  
24 Board established under section 836 of the  
25 Homeland Security Act of 2002, as added by  
26 section 101; and

1           (C) ensures, where reasonable and appro-  
2           priate, use of resources of the Federal Govern-  
3           ment to perform independent verification and  
4           validation;

5           (3) procedures for ensuring the managerial, fi-  
6           nancial, and technical independence of providers of  
7           independent verification and validation from the per-  
8           sonnel who develop, manage, and perform acquisi-  
9           tions for the program, in order to obtain unbiased  
10          reviews of acquisitions;

11          (4) methods for integrating independent  
12          verification and validation results into program man-  
13          agement;

14          (5) procedures to monitor and ensure imple-  
15          mentation of the guidance and to take corrective ac-  
16          tion when necessary; and

17          (6) mechanisms to collect and analyze data on  
18          independent verification and validation to facilitate  
19          lessons learned and evaluate the effectiveness of the  
20          investments of the Department.

21          (b) RESTRICTION ON DEVELOPMENT OF GUID-  
22          ANCE.—The development of the guidance required under  
23          subsection (a) shall be considered an inherently govern-  
24          mental function.

25          (c) REPORTING TO CONGRESS.—

1           (1) QUARTERLY REPORTS.—The quarterly re-  
2       ports required by section 836(e)(2) of the Homeland  
3       Security Act of 2002 (6 U.S.C. 391 et seq.), as  
4       added by section 101, shall include, for any acquisi-  
5       tion that is granted initial approval to proceed by  
6       the Acquisition Review Board without a plan for  
7       independent verification and validation, an expla-  
8       nation of the decision not to employ independent  
9       verification and validation.

10          (2) INFORMATION TECHNOLOGY.—Not later  
11       than 270 days after the date of enactment of this  
12       Act, the Chief Procurement Officer of the Depart-  
13       ment shall submit to the Committee on Homeland  
14       Security and Governmental Affairs of the Senate  
15       and the Committee on Homeland Security of the  
16       House of Representatives a report on the actions the  
17       Department is taking to address the recommenda-  
18       tions included in the July 2011 report of the Gov-  
19       ernment Accountability Office entitled “Information  
20       Technology: DHS Needs to Improve Its Independent  
21       Acquisition Reviews” (GAO-11-581), including any  
22       actions taken to improve the use of independent  
23       verification and validation for the 8 programs identi-  
24       fied in the report.

1 **SEC. 106. OTHER TRANSACTION AUTHORITY.**

2 Section 331 of the Homeland Security Act of 2002  
3 (6 U.S.C. 391) is amended—

4 (1) in subsection (a), by striking “Until Sep-  
5 tember 30, 2010” and inserting “Until September  
6 30, 2016”;

7 (2) in subsection (b), by striking “Not later  
8 than 2 years after the effective date of this Act, and  
9 annually thereafter” and inserting “Not later than  
10 September 30, 2015”; and

11 (3) in subsection (d)(1), by striking “September  
12 30, 2010” and inserting “September 30, 2016”.

13 **SEC. 107. REPORT ON COMPETITION.**

14 Not later than 270 days after the date of the enact-  
15 ment of this Act, the Inspector General of the Department  
16 of Homeland Security shall prepare a report analyzing the  
17 use of competition in the award of contracts by the De-  
18 partment under the requirements of the Competition in  
19 Contracting Act (41 U.S.C. 3301 et seq.), which shall in-  
20 clude—

21 (1) for each component of the Department, the  
22 total number and dollar value of new contracts for  
23 each of the last three full fiscal years for which data  
24 is available, and, of that total number, the number  
25 of contracts—

1           (A) entered into without full and open  
2 competition; and

3           (B) awarded under competition after re-  
4 ceipt of only one offer;

5           (2) a statistical analysis of statutory exceptions  
6 used to enter contracts without full and open com-  
7 petition;

8           (3) a discussion of the trends in competition in  
9 each component; and

10           (4) a comparison of the percentage of contracts  
11 awarded under full and open competition by the De-  
12 partment and the percentage of contracts awarded  
13 under full and open competition by other major  
14 agencies.

15 **SEC. 108. OPEN ARCHITECTURE STUDY.**

16           (a) **ESTABLISHMENT.**—Not later than 90 days after  
17 the date of the enactment of this Act, the Under Secretary  
18 for Management shall commence a study within the De-  
19 partment to examine ways in which performance may be  
20 improved, costs may be reduced, and opportunities for  
21 competition may be increased through an open architee-  
22 ture approach to acquisitions.

23           (b) **PARTICIPANTS IN THE STUDY.**—The study shall  
24 contain input from the following officials:

1           (1) The Chief Procurement Officer of the De-  
2           partment.

3           (2) The Chief Information Officer of the De-  
4           partment.

5           (3) The Chief Acquisition Executives of the De-  
6           partment's components.

7           (4) The Heads of Contracting Activity of the  
8           Department's components.

9           (5) The Chief Information Officers of the De-  
10          partment's components.

11          (6) The Director of Acquisition Support and  
12          Operations Analysis of the Science and Technology  
13          Directorate.

14          (7) Any other official of the Department identi-  
15          fied by the Under Secretary for Management.

16          (e) STUDY.—

17           (1) IN GENERAL.—Not later than 270 days  
18           after the date of the enactment of this Act, the  
19           Under Secretary for Management shall submit to  
20           the Committee on Homeland Security and Govern-  
21           mental Affairs of the Senate, and the Committee on  
22           Homeland Security of the House of Representatives  
23           a report—

24                   (A) assessing the current use of open ar-  
25                   chitecture by the Department;



1           (B) making recommendations, as appropriate,  
2           on the benefits of expanded use of open  
3           architecture by the Department;

4           (C) describing the internal capabilities necessary  
5           for executing acquisitions under an open  
6           architecture model; and

7           (D) identifying, as appropriate, acquisitions  
8           for which use of open architecture would  
9           be beneficial.

10          (2) USE OF LESSONS LEARNED.—In preparing  
11          the report, the participants in the study should draw  
12          on lessons learned from the use of open architecture  
13          at the Department of Defense.

14          (d) OPEN ARCHITECTURE DEFINED.—In this section,  
15          the term “open architecture” means the employment  
16          of business and technical practices that yield modular,  
17          interoperable systems that adhere to standards with open  
18          interfaces, with a goal of encouraging competitive proposals  
19          from multiple qualified sources and rapid incorporation  
20          of innovative technologies into systems.

21          (e) TERMINATION.—The study shall be deemed completed  
22          upon submission of the report required by subsection  
23          (e).

1 **SEC. 109. COST ANALYSIS DIVISION.**

2 (a) IN GENERAL.—Subtitle D of title VIII of the  
3 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.),  
4 as amended by section 101(a), is further amended by add-  
5 ing at the end the following new section:

6 **“SEC. 837. COST ANALYSIS DIVISION.**

7 “(a) ESTABLISHMENT.—There is established within  
8 the Department a Cost Analysis Division, which shall re-  
9 port to the Under Secretary for Management, to ensure  
10 that program cost estimates—

11 “(1) are accurate reflections of program re-  
12 quirements; and

13 “(2) increase the capability of the Department  
14 for informed investment decisions, budget formula-  
15 tion, measurement of progress, and accountability.

16 “(b) DUTIES.—The duties of the Cost Analysis Divi-  
17 sion shall include—

18 “(1) validating program life-cycle cost estimates  
19 as part of the investment review process established  
20 under section 836;

21 “(2) providing independent cost estimates of  
22 major programs at major milestone points;

23 “(3) prescribing policies and procedures for the  
24 conduct of cost estimation and cost analysis for ac-  
25 quisition programs of the Department;

1           “(4) issuing guidance relating to full consider-  
2           ation of life-cycle management and sustainability  
3           costs in acquisition programs of the Department;

4           “(5) providing assistance, training, and over-  
5           sight of the cost analysis capabilities of the compo-  
6           nents of the Department;

7           “(6) leveraging, where possible, existing data-  
8           bases and system resources maintained by other  
9           Federal agencies in the development of the Depart-  
10          ment’s cost database, and sharing relevant informa-  
11          tion and best practices related to cost databases with  
12          other agencies; and

13          “(7) leading the development of—

14               “(A) improved analytical skills and com-  
15               petencies within the cost assessment workforce  
16               of the Department; and

17               “(B) tools, data, and methods to promote  
18               improved performance, economy, and efficiency  
19               in planning and allocation of homeland security  
20               resources.

21          “(c) DIRECTOR OF COST ANALYSIS.—

22               “(1) IN GENERAL.—The Cost Analysis Division  
23               shall be headed by a Director of Cost Analysis who  
24               shall serve as the principal advisor to the Secretary  
25               and other senior officials of the Department on cost

1 estimation and cost analysis for acquisition pro-  
 2 grams of the Department.

3 ~~“(2) AVAILABILITY OF RESOURCES.—~~The Sec-  
 4 retary shall ensure that the Director of Cost Anal-  
 5 ysis—

6 ~~“(A) promptly receives the results of—~~

7 ~~“(i) all cost estimates and cost anal-  
 8 yses conducted by components of the De-  
 9 partment for any acquisition subject to the  
 10 investment review process established  
 11 under section 836; and~~

12 ~~“(ii) all studies conducted by the com-  
 13 ponents in connection with such acquisi-  
 14 tions; and~~

15 ~~“(B) has timely access to any records and  
 16 data in the Department that the Director con-  
 17 siders necessary to review in order to carry out  
 18 any duties under this section.”.~~

19 (b) ~~CLERICAL AMENDMENT.—~~The table of contents  
 20 in section 1(b) of such Act (6 U.S.C. 101(b)), as amended  
 21 by section 101(b), is further amended by inserting after  
 22 the item relating to section 836 the following new item:

~~“Sec. 837. Cost analysis division.”.~~

23 **SEC. 110. STRATEGIC ACQUISITION PLAN.**

24 (a) ~~IN GENERAL.—~~Subtitle D of title VIII of the  
 25 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.);

1 as amended by section 109(a), is further amended by add-  
 2 ing at the end the following new section:

3 **“SEC. 838. STRATEGIC ACQUISITION PLAN.**

4 “Not later than one year after the date of enactment  
 5 of the Department of Homeland Security Authorization  
 6 Act of 2011, and annually thereafter, the Under Secretary  
 7 for Management shall make publicly available on the  
 8 Internet website of the Department a strategic acquisition  
 9 plan that includes—

10 “(1) guiding principles, overarching goals, and  
 11 specific objectives of the Department’s acquisitions;

12 “(2) anticipated procurement needs over 1-year  
 13 and, at a minimum, 5-year periods with specific in-  
 14 formation on—

15 “(A) program-level needs;

16 “(B) anticipated multi-year procurements;

17 and

18 “(C) expected major changes in ongoing or  
 19 planned procurements; and

20 “(3) plans for utilization of strategic sourcing  
 21 through Department-wide or government-wide con-  
 22 tracts.”.

23 (b) CLERICAL AMENDMENT.—The table of contents  
 24 in section 1(b) of such Act (6 U.S.C. 101(b)), as amended

1 by section 109(b), is further amended by inserting after  
 2 the item relating to section 837 the following new item:

“Sec. 838. Strategic acquisition plan.”

3 **SEC. 111. TRANSPARENCY AND INNOVATION IN ACQUISITION.**  
 4

5 (a) **IN GENERAL.**—Subtitle D of title VIII of the  
 6 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.),  
 7 as amended by section 110(a), is further amended by add-  
 8 ing at the end the following new section:

9 **“SEC. 839. TRANSPARENCY AND INNOVATION IN ACQUISITION.**  
 10

11 “The Under Secretary for Management, consistent  
 12 with applicable law, regulations, and policy shall—

13 “(1) ensure that acquisition personnel provide  
 14 information on acquisition needs of the Department  
 15 to the private sector and nongovernmental organiza-  
 16 tions;

17 “(2) ensure that the Department’s website in-  
 18 cludes information on programs, policies, and initia-  
 19 tives designed to encourage small businesses to par-  
 20 ticipate in Department acquisitions;

21 “(3) provide information on the Department’s  
 22 website to guide interactions between the Depart-  
 23 ment and vendors;

24 “(4) provide information on the Department’s  
 25 procurements on the Department’s website;

1           “(5) promote use of consistent, shared termi-  
2 nology and definitions within the Department and in  
3 the solicitations, contracts, grants, and other trans-  
4 actions of the Department with the private sector;

5           “(6) encourage appropriate use of requests for  
6 information and other pre-solicitation means of  
7 gathering knowledge about the marketplace; and

8           “(7) ensure that debriefings to unsuccessful  
9 offerors, including those required by the Federal Ac-  
10 quisition Regulation, provide adequate explanation of  
11 the basis for an award decision.”.

12       (b) ~~CLERICAL AMENDMENT.~~—The table of contents  
13 in section 1(b) of such Act (6 U.S.C. 101(b)), as amended  
14 by section 110(b), is further amended by inserting after  
15 the item relating to section 838 the following new item:  
“Sec. 839. Transparency and innovation in acquisition.”.

16 **SEC. 112. DISASTER RELIEF PROCUREMENT AUTHORITIES.**

17       (a) ~~CONFORMING DISASTER RELIEF AUTHORITIES~~  
18 ~~TO THE FEDERAL ACQUISITION REGULATION.~~—Subtitle  
19 ~~F~~ of the Post-Katrina Emergency Management Reform  
20 Act of 2006 (title VI of Public Law 109–295; 120 Stat.  
21 1457) is amended by striking sections 692 and 695 (6  
22 U.S.C. 792 and 794).

23       (b) ~~STREAMLINING REGISTRATION FOR VOLUNTARY~~  
24 ~~DISASTER RESPONSE REGISTRY.~~—Section 697(b) of the  
25 Post-Katrina Emergency Management Reform Act of

1 2006 (title VI of Public Law 109–295; 6 U.S.C. 796(b))  
 2 is amended—

3 (1) by amending paragraph (3) to read as fol-  
 4 lows:

5 “(3) SOURCE OF INFORMATION.—Information  
 6 maintained in the registry shall be submitted on a  
 7 voluntary basis and be kept current by the submit-  
 8 ting business concerns.”; and

9 (2) in paragraph (5), by striking “consult the  
 10 registry” and inserting “consult the Central Con-  
 11 tractor Registration database maintained under sub-  
 12 part 4.11 of the Federal Acquisition Regulation, or  
 13 any successor thereto”.

14 **SEC. 113. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**  
 15 **ITY FOR DOMESTIC EMERGENCY OPER-**  
 16 **ATIONS.**

17 Section 1903 of title 41, United States Code, is  
 18 amended—

19 (1) in subsection (a)—

20 (A) by redesignating paragraphs (1) and  
 21 (2) as subparagraphs (A) and (B), respectively,  
 22 and moving such subparagraphs, as so redesign-  
 23 ated, two ems to the right;



1           (B) by striking “with respect to a procure-  
2           ment” and inserting the following: “with re-  
3           spect to—

4           “(1) a procurement”;

5           (C) in subparagraph (B), as redesignated  
6           by subparagraph (A) of this paragraph, by  
7           striking “United States.” and inserting “United  
8           States; and”; and

9           (D) by adding at the end the following new  
10          subparagraph:

11          “(C) a procurement of property or services  
12          by or for the Department of Homeland Security  
13          that the Secretary of Homeland Security deter-  
14          mines are to be used in support of domestic  
15          emergency operations, in accordance with sub-  
16          section (d).”;

17          (2) in subsection (e)(1), by striking “subsection  
18          (a)(2)” and inserting “subsection (a)(1)(B)”; and

19          (3) by adding at the end the following new sub-  
20          section:

21          “(d) DOMESTIC EMERGENCY OPERATIONS.—The  
22          Secretary of Homeland Security, or a designee at the  
23          Chief Procurement Officer level or higher, in consultation  
24          with the Administrator, may utilize the authorities pro-  
25          vided under paragraphs (1)(A), (2)(A), and (3) of sub-

1 section (b) in a domestic emergency operation to provide  
2 support for—

3 “(1) an emergency or major disaster, as those  
4 terms are defined under section 102 of the Robert  
5 T. Stafford Disaster Relief and Emergency Assist-  
6 ance Act (42 U.S.C. 5122); or

7 “(2) any occasion or instance for which the Sec-  
8 retary of Homeland Security determines Federal as-  
9 sistance is needed to supplement State and local ef-  
10 forts and capabilities to save lives and to protect  
11 property and public health and safety, or to lessen  
12 or avert the threat of a catastrophe in any part of  
13 the United States.”

14 **SEC. 114. FIELD EFFICIENCIES REPORT AND IMPLEMENTA-**  
15 **TION PLAN.**

16 (a) DEFINITION.—In this section, the term “des-  
17 ignated geographic area”—

18 (1) means an area designated by the Secretary  
19 where there is a substantial physical presence of  
20 more than 1 component or operational entity of a  
21 component of the Department; and

22 (2) does not include the National Capitol Re-  
23 gion, as defined under section 2674 of title 10,  
24 United States Code.

25 (b) REPORT AND PLAN.—

1           (1) IN GENERAL.—Not later than 9 months  
2 after the date of enactment of this Act, the Sec-  
3 retary shall submit to the Committee on Homeland  
4 Security and Governmental Affairs of the Senate  
5 and the Committee on Homeland Security of the  
6 House of Representatives an efficiencies report and  
7 implementation plan that—

8           (A) examines the facilities and administra-  
9 tive and logistics functions of components or  
10 operational entities of components of the De-  
11 partment located within designated geographic  
12 areas; and

13           (B) provides specific recommendations and  
14 an associated cost-benefit analysis for the con-  
15 solidation of the facilities and administrative  
16 and logistics functions of components or oper-  
17 ational entities of components of the Depart-  
18 ment within each designated geographic area.

19           (2) CONTENTS.—The efficiencies report and  
20 implementation plan submitted under paragraph (1)  
21 shall—

22           (A) describe the facilities and administra-  
23 tive and logistics functions of components or  
24 operational entities of components of the De-

1           partment located within each designated geo-  
2           graphic area;

3           (B) evaluate for each designated geo-  
4           graphic area—

5           (i) specific facilities at which compo-  
6           nents or operational entities of components  
7           of the Department may be closed or con-  
8           solidated, including the consideration of  
9           when leases expire or facilities owned by  
10          the Government become available;

11          (ii) the potential for the consolidation  
12          of administrative and logistics functions,  
13          including—

14               (I) engineering services;

15               (II) facility maintenance;

16               (III) janitorial services;

17               (IV) fleet vehicle services;

18               (V) shipping and receiving;

19               (VI) facility security;

20               (VII) procurement of goods and  
21               services;

22               (VIII) mail handling;

23               (IX) administrative support; and

1                   ~~(X)~~ information technology and  
2                   telecommunications services and sup-  
3                   port; and

4                   (iii) additional ways to improve unity  
5                   of effort and cost savings for field oper-  
6                   ations and related support activities;

7                   ~~(C)~~ detail any other opportunities to im-  
8                   prove efficiency or reduce costs identified by a  
9                   component of the Department; and

10                  ~~(D)~~ from the elimination of duplicative  
11                  component support functions; consolidation of  
12                  facilities; and implementation of additional  
13                  operational initiatives; reduce the aggregate  
14                  amount of expenditures on all Department fa-  
15                  cilities; administrative and logistics functions;  
16                  and operational activities in designated geo-  
17                  graphic areas by 5 percent.

18                  ~~(3)~~ IMPLEMENTATION.—Not later than 2 years  
19                  after the date of enactment of this Act, the imple-  
20                  mentation plan required by this section shall be fully  
21                  implemented.

22 **SEC. 115. COST SAVINGS AND EFFICIENCY REVIEWS.**

23                  ~~(a)~~ MANAGEMENT AND ADMINISTRATIVE SAVINGS.—  
24                  Not later than 270 days after the date of enactment of  
25                  this Act, the Secretary, acting through the Under Sec-

1 retary for Management, shall submit to the Committee on  
2 Homeland Security and Governmental Affairs of the Sen-  
3 ate and the Committee on Homeland Security of the  
4 House of Representatives a report that—

5           (1) provides a detailed accounting of the man-  
6 agement and administrative expenditures and activi-  
7 ties of the components of the Department; and

8           (2) identifies potential cost savings and effi-  
9 ciencies for the management and administrative ex-  
10 penditures and activities of each component of the  
11 Department.

12       (b) PERSONNEL ALLOCATION STUDY.—Not later  
13 than 270 days after the date of enactment of this Act,  
14 the Secretary, acting through the Under Secretary for  
15 Management, shall—

16           (1) conduct a study that examines the size, ex-  
17 perience level, and geographic distribution of the  
18 operational personnel of the Department, including  
19 U.S. Customs and Border Protection officers, Bor-  
20 der Patrol agents, U.S. Customs and Border Protec-  
21 tion Air and Marine agents, U.S. Customs and Bor-  
22 der Protection Agriculture Specialists, Federal Pro-  
23 tective Service Law Enforcement Security Officers,  
24 U.S. Immigration and Customs Enforcement agents,

1 Transportation Security Officers, Federal air mar-  
 2 shals, and members of the Coast Guard; and

3 ~~(2)~~ submit to the Committee on Homeland Se-  
 4 curity and Governmental Affairs of the Senate and  
 5 the Committee on Homeland Security of the House  
 6 of Representatives a report that details the findings  
 7 of the study conducted under paragraph ~~(1)~~ and rec-  
 8 ommends adjustments to close gaps in capabilities,  
 9 reduce costs, and enhance efficiencies.

10 **SEC. 116. CONSOLIDATION OF YOUTH PROGRAMS.**

11 The Secretary shall consolidate all youth prepared-  
 12 ness educational programs of the Department, including  
 13 the use of mascots and youth-focused websites, into 1 pro-  
 14 gram, including—

15 ~~(1)~~ the Ready Kids Initiative;

16 ~~(2)~~ the FEMA for Kids website;

17 ~~(3)~~ the U.S. Fire Administration for Kids  
 18 website; and

19 ~~(4)~~ the Disaster Twins website of the Federal  
 20 Emergency Management Agency.

21 **TITLE II—STRUCTURE AND**  
 22 **ORGANIZATION**

23 **SEC. 201. UNDER SECRETARY FOR POLICY.**

24 ~~(a)~~ IN GENERAL.—The Homeland Security Act of  
 25 2002 (6 U.S.C. 101 et seq.) is amended by—

1           (1) redesignating section 601 as section 890A  
 2           and transferring that section to after section 890;  
 3           and

4           (2) striking the heading for title VI and insert-  
 5           ing the following:

6           **“TITLE VI—POLICY, PLANNING,  
 7           AND OPERATIONS COORDINA-  
 8           TION**

9           **“Subtitle A—Under Secretary for  
 10           Policy**

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

12          “(a) IN GENERAL.—There shall be in the Depart-  
 13          ment an Under Secretary for Policy, who shall be ap-  
 14          pointed by the President, by and with the advice and con-  
 15          sent of the Senate.

16          “(b) RESPONSIBILITIES.—The Under Secretary for  
 17          Policy shall—

18                 “(1) serve as the principal policy advisor to the  
 19          Secretary;

20                 “(2) coordinate and provide overall direction  
 21          and supervision of policy development for the pro-  
 22          grams, offices, and activities of the Department;

23                 “(3) work with the Under Secretary for Man-  
 24          agement and the General Counsel of the Department  
 25          to ensure that the development of the budget of the



1 Department is compatible with the priorities, stra-  
 2 tegic plans, and policies established by the Sec-  
 3 retary;

4 “(4) conduct long-range, strategic planning for  
 5 the Department, including overseeing each quadren-  
 6 nial homeland security review under section 621;  
 7 and

8 “(5) carry out such other responsibilities as the  
 9 Secretary determines are appropriate, consistent  
 10 with this section.”.

11 (b) INCUMBENT.—The individual serving as Assist-  
 12 ant Secretary for Policy on the date of enactment of this  
 13 Act may serve as the Under Secretary for Policy until the  
 14 date on which an appointment to the position of Under  
 15 Secretary for Policy is made, by and with the advice and  
 16 consent of the Senate.

17 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
 18 The table of contents in section 1(b) of the Homeland Se-  
 19 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended—

20 (1) by striking the items relating to title VI and  
 21 section 601 and inserting the following:

“TITLE VI—POLICY, PLANNING, AND OPERATIONS  
 COORDINATION

“Subtitle A—Under Secretary for Policy

“Sec. 601. Under Secretary for Policy.”;

22 and

1           (2) by inserting after the item relating to sec-  
2           tion 890 the following:

“Sec. 890A. Treatment of charitable trusts for members of the Armed Forces  
of the United States and other governmental organizations.”.

3   **SEC. 202. OFFICE OF INTERNATIONAL AFFAIRS.**

4           Section 879 of the Homeland Security Act of 2002  
5   (6 U.S.C. 459) is amended to read as follows:

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

7           “(a) **ESTABLISHMENT.**—There is established within  
8   the Department an Office of International Affairs, which  
9   shall be headed by the Assistant Secretary for Inter-  
10   national Affairs, who shall be appointed by the President.

11          “(b) **RESPONSIBILITIES OF THE ASSISTANT SEC-**  
12   **RETARY.**—The Assistant Secretary for International Af-  
13   fairs shall—

14           “(1) coordinate international activities within  
15   the Department;

16           “(2) develop and update, in consultation with  
17   all components of the Department with international  
18   activities, an international strategic plan for the De-  
19   partment and establish a process for managing its  
20   implementation;

21           “(3) provide guidance to components of the De-  
22   partment on executing international activities and to  
23   employees of the Department who are deployed over-  
24   seas, including—

1           “(A) establishing predeployment prepared-  
2           ness criteria for employees and any accom-  
3           panying family members;

4           “(B) establishing, in coordination with the  
5           Under Secretary for Management, minimum  
6           support requirements for Department employ-  
7           ees abroad, to ensure the employees have the  
8           proper resources and have received adequate  
9           and timely support prior to and during tours of  
10          duty;

11          “(C) providing information and training on  
12          administrative support services available to  
13          overseas employees from the Department of  
14          State and other Federal agencies;

15          “(D) establishing guidance on how Depart-  
16          ment attaches are expected to coordinate with  
17          other component staff and activities; and

18          “(E) developing procedures and guidance  
19          for employees of the Department returning to  
20          the United States;

21          “(4) identify areas for homeland security infor-  
22          mation and training exchange in which—

23                  “(A) the United States has a demonstrated  
24                  weakness; and

1           “(B) a country that is a friend or ally of  
2           the United States has a demonstrated expertise;  
3           ~~“(5) maintain situational awareness of—~~

4           ~~“(A) all international engagement and  
5           travel conducted by offices and personnel of the  
6           Department; and~~

7           ~~“(B) all spending by the Federal Govern-  
8           ment for international assistance activities re-  
9           lating to homeland security; and~~

10          ~~“(6) perform other duties, as determined by the  
11          Secretary.”.~~

12 **SEC. 203. CHIEF MEDICAL OFFICER.**

13          Section 516 of the Homeland Security Act of 2002  
14          (6 U.S.C. 321e) is amended—

15                 (1) in subsection (a), by striking all that follows  
16                 the second comma and inserting “and who shall also  
17                 have the title of Assistant Secretary for Health Af-  
18                 fairs.”; and

19                 (2) in subsection (c)—

20                         (A) in paragraph (6), by striking “and” at  
21                         the end;

22                         (B) by redesignating paragraph (7) as  
23                         paragraph (10); and

24                         (C) by inserting after paragraph (6) the  
25                         following:

1           “(7) ensuring that the workforce of the Depart-  
2           ment has science-based policy, standards, require-  
3           ments, and metrics for occupational safety and  
4           health;

5           “(8) providing medical expertise for the compo-  
6           nents of the Department with respect to prevention,  
7           preparedness, protection, response, and recovery for  
8           medical and public health matters;

9           “(9) working in conjunction with appropriate  
10          entities of the Department and other appropriate  
11          Federal agencies to develop guidance for prevention,  
12          preparedness, protection, response, and recovery  
13          from catastrophic events with human, animal, agri-  
14          cultural, or environmental health consequences;  
15          and”.

16 **SEC. 204. QUADRENNIAL HOMELAND SECURITY REVIEW.**

17          (a) IN GENERAL.—Section 707 of the Homeland Se-  
18          curity Act of 2002 (6 U.S.C. 347) is amended—

19                  (1) in subsection (a)—

20                          (A) in paragraph (1), by striking “fiscal  
21                          year 2009” and inserting “calendar year  
22                          2013”; and

23                          (B) in paragraph (3), by striking “The  
24                          Secretary shall conduct each quadrennial home-  
25                          land security review under this subsection” and

1 inserting “In order to ensure that each quad-  
2 rennial homeland security review conducted  
3 under this section is coordinated with the quad-  
4 rennial defense review conducted by the Sec-  
5 retary of Defense under section 118 of title 10,  
6 United States Code, and any other major stra-  
7 tegic review relating to diplomacy, intelligence,  
8 or other national security issues, the Secretary  
9 shall conduct each quadrennial homeland secu-  
10 rity review”; and

11 (2) by striking subsections (b), (c), and (d) and  
12 inserting the following:

13 “(b) SCOPE OF REVIEW AND REPORT.—

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

16 “(A) examine the homeland security as-  
17 pects of the security environment of the Nation,  
18 including existing and potential homeland secu-  
19 rity threats and challenges, and the effect of  
20 laws, Presidential directives, national strategies,  
21 and other relevant guidance documents in meet-  
22 ing existing and potential homeland security  
23 threats and challenges;

24 “(B) review the capabilities and capacities  
25 across the homeland security enterprise, and

1 the roles of Executive agencies, States, local  
2 governments, Indian Tribes, and private entities  
3 in providing those capabilities and capacities;

4 “(C) evaluate and prioritize the homeland  
5 security mission areas of the Nation and associ-  
6 ated goals and objectives; and recommend any  
7 necessary revisions to the mission areas, goals,  
8 and objectives as appropriate;

9 “(D) examine whether the capabilities and  
10 capacities across the homeland security enter-  
11 prise should be adjusted based on any proposed  
12 modifications to the mission areas, goals, or ob-  
13 jectives;

14 “(E) identify additional capabilities and  
15 capacities that may be needed across the home-  
16 land security enterprise in response to potential  
17 homeland security threats and challenges; and  
18 the resources required to provide the capabili-  
19 ties and capacities;

20 “(F) identify redundant, wasteful, or un-  
21 necessary capabilities and capacities where re-  
22 sources can be redirected to support capabilities  
23 and capacities identified under subparagraph  
24 (E);

1           “(G) evaluate the organization, organiza-  
2           tional structure, governance structure, and  
3           business processes (including acquisition proc-  
4           esses) of the Department, as they relate to the  
5           ability of the Department to meet the respon-  
6           sibilities of the Department; and

7           “(H) review any other matter the Sec-  
8           retary considers appropriate.

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

16           “(A) submit to Congress a report—

17           “(i) describing the process used in  
18           conducting the quadrennial homeland secu-  
19           rity review and explaining any underlying  
20           assumptions used in conducting the quad-  
21           rennial homeland security review;

22           “(ii) describing the findings and con-  
23           clusions of the review, including findings  
24           and conclusions relating to each issue ad-



1 dressed under subparagraphs (A) through  
2 (H) of paragraph (1);

3 “(iii) detailing any proposed revisions  
4 to the national homeland security strategy,  
5 including any proposed revisions to the  
6 homeland security missions, capabilities  
7 and capacities, goals, or objectives of the  
8 Nation;

9 “(iv) describing how the conclusions  
10 under the quadrennial homeland security  
11 review are to be implemented through the  
12 Future Years Homeland Security Program  
13 under section 874;

14 “(v) 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  
19 entities, and of individuals, families, and  
20 communities;

21 “(vi) providing proposed changes to  
22 the authorities, organization, governance  
23 structure, or business processes (including  
24 acquisition processes) of the Department

1 in order to better fulfill the responsibilities  
2 of the Department; and

3 “(vii) 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,  
7 make the report required under subparagraph  
8 (A) publicly available on the website of the De-  
9 partment.

10 “(c) MIDTERM REVIEW OF IMPLEMENTATION.—Not  
11 later than 2 years after the date on which the Secretary  
12 submits a report under subsection (b)(2)(A), the Secretary  
13 shall submit to Congress a report on—

14 “(1) the implementation of the recommenda-  
15 tions in the report, including recommended revisions  
16 to the national homeland security strategy made  
17 under subsection (b)(2)(A)(iii) and changes proposed  
18 under subsection (b)(2)(A)(vi); and

19 “(2) the preparations for the next quadrennial  
20 homeland security review, including a detailed re-  
21 source plan specifying the estimated budget and  
22 number of staff members that will be required for  
23 preparation of the quadrennial homeland security re-  
24 view.”.

1 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~

2 The table of contents in section 1(b) of the Homeland Se-  
 3 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 4 striking the item relating to section 707 and inserting the  
 5 following:

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

6 **SEC. 205. DESIGNATION OF FOREIGN TERRORIST ORGANI-**  
 7 **ZATIONS.**

8 (a) ~~IN GENERAL.—~~Title VIII of the Homeland Secu-  
 9 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by  
 10 inserting after section 890A, as redesignated and trans-  
 11 ferred by section 201(a)(1), the following:

12 **“SEC. 890B. DESIGNATION OF FOREIGN TERRORIST ORGA-**  
 13 **NIZATIONS.**

14 “In designating foreign terrorist organizations under  
 15 section 219(a) of the Immigration and Nationality Act (8  
 16 U.S.C. 1189(a)), the Secretary of State shall consult with  
 17 the Secretary, the Attorney General, the Secretary of the  
 18 Treasury, and the Director of National Intelligence.”.

19 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~

20 The table of contents in section 1(b) of the Homeland Se-  
 21 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 22 inserting after the item relating to section 890A, as added  
 23 by section 201(c)(2), the following:

“Sec. 890B. Designation of foreign terrorist organizations.”.

1 **SEC. 206. OFFICE FOR DOMESTIC PREPAREDNESS TERMI-**  
2 **NATION.**

3 (a) **TERMINATION.**—Title IV of the Homeland Secu-  
4 rity Act of 2002 is amended by striking section 430 (6  
5 U.S.C. 238).

6 (b) **INCUMBENT.**—Notwithstanding the amendment  
7 made by subsection (a), an individual serving on the day  
8 before the date of enactment of this Act under an appoint-  
9 ment by the President, by and with the advice and consent  
10 of the Senate, under section 430 of the Homeland Security  
11 Act of 2002 may continue to serve in the position held  
12 by the individual and to perform the responsibilities of the  
13 individual on the day before the date of enactment of this  
14 Act.

15 (c) **RESPONSIBILITIES.**—

16 (1) **IN GENERAL.**—On and after the date on  
17 which the individual described in subsection (b)  
18 leaves the position held by the individual on the day  
19 before the date of enactment of this Act, the Admin-  
20 istrator of the Federal Emergency Management  
21 Agency (in this subsection referred to as the “Ad-  
22 ministrato<sup>r</sup>”) may perform or delegate the respon-  
23 sibilities of the individual as determined appropriate  
24 by the Administrator.

25 (2) **NO INCUMBENT.**—If there is no individual  
26 described in subsection (b), on and after the date of

1 enactment of this Act the Administrator may per-  
 2 form or delegate the responsibilities of the individual  
 3 most recently serving under an appointment by the  
 4 President, by and with the advice and consent of the  
 5 Senate, under section 430 of the Homeland Security  
 6 Act of 2002 as determined appropriate by the Ad-  
 7 ministrator.

8 (d) TECHNICAL AND CONFORMING AMENDMENT.—  
 9 The table of contents under section 1(b) of the Homeland  
 10 Security Act of 2002 (6 U.S.C. 101(b)) is amended by  
 11 striking the item relating to section 430.

12 **SEC. 207. STATE AND LOCAL GOVERNMENT COORDINA-**  
 13 **TION.**

14 (a) INTERGOVERNMENTAL AFFAIRS.—

15 (1) IN GENERAL.—Section 801 of the Home-  
 16 land Security Act of 2002 (6 U.S.C. 361) is amend-  
 17 ed—

18 (A) in the section heading by striking “**OF-**  
 19 **FICE FOR**”; and

20 (B) in subsection (a)—

21 (i) by striking the subsection heading  
 22 and inserting “(a) IN GENERAL.—”;

23 (ii) by striking “established”; and

1                   (iii) by striking “for State and Local  
2                   Government Coordination” and inserting  
3                   “of Intergovernmental Affairs”.

4                   (2) TECHNICAL AND CONFORMING AMEND-  
5                   MENTS.—

6                   (A) TABLE OF CONTENTS.—The table of  
7                   contents under section 1(b) of the Homeland  
8                   Security Act of 2002 (6 U.S.C. 101(b)) is  
9                   amended by striking the item relating to section  
10                  801 and inserting the following:

“Sec. 801. State and Local Government Coordination.”.

11                  (B) FUNCTIONS OF THE SECRETARY.—  
12                  Section 102(e) of the Homeland Security Act of  
13                  2002 (6 U.S.C. 112(e)) is amended by striking  
14                  “the Office of State and Local Coordination  
15                  (established under section 801)” and inserting  
16                  “the Office of Intergovernmental Affairs de-  
17                  scribed under section 801”.

18                  (C) SPECIAL ASSISTANT TO THE SEC-  
19                  RETARY.—Section 102(f)(11) of the Homeland  
20                  Security Act of 2002 (6 U.S.C. 112(f)(11)) is  
21                  amended by striking “the Office of State and  
22                  Local Coordination and Preparedness” and in-  
23                  serting “the Office of Intergovernmental Af-  
24                  fairs”.

1           (D) CHIEF INFORMATION OFFICER.—Sec-  
2           tion 703(b)(2)(D)(iv) of the Homeland Security  
3           Act of 2002 (6 U.S.C. 343(b)(2)(D)(iv)) is  
4           amended by striking “and the Executive Direc-  
5           tor of the Office of State and Local Coordina-  
6           tion and Preparedness”.

7           (b) TRANSFER OF RESPONSIBILITIES.—Not later  
8           than 30 days after the date of enactment of this Act, the  
9           Secretary shall transfer to the Office of Intergovernmental  
10          Affairs any responsibility under section 801(b) of the  
11          Homeland Security Act of 2002 (6 U.S.C. 361(b)) which  
12          was transferred by the Secretary under section 872 of that  
13          Act (6 U.S.C. 452) or any other Act to an office or entity  
14          other than the Office of Intergovernmental Affairs before  
15          that date of enactment.

16   **SEC. 208. TERMINATION OF OFFICE OF COUNTER-**  
17                           **NARCOTICS ENFORCEMENT.**

18          (a) TERMINATION.—

19               (1) IN GENERAL.—Subtitle H of title VIII of  
20               the Homeland Security Act of 2002 (6 U.S.C. 451  
21               et seq.) is amended by striking section 878 (6  
22               U.S.C. 458).

23               (2) EFFECTIVE DATE.—The amendment made  
24               by paragraph (1) shall take effect on the date of en-  
25               actment of this Act.

1           ~~(3) TRANSITION PROVISION.~~—Notwithstanding  
2 the amendment made by paragraph (1), the Office  
3 of Counternarcotics Enforcement and the Director  
4 of the Office of Counternarcotics Enforcement shall  
5 continue to perform any function of the Office or the  
6 Director, respectively, under section 878 of the  
7 Homeland Security Act of 2002, as in effect on the  
8 day before the date of enactment of this Act, until  
9 the earlier of—

10                   (A) the date on which the function is  
11 transferred under subsection (b); and

12                   (B) the date that is 180 days after the  
13 date of enactment of this Act.

14       ~~(b) TRANSFER OF FUNCTIONS.~~—Not later than 180  
15 days after the date of enactment of this Act, the Secretary  
16 shall—

17           (1) determine whether to transfer to an appro-  
18 priate official of the Department each function de-  
19 scribed in paragraph (1), (2), (3), or (5) of section  
20 878(d) of the Homeland Security Act of 2002 (6  
21 U.S.C. 458(d)), as in effect on the day before the  
22 date of enactment of this Act;

23           (2) transfer to an appropriate official of the  
24 Department any function determined appropriate  
25 under paragraph (1) and any personnel, assets, com-



1       ponents, authorities, and liabilities relating to the  
2       function; and

3           ~~(3) submit to Congress a notification regarding~~  
4       any function described in paragraph (1) that the  
5       Secretary does not transfer under paragraph (2).

6       ~~(c) TECHNICAL AND CONFORMING AMENDMENT.—~~

7       The table of contents in section 1(b) of the Homeland Se-  
8       curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
9       striking the item relating to section 878.

10   **SEC. 209. REORGANIZATION AUTHORITY.**

11       Section 872 of the Homeland Security Act of 2002  
12   (6 U.S.C. 452) is amended—

13           (1) in subsection (a), by striking “only” and all  
14       that follows through “(2) after” and inserting “only  
15       after”; and

16           (2) by striking subsection (b) and inserting the  
17       following:

18       ~~“(b) LIMITATIONS ON OTHER REORGANIZATION AU-~~  
19   ~~THORITY.—~~

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

1           “(2) EXCEPTION.—

2                   “(A) IN GENERAL.—Notwithstanding para-  
3 graph (1), if the President determines it to be  
4 necessary because of an imminent threat to  
5 homeland security, a function, power, or duty  
6 vested by law in the Department, or an officer,  
7 official, or agency thereof, may be transferred,  
8 reassigned, or consolidated within the Depart-  
9 ment.

10                   “(B) NOTICE.—Not later than 30 days  
11 after the date on which the President makes a  
12 transfer, reassignment, or consolidation under  
13 subparagraph (A), the President shall notify the  
14 appropriate congressional committees of the  
15 transfer, reassignment, or consolidation.

16                   “(C) DURATION.—A transfer, reassign-  
17 ment, or consolidation under subparagraph (A)  
18 shall remain in effect only until the President  
19 determines that the threat to homeland security  
20 has terminated or is no longer imminent.

21                   “(e) PUBLICATION.—Not later than 30 days after the  
22 date on which the President or the Secretary makes a  
23 transfer, allocation, assignment, consolidation, alteration,  
24 establishment, or discontinuance under this section, the

1 President or the Secretary shall publish in the Federal  
2 Register—

3           “(1) the reasons for the action taken; and

4           “(2) a list of each statutory provision impli-  
5 cated by the action.”.

6 **SEC. 210. CHIEF INFORMATION OFFICER.**

7       (a) **IN GENERAL.**—Section 703 of the Homeland Se-  
8 curity Act of 2002 (6 U.S.C. 343) is amended—

9           (1) by redesignating subsection (b) as sub-  
10 section (c); and

11           (2) by inserting after subsection (a) the fol-  
12 lowing:

13       “(b) **RESPONSIBILITIES.**—The Chief Information Of-  
14 ficer shall—

15           “(1) advise and assist the Secretary, heads of  
16 the components of the Department, and other senior  
17 officers in carrying out the responsibilities of the  
18 Department for all activities relating to the pro-  
19 grams and operations of the information technology  
20 functions of the Department;

21           “(2) establish the information technology prior-  
22 ities, policies, processes, standards, guidelines, and  
23 procedures of the Department;

24           “(3) coordinate and ensure implementation of  
25 information technology priorities, policies, processes,

1 standards, guidelines, and procedures within the De-  
2 partment;

3 “(4) be responsible for information technology  
4 capital planning and investment management in ac-  
5 cordance with sections 11312 and 11313 of title 40,  
6 United States Code;

7 “(5) in coordination with the Chief Procure-  
8 ment Officer of the Department, assume responsi-  
9 bility for information systems acquisition, develop-  
10 ment and integration as required by section 11312  
11 of title 40, United States Code;

12 “(6) in coordination with the Chief Procure-  
13 ment Officer of the Department, review and approve  
14 any information technology acquisition with a total  
15 value greater than a threshold level to be determined  
16 by the Secretary;

17 “(7) in coordination with relevant officials of  
18 the Department, ensure that information technology  
19 systems meet the standards established under the in-  
20 formation sharing environment, as defined in section  
21 1016 of the Intelligence Reform and Terrorism Pre-  
22 vention Act of 2004 (6 U.S.C. 485);

23 “(8) perform other responsibilities required  
24 under section 3506 of title 44, United States Code;

1 and section 11315 of title 40, United States Code;  
2 and

3 “(9) perform such other responsibilities as the  
4 Secretary may prescribe.”.

5 (b) SOFTWARE LICENSING.—

6 (1) IN GENERAL.—Not later than 180 days  
7 after the enactment of this Act, and every 2 years  
8 thereafter, the Chief Information Officer of the De-  
9 partment, in consultation with component chief in-  
10 formation officers, shall—

11 (A) conduct a department-wide inventory  
12 of all existing software licenses including uti-  
13 lized and unutilized licenses;

14 (B) assess the needs of the Department  
15 and the components of the Department for soft-  
16 ware licenses for the upcoming 2 fiscal years;  
17 and

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

22 (2) EXCESS SOFTWARE LICENSES.—

23 (A) PLAN TO REDUCE SOFTWARE LI-  
24 CENSES.—If the Chief Information Officer de-  
25 termines through the inventory conducted under

1 paragraph (1) that the number of existing soft-  
2 ware licenses of the Department and the com-  
3 ponents of the Department exceeds the needs of  
4 the Department as assessed under paragraph  
5 (1)(B), the Secretary, not later than 90 days  
6 after the date on which the inventory is com-  
7 pleted under paragraph (1), shall establish a  
8 plan for bringing the number of software li-  
9 censes into balance with such needs of the De-  
10 partment.

11 (B) PROHIBITION ON PROCUREMENT OF  
12 NEW SOFTWARE LICENSES.—

13 (i) IN GENERAL.—Except as provided  
14 in clause (ii), upon completion of a plan es-  
15 tablished under subparagraph (A), no ad-  
16 ditional resources may be obligated for the  
17 procurement of new software licenses until  
18 such time as the need of the Department  
19 exceeds the number of existing and unused  
20 licenses.

21 (ii) EXCEPTION.—The Chief Informa-  
22 tion Officer of the Department may allow  
23 the purchase of additional licenses and  
24 amend the number of needed licenses as  
25 necessary.

1           (3) ~~SUBMISSION TO CONGRESS.~~—A copy of  
2 each inventory conducted under paragraph (1) and  
3 each plan established under paragraph (2) shall be  
4 submitted to the Committee on Homeland Security  
5 and Governmental Affairs of the Senate and the  
6 Committee on Homeland Security of the House of  
7 Representatives.

8 **SEC. 211. DEPARTMENT OF HOMELAND SECURITY HEAD-**  
9 **QUARTERS.**

10       (a) ~~IN GENERAL.~~—Notwithstanding any other provi-  
11 sion of law and not later than the end of fiscal year 2018,  
12 the Secretary shall consolidate the location of the head-  
13 quarters of the Department and the headquarters of com-  
14 ponents of the Department, as determined by the Sec-  
15 retary, in accordance with this section.

16       (b) ~~ST. ELIZABETHS HOSPITAL.~~—The Secretary  
17 shall ensure that—

18           (1) the headquarters consolidation under sub-  
19 section (a) occurs at the West Campus and East  
20 Campus of Saint Elizabeths Hospital in the District  
21 of Columbia; and

22           (2) the sites of the headquarters consolidation  
23 include adequate parking and infrastructure to sup-  
24 port the offices and employees relocated to the sites.

25       (c) ~~OTHER MISSION SUPPORT ACTIVITIES.~~—

1           (1) **IN GENERAL.**—The Secretary shall consoli-  
2           date the physical location of all components and ac-  
3           tivities of the Department in the National Capitol  
4           Region that do not relocate to the West Campus or  
5           East Campus of Saint Elizabeths Hospital to as few  
6           locations within the National Capitol Region as pos-  
7           sible.

8           (2) **LIMITATION.**—The Secretary may only con-  
9           solidate components and activities described in para-  
10          graph (1) if the consolidation can be accomplished  
11          without adversely affecting the specific mission of  
12          the components or activities being consolidated.

13 **SEC. 212. FUTURE YEARS HOMELAND SECURITY PROGRAM.**

14          Section 874(a) of the Homeland Security Act of 2002  
15          (6 U.S.C. 454(a)) is amended by inserting “but in any  
16          event not later than 30 days after the date on which the  
17          budget request is submitted,” after “at or about the same  
18          time,”.

19 **SEC. 213. COUNTERING HOMEGROWN TERRORISM.**

20          (a) **FINDINGS.**—Congress finds the following:

21               (1) The Final Report of the National Commis-  
22               sion on Terrorist Attacks Upon the United States  
23               (commonly know as, and in this section referred to  
24               as, the “9/11 Commission Report”) states that “our  
25               strategy must match our means to two ends: dis-



1       mantling the al Qaeda network and prevailing in the  
2       longer term over the ideology that gives rise to  
3       Islamist terrorism.”.

4           (2) The President released a document in Au-  
5       gust 2011, entitled “Empowering Local Partners to  
6       Prevent Violent Extremism in the United States”,  
7       which set forth a framework for countering violent  
8       extremism in the United States.

9       (b) DESIGNATION OF OFFICIAL.—Not later than 30  
10      days after the date of enactment of this Act, the Secretary  
11      shall designate an official of the Department to coordinate  
12      efforts to counter violent extremism in the United States,  
13      particularly the ideology that gives rise to Islamist ter-  
14      rorism as identified in the 9/11 Commission Report.

15      (c) NOTICE.—Not later than 15 days after the date  
16      on which the Secretary designates an official under sub-  
17      section (b), the Secretary shall submit to the Committee  
18      on Homeland Security and Governmental Affairs of the  
19      Senate and the Committee on Homeland Security of the  
20      House of Representatives a written notification of the des-  
21      ignation.

22      (d) REPORT.—Not later than 90 days after the date  
23      on which the Secretary designates an official under sub-  
24      section (b), official designated shall submit to the Com-  
25      mittee on Homeland Security and Governmental Affairs

1 of the Senate and the Committee on Homeland Security  
2 of the House of Representatives a report detailing—

3           (1) the strategy and activities of the Depart-  
4           ment to counter violent extremism in the United  
5           States, particularly the ideology that gives rise to  
6           Islamist terrorism as identified in the 9/11 Commis-  
7           sion Report;

8           (2) which offices of the Department have sig-  
9           nificant responsibilities for countering violent extre-  
10          mism in the United States, particularly the ideology  
11          that gives rise to Islamist terrorism as identified in  
12          the 9/11 Commission Report;

13          (3) the number of employees of the Department  
14          employees whose time is fully or partially dedicated  
15          and the amount of funding dedicated by the Depart-  
16          ment to countering violent extremism in the United  
17          States, particularly the ideology that gives rise to  
18          Islamist terrorism as identified in the 9/11 Commis-  
19          sion Report;

20          (4) the type of Department-sponsored activities  
21          and training for States and local governments, in-  
22          cluding products and activities associated with State  
23          and major urban area fusion centers, for countering  
24          violent extremism in the United States, particularly

1 the ideology that gives rise to Islamist terrorism as  
2 identified in the 9/11 Commission Report;

3 (5) the metrics used to measure the effective-  
4 ness of programs or activities of the Department or  
5 sponsored by the Department aimed to counter vio-  
6 lent extremism in the United States, particularly the  
7 ideology that gives rise to Islamist terrorism as iden-  
8 tified in the 9/11 Commission Report; and

9 (6) the work of the Department to ensure that  
10 its activities to counter violent extremism in the  
11 United States, particularly the ideology that gives  
12 rise to Islamist terrorism as identified in the 9/11  
13 Commission report, are in compliance with civil  
14 rights and civil liberties under applicable law.

15 **SEC. 214. OFFICE OF CARGO SECURITY POLICY.**

16 (a) REPEAL.—Section 431 of the Homeland Security  
17 Act of 2002 (6 U.S.C. 239) is repealed.

18 (b) TRANSFER OF FUNCTIONS.—All functions and  
19 responsibilities of the Office of Cargo Security Policy, as  
20 of the day before the date of the enactment of this Act,  
21 shall be transferred to appropriate officials within the Of-  
22 fice of Policy.

23 **SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.**

24 (a) HOMELAND SECURITY ACT OF 2002.—

1           (1) ~~TITLE I.~~—Title I of the Homeland Security  
2 Act of 2002 (6 U.S.C. 111 et seq.) is amended—

3           (A) in section 102(f)(10) (6 U.S.C.  
4 112(f)(10)); by striking “the Directorate of  
5 Border and Transportation Security” and in-  
6 serting “Commissioner, Customs and Border  
7 Protection”; and

8           (B) in section 103(a) (6 U.S.C. 113(a))—

9           (i) in paragraph (3), by striking  
10 “Under Secretary for Border and Trans-  
11 portation Security” and inserting “Under  
12 Secretary for Policy”; and

13           (ii) in paragraph (5), by striking “the  
14 Bureau of” and inserting “U.S.”.

15           (2) ~~TITLE IV.~~—Title IV of the Homeland Secu-  
16 rity Act of 2002 (6 U.S.C. 201 et seq.) is amend-  
17 ed—

18           (A) by amending the title heading to read  
19 as follows:

20           **“TITLE IV—BORDER AND**  
21 **TRANSPORTATION SECURITY”;**

22           (B) in subtitle A, by amending the subtitle  
23 heading to read as follows:

1           **“Subtitle A—Border and**  
2           **Transportation Security”;**

3           (C) by striking section 401 (6 U.S.C. 201);

4           (D) in section 402 (6 U.S.C. 202)—

5           (i) in the section heading, by striking

6           ~~“RESPONSIBILITIES”~~ by inserting ~~“BOR-~~

7           **DER AND TRANSPORTATION RESPON-**

8           **SIBILITIES”**; and

9           (ii) by striking “, acting through the

10          Under Secretary for Border and Transpor-

11          tation Security,”;

12          (E) in section 411(a) (6 U.S.C. 211(a)),

13          by striking “Under Secretary for Border and

14          Transportation Security” and inserting “Sec-

15          retary”;

16          (F) in section 424(a) (6 U.S.C. 234(a)), by

17          striking “Under Secretary for Border Transpor-

18          tation and Security” and inserting “Secretary”;

19          (G) in section 441 (6 U.S.C. 251)—

20          (i) in the section heading, by striking

21          ~~“TO UNDER SECRETARY FOR BORDER~~

22          **AND TRANSPORTATION SECURITY”**;

23          and

1 (ii) by striking “Under Secretary for  
2 Border and Transportation Security” and  
3 inserting “Secretary”;

4 (H) in section 442 (6 U.S.C. 252)—

5 (i) by amending the section heading to  
6 read as follows:

7 **“SEC. 442. UNITED STATES IMMIGRATION AND CUSTOMS  
8 ENFORCEMENT.”;**

9 (ii) in subsection (a)—

10 (I) in the subsection heading, by  
11 striking “ESTABLISHMENT OF BU-  
12 REAU” and inserting “U.S. IMMIGRA-  
13 TION AND CUSTOMS ENFORCEMENT”;

14 (II) in paragraph (1), by striking  
15 “a bureau to be known as the ‘Bureau  
16 of Border Security.’” and inserting  
17 “an agency to be known as ‘U.S. Im-  
18 migration and Customs Enforce-  
19 ment.’”;

20 (III) by amending paragraph (2)  
21 to read as follows:

22 “(2) ASSISTANT SECRETARY.—The head of  
23 U.S. Immigration and Customs Enforcement shall  
24 be the Assistant Secretary of U.S. Immigration and  
25 Customs Enforcement, who—

1           “(A) shall also have the title of Director of  
2 U.S. Immigration and Customs Enforcement;  
3 and

4           “(B) shall have a minimum of—

5           “(i) 5 years of professional experience  
6 in law enforcement; and

7           “(ii) 5 years of management experi-  
8 ence.”;

9           (IV) in paragraph (3)—

10           (aa) in the matter preceding  
11 subparagraph (A), by striking  
12 “the Bureau of Border Security”  
13 and inserting “U.S. Immigration  
14 and Customs Enforcement”;

15           (bb) in subparagraph (A)—

16           (AA) by striking  
17 “Under Secretary for Bor-  
18 der and Transportation Se-  
19 curity” each place such term  
20 appears and inserting “Sec-  
21 retary”; and

22           (BB) by inserting “of  
23 U.S. Immigration and Cus-  
24 toms Enforcement” after  
25 “Assistant Secretary” each

1 place such term appears;  
2 and  
3 (cc) in subparagraph (C)—  
4 (AA) by striking  
5 “Under Secretary for Bor-  
6 der and Transportation Se-  
7 curity” and inserting  
8 “Under Secretary for Pol-  
9 icy”;  
10 (BB) by striking “the  
11 Bureau of Border Security”  
12 and inserting “U.S. Immi-  
13 gration and Customs En-  
14 forcement”; and  
15 (CC) by striking “the  
16 Bureau of Citizenship and  
17 Immigration Services” and  
18 inserting “U.S. Citizenship  
19 and Immigration Services”;  
20 (V) in paragraph (4)—  
21 (aa) by striking “the Bureau  
22 of Border Security” and insert-  
23 ing “U.S. Immigration and Cus-  
24 toms Enforcement”; and



1 (bb) by striking “the Bu-  
2 reau” and inserting “U.S. Immi-  
3 gration and Customs Enforce-  
4 ment”; and

5 (VI) in paragraph (5)(A)—

6 (aa) by striking “the Bureau  
7 of Border Security” and insert-  
8 ing “U.S. Immigration and Cust-  
9 oms Enforcement”; and

10 (bb) by striking “such bu-  
11 reau” each place such term ap-  
12 pears and inserting “U.S. Immi-  
13 gration and Customs Enforce-  
14 ment”;

15 (iii) in subsection (b)—

16 (I) in paragraph (1), by striking  
17 “the Bureau of Border Security” and  
18 inserting “U.S. Immigration and Cust-  
19 oms Enforcement”; and

20 (II) in paragraph (2)—

21 (aa) in the matter preceding  
22 subparagraph (A), by striking  
23 “Bureau of Border Security” and  
24 inserting “U.S. Immigration and  
25 Customs Enforcement”; and

1                   (bb) in subparagraph (B),  
2                   by striking “the Bureau of Citi-  
3                   zenship and Immigration Services  
4                   (established under subtitle E)”  
5                   and inserting “U.S. Citizenship  
6                   and Immigration Services”;

7                   (iv) in subsection (c)—

8                   (I) by striking “the Bureau of  
9                   Border Security” each place such  
10                  term appears and inserting “U.S. Im-  
11                  migration and Customs Enforce-  
12                  ment”; and

13                  (II) by striking “the bureau” and  
14                  inserting “U.S. Immigration and Cus-  
15                  toms Enforcement”;

16                  (I) in section 443 (6 U.S.C. 253)—

17                  (i) by striking “The Under Secretary  
18                  for Border and Transportation Security”  
19                  and inserting “The Secretary”; and

20                  (ii) by striking “the Bureau of Border  
21                  Security” each place such term appears  
22                  and inserting “U.S. Immigration and Cus-  
23                  toms Enforcement”;

24                  (J) in section 444 (6 U.S.C. 254)—

1 (i) by striking “The Under Secretary  
2 for Border and Transportation Security”  
3 and inserting “The Secretary”;

4 (ii) by striking “pursuant to policies  
5 and procedures applicable to employees of  
6 the Federal Bureau of Investigation,”; and

7 (iii) by striking “the Bureau of Bor-  
8 der Security” and inserting “U.S. Immi-  
9 gration and Customs Enforcement”;

10 (~~K~~) by striking section 445 (6 U.S.C.  
11 255);

12 (~~L~~) in section 451 (6 U.S.C. 271)—

13 (i) in the section heading, by striking  
14 “**BUREAU OF**” and inserting “**U.S.**”;

15 (ii) in subsection (a)—

16 (I) in the subsection heading, by  
17 striking “OF BUREAU”;

18 (II) in paragraph (1), by striking  
19 “a bureau to be known as the Bureau  
20 of” and inserting “an agency to be  
21 known as U.S.”;

22 (III) in paragraph (2)—

23 (aa) by striking “the Bureau  
24 of Citizenship and Immigration  
25 Services” each place such term

1 appears and inserting “U.S. Citi-  
2 zenship and Immigration Serv-  
3 ices”; and

4 (bb) by striking “the Bureau  
5 of Border Security” and insert-  
6 ing “U.S. Immigration and Cus-  
7 toms Enforcement”;

8 (IV) in paragraph (3)—

9 (aa) by striking “the Bureau  
10 of Citizenship and Immigration  
11 Services” each place such term  
12 appears and inserting “U.S. Citi-  
13 zenship and Immigration Serv-  
14 ices”; and

15 (bb) by striking “the Bureau  
16 of Border Security of the Depart-  
17 ment” and inserting “U.S. Immi-  
18 gration and Customs Enforce-  
19 ment”;

20 (V) in paragraph (4)(A)—

21 (aa) by striking “the Bureau  
22 of” and inserting “U.S.”; and

23 (bb) by striking “such bu-  
24 reau” each place such term ap-  
25 pears and inserting “U.S. Citi-

1 zenship and Immigration Serv-  
2 ices”;

3 (VI) in paragraph (5), by strik-  
4 ing “the Bureau of” and inserting  
5 “U.S.”;

6 (iii) in subsection (b), by striking “the  
7 Bureau of” and inserting “U.S.”;

8 (iv) in subsection (e)—

9 (I) by striking “the Bureau of”  
10 each place such term appears and in-  
11 sserting “U.S.”; and

12 (II) in paragraph (2)—

13 (aa) in the matter preceding  
14 subparagraph (A), by striking  
15 “Bureau of” and inserting  
16 “U.S.”; and

17 (bb) in subparagraph (B),  
18 by striking “Border Security of  
19 the Department” and inserting  
20 “Immigration and Customs En-  
21 forcement”;

22 (v) in subsection (d), by striking “the  
23 Bureau of” each place such term appears  
24 and inserting “U.S.”; and

1           (vi) in subsection (e), by striking “the  
2 Bureau of” each place such term appears  
3 and inserting “U.S.”; and

4           (vii) in subsection (f), by striking “the  
5 Bureau of” each place such term appears  
6 and inserting “U.S.”;

7 (M) in section 452 (6 U.S.C. 272)—

8           (i) by striking “the Bureau of” each  
9 place such term appears and inserting  
10 “U.S.”; and

11           (ii) in the heading to subsection (f),  
12 by striking “BUREAU OF” and inserting  
13 “U.S.”;

14 (N) in section 453 (6 U.S.C. 273)—

15           (i) by striking “the Bureau of” each  
16 place such term appears and inserting  
17 “U.S.”; and

18           (ii) in subsection (a)(2), by striking  
19 “such bureau” and inserting “U.S. Citi-  
20 zenship and Immigration Services”;

21 (O) in section 454 (6 U.S.C. 274)—

22           (i) by striking “the Bureau of” each  
23 place such term appears and inserting  
24 “U.S.”; and

1           (ii) by striking “pursuant to policies  
2           and procedures applicable to employees of  
3           the Federal Bureau of Investigation,”;

4           (P) by striking section 455 (6 U.S.C. 271  
5           note);

6           (Q) by redesignating section 456 (6 U.S.C.  
7           275) as section 455;

8           (R) in section 455, as redesignated—

9           (i) by striking “the Bureau of” each  
10          place such term appears and inserting  
11          “U.S.”; and

12          (ii) by striking “the effective date  
13          specified in section 455” and inserting  
14          “the date on which the functions specified  
15          under section 441 were transferred”;

16          (S) by striking sections 459 and 460 (6  
17          U.S.C. 276 and 277);

18          (T) by redesignating sections 461 and 462  
19          as sections 456 and 457, respectively;

20          (U) by striking section 471 (6 U.S.C.  
21          291);

22          (V) in section 472 (6 U.S.C. 292)—

23           (i) in subsection (a)(2)—

24           (I) in subparagraph (B), by  
25           striking “the Bureau of Border Secu-

1                   rity of the Department of Homeland  
2                   Security” and inserting “U.S. Immi-  
3                   gration and Customs Enforcement”;  
4                   and

5                   (H) in subparagraph (C), by  
6                   striking “the Bureau of Citizenship  
7                   and Immigration Services of the De-  
8                   partment of Homeland Security” and  
9                   inserting “U.S. Citizenship and Immi-  
10                  gration Services”; and

11                  (ii) in subsection (e), by striking “or  
12                  the Under Secretary for Border and  
13                  Transportation Security”;

14                  (W) in section 474 (6 U.S.C. 294), by  
15                  striking “the Bureau of Border Security and  
16                  the Bureau of” and inserting “U.S. Immigra-  
17                  tion and Customs Enforcement and U.S.”;

18                  (X) in section 475(b) (6 U.S.C. 295(b)),  
19                  by striking “the Bureau of Border Security and  
20                  the Bureau of” and inserting “U.S. Immigra-  
21                  tion and Customs Enforcement and U.S.”;

22                  (Y) in section 476 (6 U.S.C. 296), by  
23                  striking “the Bureau of Citizenship and Immi-  
24                  gration Services and the Bureau of Border Se-  
25                  curity” each place it appears and inserting



1 “U.S. Citizenship and Immigration Services  
2 and U.S. Immigration and Customs Enforce-  
3 ment”; and

4 (Z) in section 477 (6 U.S.C. 297)—

5 (i) by striking “the Bureau of Citizen-  
6 ship and Immigration Services and the Bu-  
7 reau of Border Security” each place it ap-  
8 pears and inserting “U.S. Citizenship and  
9 Immigration Services and U.S. Immigra-  
10 tion and Customs Enforcement”; and

11 (ii) by striking subsections (e) and  
12 (d).

13 (3) TITLE VII.—Section 701(b)(1)(A) of the  
14 Homeland Security Act of 2002 (6 U.S.C.  
15 341(b)(1)(A)) is amended by striking “the Bureau  
16 of Border Security and the Bureau of Citizenship  
17 and Immigration Services” and inserting “U.S. Im-  
18 migration and Customs Enforcement and U.S. Citi-  
19 zenship and Immigration Services”.

20 (4) TABLE OF CONTENTS.—The table of con-  
21 tents in section 1(b) of the Homeland Security Act  
22 of 2002 (6 U.S.C. 101 et seq.) is amended—

23 (A) by striking the item relating to title IV  
24 and inserting the following:

“TITLE IV—BORDER AND TRANSPORTATION SECURITY”;

1           (B) by striking the item relating to subtitle  
2           A of title IV and inserting the following:

“Subtitle A—Border and Transportation Security”;

3           (C) by striking the items relating to sec-  
4           tions 401, 445, 455, 459, 460, and 471;

5           (D) by striking the items relating to sec-  
6           tion 441 and 442 and inserting the following:

“441. Transfer of functions.

“442. United States Immigration and Customs Enforcement.”;

7           and

8           (E) by striking the items relating to sec-  
9           tions 456, 461, and 462 and inserting the fol-  
10          lowing:

“455. Transition.

“456. Application of internet-based technologies.

“457. Children’s affairs.”.

11          (5) OTHER LAWS.—

12           (A) VULNERABILITY AND THREAT ASSESS-  
13          MENT.—Section 301 of the REAL ID Act of  
14          2005 (8 U.S.C. 1778) is amended—

15           (i) in subsection (a)—

16           (H) in the first sentence, by strik-  
17           ing “Under Secretary of Homeland  
18           Security for Border and Transpor-  
19           tation Security” and inserting “Sec-  
20           retary of Homeland Security”; and

21           (H) in the second sentence, by  
22           striking “Under”;

1 (ii) in subsection (b)—

2 (I) by striking “Under”; and

3 (II) by striking “Under Sec-  
4 retary’s findings and conclusions” and  
5 inserting “Secretary’s findings and  
6 conclusions”; and

7 (iii) in subsection (c), by striking “Di-  
8 rectorate of Border and Transportation  
9 Security”.

10 (B) AIR CHARTER PROGRAM.—Section  
11 44903(1)(1) of title 49, United States Code, is  
12 amended by striking “Under Secretary for Bor-  
13 der and Transportation Security of the Depart-  
14 ment of” and inserting “Secretary of”.

15 (C) BASIC SECURITY TRAINING.—Section  
16 44918(a)(2)(E) of title 49, United States Code,  
17 is amended by striking “Under Secretary for  
18 Border and Transportation Security of the De-  
19 partment of” and inserting “Secretary of”.

20 (D) AIRPORT SECURITY IMPROVEMENT  
21 PROJECTS.—Section 44923 of title 49, United  
22 States Code, is amended—

23 (i) in subsection (a), in the matter  
24 preceding paragraph (1), by striking  
25 “Under Secretary for Border and Trans-

1           portation Security of the Department of”  
2           and inserting “Secretary of”;

3           (ii) by striking “Under Secretary”  
4           each place it appears and inserting “Sec-  
5           retary of Homeland Security”; and

6           (iii) in subsection (d)(3), in the para-  
7           graph heading, by striking “UNDER”.

8           (E) REPAIR STATION SECURITY.—Section  
9           44924 of title 49, United States Code, is  
10          amended—

11          (i) in subsection (a), by striking  
12          “Under Secretary for Border and Trans-  
13          portation Security of the Department of”  
14          and inserting “Secretary of”; and

15          (ii) by striking “Under Secretary”  
16          each place it appears and inserting “Sec-  
17          retary of Homeland Security”.

18          (F) CERTIFICATE ACTIONS IN RESPONSE  
19          TO A SECURITY THREAT.—Section 46111 of  
20          title 49, United States Code, is amended—

21          (i) in subsection (a), by striking  
22          “Under Secretary for Border and Trans-  
23          portation Security of the Department of”  
24          and inserting “Secretary of”; and

1 (ii) by striking “Under Secretary”  
 2 each place it appears and inserting “Sec-  
 3 retary of Homeland Security”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 in section 1(b) of such Act (6 U.S.C. 101(b)), as amended  
 6 by section 310(b), is further amended by inserting after  
 7 the item relating to section 837 the following new item:  
 “Sec. 838. Transparency and innovation in acquisition.”.

8 **TITLE III—INFRASTRUCTURE**  
 9 **PROTECTION AND RESILIENCE**

10 **SEC. 301. INFRASTRUCTURE PROTECTION AND RESILIENCE**  
 11 **DIRECTORATE.**

12 (a) IN GENERAL.—The Homeland Security Act of  
 13 2002 (6 U.S.C. 101 et seq.) is amended—

14 (1) in section 103(a)(8) (6 U.S.C. 113), by  
 15 striking “Secretary” and all that follows and insert-  
 16 ing “Secretary for Infrastructure Protection and Re-  
 17 siliency.”; and

18 (2) in section 201 (6 U.S.C. 121)—

19 (A) in the section heading, by striking  
 20 “**INFORMATION**” and all that follows and in-  
 21 serting “**INTELLIGENCE AND ANALYSIS**”;

22 (B) in subsection (a)—

23 (i) in the subsection heading, by strik-  
 24 ing “**AND INFRASTRUCTURE PROTEC-**  
 25 **TION**”; and

- 1                   (ii) by striking “and an Office of In-
- 2                   frastructure Protection”;
- 3                   (C) in subsection (b)—
- 4                   (i) in the subsection heading, by strik-
- 5                   ing “AND ASSISTANT SECRETARY FOR IN-
- 6                   FRASTRUCTURE PROTECTION”; and
- 7                   (ii) by striking paragraph (3);
- 8                   (D) in subsection (c)—
- 9                   (i) by striking “and infrastructure
- 10                  protection”; and
- 11                  (ii) by striking “or the Assistant Sec-
- 12                  retary for Infrastructure Protection, as ap-
- 13                  propriate”;
- 14                  (E) in subsection (d)—
- 15                  (i) in the subsection heading, by strik-
- 16                  ing “AND INFRASTRUCTURE PROTEC-
- 17                  TION”;
- 18                  (ii) in the matter preceding paragraph
- 19                  (1), by striking “and infrastructure protec-
- 20                  tion”; and
- 21                  (iii) by striking paragraphs (2), (5),
- 22                  (6), and (25);
- 23                  (iv) in paragraph (3), in the matter
- 24                  preceding subparagraph (A), by inserting
- 25                  “, in coordination with the Office of Infra-

1 structure Protection,” after “To inte-  
2 grate”;

3 (v) by redesignating paragraphs (3)  
4 and (4) as paragraphs (2) and (3), respec-  
5 tively; and

6 (vi) by redesignating paragraphs (7)  
7 through (24) as paragraphs (4) through  
8 (21), respectively;

9 (F) in subsection (g), in the matter pre-  
10 ceeding paragraph (1), by striking “under this  
11 section”.

12 (b) INFRASTRUCTURE PROTECTION AND RESILIENCE  
13 DIRECTORATE.—

14 (1) IN GENERAL.—Title II of the Homeland Se-  
15 curity Act of 2002 (6 U.S.C. 121 et seq.) is amend-  
16 ed by adding at the end the following:

17 **“Subtitle E—Infrastructure Protec-**  
18 **tion and Resilience Directorate**

19 **“SEC. 241. INFRASTRUCTURE PROTECTION AND RESIL-**  
20 **IENCE DIRECTORATE.**

21 “(a) IN GENERAL.—There is established in the De-  
22 partment, an Infrastructure Protection and Resilience Di-  
23 rectorate.

24 “(b) UNDER SECRETARY FOR INFRASTRUCTURE  
25 PROTECTION AND RESILIENCE.—The Infrastructure Pro-

1 tection and Resilience Directorate shall be headed by the  
 2 Under Secretary for Infrastructure Protection and Resil-  
 3 ience.

4 “(c) RESPONSIBILITIES.—The Under Secretary for  
 5 Infrastructure Protection and Resilience shall—

6 “(1) coordinate critical infrastructure protection  
 7 and resiliency activities within the Department;

8 “(2) ensure Federal facilities protected by the  
 9 Federal Protective Service are rendered safe and se-  
 10 cure for Federal employees, contract employees, offi-  
 11 cers, and visitors; and

12 “(3) perform such other duties as the Secretary  
 13 may prescribe.

14 “(d) OFFICE OF INFRASTRUCTURE PROTECTION.—

15 “(1) IN GENERAL.—There is established in the  
 16 Infrastructure Protection and Resilience Directorate  
 17 an Office of Infrastructure Protection.

18 “(2) ASSISTANT SECRETARY FOR INFRASTRUC-  
 19 TURE PROTECTION.—The Office of Infrastructure  
 20 Protection shall be headed by the Assistant Sec-  
 21 retary for Infrastructure Protection, who shall be  
 22 appointed by the President.

23 “(3) RESPONSIBILITIES.—The Assistant Sec-  
 24 retary for Infrastructure Protection shall—



1           “(A) promote, prioritize, coordinate, and  
2 plan for the protection, security, resiliency, and  
3 postdisaster restoration of critical infrastruc-  
4 ture and key resources of the United States  
5 against or in the event of an act of terrorism,  
6 natural disaster, or other manmade disaster, in  
7 coordination with other agencies of the Federal  
8 Government and in cooperation with State and  
9 local government agencies and authorities, the  
10 private sector, and other entities;

11           “(B) carry out comprehensive assessments  
12 of the vulnerabilities of the key resources and  
13 critical infrastructure of the United States, in-  
14 cluding the performance of risk assessments to  
15 determine the risks posed by particular types of  
16 terrorist attacks within the United States (in-  
17 cluding an assessment of the probability of suc-  
18 cess of the attacks and the feasibility and po-  
19 tential efficacy of various countermeasures to  
20 the attacks);

21           “(C) integrate, in coordination with the  
22 Office of Intelligence and Analysis, relevant in-  
23 formation, analyses, and vulnerability assess-  
24 ments of critical infrastructure and key re-  
25 sources of the United States (whether such in-

1 formation, analyses, or assessments are pro-  
2 vided or produced by the Department or others)  
3 in order to identify priorities for protective and  
4 support measures by the Department, other  
5 agencies of the Federal Government, State, and  
6 local government agencies;

7 “(D) develop a comprehensive national  
8 plan for securing the key resources and critical  
9 infrastructure of the United States, including  
10 power production, generation, and distribution  
11 systems, information technology, and tele-  
12 communications systems (including satellites),  
13 electronic financial and property record storage  
14 and transmission systems, emergency prepared-  
15 ness communications systems, and the physical  
16 and technological assets that support such sys-  
17 tems;

18 “(E) recommend measures necessary to  
19 protect the key resources and critical infra-  
20 structure of the United States in coordination  
21 with other agencies of the Federal Government  
22 and in cooperation with State and local govern-  
23 ment agencies and authorities, the private sec-  
24 tor, and other entities;

1           “(F) for each sector identified in the Na-  
2           tional Infrastructure Protection Plan, prepare  
3           and submit to the Committee on Homeland Se-  
4           curity and Governmental Affairs of the Senate  
5           and the Committee on Homeland Security of  
6           the House of Representatives, and to other ap-  
7           propriate congressional committees having ju-  
8           risdiction over the critical infrastructure or key  
9           resources, a report on the comprehensive as-  
10          sessments carried out by the Secretary of the  
11          critical infrastructure and key resources of the  
12          United States, evaluating threat, vulnerability,  
13          and consequence, as required under this sub-  
14          section, which—

15                 “(i) shall contain, if applicable, ac-  
16                 tions or countermeasures recommended or  
17                 taken by the Secretary or the head of an-  
18                 other Federal agency to address issues  
19                 identified in the assessments; and

20                 “(ii) shall be submitted not later than  
21                 the start of the third fiscal year beginning  
22                 after the date of enactment of this subtitle,  
23                 and every 4 years thereafter;

24                 “(G) coordinate the identification and miti-  
25                 gation of risks associated with assets and sys-

1           tems located outside the United States, which,  
2           if disrupted or destroyed, would critically affect  
3           the public health and safety, economy, or na-  
4           tional security of the United States; and

5                   “(H) perform such other duties as the Sec-  
6           retary may prescribe.”.

7           (2) CONTINUATION IN OFFICE.—The individual  
8           serving as Under Secretary for National Protection  
9           and Programs on the day before the date of enact-  
10          ment of this Act, may serve as the Under Secretary  
11          for Infrastructure Protection and Resilience until  
12          the date on which an appointment to the position of  
13          Under Secretary for Infrastructure Protection and  
14          Resilience is made under section 103(a)(8) of the  
15          Homeland Security Act of 2002, as amended by this  
16          Act.

17          (3) TECHNICAL AND CONFORMING AMEND-  
18          MENT.—The table of contents in section 1(b) of the  
19          Homeland Security Act of 2002 (6 U.S.C. 101 et  
20          seq.) is amended by inserting after the item relating  
21          to section 235 the following:

          “Subtitle E—Infrastructure Protection and Resilience Directorate

“Sec. 241. Infrastructure Protection and Resilience Directorate.”.

1 **SEC. 302. FEDERAL PROTECTIVE SERVICE.**

2 (a) IN GENERAL.—Title II of the Homeland Security  
3 Act of 2002 (6 U.S.C. 121 et seq.), as amended by section  
4 301, is amended by adding at the end the following:

5 **“Subtitle F—Federal Protective**  
6 **Service**

7 **“SEC. 251. FEDERAL PROTECTIVE SERVICE.**

8 “(a) ESTABLISHMENT.—There is established within  
9 the Department the Federal Protective Service, which  
10 shall be headed by a Director, who shall report to the  
11 Under Secretary for Infrastructure Protection and Resil-  
12 ience.

13 “(b) ASSESSMENT AND COLLECTION OF FEES.—The  
14 Secretary may assess and collect fees and security charges  
15 for the costs of providing protective service.

16 “(c) DEPOSIT OF FEES.—Any fees or security  
17 charges paid under this section shall be deposited in the  
18 appropriations account under the heading ‘FEDERAL PRO-  
19 TECTIVE SERVICES’ under the heading ‘NATIONAL PRO-  
20 TECTION AND PROGRAMS DIRECTORATE’ of the Depart-  
21 ment.

22 “(d) ADJUSTMENT OF FEES.—The Director of the  
23 Office of Management and Budget shall adjust fees as  
24 necessary to carry out this section.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
26 The table of contents in section 1(b) of the Homeland Se-

1 ecurity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 2 inserting after the item relating to section 241, as added  
 3 by section 301 the following:

“Subtitle F—Federal Protective Service

“Sec. 251. Federal Protective Service.”.

4       **TITLE IV—PREPAREDNESS,**  
 5       **RESPONSE, AND RECOVERY**

6       **SEC. 401. CATASTROPHIC INCIDENT PLANNING.**

7       (a) **DEFINITIONS.**—Section 602 of the Post-Katrina  
 8 Emergency Management Act of 2006 (6 U.S.C. 701) is  
 9 amended—

10           (1) by redesignating paragraphs (5) through  
 11 (16) as paragraphs (6) through (17), respectively;  
 12 and

13           (2) by inserting after paragraph (4) the fol-  
 14 lowing:

15           “(5) the term ‘critical infrastructure’ has the  
 16 meaning given that term in section 1016(e) of the  
 17 USA PATRIOT Act (42 U.S.C. 5195e(e));”.

18       (b) **IN GENERAL.**—Section 653 of the Post-Katrina  
 19 Emergency Management Act of 2006 (6 U.S.C. 753) is  
 20 amended—

21           (1) by redesignating subsections (b), (c), (d),  
 22 and (e), as subsections (c), (f), (g), and (h), respec-  
 23 tively;

1           (2) by redesignating subsection (a) as sub-  
2           section (e);

3           (3) by inserting before subsection (e), as redesi-  
4           gnated, the following:

5           “(a) DEFINITION.—In this section, the term ‘cata-  
6           strophic incident planning’ means planning to prevent,  
7           prepare for, protect against, respond to, and recover from  
8           a catastrophic incident.

9           “(b) PLANNING.—In support of the national pre-  
10          paredness system, the President shall ensure that there  
11          are comprehensive plans to prevent, prepare for, protect  
12          against, respond to, and recover from natural disasters,  
13          acts of terrorism, and other man-made disasters, including  
14          catastrophic incidents, throughout the Federal Govern-  
15          ment.”;

16          (4) in subsection (e), as redesignated—

17                 (A) by redesignating paragraphs (4) and  
18                 (5) as paragraphs (5) and (6);

19                 (B) by inserting after paragraph (3), the  
20                 following:

21                 “(4) conducts catastrophic incident planning as  
22                 required under subsection (d)(2);” and

23                 (C) in paragraph (5), as redesignated, by  
24                 inserting “, including for catastrophic inci-  
25                 dents,” after “operational plans”;

1           (5) by inserting after subsection (c), as redesignig-  
2           nated, the following:

3           “(d) CATASTROPHIC INCIDENT PLANNING.—In ear-  
4           rying out subsections (b) and (c), the President shall—

5           “(1) identify and prioritize risks of catastrophic  
6           incidents, including risks across all critical infra-  
7           structure sectors;

8           “(2) ensure that Federal agencies coordinate to  
9           conduct comprehensive and effective catastrophic in-  
10          cident planning to address prioritized catastrophic  
11          risks; and

12          “(3) review plans for catastrophic incidents de-  
13          veloped by Federal agencies to ensure the effective-  
14          ness of the plans, including assessing whether—

15                  “(A) the assumptions underlying plans for  
16                  catastrophic incidents are realistic;

17                  “(B) the resources identified to implement  
18                  the plans are adequate for catastrophic inci-  
19                  dents, including whether the number, skills, and  
20                  training of the available workforce is sufficient  
21                  to implement the plans; and

22                  “(C) plans for catastrophic incidents re-  
23                  flect coordination with governmental and non-  
24                  governmental entities that would play a signifi-



1           eant role in the response to the catastrophic in-  
2           cident.”;

3           (6) in subsection (e), as redesignated, by strik-  
4           ing “subsection (a)(4)” and inserting “subsection  
5           (e)(5)”; and

6           (7) in subsection (g), as redesignated, in the  
7           matter preceding paragraph (1), by striking “sub-  
8           sections (a) and (b)” and inserting “subsections (e)  
9           and (e).”.

10          (e) **HOMELAND SECURITY ACT.**—Title V of the  
11          Homeland Security Act of 2002 (6 U.S.C. 311 et seq.)  
12          is amended by adding at the end the following:

13          **“SEC. 526. CATASTROPHIC INCIDENT PLANNING.**

14           “(a) **DEFINITION.**—In this section, the term ‘cata-  
15          strophic incident planning’ means planning to prevent,  
16          prepare for, protect against, respond to, and recover from  
17          a catastrophic incident.

18           “(b) **DIRECTOR.**—The Secretary shall appoint a sen-  
19          ior official within the Agency who shall be responsible for  
20          catastrophic incident planning, including—

21                   “(1) assisting the President and the heads of  
22          Federal agencies in identifying risks of catastrophic  
23          incidents for which planning is likely to be most  
24          needed or beneficial, including risks across all crit-  
25          ical infrastructure sectors;

1           “(2) leading the efforts of the Department to  
2           conduct catastrophic incident planning to address  
3           risks in the areas of responsibility of the Depart-  
4           ment;

5           “(3) leading, promoting, and coordinating ef-  
6           forts of Federal agencies to conduct catastrophic in-  
7           cident planning to address risks, including by assist-  
8           ing in the assessing and reviewing of plans of Fed-  
9           eral agencies for catastrophic incidents and plans of  
10          private sector entities for catastrophic incidents sub-  
11          mitted to the Federal agencies;

12          “(4) developing communications plans and  
13          prescribed messages and message templates in ac-  
14          cordance with section 530;

15          “(5) providing assistance to State, local, and  
16          tribal governments in developing plans for cata-  
17          strophic incidents;

18          “(6) promoting and supporting appropriate cat-  
19          astrophic incident planning by private sector entities,  
20          including private sector entities that own or manage  
21          critical infrastructure; and

22          “(7) otherwise assisting in the implementation  
23          of section 653 of the Post-Katrina Emergency Man-  
24          agement Reform Act of 2006 (6 U.S.C. 753).”.

1 (d) **TECHNICAL AND CONFORMING AMENDMENT.**—  
 2 The table of contents in section 1(b) of the Homeland Se-  
 3 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 4 inserting after the item relating to section 525 the fol-  
 5 lowing:

“Sec. 526. Catastrophic incident planning.”.

6 **SEC. 402. PREPAREDNESS OF INDIVIDUALS AND COMMU-**  
 7 **NITIES.**

8 (a) **IN GENERAL.**—Title V of the Homeland Security  
 9 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
 10 401, is amended by adding at the end the following:

11 **“SEC. 527. PREPAREDNESS OF INDIVIDUALS AND COMMU-**  
 12 **NITIES.**

13 “(a) **IN GENERAL.**—The Administrator shall enhance  
 14 and promote the preparedness of individuals and commu-  
 15 nities for natural disasters, acts of terrorism, and other  
 16 man-made disasters and coordinate with State, local, and  
 17 tribal governments and private sector and nongovern-  
 18 mental organizations in these efforts:

19 “(b) **LEAD OFFICIAL.**—The Administrator shall ap-  
 20 point a senior official within the Department to coordinate  
 21 and oversee the activities of the Agency to enhance and  
 22 promote the preparedness of individuals and communities  
 23 for natural disasters, acts of terrorism, and other man-  
 24 made disasters.”.

1           (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~  
 2 The table of contents in section 1(b) of the Homeland Se-  
 3 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 4 inserting after the item relating to section 526, as added  
 5 by section 401, the following:

“Sec. 527. Preparedness of individuals and communities.”.

6 **SEC. 403. FEDERAL RESPONSE AND RECOVERY PREPARED-**  
 7 **NESS OFFICIALS.**

8           (a) ~~IN GENERAL.—~~Title V of the Homeland Security  
 9 Act of 2002 (6 U.S.C. 311 et seq.) is amended—

10           (1) in section 501 (6 U.S.C. 311)—

11                   (A) in paragraph (8), by striking “section  
 12 502(a)(6)” and inserting “section 504(a)(6)”;

13                   (B) by redesignating paragraphs (9)  
 14 through (14) as paragraphs (10) through (15),  
 15 respectively; and

16                   (C) by inserting after paragraph (8) the  
 17 following:

18                   “(9) the term ‘recovery’ means the short- and  
 19 long-term process of restoring, reshaping, and en-  
 20 hancing the resiliency of the physical, social, eco-  
 21 nomic, and natural environments, government insti-  
 22 tutions, and the lives of affected individuals.”; and

23           (2) by adding after section 527, as added by  
 24 section 402 of this Act, the following:

1 **“SEC. 528. FEDERAL RESPONSE AND RECOVERY PRE-**  
2 **PAREDNESS OFFICIALS.**

3 “(a) IN GENERAL.—The Administrator shall ensure  
4 the preparedness of Federal agencies to respond to and  
5 support recovery from a natural disaster, act of terrorism,  
6 or other man-made disaster by—

7 “(1) ensuring the development of and prepared-  
8 ness of the Agency to implement the National Re-  
9 sponse Framework and the National Disaster Recov-  
10 ery Framework;

11 “(2) ensuring Federal agencies with responsibil-  
12 ities under the National Response Framework and  
13 the National Disaster Recovery Framework are pre-  
14 pared to fulfill those responsibilities, including hav-  
15 ing appropriate staffing and training; and

16 “(3) unless a major disaster is a catastrophic  
17 incident relating to which the President has estab-  
18 lished a Commission under section 327 of the Robert  
19 T. Stafford Disaster Relief and Emergency Assist-  
20 ance Act, resolving disagreements relating to re-  
21 sponse to and recovery from major disasters between  
22 Federal agencies with responsibilities under the Na-  
23 tional Disaster Recovery Framework, including dis-  
24 agreements relating to a particular major disaster  
25 and disagreements that arise before a major disaster  
26 is declared.

1       “(b) **DISASTER RESPONSE AND RECOVERY OFFI-**  
 2 **CIALS.**—The head of each Federal agency with major re-  
 3 sponsibilities under the National Response Framework or  
 4 the National Disaster Recovery Framework, as deter-  
 5 mined by the Administrator, shall designate a senior offi-  
 6 cial to—

7               “(1) ensure the Federal agency is prepared to  
 8 execute its response and recovery responsibilities  
 9 under such plans; and

10               “(2) coordinate disaster response and recovery  
 11 efforts and activities with the Administrator.”.

12       (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
 13 The table of contents in section 1(b) of the Homeland Se-  
 14 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 15 inserting after the item relating to section 527, as added  
 16 by section 402, the following:

“Sec. 528. Federal response and recovery preparedness officials.”.

17 **SEC. 404. RECOVERY.**

18       (a) **DEFINITION OF MAJOR DISASTER.**—Section 102  
 19 of the Robert T. Stafford Disaster Relief and Emergency  
 20 Assistance Act (42 U.S.C. 5122) is amended by striking  
 21 paragraph (2) and inserting the following:

22               “(2) **MAJOR DISASTER.**—The term ‘major dis-  
 23 aster’ means any natural disaster (including a pan-  
 24 demic), act of terrorism, or other man-made dis-  
 25 aster, in any part of the United States, which in the

1 determination of the President causes damage of  
2 sufficient severity and magnitude to warrant major  
3 disaster assistance under this Act to supplement the  
4 efforts and available resources of States, local gov-  
5 ernments, and disaster relief organizations in alle-  
6 viating the damage, loss, hardship, or suffering  
7 caused thereby.”.

8 (b) OTHER DEFINITIONS.—Section 102 of the Rob-  
9 ert T. Stafford Disaster Relief and Emergency Assistance  
10 Act (42 U.S.C. 5122) is amended by adding at the end  
11 the following:

12 “(11) RECOVERY.—The term ‘recovery’ has the  
13 meaning given that term in section 501 of the  
14 Homeland Security Act of 2002 (6 U.S.C. 311).

15 “(12) NATIONAL DISASTER RECOVERY FRAME-  
16 WORK.—The term ‘National Disaster Recovery  
17 Framework’ means the National Disaster Recovery  
18 Framework developed under section 655 of the Post-  
19 Katrina Emergency Management Reform Act of  
20 2006.

21 “(13) CATASTROPHIC INCIDENT.—The term  
22 ‘catastrophic incident’ has the meaning given that  
23 term in section 501 of the Homeland Security Act  
24 of 2002 (6 U.S.C. 311).”.

1           (e) ~~RECOVERY EFFORTS.~~—Section 402 of the Robert  
2 T. Stafford Disaster Relief and Emergency Assistance Act  
3 (~~42 U.S.C. 5170a~~) is amended—

4           (1) in paragraph (3)—

5                 (A) in subparagraph (D), by inserting  
6                 “and” after “measures;”;

7                 (B) in subparagraph (E), by striking  
8                 “and” at the end; and

9                 (C) by striking subparagraph (F);

10           (2) in paragraph (4), by striking “and” at the  
11           end;

12           (3) in paragraph (5)(B), by striking the period  
13           at the end and inserting “; and”; and

14           (4) by adding at the end the following:

15                 “(6) assist State and local governments to re-  
16                 cover from a major disaster and coordinate Federal  
17                 assistance for recovery from the major disaster by—

18                         “(A) identifying and coordinating Federal  
19                         resources, programs, and agencies to support  
20                         the implementation of recovery and mitigation  
21                         efforts of State and local governments;

22                         “(B) providing technical and other advice  
23                         to State and local governments to manage, con-  
24                         trol, and mitigate hazards and risk to reduce  
25                         damages from a subsequent major disaster;



1           “(C) in the case of a catastrophic incident,  
2           establishing a Commission under section 327;  
3           and

4           “(D) providing financial and technical as-  
5           sistance and advice to State and local govern-  
6           ments affected by a major disaster to—

7                   “(i) assess the effects of the major  
8                   disaster;

9                   “(ii) support coordinated and com-  
10                  prehensive recovery planning; and

11                  “(iii) support and facilitate implemen-  
12                  tation of recovery plans and actions.”.

13           (d) RECOVERY FROM A CATASTROPHIC INCIDENT.—  
14 Title III of the Robert T. Stafford Disaster Relief and  
15 Emergency Assistance Act (42 U.S.C. 5141 et seq.) is  
16 amended by adding at the end the following:

17           **“SEC. 327. CATASTROPHIC INCIDENT RECOVERY COMMIS-**  
18                   **SIONS.**

19           “(a) DEFINITIONS.—In this section—

20                   “(1) the term ‘Administrator’ means the Ad-  
21                   ministrators of the Federal Emergency Management  
22                   Agency;

23                   “(2) the term ‘Chairperson’ means the Chair-  
24                   person of a Commission selected under subsection  
25                   (b)(2); and

1           “(3) the term ‘Commission’ means a commis-  
2           sion established under subsection (b)(1).

3           “(b) COMMISSION ESTABLISHMENT.—

4           “(1) IN GENERAL.—Immediately following a  
5           catastrophic incident, the President may establish a  
6           commission to facilitate and support States and local  
7           governments in achieving an efficient, effective, and  
8           expeditious recovery from the catastrophic incident.

9           “(2) CHAIRPERSON.—The President shall select  
10          an official to serve as the Chairperson of each Com-  
11          mission to ensure the responsibilities of the Commis-  
12          sion are fulfilled. The Chairperson shall have the au-  
13          thority to direct any Federal agency to use the au-  
14          thorities and resources granted to the Federal agen-  
15          cy under Federal law in support of the efficient, ef-  
16          fective, and expeditious recovery from the cata-  
17          strophic incident.

18          “(3) MEMBERS OF COMMISSIONS.—Each Com-  
19          mission shall include as a member the Adminis-  
20          trator, the head of each Federal agency with major  
21          responsibilities under the National Disaster Recov-  
22          ery Framework, and the head of any other Federal  
23          agency that the President determines necessary.

24          “(4) STAFFING.—The Administrator and the  
25          head of each Federal agency with responsibilities

1 under the National Disaster Recovery Framework  
2 shall each detail to each Commission a sufficient  
3 number of senior officials with decisionmaking au-  
4 thority and staff who shall serve full-time on the  
5 Commission to ensure efficient administration of the  
6 assistance provided by the Federal Government.

7 “(e) RESPONSIBILITIES OF A COMMISSION.—A Com-  
8 mission shall—

9 “(1) develop and implement a strategic plan  
10 under subsection (d) for the recovery from the cata-  
11 strophic incident and to mitigate against the effects  
12 of and foster resilience against subsequent disasters;

13 “(2) coordinate the activities of Federal agen-  
14 cies represented by the members of the Commission  
15 and other Federal agencies that the President deter-  
16 mines necessary and resolve disagreements relating  
17 to recovery from the catastrophic incident between  
18 or among Federal agencies;

19 “(3) compile data relating to the recovery from  
20 the catastrophic incident, including on the Federal  
21 assistance provided and the status of meeting recov-  
22 ery goals;

23 “(4) identify Federal regulations, policies, and  
24 procedures that need to be streamlined and coordi-

1 nated to enable an efficient, expeditious, and effective  
2 recovery from the catastrophic incident;

3 “(5) identify and facilitate the provision of Federal  
4 funds to address gaps in the recovery from the  
5 catastrophic incident;

6 “(6) coordinate with State and local govern-  
7 ments on the recovery from the catastrophic inci-  
8 dent; and

9 “(7) take actions to prevent waste, fraud, and  
10 abuse in the recovery from the catastrophic incident.

11 “(d) STRATEGIC RECOVERY PLAN.—

12 “(1) IN GENERAL.—Not later than 90 days  
13 after the date of a catastrophic incident, the Com-  
14 mission established for the catastrophic incident  
15 shall submit to the Committee on Homeland Secu-  
16 rity and Governmental Affairs of the Senate and the  
17 Committee on Transportation and Infrastructure of  
18 the House of Representatives a strategic recovery  
19 plan for how the Federal Government will expedi-  
20 tiously assist State and local governments in the re-  
21 covery of the area affected by the catastrophic inci-  
22 dent.

23 “(2) CONTENTS.—Each strategic plan sub-  
24 mitted under paragraph (1) shall be written in co-

1 ordination with State and local governments affected  
2 by the catastrophic incident and shall include—

3 “(A) an assessment of challenges and  
4 needs faced in the recovery from the cata-  
5 strophic incident;

6 “(B) a description of how each Federal  
7 agency will support State and local governments  
8 in the recovery efforts, including technical, fi-  
9 nancial, and planning assistance; and the roles  
10 and responsibilities of each Federal agency in  
11 fulfilling the strategic plan;

12 “(C) a description of how each Federal  
13 agency on the Commission will administer and  
14 provide staffing to assist in the recovery from  
15 the catastrophic incident;

16 “(D) a description of any procedures of a  
17 Federal agency that will be streamlined to help  
18 ensure an efficient and effective recovery from  
19 the catastrophic incident; and

20 “(E) a description of any legislative au-  
21 thority needed to help ensure an efficient, expe-  
22 ditious, and effective recovery from the cata-  
23 strophic incident.

24 “(3) UPDATE.—Not later than 180 days after  
25 the date on which a Commission submits a strategic

1 plan under paragraph (1), and every 180 days there-  
2 after until the date on which the Commission termi-  
3 nates under subsection (e), the Commission shall  
4 submit to the Committee on Homeland Security and  
5 Governmental Affairs of the Senate a report describ-  
6 ing—

7 “(A) progress in the recovery from the cat-  
8 astrophic incident since the date on which the  
9 most recent strategic plan or report relating to  
10 the catastrophic incident was submitted; and

11 “(B) major challenges and unmet needs re-  
12 maining in the recovery from the catastrophic  
13 incident.

14 “(e) TERMINATION.—

15 “(1) IN GENERAL.—The President shall termi-  
16 nate a Commission established in relation to a cata-  
17 strophic incident when the President determines that  
18 all issues relating to the Federal coordination of the  
19 recovery have been substantially resolved.

20 “(2) WITHDRAWAL.—Upon a determination by  
21 the President that the matters with which a Federal  
22 agency has been involved as part of a Commission  
23 have been substantially resolved, the Federal agency  
24 may withdraw from the Commission.”.

1 **SEC. 405. ENHANCING RESPONSE AND RECOVERY OPER-**  
2 **ATIONS AND PROGRAMS.**

3 (a) IN GENERAL.—Title V of the Homeland Security  
4 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
5 403, is amended by adding at the end the following:

6 **“SEC. 529. ADMINISTRATION OF RESPONSE AND RECOVERY**  
7 **OPERATIONS AND PROGRAMS.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘annuitant’ means an annuitant  
10 under a Government retirement system;

11 “(2) the terms ‘deployed’ and ‘deployment’  
12 mean the performance of services under the response  
13 and recovery operations and programs of the Agen-  
14 cy, including exercises and training for such oper-  
15 ations and programs;

16 “(3) the term ‘Disaster Reserve Workforce’  
17 means the Disaster Reserve Workforce established  
18 under subsection (b);

19 “(4) the term ‘employee’ has the meaning given  
20 under section 2105 of title 5, United States Code;

21 “(5) the term ‘employee designated for short  
22 term deployments’ means an employee hired under  
23 section 306(b)(1) of the Robert T. Stafford Disaster  
24 Relief and Emergency Assistance Act (42 U.S.C.  
25 5149(b)(1)) designated only for short-term deploy-  
26 ments;

1           “(6) the term ‘Government retirement system’  
2 means a retirement system established by law for  
3 employees of the Government of the United States;

4           “(7) the term ‘major project’ means any project  
5 for which the total costs are greater than \$400,000;

6           “(8) the term ‘permanent seasonal employee’  
7 means an employee, including an employee hired  
8 under section 306(b)(1) of the Robert T. Stafford  
9 Disaster Relief and Emergency Assistance Act (42  
10 U.S.C. 5149(b)(1)); working under seasonal employ-  
11 ment as defined under section 340.401 of title 5 of  
12 the Code of Federal Regulations or any successor  
13 regulation;

14           “(9) the term ‘reservist’ means an employee  
15 who is a member of the Disaster Reserve Workforce;

16           “(10) the term ‘response and recovery oper-  
17 ations and programs’ means response operations and  
18 programs and recovery operations and programs;

19           “(11) the term ‘response operations and pro-  
20 grams’ means operations and programs that involve  
21 taking immediate actions to save lives, protect prop-  
22 erty or the environment, or meet basic human needs;

23           “(12) the term ‘recovery operations and pro-  
24 grams’ means operations and programs to support



1 and enable recovery, as defined in section 501 of the  
2 Homeland Security Act of 2002; and

3 “(13) the term ‘term employee’ means an em-  
4 ployee, including an employee hired under section  
5 306(b)(1) of the Robert T. Stafford Disaster Relief  
6 and Emergency Assistance Act (42 U.S.C.  
7 5149(b)(1)), who is appointed to a term of 1 or  
8 more years.

9 “(b) DISASTER RESERVE WORKFORCE.—In order to  
10 provide efficiency, continuity, quality, and accuracy in  
11 services performed under response and recovery operations  
12 and programs there is within the Agency a Disaster Re-  
13 serve Workforce, which shall be used to supplement the  
14 work of permanent full-time employees of the Agency on  
15 response and recovery operations and programs.

16 “(c) PROVISION OF SERVICES PERFORMED UNDER  
17 RESPONSE AND RECOVERY OPERATIONS AND PRO-  
18 GRAMS.—

19 “(1) IN GENERAL.—The Administrator shall  
20 ensure that the Disaster Reserve Workforce can rap-  
21 idly and efficiently deploy qualified, skilled, and  
22 trained reservists for a sufficiently long period to  
23 provide continuity in response and recovery oper-  
24 ations and programs.

25 “(2) MANAGEMENT AND IMPLEMENTATION.—

1           “(A) ~~IN GENERAL.~~—Sufficient numbers of  
2 qualified permanent full-time employees of the  
3 Agency shall lead and manage the Disaster Re-  
4 serve Workforce and implement response and  
5 recovery operations and programs, including  
6 leading individual major projects under sections  
7 404, 406, and 407 of the Robert T. Stafford  
8 Disaster Relief and Emergency Assistance Act  
9 (42 U.S.C. 5170e, 5172, and 5173).

10           “(B) ~~RESERVISTS.~~—Reservists shall in-  
11 clude—

12                   “(i) term employees;

13                   “(ii) permanent seasonal employees;

14                   “(iii) employees designated for short-  
15 term deployments;

16                   “(iv) employees of the Department  
17 who are not employees of the Agency; and

18                   “(v) employees of other Federal agen-  
19 cies.

20           “(C) ~~SHORT-TERM DEPLOYMENTS.~~—Em-  
21 ployees designated for short-term deployments  
22 shall generally be deployed—

23                   “(i) when necessary to temporarily re-  
24 spond to—

1                   “(I) imminent natural disasters,  
2                   acts of terrorism, and other manmade  
3                   disasters; or

4                   “(II) the immediate aftermath of  
5                   those disasters or acts;

6                   “(ii) only for uncertain or temporary  
7                   durations; and

8                   “(iii) absent extraordinary cir-  
9                   cumstances, for less than 180 days each  
10                  calendar year.

11                  “(D) RELIANCE ON CERTAIN RESERV-  
12                  ISTS.—In supporting the work of permanent  
13                  full-time employees, the Administrator—

14                   “(i) shall rely to the greatest extent  
15                   possible on term employees and permanent  
16                   seasonal employees, in order to help ensure  
17                   greater efficiency, continuity, quality, and  
18                   accuracy in services performed under re-  
19                   covery operations and programs; and

20                   “(ii) may use discretion to deploy the  
21                   reservists most able to ensure the greatest  
22                   efficiency, continuity, quality, and accuracy  
23                   in services performed under response and  
24                   recovery operations and programs.

1           “(3) POLICIES AND PROCEDURES.—In order to  
2           ensure that efficient, continuous, and accurate serv-  
3           ices are provided under response and recovery oper-  
4           ations and programs, not later than 180 days after  
5           the date of enactment of this section, the Adminis-  
6           trator shall develop—

7                   “(A) staffing policies and procedures that  
8                   provide for the proper implementation of and  
9                   management of response and recovery oper-  
10                  ations and programs by sufficient numbers of  
11                  permanent full-time senior-level officials;

12                  “(B) plans to recruit individuals who re-  
13                  side in the area affected by a major disaster  
14                  when long-term recovery efforts are needed; and

15                  “(C) policies and procedures relating to  
16                  sections 403, 404, 406, 407, and 502 of the  
17                  Robert T. Stafford Disaster Relief and Emer-  
18                  gency Assistance Act (42 U.S.C. 5170b, 5170e,  
19                  5172, 5173, and 5192).

20           “(4) MINIMUM STANDARDS AND GUIDELINES  
21           FOR THE DISASTER RESERVE WORKFORCE.—

22                   “(A) STANDARDS AND GUIDELINES.—Not  
23                  later than 180 days after the date of enactment  
24                  of this section, the Administrator shall develop

1 standards and guidelines for the Disaster Re-  
 2 serve Workforce, including—

3 “(i) setting appropriate mandatory be-  
 4 fore and after disaster training require-  
 5 ments;

6 “(ii) establishing the minimum num-  
 7 ber of days annually an individual is re-  
 8 quired to deploy in a year during which  
 9 there is sufficient work for members of the  
 10 Disaster Reserve Workforce;

11 “(iii) providing for a reasonably long  
 12 time period for deployment to ensure con-  
 13 tinuity in operations; and

14 “(iv) establishing performance re-  
 15 quirements, including for the timely and  
 16 accurate resolution of issues and projects.

17 “(B) MAINTAINING MEMBERSHIP IN THE  
 18 DISASTER RESERVE WORKFORCE.—In order to  
 19 maintain membership in the Disaster Reserve  
 20 Workforce, a reservist shall—

21 “(i) be credentialed in accordance  
 22 with section 510; and

23 “(ii) meet all minimum standards and  
 24 guidelines established under subparagraph  
 25 (A)—

1                   ~~“(I) for term employees, before~~  
2                   ~~being appointed to a term in the Dis-~~  
3                   ~~aster Reserve Workforce; and~~

4                   ~~“(II) annually for all other re-~~  
5                   ~~servists.~~

6                   ~~“(C) EVALUATION SYSTEM.—In consulta-~~  
7                   ~~tion with the Director of the Office of Per-~~  
8                   ~~sonnel Management, the Administrator shall de-~~  
9                   ~~velop and implement a system to continuously~~  
10                  ~~evaluate reservists to ensure that all minimum~~  
11                  ~~standards and guidelines under this paragraph~~  
12                  ~~are satisfied annually by all reservists. Chapter~~  
13                  ~~43 of title 5, United States Code, shall not~~  
14                  ~~apply to reservists covered under the system de-~~  
15                  ~~veloped and implemented under this subpara-~~  
16                  ~~graph.~~

17                  ~~“(5) CONTRACTORS.—Not later than 180 days~~  
18                  ~~after the date of enactment of this section, the Ad-~~  
19                  ~~ministrator, in conjunction with the Chief Human~~  
20                  ~~Capital Officer of the Agency, shall establish policies~~  
21                  ~~and procedures for contractors that support re-~~  
22                  ~~sponse and recovery operations and programs, which~~  
23                  ~~shall ensure that the contractors have appropriate~~  
24                  ~~skills, training, knowledge, and experience for as-~~  
25                  ~~signed tasks, including by ensuring that the contrac-~~

1       tors meet training, credentialing, and performance  
2       requirements similar to the requirements for reserv-  
3       ists.

4           “(6) REEMPLOYED ANNUITANTS.—

5           “(A) IN GENERAL.—In appointing reserv-  
6       ists to the Disaster Reserve Workforce, the ap-  
7       plication of sections 8344 and 8468 of title 5,  
8       United States Code (relating to annuities and  
9       pay on reemployment) or any other similar pro-  
10      vision of law under a Government retirement  
11      system may be waived by the Administrator for  
12      annuitants reemployed on deployments involv-  
13      ing a direct threat to life or property or other  
14      unusual circumstances for the entirety of the  
15      deployment.

16          “(B) LIMITATIONS.—The authority under  
17      subparagraph (A)—

18           “(i) is granted to assist the Adminis-  
19      trator in establishing and effectively oper-  
20      ating the Disaster Reserve Workforce if no  
21      other qualified applicant is available for a  
22      reservist position; and

23           “(ii) may be exercised only—

24           “(I) with respect to natural dis-  
25      asters, acts of terrorism, or other

1 man-made disasters, including cata-  
2 strophic incidents; and

3 “(H) if the applicant will not ac-  
4 cept the position without a waiver.

5 “(C) NOT EMPLOYEE FOR RETIREMENT  
6 PURPOSES.—An annuitant to whom a waiver  
7 under subparagraph (A) is in effect shall not be  
8 considered an employee for purposes of any  
9 Government retirement system.

10 “(7) PERMANENT EMPLOYMENT POSITIONS.—

11 “(A) IN GENERAL.—A reservist hired  
12 under section 306(b)(1) of the Robert T. Staf-  
13 ford Disaster Relief and Emergency Assistance  
14 Act (42 U.S.C. 5149(b)(1)) may compete for  
15 permanent positions in the Agency under merit  
16 promotion procedures. The actual time deployed  
17 as a reservist shall be considered creditable  
18 service for purposes of such competition and  
19 shall be calculated, for purposes of section 8411  
20 of title 5, United States Code, by dividing the  
21 total number of days of service as a reservist by  
22 365 to obtain the number of years of service  
23 and dividing any remainder by 30 to obtain the  
24 number of additional months of service and ex-



1 eluding from the aggregate the fractional part  
 2 of a month, if any.

3 “(B) CONSIDERATION.—In evaluating a  
 4 reservist hired under section 306(b)(1) of the  
 5 Robert T. Stafford Disaster Relief and Emer-  
 6 gency Assistance Act (42 U.S.C. 5149(b)(1))  
 7 for a potential permanent employment position,  
 8 the Administrator shall consider the qualifica-  
 9 tions of, and performance as a reservist by, the  
 10 reservist, including the ability of the reservist to  
 11 timely, accurately, and creatively resolve issues  
 12 and projects when deployed.

13 “(C) EFFECTIVE DATE AND APPLICA-  
 14 TION.—This paragraph shall—

15 “(i) take effect on the date on which  
 16 the Administrator implements the evalua-  
 17 tion system under paragraph (4)(C); and

18 “(ii) apply to periods of service per-  
 19 formed after that date.

20 “(8) NO IMPACT ON AGENCY PERSONNEL CEIL-  
 21 ING.—Reservists shall not be counted against any  
 22 personnel ceiling limitation applicable to the Agen-  
 23 cy.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—

25 The table of contents in section 1(b) of the Homeland Se-

1 ecurity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 2 inserting after the item relating to section 528, as added  
 3 by section 403, the following:

“Sec. 529. Administration of response and recovery operations and programs.”.

4 (c) PERMANENT SEASONAL EMPLOYEES.—Section  
 5 306(b) of the Robert T. Stafford Disaster Relief and  
 6 Emergency Assistance Act (42 U.S.C. 5149(b)) is amend-  
 7 ed—

8 (1) in paragraph (1), by inserting “or perma-  
 9 nent seasonal employees (as that term is defined  
 10 under section 529(a)(8) of the Homeland Security  
 11 Act of 2002)” after “temporary personnel”; and

12 (2) in paragraph (3), by inserting “or the em-  
 13 ployment of permanent seasonal employees (as that  
 14 term is defined under section 529(a)(8) of the  
 15 Homeland Security Act of 2002)” after “additional  
 16 personnel”.

17 **SEC. 406. DEPARTMENT AND AGENCY OFFICIALS.**

18 (a) IN GENERAL.—Section 514(a) of the Homeland  
 19 Security Act of 2002 (6 U.S.C. 321e(a)) is amended—

20 (1) by striking “The President” and inserting  
 21 the following:

22 “(1) IN GENERAL.—The President”;

23 (2) by striking “4 Deputy Administrators” and  
 24 inserting “3 Deputy Administrators”; and

25 (3) by adding at the end the following:

1           ~~“(2) CHIEF MANAGEMENT OFFICER.—~~

2           ~~“(A) IN GENERAL.—~~In addition to any  
3           ~~Deputy Administrators appointed under para-~~  
4           ~~graph (1), the President shall appoint 1 Deputy~~  
5           ~~Administrator who shall serve as the Chief~~  
6           ~~Management Officer of the Agency and advise~~  
7           ~~the Administrator on matters relating to the~~  
8           ~~management of the Agency, including—~~

9                   ~~“(i) budgeting, appropriations, ex-~~  
10                   ~~penditures of funds, accounting, and fi-~~  
11                   ~~nance;~~

12                   ~~“(ii) procurement;~~

13                   ~~“(iii) human resources and personnel;~~

14                   ~~“(iv) information technology and com-~~  
15                   ~~munications systems;~~

16                   ~~“(v) facilities, property, equipment,~~  
17                   ~~and other material resources;~~

18                   ~~“(vi) security for personnel, informa-~~  
19                   ~~tion technology and communications sys-~~  
20                   ~~tems, facilities, property, equipment, and~~  
21                   ~~other material resources;~~

22                   ~~“(vii) identification and tracking of~~  
23                   ~~performance measures relating to the re-~~  
24                   ~~sponsibilities of the Agency;~~

1           “~~(viii)~~ grants and other assistance  
2           management programs;

3           “~~(ix)~~ the conduct of internal audits  
4           and management analyses of the programs  
5           and activities of the Agency;

6           “~~(x)~~ controls over waste, fraud, and  
7           abuse; and

8           “~~(xi)~~ any other management duties  
9           determined appropriate by the Adminis-  
10          trator.

11          “~~(B)~~ CRITERIA.—The Deputy Adminis-  
12          trator appointed under subparagraph ~~(A)~~ shall  
13          have—

14               “~~(i)~~ extensive executive level leader-  
15               ship and management experience in the  
16               public or private sector;

17               “~~(ii)~~ strong leadership skills;

18               “~~(iii)~~ a demonstrated ability to man-  
19               age large and complex organizations; and

20               “~~(iv)~~ a proven record in achieving  
21               positive operational results.”

22          ~~(b) PROVISION OF INFORMATION TO CONGRESS.—~~

23               ~~(1) DEFINITION.—In this subsection, the term~~  
24               “appropriate committees of Congress” means—

1           (A) the Committee on Homeland Security  
2           and Governmental Affairs of the Senate; and

3           (B) the Committee on Homeland Security  
4           and the Committee on Transportation and In-  
5           frastructure of the House of Representatives.

6           (2) STRATEGY.—Not later than 1 year after the  
7           date of enactment of this Act, the Chief Manage-  
8           ment Officer of the Federal Emergency Management  
9           Agency and the Under Secretary for Management  
10          shall submit to the appropriate committees of Con-  
11          gress a strategy for improving the management of  
12          the Federal Emergency Management Agency.

13          (3) BRIEFINGS.—Not later than 90 days after  
14          the date of enactment of this Act, and every 90 days  
15          thereafter until the date that is 3 years after the  
16          date of enactment of this Act, the Chief Manage-  
17          ment Officer of the Federal Emergency Management  
18          Agency and the Under Secretary for Management  
19          shall brief the appropriate committees of Congress  
20          on measures taken to improve the management of  
21          the Federal Emergency Management Agency, includ-  
22          ing, after the strategy is submitted under paragraph  
23          (2), information regarding implementation of the  
24          strategy.

1 **SEC. 407. INFRASTRUCTURE PROTECTION ASSISTANCE.**

2 (a) **PORT SECURITY GRANTS.**—There is authorized  
3 to be appropriated to the Secretary to make grants for  
4 port security in accordance with section 70107 of title 46,  
5 United States Code, \$249,500,000 for fiscal year 2012.

6 (b) **SURFACE TRANSPORTATION SECURITY**  
7 **GRANTS.**—

8 (1) **IN GENERAL.**—There is authorized to be  
9 appropriated to the Secretary to make grants for  
10 public transportation security, railroad security, and  
11 over-the-road bus security in accordance with sec-  
12 tions 1406, 1513, and 1532 of the Implementing  
13 Recommendations of 9/11 Commission Act of 2007  
14 (6 U.S.C. 1135, 1163, and 1182), \$249,500,000 for  
15 fiscal year 2012.

16 (2) **PROGRAM GUIDANCE.**—The Secretary  
17 shall—

18 (A) ensure public transportation and pas-  
19 senger rail security grants are awarded on the  
20 basis of remediating risk to the system and to  
21 the region as a whole;

22 (B) require applications be reviewed and  
23 approved by a Regional Transit Security Work-  
24 ing Group comprised of representatives of all el-  
25 igible transportation systems in the region, the

1 homeland security offices of each State in the  
2 region; and other relevant regional officials;

3 (C) require a Federal Security Director fa-  
4 miliar with the region; or another Federal secu-  
5 rity official familiar with the region and des-  
6 ignated by the Secretary; to rank applications  
7 based on the anticipated ability of the proposed  
8 use of funds to protect passengers from acts of  
9 terrorism; including the use of explosive devices  
10 and the release of biological, chemical, and radi-  
11 ological agents; and

12 (D) in any year in which more than 50  
13 percent (by dollar value) of all funding available  
14 for grants under sections 1406, 1513, and 1532  
15 of the Implementing Recommendations of 9/11  
16 Commission Act of 2007 (6 U.S.C. 1135, 1163,  
17 and 1182) is awarded for securing or remedi-  
18 ating risk to specific physical assets; submit a  
19 report to the Committee on Homeland Security  
20 and Governmental Affairs of the Senate and the  
21 Committee on Homeland Security of the House  
22 of Representatives describing how the grant  
23 funds awarded under those sections will be used  
24 to protect passengers from acts of terrorism; in-  
25 cluding the use of explosive devices and the re-

1 lease of biological, chemical, and radiological  
2 agents.

3 **SEC. 408. FEDERAL-STATE BORDER SECURITY COOPERA-**  
4 **TION.**

5 (a) IN GENERAL.—Title XX of the Homeland Secu-  
6 rity Act of 2002 (6 U.S.C. 601 et seq.) is amended by  
7 adding at the end the following:

8 **“Subtitle C—Other Grant Programs**

9 **“SEC. 2041. OPERATION STONEGARDEN GRANT PROGRAM.**

10 **“(a) FINANCIAL ASSISTANCE.—**

11 **“(1) AUTHORITY.—**

12 **“(A) IN GENERAL.—**The Secretary, acting  
13 through the Administrator, may make grants to  
14 States to facilitate and enhance participation by  
15 States, local governments, and Indian tribes in  
16 border security efforts.

17 **“(B) CONSULTATION.—**In developing guid-  
18 ance for grants authorized under this section,  
19 the Administrator shall consult with the Com-  
20 missioner of U.S. Customs and Border Protec-  
21 tion.

22 **“(2) ELIGIBILITY.—**A State is eligible for a  
23 grant under this section if the State has an inter-  
24 national water border or is located on the inter-



1 national border between the United States and Mex-  
2 ico or the United States and Canada.

3 ~~“(3) AVAILABILITY AND USE OF FUNDS.—~~

4 ~~“(A) IN GENERAL.—Not later than 45~~  
5 ~~days after the date on which a State receives~~  
6 ~~funds under a grant under this section, the~~  
7 ~~State shall make available not less than 95 per-~~  
8 ~~cent of the funds to participating entities of the~~  
9 ~~State or a local government or Indian tribe in~~  
10 ~~the State.~~

11 ~~“(B) RETAINED FUNDS.—A States may~~  
12 ~~use not more than 5 percent of the funds re-~~  
13 ~~ceived under a grant under this section for ex-~~  
14 ~~penses relating to the management and admin-~~  
15 ~~istration of the grant.~~

16 ~~“(C) MANAGEMENT AND ADMINISTRA-~~  
17 ~~TION.—A local government or Indian tribe that~~  
18 ~~receives grant funds under this section may use~~  
19 ~~not more than 5 percent of the funds for ex-~~  
20 ~~penses relating to the management and admin-~~  
21 ~~istration of the grant.~~

22 ~~“(4) LIMITATIONS ON USE OF FUNDS.—Funds~~  
23 ~~provided under a grant under this section may not~~  
24 ~~be used to—~~

1           “(A) supplant State, local, or tribal gov-  
2 ernment funds;

3           “(B) pay salaries or benefits for personnel,  
4 other than overtime expenses of regular and re-  
5 serve law enforcement personnel or regular pay  
6 expenses of reserve law enforcement personnel;  
7 or

8           “(C) construct or renovate buildings or  
9 other physical facilities.

10          “(5) PRIORITIZATION.—In allocating funds  
11 among eligible States applying for grants under this  
12 section, the Administrator shall consider—

13           “(A) an assessment of the risks associated  
14 with cross-border threats to a State, including  
15 terrorism and other criminal activities, includ-  
16 ing consideration of—

17           “(i) the most current threat assess-  
18 ments available to the Department relevant  
19 to the border of the State;

20           “(ii) border-specific law enforcement  
21 intelligence;

22           “(iii) the length of the international  
23 border of the State; and

24           “(iv) such other factors as the Admin-  
25 istrator determines appropriate;

1           “(B) the anticipated effectiveness of the  
2           proposed use of the grant by the State to en-  
3           hance border security capabilities; and

4           “(C) the results of peer review evaluations  
5           of applications conducted by State, local, and  
6           tribal law enforcement personnel.

7           “(b) **AUTHORIZATION OF APPROPRIATIONS.**—There  
8           are authorized to be appropriated for grants under this  
9           section \$55,000,000 for each of fiscal years 2012 through  
10          2017.”.

11          (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
12          The table of contents in section 1(b) of the Homeland Se-  
13          curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
14          inserting after the item relating to section 2022 the fol-  
15          lowing:

  “Subtitle C—Other Grant Programs

  “Sec. 2041. Operation Stonegarden grant program.”.

16          **SEC. 409. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
17   **PACT.**

18          Section 661(d) of the Post-Katrina Emergency Man-  
19          agement Reform Act of 2006 (6 U.S.C. 761(d)) is amend-  
20          ed by striking “\$4,000,000 for fiscal year 2008” and in-  
21          serting “\$2,000,000 for each of fiscal years 2012 through  
22          2016”.

1 **SEC. 410. REPEAL OF EMERGENCY OPERATIONS CENTER**  
2 **GRANT PROGRAM.**

3 (a) **IN GENERAL.**—Subtitle A of title VI of the Rob-  
4 ert T. Stafford Disaster Relief and Emergency Assistance  
5 Act (42 U.S.C. 5196 et seq.) is amended—

6 (1) by striking section 614 (42 U.S.C. 5196e);

7 and

8 (2) by redesignating sections 615 and 616 (42  
9 U.S.C. 5196d and 5196f) as sections 614 and 615,  
10 respectively.

11 (b) **SAVINGS CLAUSE.**—A grant made under section  
12 614 of the Robert T. Stafford Disaster Relief and Emer-  
13 gency Assistance Act before the date of enactment of this  
14 Act shall remain in full force and effect under the terms  
15 and conditions, and for the duration, of the grant.

16 **SEC. 411. PERFORMANCE MEASURES.**

17 In order to ensure that States, high-risk urban areas,  
18 and other grant recipients use grants administered by the  
19 Department effectively, the Administrator of the Federal  
20 Emergency Management Agency shall develop and imple-  
21 ment performance metrics in accordance with the com-  
22 prehensive assessment system under section 649 of the  
23 Post-Katrina Emergency Management Act of 2006 (6  
24 U.S.C. 749) and section 2022(a)(4) of the Homeland Se-  
25 curity Act of 2002 (6 U.S.C. 612(a)(4)).

1 **SEC. 412. COMMUNICATIONS PLANNING.**

2 (a) IN GENERAL.—Title V of the Homeland Security  
3 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
4 405, is amended by adding at the end the following:

5 **“SEC. 530. COMMUNICATIONS PLANNING.**

6 “(a) INCORPORATION OF COMMUNICATIONS  
7 PLANS.—

8 “(1) IN GENERAL.—The Secretary, acting  
9 through the senior official responsible for cata-  
10 strophic incident planning appointed under section  
11 526 (in this section referred to as the ‘designated of-  
12 ficial’), shall develop communications plans for pro-  
13 viding information to the public related to preparing  
14 for, protecting against, and responding to natural  
15 disasters, acts of terrorism, and other man-made  
16 disasters, including catastrophic incidents involving  
17 the use of weapons of mass destruction.

18 “(2) CONSULTATION.—In developing commu-  
19 nications plans under paragraph (1), the designated  
20 official shall consult with State, local, and tribal gov-  
21 ernments and coordinate, as the designated official  
22 considers appropriate, with other executive agencies  
23 that have responsibilities under the National Re-  
24 sponse Framework and other relevant executive  
25 agencies.

1       “(b) PRESCRIBED MESSAGES AND MESSAGE TEM-  
2 PLATES.—

3           “(1) IN GENERAL.—As part of the communica-  
4 tion plans, the designated official shall develop  
5 prescribed messages or message templates to be in-  
6 cluded in the plans to be provided to State, local,  
7 and tribal government officials so that those officials  
8 can quickly and rapidly disseminate critical informa-  
9 tion to the public in anticipation or in the immediate  
10 aftermath of a disaster or incident.

11           “(2) DEVELOPMENT AND DESIGN.—The  
12 prescribed messages or message templates shall—

13           “(A) be developed, as the designated offi-  
14 cial determines appropriate, in consultation  
15 with State, local, and tribal governments and in  
16 coordination with other executive agencies that  
17 have responsibilities under the National Re-  
18 sponse Framework and other relevant executive  
19 agencies;

20           “(B) be designed to provide accurate, es-  
21 sential, and appropriate information and in-  
22 structions to the population directly affected by  
23 a disaster or incident, including information re-  
24 lated to evacuation, sheltering in place, and  
25 issues of immediate health and safety; and

1           “(C) be designed to provide accurate, es-  
2           sential, and appropriate technical information  
3           and instructions to emergency response pro-  
4           viders and medical personnel responding to a  
5           disaster or incident.

6           “(e) COMMUNICATIONS FORMATS.—In developing the  
7           prescribed messages or message templates required under  
8           subsection (b), the designated official shall develop each  
9           such prescribed message or message template in multiple  
10          formats to ensure delivery—

11           “(1) in cases where the usual communications  
12          infrastructure is unusable as a result of the nature  
13          of a disaster or incident; and

14           “(2) to individuals with disabilities or other spe-  
15          cial needs and individuals with limited English pro-  
16          ficiency in accordance with section 616 of the Robert  
17          T. Stafford Disaster Relief and Emergency Assist-  
18          ance Act (42 U.S.C. 5196d).

19           “(d) DISSEMINATION AND TECHNICAL ASSIST-  
20          ANCE.—The designated official shall ensure that all  
21          prescribed messages and message templates developed  
22          under this section are made available to State, local, and  
23          tribal governments so that those governments may incor-  
24          porate the messages and templates into the emergency  
25          plans of those governments. The designated official shall

1 also make available relevant technical assistance to those  
2 governments to support communications planning.

3       “(e) ~~EXERCISES.~~—To ensure that the prescribed  
4 messages or message templates developed under this sec-  
5 tion can be effectively utilized in a disaster or incident,  
6 the designated official shall incorporate such prescribed  
7 messages or message templates into exercises conducted  
8 under the National Exercise Program described in section  
9 648 of the Post-Katrina Emergency Management Reform  
10 Act of 2006 (6 U.S.C. 748).

11       “(f) ~~SUBMISSION OF PLANS.~~—Not later than 1 year  
12 after the date of the enactment of this section, the des-  
13 ignated official shall submit to the Committee on Home-  
14 land Security and Governmental Affairs of the Senate and  
15 the Committee on Homeland Security of the House of  
16 Representatives a copy of the communications plans re-  
17 quired to be developed under this section, including—

18               “(1) prescribed messages or message templates  
19 developed in conjunction with the plans; and

20               “(2) a description of the means that will be  
21 used to deliver such messages in a natural disaster,  
22 act of terrorism, or other man-made disaster.”.

23       “(b) ~~TABLE OF CONTENTS.~~—The table of contents in  
24 section 1(b) of the Homeland Security Act of 2002 (6



1 U.S.C. 101) is amended by inserting after the item relat-  
 2 ing to section 529, as added by section 405, the following:  
 “Sec. 530. Communications planning.”.

3 **SEC. 413. GUIDELINES CONCERNING WEAPONS OF MASS**  
 4 **DESTRUCTION.**

5 (a) IN GENERAL.—Title V of the Homeland Security  
 6 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
 7 412, is amended by adding at the end the following:

8 **“SEC. 531. GUIDELINES CONCERNING WEAPONS OF MASS**  
 9 **DESTRUCTION.**

10 “(a) ESTABLISHMENT OF GUIDELINES.—Not later  
 11 than 1 year after the date of enactment of the Department  
 12 of Homeland Security Authorization Act of 2011, the Sec-  
 13 retary shall—

14 “(1) develop guidelines for responding to an ex-  
 15 pllosion or release of nuclear, biological, radiological,  
 16 or chemical material, in coordination with—

17 “(A) State, local, and tribal governments;

18 “(B) Federal agencies with—

19 “(i) responsibilities for responding to  
 20 weapons of mass destruction incidents  
 21 under the National Response Framework;  
 22 or

23 “(ii) relevant scientific or worker  
 24 health expertise; and

25 “(C) representatives of—

1                   “(i) emergency response provider or-  
2                   ganizations; and

3                   “(ii) public health and medical organi-  
4                   zations; and

5                   “(2) make the guidelines developed under para-  
6                   graph (1) available to State, local, and tribal govern-  
7                   ments, nongovernmental organizations, and the pri-  
8                   vate sector.

9                   “(b) CONTENTS.—The guidelines developed under  
10 subsection (a)(1) shall contain, at a minimum—

11                   “(1) protective action guidelines for ensuring  
12                   the health and safety of emergency response pro-  
13                   viders;

14                   “(2) information regarding the effects of the bi-  
15                   ological, chemical, or radiological agent on those ex-  
16                   posed to the agent; and

17                   “(3) information regarding how emergency re-  
18                   sponse providers and mass care facilities may most  
19                   effectively deal with individuals affected by an inci-  
20                   dent involving a nuclear, biological, radiological, or  
21                   chemical material.

22                   “(c) REVIEW AND REVISION OF GUIDELINES.—The  
23 Secretary shall—

1           “(1) not less frequently than every 2 years, re-  
2 view the guidelines developed under subsection  
3 (a)(1);

4           “(2) make revisions to the guidelines as appro-  
5 priate; and

6           “(3) make the revised guidelines available to  
7 State, local, and tribal governments, nongovern-  
8 mental organizations, the private sector, and the  
9 general public.

10          “(d) PROCEDURES FOR DEVELOPING AND REVISING  
11 GUIDELINES.—In carrying out the requirements of this  
12 section, the Secretary shall establish procedures to—

13           “(1) inventory any relevant hazardous material  
14 response guidelines;

15           “(2) enable the public to submit recommenda-  
16 tions of areas for which guidelines could be devel-  
17 oped under subsection (a)(1);

18           “(3) determine which entities should be con-  
19 sulted in developing or revising the guidelines;

20           “(4) on a regular basis, prioritize guidelines  
21 that should be developed or revised; and

22           “(5) develop and disseminate the guidelines in  
23 accordance with the prioritization under paragraph  
24 (4).

1       “(e) **SUBMISSION OF GUIDELINES.**—Not later than  
 2 1 year after the date of enactment of the Department of  
 3 Homeland Security Authorization Act of 2011, and annu-  
 4 ally thereafter, the Secretary shall submit guidelines devel-  
 5 oped under this section to the Committee on Homeland  
 6 Security and Governmental Affairs of the Senate and the  
 7 Committee on Homeland Security of the House of Rep-  
 8 resentatives.”.

9       (b) **TABLE OF CONTENTS.**—The table of contents in  
 10 section 1(b) of the Homeland Security Act of 2002 (6  
 11 U.S.C. 101) is amended by inserting after the item relat-  
 12 ing to section 530, as added by section 409, the following:

“Sec. 531. Guidelines concerning weapons of mass destruction.”.

13 **SEC. 414. PLUME MODELING.**

14       (a) **IN GENERAL.**—Title III of the Homeland Secu-  
 15 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
 16 inserting after section 317 the following:

17 **“SEC. 318. PLUME MODELING.**

18       “(a) **DEFINITIONS.**—In this section—

19               “(1) the term ‘integrated plume model’ means  
 20 a plume model that integrates protective action guid-  
 21 ance and other information as the Secretary of  
 22 Homeland Security determines appropriate; and

23               “(2) the term ‘plume model’ means the assess-  
 24 ment of the location and prediction of the spread of  
 25 nuclear, radioactive, or chemical fallout and biologi-

1 eal pathogens resulting from an explosion or release  
2 of nuclear, radioactive, chemical, or biological sub-  
3 stances.

4 “(b) DEVELOPMENT.—

5 “(1) IN GENERAL.—The Secretary shall develop  
6 and disseminate integrated plume models to enable  
7 rapid response activities following a nuclear, radio-  
8 logical, chemical, or biological explosion or release.

9 “(2) SCOPE.—The Secretary shall—

10 “(A) ensure the rapid development and  
11 distribution of integrated plume models to ap-  
12 propriate officials of the Federal Government  
13 and State, local, and tribal governments to en-  
14 able immediate response to a nuclear, radio-  
15 logical, chemical, or biological incident; and

16 “(B) establish mechanisms for dissemina-  
17 tion by appropriate emergency response officials  
18 of the integrated plume models described in  
19 paragraph (1) to nongovernmental organiza-  
20 tions and the public to enable appropriate re-  
21 sponse activities by individuals.

22 “(3) CONSULTATION WITH OTHER DEPART-  
23 MENTS AND AGENCIES.—In developing the inte-  
24 grated plume models described in this section, the  
25 Secretary shall consult, as appropriate, with—

1           “(A) the Secretary of Energy, the Sec-  
2           retary of Defense, the Secretary of Health and  
3           Human Services, the Secretary of Commerce,  
4           and the heads of other executive agencies deter-  
5           mined appropriate by the Secretary; and

6           “(B) State, local, and tribal governments  
7           and nongovernmental organizations.

8           “(c) EXERCISES.—The Secretary shall ensure that  
9           the development and dissemination of integrated plume  
10          models are assessed during exercises administered by the  
11          Department.

12          “(d) REVIEW.—Not later than 180 days after the  
13          date of enactment of this section, and every 2 years there-  
14          after, the Secretary shall review the process for providing  
15          integrated plume models developed under this section to  
16          ensure that the integrated plume models—

17                 “(1) are clear and informative;

18                 “(2) meet the needs of incident commanders;

19          and

20                 “(3) incorporate lessons learned during exer-  
21          cises administered by the Department.”.

22          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
23          The table of contents in section 1(b) of the Homeland Se-  
24          curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by

1 inserting after the item relating to section 317 the fol-  
 2 lowing:

“Sec. 318. Plume modeling.”

3 **SEC. 415. IDENTIFICATION OF DISASTER MANAGEMENT RE-**  
 4 **SOURCES.**

5 Section 1105(a)(35) of title 31, United States Code,  
 6 is amended by adding at the end the following:

7 “(D) In implementing this paragraph, the  
 8 President shall include in each budget a description  
 9 of resources identified to support the preparedness,  
 10 response, and recovery responsibilities of each Fed-  
 11 eral agency with responsibilities under the National  
 12 Response Framework and the National Disaster Re-  
 13 covery Framework.”

14 **SEC. 416. ANTIFRAUD TRAINING.**

15 Section 698 of the Post-Katrina Emergency Manage-  
 16 ment Reform Act of 2006 (6 U.S.C. 797) is amended—

17 (1) by striking “The Administrator” and insert-  
 18 ing the following:

19 “(a) IN GENERAL.—The Administrator”; and

20 (2) by adding at the end the following:

21 “(b) REPORTING.—For the fiscal year in which this  
 22 subsection is enacted, and each fiscal year thereafter for  
 23 5 fiscal years, the Administrator shall submit to Com-  
 24 mittee on Homeland Security and Governmental Affairs  
 25 of the Senate and the Committee on Homeland Security

1 and the Committee on Transportation and Infrastructure  
2 of the House of Representatives a report identifying the  
3 number of employees of the Agency and contractors  
4 trained under the program developed under subsection  
5 (a).”.

6 **SEC. 417. INFORMATION TECHNOLOGY.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “Administrator” means the Ad-  
9 ministrator of the Federal Emergency Management  
10 Agency; and

11 (2) the term “covered information technology  
12 purchase” means a purchase of information tech-  
13 nology for an amount greater than a threshold  
14 amount, which the Administrator shall establish.

15 (b) POLICY.—Not later than 90 days after the date  
16 of enactment of this Act, the Administrator shall imple-  
17 ment a policy requiring the Chief Information Officer of  
18 the Federal Emergency Management Agency to approve  
19 a covered information technology purchase before the Fed-  
20 eral Emergency Management Agency may make the cov-  
21 ered information technology purchase.

22 (c) REPORTING.—Not later than 1 year after the date  
23 of enactment of this Act, and every year thereafter until  
24 the date that is 5 year after the date of enactment of this  
25 Act, the Administrator shall submit to the Committee on



1 Homeland Security and Governmental Affairs of the Sen-  
2 ate and the Committee on Transportation and Infrastruc-  
3 ture of the House of Representatives a report on the im-  
4 plementation of the policy described in subsection (b);  
5 which shall include a list of any covered information tech-  
6 nology purchases made by the Federal Emergency Man-  
7 agement Agency in violation of the policy during the pe-  
8 riod covered by the report.

9 **SEC. 418. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

10 (a) DEFINITION.—Section 2001 of the Homeland Se-  
11 curity Act of 2002 (6 U.S.C. 601) is amended—

12 (1) by redesignating paragraphs (8) through  
13 (14) as paragraphs (9) through (15), respectively;  
14 and

15 (2) by inserting after paragraph (7) the fol-  
16 lowing:

17 “(8) MASS CASUALTY INCIDENT.—The term  
18 ‘mass casualty incident’ means any natural disaster,  
19 act of terrorism, or other man-made disaster, includ-  
20 ing a disease epidemic, that results in significant  
21 numbers of injuries or deaths and to which the re-  
22 sponse has the potential to overwhelm routine emer-  
23 gency medical services.”

1           (b) ~~AUTHORIZATION.~~—Subtitle C of title XX of the  
 2 Homeland Security Act of 2002, as added by section 408,  
 3 is amended by adding at the end the following:

4 ~~“SEC. 2042. METROPOLITAN MEDICAL RESPONSE SYSTEM.~~

5           ~~“(a) IN GENERAL.~~—There is in the Department a  
 6 Metropolitan Medical Response System.

7           ~~“(b) PURPOSE.~~—The purpose of the Metropolitan  
 8 Medical Response System shall be to support States, local  
 9 governments, and Indian tribes in preparing for, pro-  
 10 tecting against, and responding to mass casualty incidents  
 11 by systematically enhancing cooperation and integration  
 12 of emergency response providers and public health and  
 13 medical personnel.

14           ~~“(c) METROPOLITAN MEDICAL RESPONSE SYSTEM~~  
 15 ~~MANAGEMENT.~~—In coordination with the Chief Medical  
 16 Officer, the Administrator shall—

17                   ~~“(1) establish objectives and a strategy for the~~  
 18                   ~~Metropolitan Medical Response System, consistent~~  
 19                   ~~with the National Response Framework and Na-~~  
 20                   ~~tional Incident Management System;~~

21                   ~~“(2) develop and oversee standards, plans,~~  
 22                   ~~training, and exercises; and~~

23                   ~~“(3) provide technical assistance to States, local~~  
 24                   ~~governments, and Indian tribes in preparing for,~~

1 protecting against, and responding to mass casualty  
2 incidents.

3 “(d) FINANCIAL ASSISTANCE.—

4 “(1) AUTHORIZATION OF GRANTS.—

5 “(A) IN GENERAL.—The Secretary, acting  
6 through the Administrator, may make grants  
7 under this section to States, local governments,  
8 and Indian tribes to assist in preparing for,  
9 protecting against, and responding to mass cas-  
10 ualty incidents.

11 “(B) CONSULTATION.—In developing guid-  
12 ance for grants authorized under this section,  
13 the Administrator shall consult with the Chief  
14 Medical Officer.

15 “(2) USE OF FUNDS.—A grant made under this  
16 section may be used in support of public health and  
17 medical preparedness for mass casualty incidents  
18 through the integration of emergency response pro-  
19 viders and public health and medical personnel, in-  
20 cluding—

21 “(A) medical surge capacity;

22 “(B) mass prophylaxis;

23 “(C) chemical, biological, radiological, nu-  
24 clear, and explosive detection, response, and de-  
25 contamination capabilities;

1           “(D) mass triage and pre-hospital treat-  
2           ment plans and capabilities;

3           “(E) planning;

4           “(F) information sharing and collaboration  
5           capabilities of State, local, and tribal govern-  
6           ments and Federal response entities and re-  
7           gional areas;

8           “(G) medicinal stockpiling, management,  
9           distribution, and dispensing;

10          “(H) fatality management;

11          “(I) training and exercises;

12          “(J) integration and coordination of the  
13          activities and capabilities of public health per-  
14          sonnel and medical care providers with those of  
15          other emergency response providers as well as  
16          private sector and nonprofit organizations; and

17          “(K) any other activities as the Adminis-  
18          trator may provide.

19          “(3) ELIGIBILITY.—

20                 “(A) IN GENERAL.—The Administrator, in  
21                 consultation with the Chief Medical Officer,  
22                 shall establish criteria for determining whether  
23                 a State, local government, or Indian tribe may  
24                 be awarded a grant under this subsection.

1           “(B) LIMITATIONS.—In determining which  
2 States, local governments, and Indian tribes  
3 shall be awarded grants under this subsection,  
4 the Administrator shall ensure that—

5           “(i) not less than 1 jurisdiction in  
6 each State is awarded a grant; and

7           “(ii) the total number of jurisdictions  
8 awarded grants does not exceed the num-  
9 ber of jurisdictions awarded grants under  
10 the Metropolitan Medical Response Pro-  
11 gram under section 635 of the Post-  
12 Katrina Emergency Management Reform  
13 Act of 2006 (6 U.S.C. 723) in fiscal year  
14 2010.

15           “(C) REGIONAL COORDINATION.—The Ad-  
16 ministrator shall ensure that each recipient of a  
17 grant under this subsection, as a condition of  
18 receiving that grant, is actively coordinating its  
19 preparedness efforts with surrounding jurisdic-  
20 tions and with emergency response providers  
21 from all relevant disciplines, to effectively en-  
22 hance regional preparedness.

23           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to carry out the pro-

1 gram under this section \$41,000,000 for each of fiscal  
2 years 2012 through 2014.”.

3 (c) PROGRAM REVIEW.—

4 (1) IN GENERAL.—The Administrator of the  
5 Federal Emergency Management Agency and the  
6 Chief Medical Officer shall conduct a review of the  
7 Metropolitan Medical Response System authorized  
8 under section 2042 of the Homeland Security Act of  
9 2002, as added by subsection (b), including an ex-  
10 amination of—

11 (A) the goals and objectives of the Metro-  
12 politan Medical Response System;

13 (B) the extent to which the goals and ob-  
14 jectives are being met;

15 (C) the performance metrics that can best  
16 help assess whether the Metropolitan Medical  
17 Response System is succeeding;

18 (D) how the Metropolitan Medical Re-  
19 sponse System can be improved;

20 (E) how the Metropolitan Medical Re-  
21 sponse System can best be coordinated with  
22 other preparedness programs supported by the  
23 Department;

24 (F) how the number of jurisdictions, the  
25 criteria to award jurisdictions, and the relative

1 allocation of financial assistance under the Met-  
 2 ropolitan Medical Response System should be  
 3 determined; and

4 (G) the resource requirements of the Met-  
 5 ropolitan Medical Response System.

6 (2) REPORT.—Not later than 180 days after  
 7 the date of enactment of this Act, the Administrator  
 8 of the Federal Emergency Management Agency and  
 9 the Chief Medical Officer shall submit a report on  
 10 the results of the review under this subsection to—

11 (A) the Committee on Homeland Security  
 12 and Governmental Affairs of the Senate; and

13 (B) the Committee on Homeland Security  
 14 of the House of Representatives.

15 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF CONTENTS.—The table of con-  
 17 tents in section 1(b) of the Homeland Security Act  
 18 of 2002 (6 U.S.C. 101 et seq.) is amended by insert-  
 19 ing after the item relating to section 2041, as added  
 20 by section 408, the following:

“Sec. 2042. Metropolitan Medical Response System.”

21 (2) REPEAL.—Section 635 of the Post-Katrina  
 22 Management Reform Act of 2006 (6 U.S.C. 723) is  
 23 repealed.

24 (3) PROGRAM NOT AFFECTED.—Section  
 25 2002(b)(5) of the Homeland Security Act of 2002 (6

1 U.S.C. 603(b)(5)) is amended by striking “section  
2 635 of the Post-Katrina Emergency Management  
3 Reform Act of 2006 (6 U.S.C. 723)” and inserting  
4 “subtitle C”.

5 **SEC. 419. REGIONAL CATASTROPHIC GRANT PROGRAM.**

6 (a) **IN GENERAL.**—On and after the date of enact-  
7 ment of this Act, the Administrator of the Federal Emer-  
8 gency Management Agency may not award a grant under  
9 the Regional Catastrophic Preparedness Grant Program.

10 (b) **SAVINGS CLAUSE.**—Any grant awarded for a fis-  
11 cal year beginning before October 1, 2011 and any funds  
12 provided under a grant under the Regional Catastrophic  
13 Preparedness Grant Program before the date of enact-  
14 ment of this Act shall continue and may be used under  
15 the terms and conditions of the program.

16 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
17 tion shall be construed to prohibit the Administrator of  
18 the Federal Emergency Management Agency from pro-  
19 viding support and assistance to grantees under the Re-  
20 gional Catastrophic Preparedness Grant Program, includ-  
21 ing assistance with program implementation, through the  
22 remaining performance period of a grant awarded before  
23 the date of enactment of this Act.



1 **SEC. 420. REPORT ON CONSOLIDATION OF GRANT PRO-**  
2 **GRAMS.**

3 Not later than 180 days after the date of enactment  
4 of this Act, the Secretary shall submit to the Committee  
5 on Homeland Security and Governmental Affairs of the  
6 Senate and the Committee on Homeland Security of the  
7 House of Representatives a report on the suitability, feasi-  
8 bility, and efficiency of consolidating grant programs ad-  
9 ministered by the Department, other than grants awarded  
10 in conjunction with a major disaster or emergency de-  
11 clared under the Robert T. Stafford Disaster Relief and  
12 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

13 **TITLE V—BORDER SECURITY**

14 **SEC. 501. WORKFORCE STAFFING PLAN.**

15 (a) **IN GENERAL.**—Subtitle D of title IV of the  
16 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.)  
17 is amended by adding at the end the following:

18 **“SEC. 447. WORKFORCE STAFFING PLAN.**

19 **“(a) IN GENERAL.**—Not later than 1 year after the  
20 date of the enactment of this section, and every 2 years  
21 thereafter through September 30, 2017, the Secretary of  
22 shall develop a workforce staffing plan that—

23 **“(1)** details the optimal level of staffing re-  
24 quired to carry out the responsibilities of U.S. Cus-  
25 toms and Border Protection (referred to in this sec-

1 tion as ‘CBP’) and U.S. Immigration and Customs  
2 Enforcement (referred to in this section as ‘ICE’);

3 “(2) describes the process through which CBP  
4 and ICE will make workforce allocation decisions;

5 “(3) links CBP and ICE workforce allocation  
6 decisions to analyses of threats; and

7 “(4) describes any coordination between CBP  
8 and ICE staffing plans to secure specific segments  
9 of the border region.

10 “(b) SUBMISSION.—The Secretary shall submit each  
11 workforce staffing plan to the Committee on Homeland  
12 Security and Governmental Affairs of the Senate and the  
13 Committee on Homeland Security of the House of Rep-  
14 resentatives.”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 of the Homeland Security Act of 2002 (6 U.S.C. 101 et  
17 seq.) is amended by adding after the item relating to sec-  
18 tion 446 the following:

“Sec. 447. Workforce staffing plan.”.

19 **SEC. 502. SURGE DEPLOYMENT.**

20 (a) IN GENERAL.—Subtitle D of title IV of the  
21 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.),  
22 as amended by section 501(a), is further amended by add-  
23 ing at the end the following new section:

1 **“SEC. 448. SURGE DEPLOYMENT.**

2       “~~The Commissioner of U.S. Customs and Border~~  
 3 ~~Protection may deploy existing surge teams to proactively~~  
 4 ~~respond to intelligence-related, high-risk threats or to as-~~  
 5 ~~sist or augment agency operations at ports of entry in the~~  
 6 ~~United States during emergencies or other events that re-~~  
 7 ~~quire additional staffing for a limited period of time.”.~~

8       ~~(b) CLERICAL AMENDMENT.—The table of contents~~  
 9 ~~of the Homeland Security Act of 2002 (6 U.S.C. 101 et~~  
 10 ~~seq.), as amended by section 501(b), is further amended~~  
 11 ~~by adding after the item relating to section 447 the fol-~~  
 12 ~~lowing:~~

~~“Sec. 448. Surge deployment.”.~~

13 **SEC. 503. ENHANCED TRAINING FOR BORDER PATROL**  
 14 **AGENTS.**

15       ~~(a) IN GENERAL.—Subtitle D of title IV of the~~  
 16 ~~Homeland Security Act of 2002 (6 U.S.C. 251 et seq.),~~  
 17 ~~as amended by section 502(a), is further amended by add-~~  
 18 ~~ing at the end the following:~~

19 **“SEC. 449. ENHANCED TRAINING FOR BORDER PATROL**  
 20 **AGENTS.**

21       ~~“(a) IN GENERAL.—The Secretary shall review and,~~  
 22 ~~to the extent necessary, revise the field training provided~~  
 23 ~~to Border Patrol agents to ensure that Border Patrol~~  
 24 ~~agents are adequately prepared to deal with the specific~~  
 25 ~~challenges posed by the station to which they are assigned.~~

1       “(b) TRAINING COMPONENTS.—Training described  
2 in subsection (a) should include—

3           “(1) a station-specific threat analysis that in-  
4 forms Border Patrol agents of the enforcement pri-  
5 orities in the station to which they are assigned;

6           “(2) a station-specific enforcement plan that  
7 sets out how Border Patrol agents will be deployed  
8 to meet those threats;

9           “(3) border- and region-specific survival train-  
10 ing to acclimate Border Patrol agents for operating  
11 in extreme weather and environmental conditions,  
12 especially in emergency situations; and

13           “(4) communications training to ensure that  
14 Border Patrol agents are effectively and respectfully  
15 communicating with the public.”.

16       (b) CLERICAL AMENDMENT.—The table of contents  
17 of the Homeland Security Act of 2002 (6 U.S.C. 101 et  
18 seq.); as amended by section 502(b); is further amended  
19 by adding after the item relating to section 448 the fol-  
20 lowing:

“Sec. 449. Enhance training for Border Patrol agents.”.

21 **SEC. 504. OUTBOUND INSPECTIONS.**

22       (a) IN GENERAL.—Not later than 2 years after the  
23 date of the enactment of this Act, the Secretary of Home-  
24 land Security shall ensure that U.S. Customs and Border

1 Protection has instituted an outbound inspections pro-  
2 gram at land, air, and maritime ports of entry.

3 (b) PROGRAM COMPONENTS.—In executing the out-  
4 bound inspections program under this section, the Sec-  
5 retary shall leverage existing resources and capabilities  
6 within the Department to—

7 (1) ensure that risk-based outbound inspections  
8 are routinely conducted;

9 (2) provide for the inspections to be conducted in  
10 a safe and efficient manner;

11 (3) direct appropriate resources to areas that  
12 demonstrate a higher risk of outbound violations;

13 (4) include a strategy for mitigating efforts by  
14 smuggling organizations to circumvent outbound in-  
15 spections; and

16 (5) collect information concerning aliens exiting  
17 the United States, pursuant to section 110 of divi-  
18 sion C of the Omnibus Consolidated Appropriations  
19 Act, 1997 (8 U.S.C. 1365a).

20 (c) WAIT TIMES.—The Secretary shall ensure that  
21 outbound inspections carried out under this subsection do  
22 not add significantly to wait times for crossing the border.

23 **SEC. 505. SITUATIONAL AWARENESS OF THE NORTHERN**  
24 **BORDER.**

25 (a) DEFINITIONS.—In this section:

1           (1) NORTHERN BORDER.—The term “northern  
2 border” means the land and maritime border be-  
3 tween the United States and Canada.

4           (2) SITUATIONAL AWARENESS.—The term “sit-  
5 uational awareness” means the perception of activity  
6 at and between land, maritime, and air ports of  
7 entry into the United States.

8           (b) PLAN.—Not later than 180 days after the date  
9 of the enactment of this Act, the Secretary of Homeland  
10 Security shall submit to the Committee on Homeland Se-  
11 curity and Governmental Affairs of the Senate and the  
12 Committee on Homeland Security of the House of Rep-  
13 resentatives a plan for improving situational awareness  
14 over the northern border, including U.S. Customs and  
15 Border Protection’s ability to identify illegal entries.

16          (c) PLAN CONTENTS.—The plan developed under  
17 subsection (b) shall include—

18           (1) an assessment of the assets or technologies  
19 currently deployed on the northern border;

20           (2) a description of other assets or technologies  
21 that are needed to improve situational awareness  
22 over the northern border, including the ability to de-  
23 tect low-flying aircraft and suspicious small boat  
24 traffic;

1           (3) steps that will be taken to increase informa-  
2           tion sharing and coordination among law enforce-  
3           ment agencies operating along the northern border;  
4           and

5           (4) a description of how the Department of  
6           Homeland Security will coordinate with Federal,  
7           State, and local law enforcement and the Govern-  
8           ment of Canada to improve the detection of illegal  
9           entries across the northern border.

10 **SEC. 506. OFFICE OF INTERNATIONAL TRAVEL SECURITY**  
11 **AND SCREENING.**

12           (a) AMENDMENTS.—

13           (1) IN GENERAL.—Subtitle C of title IV of the  
14           Homeland Security Act of 2002 (8 U.S.C. 231), as  
15           amended by section 214(a) of this Act, is amended  
16           by adding at the end the following:

17 **“SEC. 431. OFFICE OF INTERNATIONAL TRAVEL SECURITY**  
18 **AND SCREENING.**

19           “(a) ESTABLISHMENT.—There is established within  
20           the Department an Office of International Travel Security  
21           and Screening, which shall be headed by the Assistant  
22           Secretary for International Travel Security and Screening  
23           (referred to in this section as the ‘Assistant Secretary’),  
24           who shall be appointed by the President.

1       “(b) RESPONSIBILITIES OF THE ASSISTANT SEC-  
2 RETARY.—The Assistant Secretary shall—

3               “(1) have primary responsibility for—

4                       “(A) the integrated entry and exit data  
5 system commonly known as ‘US-VISIT’, which  
6 was authorized under section 110 of Illegal Im-  
7 migration Reform and Immigrant Responsibility  
8 Act of 1996 (8 U.S.C. 1365a);

9                       “(B) the visa waiver program authorized  
10 under section 217 of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1187); and

12                      “(C) the Screening Coordination Office,  
13 which shall be transferred from the Office of  
14 Policy;

15               “(2) coordinate activities within the Depart-  
16 ment to identify, interdict, and prevent the travel of  
17 terrorists to the United States; and

18                      “(3) develop a strategic plan for preventing the  
19 travel of terrorists to the United States; in consulta-  
20 tion with other relevant Federal agencies.

21       “(c) ANNUAL VISA OVERSTAY REPORT.—

22               “(1) IN GENERAL.—Not later than 1 year after  
23 the date of enactment of this Act and annually  
24 thereafter through 2022, the Assistant Secretary  
25 shall submit a report to the Committee on Home-



1 land Security and Governmental Affairs of the Sen-  
2 ate and the Committee on Homeland Security of the  
3 House of Representatives that details data collected,  
4 in accordance with the National Institute of Stand-  
5 ards and Technology's protocols on statistical sig-  
6 nificance, concerning individuals who overstayed the  
7 terms of their admission in that year, including—

8 “(A) statistics on the nationality and visa  
9 class (including those traveling under the visa  
10 waiver program) of all individuals who over-  
11 stayed their admission;

12 “(B) statistics on the nationality and visa  
13 class (including those traveling under the visa  
14 waiver program) of individuals who overstayed  
15 their admission by 30 days or less, 180 days or  
16 less, 1 year or less, or for more than 1 year;  
17 and

18 “(C) the number of individuals who over-  
19 stayed their admission and were subsequently  
20 apprehended, left the country, or transitioned to  
21 a new visa class.”

22 (2) CLERICAL AMENDMENT.—The table of con-  
23 tents of the Homeland Security Act of 2002 (6  
24 U.S.C. 101 et seq.) is amended by striking the item  
25 relating to section 431 and inserting the following:

“Sec. 431. Office of International Travel Security and Screening.”

1           (b) ~~REVIEW OF AUTOMATED ENTRY AND EXIT SYS-~~  
2 ~~TEM.~~—The Assistant Secretary for International Travel  
3 Security and Screening shall—

4           (1) develop a plan for implementing the biomet-  
5 ric exit system required under section 217 of the Im-  
6 migration and Nationality Act (8 U.S.C. 1187), in-  
7 cluding a detailed time line; and

8           (2) conduct a review of ~~US-VISIT~~—

9           (A) to ensure that all entry and exit  
10 records for air and sea passengers are being  
11 matched to accurately identify all visa overstays  
12 in a rigorous, science-based manner that meets  
13 applicable standards for statistical significance  
14 provided by the National Institute of Standards  
15 and Technology;

16           (B) to ensure that biographic exit data col-  
17 lected by the outbound inspections program au-  
18 thorized under section 504 meets applicable  
19 standards for statistical significance provided  
20 by the National Institute of Standards and  
21 Technology;

22           (C) to determine whether biographic exit  
23 data on visa overstay rates should be used in-  
24 stead of visa denial rates to make decisions re-

1           garding the admittance of prospective member  
2           states into the Visa Waiver Program; and

3           (D) to determine the feasibility of using  
4           entry data from foreign countries in order to  
5           collect exit information on individuals who de-  
6           parted the United States; and

7           (3) not later than 270 days after the effective  
8           date of this Act, submit the results of the review  
9           conducted under paragraph (2) and the plan devel-  
10          oped under paragraph (1) to the Committee on  
11          Homeland Security and Governmental Affairs of the  
12          Senate and the Committee on Homeland Security of  
13          the House of Representatives.

14          (e) **PLACEMENT WITHIN THE DEPARTMENT OF**  
15 **HOMELAND SECURITY.**—Not later than 1 year after the  
16 date of the enactment of this Act, the Secretary shall de-  
17 termine the position of the Office of International Travel  
18 Security and Screening within the Department of Home-  
19 land Security.

20 **SEC. 507. VISA SECURITY.**

21          (a) **IN GENERAL.**—

22           (1) **IN GENERAL.**—Subtitle D of title IV of the  
23          Homeland Security Act of 2002 (6 U.S.C. 251 et  
24          seq.); as amended by section 503(a), is further

1 amended by adding at the end the following new sec-  
2 tion:

3 **“SEC. 449A. ELECTRONIC SYSTEMS FOR NOTIFICATION OF**  
4 **VISA DENIALS AND REVIEWING VISAS.**

5 **“(a) ELECTRONIC SYSTEM FOR NOTIFYING AIR-**  
6 **LINES OF VISA DENIALS.—**

7 **“(1) IN GENERAL.—**Not later than 1 year after  
8 the effective date of this Act, the Secretary of State,  
9 in cooperation with the Secretary, shall deploy an  
10 electronic system to notify airlines of the cancella-  
11 tion of any traveler’s visa for entry into the United  
12 States.

13 **“(2) USE OF EXISTING SYSTEMS.—**In deploying  
14 the system described in paragraph (1), the Secretary  
15 of State, in cooperation with the Secretary, shall, to  
16 the extent feasible, utilize the existing electronic pas-  
17 senger manifest systems required under section 231  
18 of the Immigration and Nationality Act (8 U.S.C.  
19 1221) and section 44909 of title 49, United States  
20 Code, to notify airlines of a canceled visa.

21 **“(b) ELECTRONIC SYSTEM FOR REMOTELY REVIEW-**  
22 **ING VISAS.—**

23 **“(1) DEVELOPMENT.—**The Secretary, in con-  
24 sultation with the Secretary of State, shall develop  
25 an electronic system for remotely reviewing visa ap-

1        plications and supporting documentation at diplo-  
 2        matic and consular posts at which visas are issued.

3            “(2) SAVINGS PROVISION.—Nothing in this sub-  
 4        section may be construed as not requiring visa secu-  
 5        rity officers to be stationed at all visa adjudicating  
 6        posts that are designated as high risk by the Sec-  
 7        retary.”.

8            (2) CLERICAL AMENDMENT.—The table of con-  
 9        tents of the Homeland Security Act of 2002 (6  
 10       U.S.C. 101 et seq.), as amended by section 503(b),  
 11       is further amended by adding after the item relating  
 12       to section 449 the following:

      “Sec. 449A. Electronic systems for notification of visa denials and reviewing  
           visas.”.

13        (b) ISSUANCE OF VISAS AT DESIGNATED DIPLO-  
 14       MATIC AND CONSULAR POSTS.—Section 428(i) of the  
 15       Homeland Security Act of 2002 (6 U.S.C. 236(i)) is  
 16       amended to read as follows:

17        “(i) VISA ISSUANCE AT CONSULAR POSTS AND EM-  
 18       BASSIES.—

19            “(1) STANDARD OPERATING PROCEDURES.—  
 20        The Secretary of Homeland Security, in coordination  
 21        with the Secretary of State, shall institute standard  
 22        operating procedures for the visa security program  
 23        at all consular posts.

1           “(2) MEDIATION.—The Secretary of Homeland  
2           Security and the Secretary of State shall create and  
3           implement a system for mediating disagreements  
4           about visa revocation decisions between visa security  
5           officers and consular officers at posts, including des-  
6           ignating senior officials at each Department to adju-  
7           dicate disputes.

8           “(3) POLICY REVIEW.—The Secretary of Home-  
9           land Security, in coordination with the Secretary of  
10          State, shall review all policies relating to the issuing  
11          of visas to ensure that all individuals associated with  
12          terrorism are denied visas to travel to the United  
13          States.

14          “(4) SECURITY OFFICERS.—The Secretary of  
15          Homeland Security, in consultation with the Sec-  
16          retary of State, shall develop a plan for deploying  
17          visa security officers to all consular posts determined  
18          to be high-risk by the Secretary.”.

19          (e) CLARIFYING CONGRESSIONAL INTENT IN THE  
20          HOMELAND SECURITY ACT OF 2002.—Section 428(e)(6)  
21          of the Homeland Security Act of 2002 (6 U.S.C.  
22          226(e)(6)) is amended to read as follows:

23                 “(6) TRAINING AND HIRING.—

24                         “(A) TRAINING.—The Secretary of Home-  
25                         land Security shall require all employees of the

1 Department assigned to perform functions de-  
2 scribed in paragraph (2), in advance of their  
3 deployments—

4 “(i) to obtain training on the day-to-  
5 day operations of a consular post at the  
6 National Foreign Affairs Training Center,  
7 on a reimbursable basis;

8 “(ii) to receive training in the foreign  
9 language of the post at which they will be  
10 assigned, unless they are already proficient  
11 in the foreign language;

12 “(iii) to receive a course in interview  
13 and fraud detection techniques; and

14 “(iv) to be stationed, to the extent  
15 feasible, for a minimum of 3 years in a  
16 post.

17 “(B) PROMOTION PREFERENCES.—The  
18 Secretary of Homeland Security shall ensure  
19 that employees of the Department assigned to  
20 perform functions described in subparagraph  
21 (A) be given preference in promotions and in  
22 subsequent postings if they meet the minimum  
23 standards set by the Secretary for their per-  
24 formance.”.

1 **SEC. 508. REPORT ON BORDER SECURITY TASK FORCES**  
2 **AND DRUG INTELLIGENCE CENTERS.**

3 (a) **IN GENERAL.**—Not later than 270 days after the  
4 date of the enactment of this Act, the Comptroller General  
5 of the United States shall—

6 (1) conduct a study on interagency border secu-  
7 rity task forces and drug intelligence and informa-  
8 tion sharing centers; and

9 (2) submit a report containing the results of  
10 the study conducted under paragraph (1) to the  
11 Committee on Homeland Security and Governmental  
12 Affairs of the Senate and the Committee on Home-  
13 land Security of the House of Representatives.

14 (b) **CONTENTS.**—The report submitted under sub-  
15 section (a) shall—

16 (1) detail—

17 (A) the number of information sharing and  
18 intelligence centers that address counter-  
19 narcotics; and

20 (B) the level and source of Federal funding  
21 for such centers;

22 (2) detail—

23 (A) the number of border-security-focused  
24 task forces that address human smuggling and  
25 counter terrorism activities; and



1            ~~(B)~~ the level and source of Federal funding  
2 for such task forces;

3            ~~(3)~~ evaluate—

4            ~~(A)~~ the missions and functions of informa-  
5 tion sharing and intelligence centers and inter-  
6 agency border security task forces;

7            ~~(B)~~ the extent to which such centers and  
8 task forces are distinct or duplicative; and

9            ~~(C)~~ whether there are any opportunities for  
10 consolidation or cost efficiencies; and

11           ~~(4)~~ analyze the views of selected entities that  
12 use information and products from such centers and  
13 task forces on—

14           ~~(A)~~ the benefits provided by such centers  
15 and task forces;

16           ~~(B)~~ the weaknesses in operations and focus  
17 areas of in such centers and task forces; and

18           ~~(C)~~ any solutions or improvements from  
19 which such centers and task forces could ben-  
20 efit.

1 **TITLE VI—INTELLIGENCE AND**  
2 **INFORMATION-SHARING PRO-**  
3 **VISIONS**

4 **SEC. 601. AUTHORIZATION OF INTELLIGENCE ACTIVITIES.**

5 (a) **IN GENERAL.**—Funds authorized or made avail-  
6 able for intelligence activities of the Department are  
7 deemed to be specifically authorized by the Congress for  
8 purposes of section 504 of the National Security Act of  
9 1947 (50 U.S.C. 414) during fiscal year 2012.

10 (b) **RULE OF CONSTRUCTION.**—The authorization  
11 under this Act for intelligence activities of the Department  
12 shall not be deemed to constitute authority for the conduct  
13 of any intelligence activity which is not otherwise author-  
14 ized by the Constitution or the laws of the United States.

15 **SEC. 602. CLASSIFIED NATIONAL SECURITY INFORMATION**  
16 **PROGRAM FOR STATES, LOCAL GOVERN-**  
17 **MENTS, INDIAN TRIBES, AND PRIVATE SEC-**  
18 **TOR ENTITIES.**

19 (a) **IN GENERAL.**—Subtitle A of title II of the Home-  
20 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-  
21 ed by adding at the end the following:

1 **“SEC. 210G. CLASSIFIED NATIONAL SECURITY INFORMA-**  
2 **TION PROGRAM FOR STATES, LOCAL GOV-**  
3 **ERNMENTS, INDIAN TRIBES, AND PRIVATE**  
4 **SECTOR ENTITIES.**

5 “(a) **DEFINITIONS.**—In this section—

6 “(1) the term ‘classified information’ means in-  
7 formation that is classified or classifiable under Ex-  
8 ecutive Order 13526 (75 Fed. Reg. 707) or any suc-  
9 cessor thereto; and

10 “(2) the term ‘Program’ means the Classified  
11 National Security Information Program established  
12 under subsection (b).

13 “(b) **ESTABLISHMENT.**—There is established a Clas-  
14 sified National Security Information Program, which shall  
15 be designed to safeguard and govern access to classified  
16 information shared by the Federal Government with  
17 States, local governments, Indian tribes, and private sec-  
18 tor entities.

19 “(c) **RESPONSIBILITIES OF THE SECRETARY.**—The  
20 Secretary shall manage the Program and be responsible  
21 for—

22 “(1) oversight of the Program;

23 “(2) accreditation, periodic inspection, and  
24 monitoring of all facilities where classified informa-  
25 tion is used or store that are owned or operated by  
26 a State, local government, or Indian tribe, unless

1 there is an agreement in effect between another ex-  
2 ecutive agency and the Secretary to perform some or  
3 all of these functions;

4 “(3) upon request by the head of an executive  
5 agency, processing an application for a security  
6 clearance for an employee of a State, local govern-  
7 ment, Indian tribe, or private entity, which shall be  
8 processed on a reimbursable basis unless determined  
9 otherwise by the Secretary and the head of the execu-  
10 tive agency making the request;

11 “(4) in consultation with the Director of the  
12 Office of Personnel Management, the Secretary of  
13 Defense, and the Director of National Intelligence,  
14 documenting and tracking the final status of all ap-  
15 plications for a security clearance for an employee of  
16 a State, local government, Indian tribe, or private  
17 entity;

18 “(5) developing and maintaining a security pro-  
19 file of facilities owned or operated by a State, local  
20 government, or Indian tribe that have access to clas-  
21 sified information;

22 “(6) developing training for all employees of a  
23 State, local government, Indian tribe, or private en-  
24 tity who have been determined eligible for access to  
25 classified information, which shall address the prop-

1 er safeguarding of classified information and sanc-  
2 tions for unauthorized disclosure of classified infor-  
3 mation; and

4 “(7) any other responsibilities provided to the  
5 Secretary by the President.

6 “(d) ANNUAL REPORT.—

7 “(1) IN GENERAL.—Not later than December  
8 31, 2012, and every year thereafter until December  
9 31, 2024, the Secretary shall submit to the Com-  
10 mittee on Homeland Security and Governmental Af-  
11 fairs of the Senate and the Committee on Homeland  
12 Security of the House of Representatives a report of  
13 the activities of the Department under Executive  
14 Order 13549, or any successor thereto, and this sec-  
15 tion.

16 “(2) REQUIREMENTS OF ANNUAL REPORT.—

17 Each annual report under paragraph (1) shall in-  
18 clude—

19 “(A) a general description of the progress  
20 made in satisfying the requirements under this  
21 section and under Executive Order 13549, or  
22 any successor thereto;

23 “(B) a description of funds expended by  
24 the Department to carry this section and to

1 carry out Executive Order 13549, or any suc-  
2 cessor thereto;

3 “(C) annual statistical information on the  
4 Program, including—

5 “(i) the number of employees of a  
6 State, local government, Indian tribe, or  
7 private entity for whom an application for  
8 a security clearance was submitted to the  
9 Federal Government;

10 “(ii) the number of security clearance  
11 applications processed under the Program;  
12 and

13 “(iii) the number of facilities de-  
14 scribed in subsection (c)(2);

15 “(D) a description of the training carried  
16 out under the Program;

17 “(E) information regarding performance  
18 measures under the Program;

19 “(F) an assessment of whether executive  
20 agencies are complying with the security clear-  
21 ance reciprocity requirement under section  
22 1.3(e) of Executive Order 13549, or any suc-  
23 cessor thereto;

24 “(G) information relating to the inspection  
25 and monitoring of facilities described in sub-

1 section (c)(2), including information on security  
2 violations discovered as a result of the inspec-  
3 tion and monitoring; and

4 “(H) an assessment of any counterintel-  
5 ligence threats and risks associated with the  
6 Program.

7 “(3) CONSISTENCY.—To the extent possible,  
8 each report submitted under paragraph (1) shall be  
9 consistent in the collection and analysis of relevant  
10 statistical information and the use of performance  
11 measures.

12 “(4) CLASSIFICATION.—Each report submitted  
13 under paragraph (1) shall be in unclassified form,  
14 but may include a classified annex.

15 “(e) REPORT ON SECURITY CLEARANCE  
16 VERIFICATION PROCESSES.—

17 “(1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this section, the Secretary,  
19 in coordination with the Secretary of Defense, the  
20 Director of National Intelligence, and the Director  
21 of the Office of Personnel Management, shall submit  
22 to Congress a report on the activities conducted by  
23 the Federal Government to support the efficient  
24 management and verification of security clearances;

1 including by employees of States, local governments,  
 2 Indian tribes, and private sector entities.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The table of contents under section 1(b) of the Homeland  
 5 Security Act of 2002 (6 U.S.C. 101(b)) is amended by  
 6 inserting after the item relating to section 210F the fol-  
 7 lowing:

“Sec. 210G. Classified National Security Information Program for States, local  
 governments, Indian tribes, and private sector entities.”.

8 **SEC. 603. FLEXIBLE PERSONNEL MANAGEMENT AT THE OF-**  
 9 **FICE OF INTELLIGENCE AND ANALYSIS.**

10 (a) **IN GENERAL.**—The Homeland Security Act of  
 11 2002 (6 U.S.C. 101 et seq.) is amended by inserting after  
 12 section 845 the following:

13 **“SEC. 846. AUTHORITY FOR FLEXIBLE PERSONNEL MAN-**  
 14 **AGEMENT AT THE OFFICE OF INTELLIGENCE**  
 15 **AND ANALYSIS.**

16 **“(a) AUTHORITY TO ESTABLISH POSITIONS IN EX-**  
 17 **CEPTED SERVICE.**—

18 **“(1) IN GENERAL.**—With the concurrence of  
 19 the Director of National Intelligence and in coordi-  
 20 nation with the Director of the Office of Personnel  
 21 Management, the Secretary may—

22 **“(A) convert competitive service positions,**  
 23 **and the incumbents of such positions, within**  
 24 **the Office of Intelligence and Analysis to ex-**



1           cepted service positions as the Secretary deter-  
2           mines necessary to carry out the intelligence  
3           functions of the Department; and

4           “(B) establish new positions within the Of-  
5           fice of Intelligence and Analysis in the excepted  
6           service, if the Secretary determines such posi-  
7           tions are necessary to carry out the intelligence  
8           functions of the Department.

9           “(2) CLASSIFICATION AND PAY RANGES.—In  
10          coordination with the Director of National Intel-  
11          ligence, the Secretary may establish the classifica-  
12          tion and ranges of rates of basic pay for any posi-  
13          tion converted under paragraph (1)(A) or estab-  
14          lished under paragraph (1)(B), notwithstanding oth-  
15          erwise applicable laws governing the classification  
16          and rates of basic pay for such positions.

17          “(3) APPOINTMENT AND COMPENSATION.—The  
18          Secretary may appoint individuals for service in po-  
19          sitions converted under paragraph (1)(A) or estab-  
20          lished under paragraph (1)(B) without regard to the  
21          provisions of chapter 33 of title 5, United States  
22          Code, governing appointments in the competitive  
23          service, and to fix the compensation of such individ-  
24          uals within the applicable ranges of rates of basic  
25          pay established under paragraph (2).

1           “(4) ~~MAXIMUM RATE OF BASIC PAY.~~—The max-  
 2           imum rate of basic pay the Secretary may establish  
 3           under this subsection is the rate for level III of the  
 4           Executive Schedule under section 5314 of title 5,  
 5           United States Code.

6           “(b) ~~EXTENSION OF FLEXIBLE PERSONNEL MAN-  
 7           AGEMENT AUTHORITIES.~~—

8           “(1) ~~DEFINITIONS.~~—In this subsection—

9           “(A) the term ‘compensation authority’—

10           “(i) means authority involving basic  
 11           pay (including position classification), pre-  
 12           mium pay, awards, bonuses, incentives, al-  
 13           lowances, differentials, student loan repay-  
 14           ments, and special payments; and

15           “(ii) shall not include—

16           “(I) authorities relating to bene-  
 17           fits such as leave, severance pay, re-  
 18           tirement, and insurance;

19           “(II) authority to grant a rank  
 20           award by the President under section  
 21           4507, 4507a, or 3151(e) of title 5,  
 22           United States Code, or any other pro-  
 23           vision of law; or

24           “(III) compensation authorities  
 25           and performance management au-

1                   thorities provided under provisions of  
2                   law relating to the Senior Executive  
3                   Service; and

4                   “(B) the term ‘intelligence community’ has  
5                   the meaning given under section 3(4) of the  
6                   National Security Act of 1947 (50 U.S.C.  
7                   401a(4)).

8                   “(2) IN GENERAL.—Notwithstanding any other  
9                   provision of law, in order to ensure the equitable  
10                  treatment of employees across the intelligence com-  
11                  munity, the Secretary, with the concurrence of the  
12                  Director of National Intelligence, or for those mat-  
13                  ters that fall under the responsibilities of the Office  
14                  of Personnel Management under statute or executive  
15                  order, in coordination with the Director of the Office  
16                  of Personnel Management, may authorize the Office  
17                  of Intelligence and Analysis to adopt compensation  
18                  authority, performance management authority, and  
19                  scholarship authority that have been authorized for  
20                  another element of the intelligence community if the  
21                  Secretary and the Director of National Intel-  
22                  ligence—

23                  “(A) determine that the adoption of that  
24                  authority would improve the management and  
25                  performance of the intelligence community; and

1           “(B) not later than 60 days before that  
 2 authority is to take effect, submit notice of the  
 3 adoption of that authority by the Office of In-  
 4 telligence and Analysis, including the authority  
 5 to be so adopted, and an estimate of the costs  
 6 associated with the adoption of that authority  
 7 to—

8                   “(i) the Committee on Homeland Se-  
 9 curity and Governmental Affairs of the  
 10 Senate and the Select Committee on Intel-  
 11 ligence of the Senate; and

12                   “(ii) the Committee on Homeland Se-  
 13 curity of the House of Representatives and  
 14 the Permanent Select Committee on Intel-  
 15 ligence of the House of Representatives.

16           “(3) EQUIVALENT APPLICATION OF COMPENSA-  
 17 TION AUTHORITY.—To the extent that a compensa-  
 18 tion authority within the intelligence community is  
 19 limited to a particular category of employees or a  
 20 particular situation, the authority may be adopted  
 21 by the Office of Intelligence and Analysis under this  
 22 subsection only for employees in an equivalent cat-  
 23 egory or in an equivalent situation.”.

24           (b) TECHNICAL AND CONFORMING AMENDMENT.—

25 The table of contents in section 1(b) of the Homeland Se-

1 ecurity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
 2 inserting after the item relating to section 845 the fol-  
 3 lowing:

“Sec. 846. Authority for flexible personnel management at the Office of Intel-  
 ligence and Analysis.”.

4 **SEC. 604. UNDER SECRETARY FOR INTELLIGENCE AND**  
 5 **ANALYSIS TECHNICAL CORRECTION.**

6 Section 103(a) of the Homeland Security Act of 2002  
 7 (6 U.S.C. 113(a)) is amended—

8 (1) by redesignating paragraphs (9) and (10)  
 9 as paragraphs (10) and (11), respectively; and

10 (2) by inserting after paragraph (8) the fol-  
 11 lowing:

12 “(9) An Under Secretary for Intelligence and  
 13 Analysis.”.

14 **TITLE VII—SCIENCE AND**  
 15 **TECHNOLOGY PROVISIONS**

16 **SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY.**

17 (a) IN GENERAL.—

18 (1) DIRECTORATE.—Title III of the Homeland  
 19 Security Act of 2002 (6 U.S.C. 181 et seq.), is  
 20 amended by striking section 301 and inserting the  
 21 following:

1 **“SEC. 301. DIRECTORATE OF SCIENCE AND TECHNOLOGY.**

2       “(a) **IN GENERAL.**—There shall be in the Depart-  
3 ment a Directorate of Science Technology headed by an  
4 Under Secretary for Science and Technology.

5       “(b) **RESPONSIBILITIES.**—The Directorate of Science  
6 and Technology shall serve as the primary research, devel-  
7 opment, testing, and evaluation agency in the Depart-  
8 ment.”.

9               (2) **TECHNICAL AND CONFORMING AMEND-**  
10 **MENT.**—The table of contents in section 1(b) of the  
11 Homeland Security Act of 2002 (6 U.S.C. 101 et  
12 seq.) is amended by striking the item relating to sec-  
13 tion 301 and inserting the following:

“Sec. 301. Directorate of Science and Technology.”.

14       (b) **RESPONSIBILITIES AND AUTHORITIES.**—Section  
15 302 of the Homeland Security Act of 2002 (6 U.S.C. 182)  
16 is amended—

17               (1) in paragraph (5)(A), by striking the second  
18 comma after “biological” and inserting “radiological,  
19 nuclear,”;

20               (2) in paragraph (12), by inserting “, including  
21 conducting strategic planning and providing tech-  
22 nical assistance for such activities within the De-  
23 partment” after “activities of the Department”;

24               (3) in paragraph (13), by striking “and” at the  
25 end;

1           (4) in paragraph (14), by striking the period  
2           and inserting “; and”; and

3           (5) by adding after paragraph (14) the fol-  
4           lowing:

5           “(15) supporting the acquisition of technologies  
6           and systems by the Department by providing—

7                 “(A) the Secretary with independent as-  
8                 sessments; and

9                 “(B) technical assistance within the De-  
10                partment for development, testing and evalua-  
11                tion;

12               “(16) conducting strategic planning within the  
13                Department for basic, advanced and applied re-  
14                search and development; and

15               “(17) providing technical assistance within the  
16                Department for the development, testing, evaluation  
17                and acquisition of technologies.”.

18           (c) **HOMELAND SECURITY ADVANCED RESEARCH**  
19 **PROJECTS.**—Section 307(b)(3)(B) of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 187(b)(3)(B)) is amended by  
21 inserting “to strengthen border and maritime security,  
22 cyber security, aviation security, transportation security,  
23 catastrophic response and recovery capabilities, and other  
24 homeland security missions” after “technologies”.

1 **SEC. 702. DIRECTOR OF TESTING AND EVALUATION.**

2 Section 308 of the Homeland Security Act of 2002  
3 (6 U.S.C. 188) is amended by adding at the end the fol-  
4 lowing:

5 “(d) **DIRECTOR OF TESTING AND EVALUATION.**—

6 “(1) **DEFINITION.**—In this subsection, the term  
7 ‘operational testing and evaluation activity’ means—

8 “(A) any field test, under realistic condi-  
9 tions, of technologies, equipment, or systems for  
10 the purpose of determining the performance, ef-  
11 fectiveness and operational suitability of the  
12 technologies, equipment, or systems for use by  
13 the Department; and

14 “(B) the evaluation of the results of such  
15 tests against established operational require-  
16 ments.

17 “(2) **ESTABLISHMENT.**—There is established in  
18 the Directorate of Science and Technology a Direc-  
19 tor of Testing and Evaluation.

20 “(3) **RESPONSIBILITIES, AUTHORITIES, AND**  
21 **FUNCTIONS.**—

22 “(A) **PRINCIPLE ADVISER.**—The Director  
23 of Testing and Evaluation is the principal ad-  
24 viser to the Under Secretary for Science and  
25 Technology for all testing and evaluation, in-



1 including operational testing and evaluation ac-  
2 tivities in the Department.

3 “(B) OTHER RESPONSIBILITIES, AUTHORI-  
4 TIES, AND FUNCTIONS.—The Director of Test-  
5 ing and Evaluation shall—

6 “(i) establish testing and evaluation  
7 policies, procedures, standards and prac-  
8 tices for the Department;

9 “(ii) monitor and review all oper-  
10 ational testing and evaluation activities  
11 within the Department;

12 “(iii) provide support to the Acquisi-  
13 tion Review Board, established under sec-  
14 tion 836, including by preparing a Letter  
15 of Assessment for any investment reviewed  
16 by the Acquisition Review Board, that sets  
17 forth an assessment of the technology and  
18 the testing and evaluation activity.

19 “(C) ACCESS TO INFORMATION.—The Di-  
20 rector of Testing and Evaluation—

21 “(i) shall have access to all acquisition  
22 records and data within the Department  
23 that the Director determines are necessary  
24 to carry out the duties authorized under  
25 this subsection;

1           “(ii) may designate observers to be  
 2           present during the preparation for, and the  
 3           execution of, any operational testing and  
 4           evaluation activity within the Department;  
 5           and

6           “(iii) shall have prompt access to the  
 7           results of any operational testing and eval-  
 8           uation activity.”.

9 **SEC. 703. FIVE-YEAR RESEARCH AND DEVELOPMENT IN-**  
 10 **VESTMENT PLAN; TECHNOLOGY READINESS**  
 11 **ASSESSMENT PROCESS; AND AVAILABILITY**  
 12 **OF TESTING FACILITIES AND EQUIPMENT.**

13           Title III of the Homeland Security Act of 2002 (6  
 14 U.S.C. 181 et seq.) is amended by inserting after section  
 15 318, as added by section 414(a), the following:

16 **“SEC. 319. FIVE-YEAR RESEARCH AND DEVELOPMENT IN-**  
 17 **VESTMENT PLAN.**

18           “(a) **DEFINITION.**—In this section the term ‘Plan’  
 19 means the Five-year Research and Development Invest-  
 20 ment Plan developed under this section.

21           “(b) **IN GENERAL.**—Acting through the Under Sec-  
 22 retary of Science and Technology, the Secretary shall de-  
 23 velop a Five-Year Research and Development Investment  
 24 Plan that shall guide all expenditures by the Department

1 for basic, advanced, or applied research and technology de-  
2 velopment activities.

3 “(c) CONTENTS.—The Plan shall—

4 “(1) set forth anticipated annual expenditures  
5 for each fiscal year from 2012 through 2017;

6 “(2) set forth annual milestones and objectives  
7 that shall be—

8 “(A) for all basic, advanced, applied re-  
9 search and development; and

10 “(B) aligned with the operational require-  
11 ments of the Department, including the im-  
12 provement and development of technologies  
13 to—

14 “(i) combat chemical, biological, nu-  
15 clear, and radiological and high-explosive  
16 terrorist attacks;

17 “(ii) strengthen border and maritime  
18 security, cyber security, aviation security,  
19 transportation security, and response and  
20 recovery capabilities; and

21 “(iii) address other needs as deter-  
22 mined by the Secretary; and

23 “(3) take into account the operational require-  
24 ments of State and local governments.

25 “(d) SUBMISSIONS OF THE PLAN AND UPDATES.—

1           “(1) ~~INITIAL PLAN.~~—Not later than 180 days  
2 after the date of enactment of the Department of  
3 Homeland Security Authorization Act of 2011, the  
4 Secretary shall submit the Plan to the Committee on  
5 Homeland Security and Government Affairs of the  
6 Senate and the Committee on Homeland Security of  
7 the House of Representatives.

8           “(2) ~~ANNUAL UPDATES.~~—The Secretary shall  
9 submit an annual update of the Plan that sets forth  
10 each expenditure in the preceding fiscal year to the  
11 Committee on Homeland Security and Government  
12 Affairs of the Senate and the Committee on Home-  
13 land Security of the House of Representatives.

14 **“SEC. 320. ESTABLISHING A TECHNOLOGY EVALUATION**  
15 **AND READINESS ASSESSMENT PROCESS.**

16           “Acting through the Under Secretary for Science and  
17 Technology, the Secretary shall establish a process for  
18 evaluating the readiness, performance, and suitability of  
19 any technologies or systems that the Department acquires  
20 or develops to carry out the missions of the Department.

21 **“SEC. 321. AVAILABILITY OF TESTING FACILITIES AND**  
22 **EQUIPMENT.**

23           “(a) ~~AUTHORITY.~~—The Under Secretary for Science  
24 and Technology may make available to any person or enti-  
25 ty, for an appropriate fee, the services of any center or

1 other testing facility owned and operated by the Depart-  
2 ment for the testing of materials, equipment, models, com-  
3 puter software, and other items designed to advance the  
4 homeland security mission.

5 “(b) INTERFERENCE WITH FEDERAL PROGRAMS.—  
6 The Under Secretary for Science and Technology shall en-  
7 sure that the testing of materials, equipment, models,  
8 computer software, or other items not owned by the Fed-  
9 eral Government shall not cause personnel or other re-  
10 sources of the Federal Government to be diverted from  
11 scheduled Federal Government tests or otherwise interfere  
12 with Federal Government mission requirements.

13 “(c) CONFIDENTIALITY OF TEST RESULTS.—The re-  
14 sults of tests performed with services made available under  
15 subsection (a) and any associated data provided by the  
16 person or entity for the conduct of the tests may not be  
17 disclosed outside the Federal Government without the con-  
18 sent of the person or entity for whom the tests are per-  
19 formed.

20 “(d) USE OF FEES.—Any fee collected under sub-  
21 section (a) shall be used to recoup the direct and indirect  
22 costs incurred by the Federal Government to provide for  
23 testing and any remaining funds shall be used by the Sec-  
24 retary to support research and development activities  
25 within the Department.”

1 **SEC. 704. NATIONAL ACADEMY OF SCIENCES REPORT.**

2 (a) DEFINITION.—In this section—

3 (1) the term “2002 report” means the report  
4 prepared by the National Research Council entitled  
5 “Making the Nation Safer: The Role of Science and  
6 Technology in Countering Terrorism (2002)”; and

7 (2) the term “National Research Council”  
8 means the National Research Council of the Na-  
9 tional Academy of Sciences.

10 (b) AGREEMENT.—Not later than 90 days after the  
11 date of enactment of this Act, the Secretary shall enter  
12 into an agreement with the National Research Council to  
13 update the 2002 report.

14 (c) CONTENTS OF REPORT.—The report described  
15 under subsection (b) shall—

16 (1) update the 2002 report to assess progress  
17 made towards the recommendations in that report;  
18 and

19 (2) make recommendations to guide the Federal  
20 government to strengthen and improve homeland se-  
21 curity over the next decade.

22 (d) SUBMISSION OF REPORT.—Not later than 1 year  
23 after the date of enactment of this Act, the National Re-  
24 search Council shall submit the report described under  
25 subsection (b) to the Committee on Homeland Security

1 and Government Affairs of the Senate and the Committee  
2 on Homeland Security of the House of Representatives.

3 (c) **FORM OF REPORT.**—The report submitted under  
4 subsection (d) shall be submitted in unclassified form, but  
5 may contain a classified annex.

6 **SEC. 705. DOMESTIC NUCLEAR DETECTION OFFICE.**

7 (a) **MISSION.**—Section 1902(a) of the Homeland Se-  
8 curity Act of 2002 (6 U.S.C. 592(a)) is amended—

9 (1) by striking paragraph (6);

10 (2) by redesignating paragraphs (2) through  
11 (5) as paragraphs (3) through (6), respectively;

12 (3) by inserting after paragraph (1) the fol-  
13 lowing:

14 “(2) coordinate strategic planning and invest-  
15 ments, within the Department and with other Fed-  
16 eral agencies and State and local governments—

17 “(A) to detect and prevent illegal traf-  
18 ficking in nuclear weapons-making materials or  
19 technologies; and

20 “(B) to reduce the risk of a nuclear ter-  
21 rorist attack;” and

22 (4) in paragraph (8), by striking “government  
23 agencies” and inserting “Federal, State, and local  
24 entities”.

1 (b) DOMESTIC NUCLEAR THREAT DETECTION AND  
2 PREVENTION PLAN.—Title XIX of the Homeland Secu-  
3 rity Act of 2002 (6 U.S.C. 591 et seq.) is amended by  
4 adding at the end the following:

5 **“SEC. 1908. DOMESTIC NUCLEAR THREAT DETECTION AND**  
6 **PREVENTION PLAN.**

7 “(a) IN GENERAL.—Not later than 270 days after  
8 the effective date of the Department of Homeland Security  
9 Authorization Act of 2011, the Secretary, acting through  
10 the Director of the Domestic Nuclear Detection Office, in  
11 coordination with relevant Federal agencies, as determined  
12 by the Secretary, shall develop a plan to integrate and  
13 strengthen the Nation’s capabilities to deter, detect, and  
14 prevent nuclear terrorist threats in the domestic portion  
15 of the global nuclear detection architecture within 10  
16 years.

17 “(b) CONTENTS.—The plan developed under sub-  
18 section (a) shall—

19 “(1) set forth national strategic goals;

20 “(2) set forth initiatives to integrate and  
21 strengthen the domestic portion of the global nuclear  
22 detection architecture;

23 “(3) describe steps to monitor and assess the  
24 development and execution of the plan;



1           “(4) set forth the investments, expenditures,  
2           and schedules for the deployment of nuclear and ra-  
3           diological detection equipment and countermeasures  
4           within the Department;

5           “(5) assess the investments, expenditures, or  
6           deployments that the Department makes to substan-  
7           tially reduce the illegal trafficking of nuclear weap-  
8           ons making materials and to measurably reduce the  
9           risk of a nuclear terrorist attack occurring inside the  
10          United States; and

11          “(6) set forth annual milestones and schedules  
12          for the deployment of advanced, commercially avail-  
13          able nuclear detection technologies and counter-  
14          measures by the Department.

15          “(e) ~~CLASSIFIED INFORMATION.~~—The plan devel-  
16          oped under subsection (a) shall be submitted in unclassi-  
17          fied form, but may contain an unclassified annex.

18          “(d) ~~SUBMISSION OF PLAN.~~—

19                 “(1) ~~INITIAL SUBMISSION.~~—Not later than 270  
20                 days after the effective date of the Department of  
21                 Homeland Security Authorization Act of 2011, the  
22                 Secretary shall submit the plan developed under sub-  
23                 section (a) to the Committee on Homeland Security  
24                 and Governmental Affairs of the Senate and the

1 Committee on Homeland Security of the House of  
2 Representatives.

3 “(2) UPDATE.—Not later than 2 years after  
4 submitting the plan under paragraph (1), the Sec-  
5 retary shall submit an update of the plan to the  
6 committees set forth in paragraph (1).”.

7 (e) CONTRACTING AUTHORITY.—Section 1906 of the  
8 Homeland Security Act of 2002 (6 U.S.C. 596) is amend-  
9 ed by striking “paragraphs (6) and (7) of section  
10 1902(a)” each place it appears and inserting “section  
11 1902(a)(7)”.

12 (d) CLERICAL AMENDMENT.—The table of contents  
13 of the Homeland Security Act of 2002 (6 U.S.C. 101 note)  
14 is amended by adding after the item relating to section  
15 1907 the following:

“Sec. 1908. Domestic nuclear threat detection and prevention plan.”.

16 **SEC. 706. FLEXIBLE PERSONNEL MANAGEMENT AT THE**  
17 **SCIENCE AND TECHNOLOGY DIRECTORATE.**

18 (a) DEFINITION.—In this subsection, the term “em-  
19 ployee” has the meaning given that term under section  
20 2105 of title 5, United States Code.

21 (b) AUTHORITY.—The Secretary may make appoint-  
22 ments to a position described under paragraph (3) without  
23 regard to the provisions of subchapter I of chapter 33 of  
24 title 5, United States Code, other than sections 3303 and  
25 3328 of that title.

1 (c) POSITIONS.—This subsection applies with respect  
 2 to any scientific or engineering position within the Science  
 3 and Technology Directorate which requires an advanced  
 4 degree.

5 (d) LIMITATION.—

6 (1) IN GENERAL.—Authority under this sub-  
 7 section may not, in any calendar year and with re-  
 8 spect to any laboratory, be exercised with respect to  
 9 a number of positions greater than the number equal  
 10 to 2 percent of the total number of positions within  
 11 that laboratory that are filled as of the end of the  
 12 most recent fiscal year before the start of that cal-  
 13 endar year.

14 (2) FULL-TIME EQUIVALENT BASIS.—For pur-  
 15 poses of this paragraph, positions shall be counted  
 16 on a full-time equivalent basis.

17 (e) TERMINATION.—The authority to make appoint-  
 18 ments under this subsection shall terminate on January  
 19 1, 2014.

20 **SEC. 707. TECHNICAL AND CONFORMING AMENDMENT.**

21 The table of contents in section 1(b) of the Homeland  
 22 Security Act of 2002 (6 U.S.C. 101 et seq.) is amended  
 23 by inserting after the item relating to section 318, as  
 24 added by section 414(b), the following:

“Sec. 319. Five-year research and development investment plan.

~~“Sec. 320. Establishing a technology evaluation and readiness assessment process.  
 “Sec. 321. Availability of testing facilities and equipment.”.~~

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

**2**        (a) *SHORT TITLE.*—*This Act may be cited as the “De-*  
**3** *partment of Homeland Security Authorization Act of*  
**4** *2012”.*

**5**        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
**6** *this Act is as follows:*

*Sec. 1. Short title; table of contents.*  
*Sec. 2. Definitions.*

*TITLE I—MANAGEMENT AND EFFICIENCY*

*Sec. 101. Department of Homeland Security investment review.*  
*Sec. 102. Acquisition professional career program.*  
*Sec. 103. Strategic plan for acquisition workforce.*  
*Sec. 104. Notification to Congress of major awards.*  
*Sec. 105. Independent verification and validation.*  
*Sec. 106. Other transaction authority.*  
*Sec. 107. Report on competition.*  
*Sec. 108. Open architecture study.*  
*Sec. 109. Cost Analysis Division.*  
*Sec. 110. Strategic acquisition plan.*  
*Sec. 111. Transparency and innovation in acquisition.*  
*Sec. 112. Disaster relief procurement authorities.*  
*Sec. 113. Special emergency procurement authority for domestic emergency oper-*  
*ations.*  
*Sec. 114. Field efficiencies report and implementation plan.*  
*Sec. 115. Cost savings and efficiency reviews.*  
*Sec. 116. Consolidation of youth programs.*  
*Sec. 117. Reversion to Treasury of excess funds.*  
*Sec. 118. Prohibition on collection of political information.*  
*Sec. 119. Format of plans and reports submitted to Congress.*  
*Sec. 120. Travel expenses of political appointees.*  
*Sec. 121. Elimination of duplicative fellowship programs.*  
*Sec. 122. Information of subgrantees.*  
*Sec. 123. Improving financial accountability and management.*  
*Sec. 124. Limitation on use of cost-plus contracts.*  
*Sec. 125. Safeguarding constitutionally protected activity.*  
*Sec. 126. Secretary guidelines for protecting constitutional rights and civil lib-*  
*erties.*

*TITLE II—STRUCTURE AND ORGANIZATION*

*Sec. 201. Under Secretary for Policy.*  
*Sec. 202. Office of International Affairs.*  
*Sec. 203. Chief Medical Officer.*

- Sec. 204. Quadrennial homeland security review.*
- Sec. 205. Designation of foreign terrorist organizations.*
- Sec. 206. Office for Domestic Preparedness termination.*
- Sec. 207. State and Local Government Coordination.*
- Sec. 208. Termination of Office of Counternarcotics Enforcement.*
- Sec. 209. Reorganization authority.*
- Sec. 210. Chief Information Officer.*
- Sec. 211. Department of Homeland Security headquarters.*
- Sec. 212. Future Years Homeland Security Program.*
- Sec. 213. Countering homegrown terrorism.*
- Sec. 214. Office of Cargo Security Policy.*
- Sec. 215. Reports on emergency communications and interoperability functions.*
- Sec. 216. Technical and conforming amendments.*

### *TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE*

- Sec. 301. Infrastructure Protection and Resilience Directorate.*
- Sec. 302. Federal Protective Service.*

### *TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY*

- Sec. 401. Catastrophic incident planning.*
- Sec. 402. Preparedness of individuals and communities.*
- Sec. 403. Federal response and recovery preparedness officials.*
- Sec. 404. Recovery.*
- Sec. 405. Enhancing response and recovery operations and programs.*
- Sec. 406. Department and agency officials.*
- Sec. 407. Infrastructure protection assistance.*
- Sec. 408. Federal-State border security cooperation.*
- Sec. 409. Emergency management assistance compact.*
- Sec. 410. Repeal of emergency operations center grant program.*
- Sec. 411. Performance measures.*
- Sec. 412. Communications planning.*
- Sec. 413. Guidelines concerning weapons of mass destruction.*
- Sec. 414. Plume modeling.*
- Sec. 415. Identification of disaster management resources.*
- Sec. 416. Antifraud training.*
- Sec. 417. Information technology.*
- Sec. 418. Metropolitan Medical Response System.*
- Sec. 419. Regional Catastrophic Grant Program.*
- Sec. 420. Report on consolidation of grant programs.*
- Sec. 421. Grant program contingency plans.*
- Sec. 422. National mitigation framework.*
- Sec. 423. Nonemergency personnel hiring freeze.*

### *TITLE V—BORDER SECURITY*

- Sec. 501. Workforce staffing plan.*
- Sec. 502. Border technology and infrastructure plan.*
- Sec. 503. Surge deployment.*
- Sec. 504. Enhanced training for Border Patrol agents.*
- Sec. 505. Outbound inspections.*
- Sec. 506. Situational awareness of the northern border.*
- Sec. 507. Office of International Travel Security and Screening.*
- Sec. 508. Visa security.*

- Sec. 509. Report on border security task forces, drug intelligence centers, and State and major urban area fusion centers.*
- Sec. 510. Enhanced agriculture inspection.*
- Sec. 511. Report on status of unobligated balances in U.S. Customs and Border Protection Customs User Fee Account.*
- Sec. 512. Government Accountability Office report.*
- Sec. 513. Border security on certain Federal land.*
- Sec. 514. Z backscatter van technology report.*
- Sec. 515. Refugee status report.*

**TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS**

- Sec. 601. Authorization of intelligence activities.*
- Sec. 602. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.*
- Sec. 603. Flexible personnel management at the Office of Intelligence and Analysis.*
- Sec. 604. Under Secretary for Intelligence and Analysis technical correction.*
- Sec. 605. Fusion center funding report.*
- Sec. 606. Report on fusion centers.*
- Sec. 607. GAO report on analytical capabilities.*
- Sec. 608. Audit on privacy and civil liberties and update on privacy and civil liberties impact assessments.*

**TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS**

- Sec. 701. Directorate of science and technology.*
- Sec. 702. Director of testing and evaluation.*
- Sec. 703. Five-year research and development investment plan; technology readiness assessment process; and availability of testing facilities and equipment.*
- Sec. 704. National academy of sciences report.*
- Sec. 705. Domestic nuclear detection office.*
- Sec. 706. Flexible personnel management at the Science and Technology Directorate.*
- Sec. 707. Technical and conforming amendment.*

**1 SEC. 2. DEFINITIONS.**

**2** *In this Act—*

**3** *(1) the term “Department” means the Department*  
**4** *of Homeland Security; and*

**5** *(2) the term “Secretary” means the Secretary of*  
**6** *Homeland Security.*

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

3   **SEC. 101. DEPARTMENT OF HOMELAND SECURITY INVEST-**  
4                           **MENT REVIEW.**

5           (a) *IN GENERAL.*—*Subtitle D of title VIII of the*  
6   *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is*  
7   *amended by adding at the end the following new section:*

8   **“SEC. 836. DEPARTMENT INVESTMENT REVIEW.**

9           “(a) *ESTABLISHMENT OF PROCESS.*—*The Secretary*  
10   *shall establish a process for the review of proposed invest-*  
11   *ments by the Department.*

12           “(b) *PURPOSE.*—*The Secretary shall use the process es-*  
13   *tablished under subsection (a) to provide a consistent meth-*  
14   *od to evaluate the progress and status of acquisitions at*  
15   *critical points in the acquisition life cycle, inform invest-*  
16   *ment decisions, strengthen acquisition oversight, and im-*  
17   *prove resource management throughout the Department.*

18           “(c) *ACQUISITION REVIEW BOARD.*—

19           “(1) *ESTABLISHMENT.*—*The Secretary shall es-*  
20   *tablish a Department-wide Acquisition Review Board*  
21   *for the purpose of carrying out the investment review*  
22   *process established under subsection (a).*

23           “(2) *MEMBERSHIP.*—*The Secretary shall—*

1           “(A) designate the Director of Cost Analysis  
2           as a member of the Acquisition Review Board;  
3           and

4           “(B) designate other appropriate officials of  
5           the Department to serve on the Acquisition Re-  
6           view Board.

7           “(3) *SUBORDINATE BOARDS AND COUNCILS.*—  
8           *The Secretary may establish, as needed, subordinate*  
9           *boards and councils reporting to the Acquisition Re-*  
10          *view Board to review certain categories of investments*  
11          *on a Department-wide basis.*

12          “(d) *RISK-BASED CRITERIA FOR REVIEW.*—*The Sec-*  
13          *retary shall establish risk-based criteria for the review of*  
14          *investments by the Acquisition Review Board and any sub-*  
15          *ordinate boards and councils, which should include thresh-*  
16          *old dollar amounts.*

17          “(e) *REPORTING REQUIREMENTS.*—

18                 “(1) *ACQUISITION DECISION MEMORANDA.*—*Not*  
19          *later than 3 business days after signature of any ac-*  
20          *quisition decision memorandum of the Acquisition*  
21          *Review Board, the Under Secretary for Management*  
22          *shall provide a copy of the memorandum, together*  
23          *with a copy of the Letter of Assessment signed by the*  
24          *Director of Testing and Evaluation, to the Committee*  
25          *on Homeland Security and Governmental Affairs of*



1 *the Senate and the Committee on Homeland Security*  
2 *of the House or Representatives.*

3 “(2) *QUARTERLY STATUS REPORTS.*—*The Under*  
4 *Secretary for Management shall provide a quarterly*  
5 *report to the Committee on Homeland Security and*  
6 *Governmental Affairs of the Senate and the Com-*  
7 *mittee on Homeland Security of the House of Rep-*  
8 *resentatives detailing the status of each acquisition*  
9 *subject to the review process established by this sec-*  
10 *tion. The report shall include the following elements:*

11 “(A) *A description of the acquisition.*

12 “(B) *The status of review of the acquisition*  
13 *by the Acquisition Review Board or other board*  
14 *designated to review the acquisition.*

15 “(C) *The estimated life-cycle cost of the ac-*  
16 *quisition, and the basis for the estimate.*

17 “(D) *The Acquisition Program Baseline ap-*  
18 *proved by the Acquisition Review Board.*

19 “(E) *Information on whether the Acquisi-*  
20 *tion Review Board has reviewed and approved*  
21 *other key planning documents, including, as ap-*  
22 *plicable—*

23 “(i) *a Concept of Operations;*

24 “(ii) *a Statement of Mission Need;*

25 “(iii) *an Analysis of Alternatives;*

1                   “(iv) an Operational Requirements  
2                   Document;

3                   “(v) an Acquisition Plan; and

4                   “(vi) an Integrated Logistics Support  
5                   Plan.

6                   “(F) Identification of acquisitions that have  
7                   not met cost, schedule, or performance param-  
8                   eters, and a description of the corrective meas-  
9                   ures implemented or planned for such acquisi-  
10                  tions.

11                  “(G) An indication of whether a certified  
12                  program manager has been assigned to the ac-  
13                  quisition.”.

14                  (b) *CLERICAL AMENDMENT.*—The table of contents in  
15                  section 1(b) of such Act (6 U.S.C. 101(b)) is amended by  
16                  inserting after the item relating to section 835 the following  
17                  new item:

                  “Sec. 836. Department investment review.”.

18                  **SEC. 102. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

19                  (a) *ESTABLISHMENT.*—The Secretary shall establish  
20                  an acquisition professional career program for selected pro-  
21                  fessionals to foster the recruitment, training, certification,  
22                  and retention of qualified acquisition personnel throughout  
23                  the Department.

24                  (b) *CAREER FIELDS COVERED.*—The program estab-  
25                  lished under subsection (a) shall provide training in key

1 *acquisition career fields supporting the entire life cycle of*  
2 *acquisitions, including the positions of contract specialist,*  
3 *program manager, logistician, systems engineer, cost esti-*  
4 *mator, and information technology acquisition specialist.*

5       (c) *SMALL BUSINESS TRAINING.*—*The program estab-*  
6 *lished under subsection (a) shall provide training to indi-*  
7 *viduals in acquisition career fields described under sub-*  
8 *section (b) on acquisition policy relating to small business*  
9 *concerns (as defined under section 3 of the Small Business*  
10 *Act (15 U.S.C. 632)).*

11       (d) *ROTATIONAL ASSIGNMENTS.*—*To the extent prac-*  
12 *ticable, the Department should strive to have participants*  
13 *in the program established under subsection (a) complete,*  
14 *at a minimum, 3 rotational assignments, to be at least 1*  
15 *year in length unless otherwise provided by the Secretary,*  
16 *at Department components in order to gain a broad per-*  
17 *spective on how acquisitions support the Department's mis-*  
18 *sions.*

19       (e) *SIZE.*—*The size of the program established under*  
20 *subsection (a) shall be commensurate with available fund-*  
21 *ing and consistent with the projected acquisition workforce*  
22 *needs established in the strategic plan for acquisition work-*  
23 *force required by section 103.*

24       (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*  
25 *shall be construed to conflict with or supersede the authority*

1 *vested in the Administrator for Federal Procurement Pol-*  
2 *icy.*

3 **SEC. 103. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.**

4 (a) *STRATEGIC HUMAN CAPITAL PLAN.*—Not later  
5 *than 1 year after the date of enactment of this Act, and*  
6 *at a minimum every 3 years thereafter, the Secretary shall*  
7 *develop a long-term strategic human capital plan for the*  
8 *recruitment, retention, and training of the Department’s*  
9 *acquisition workforce that is consistent with requirements*  
10 *issued by the Administrator for Federal Procurement Policy*  
11 *and includes—*

12 (1) *an identification of gaps in capabilities in*  
13 *each component of the Department for, at a min-*  
14 *imum, the acquisition career fields identified pursu-*  
15 *ant to section 102, and specific steps that will be*  
16 *taken to address those gaps;*

17 (2) *projections in personnel needed for each ac-*  
18 *quisition career field in each component; and*

19 (3) *a plan and projected schedule for training*  
20 *the acquisition workforce.*

21 (b) *SUBMISSION TO CONGRESS.*—The Secretary shall  
22 *deliver a copy of the strategic plan developed pursuant to*  
23 *subsection (a) to the Committee on Homeland Security and*  
24 *Governmental Affairs of the Senate and the Committee on*  
25 *Homeland Security of the House of Representatives.*

1 **SEC. 104. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.**

2       (a) *REPORTING OF SIGNIFICANT CONTRACTS.*—The  
3 Secretary shall notify the Committee on Homeland Security  
4 and Governmental Affairs of the Senate and the Committee  
5 on Homeland Security of the House of Representatives at  
6 least 3 business days before—

7           (1) *making a contract award, other transaction*  
8 *agreement, or task and delivery order exceeding*  
9 *\$10,000,000; or*

10          (2) *announcing the intention to make such an*  
11 *award.*

12       (b) *EXCEPTION.*—If the Secretary determines that  
13 compliance with this section would pose a substantial risk  
14 to human life, health, or safety, an award may be made  
15 without the notification required by subsection (a), and the  
16 Committee on Homeland Security and Governmental Af-  
17 fairs of the Senate and the Committee on Homeland Secu-  
18 rity of the House of Representatives shall be notified not  
19 later than 5 business days after such an award is made.

20 **SEC. 105. INDEPENDENT VERIFICATION AND VALIDATION.**

21       (a) *GUIDANCE REQUIRED.*—Not later than 270 days  
22 after the date of enactment of this Act, the Chief Procure-  
23 ment Officer of the Department, in consultation with the  
24 Chief Information Officer of the Department, shall issue  
25 guidance on use of independent verification and validation  
26 to provide a process for the independent evaluation of the

1 *integrity and quality of major acquisitions. The guidance*  
2 *shall include—*

3           (1) *a definition of independent verification and*  
4 *validation for consistent use by Department compo-*  
5 *nents;*

6           (2) *criteria for applying and planning inde-*  
7 *pendent verification and validation that—*

8                   (A) *gives priority for consideration of inde-*  
9 *pendent verification and validation based on fac-*  
10 *tors including mission criticality of the program*  
11 *and its components and potential impacts to the*  
12 *program from undetected system errors;*

13                   (B) *includes appropriate thresholds above*  
14 *which acquisitions may not proceed without*  
15 *independent verification and validation unless*  
16 *authorized to do so by the Acquisition Review*  
17 *Board established under section 836 of the*  
18 *Homeland Security Act of 2002, as added by sec-*  
19 *tion 101; and*

20                   (C) *ensures, where reasonable and appro-*  
21 *priate, use of resources of the Federal Govern-*  
22 *ment to perform independent verification and*  
23 *validation;*

24           (3) *procedures for ensuring the managerial, fi-*  
25 *nancial, and technical independence of providers of*

1 *independent verification and validation from the per-*  
2 *sonnel who develop, manage, and perform acquisitions*  
3 *for the program, in order to obtain unbiased reviews*  
4 *of acquisitions;*

5 (4) *methods for integrating independent*  
6 *verification and validation results into program man-*  
7 *agement;*

8 (5) *procedures to monitor and ensure implemen-*  
9 *tation of the guidance and to take corrective action*  
10 *when necessary; and*

11 (6) *mechanisms to collect and analyze data on*  
12 *independent verification and validation to facilitate*  
13 *lessons learned and evaluate the effectiveness of the in-*  
14 *vestments of the Department.*

15 (b) *RESTRICTION ON DEVELOPMENT OF GUIDANCE.—*  
16 *The development of the guidance required under subsection*  
17 *(a) shall be considered an inherently governmental function.*

18 (c) *REPORTING TO CONGRESS.—*

19 (1) *QUARTERLY REPORTS.—The quarterly re-*  
20 *ports required by section 836(e)(2) of the Homeland*  
21 *Security Act of 2002 (6 U.S.C. 391 et seq.), as added*  
22 *by section 101, shall include, for any acquisition that*  
23 *is granted initial approval to proceed by the Acquisi-*  
24 *tion Review Board without a plan for independent*  
25 *verification and validation, an explanation of the de-*

1        *cision not to employ independent verification and*  
2        *validation.*

3            (2) *INFORMATION TECHNOLOGY.*—*Not later than*  
4        *270 days after the date of enactment of this Act, the*  
5        *Chief Procurement Officer of the Department shall*  
6        *submit to the Committee on Homeland Security and*  
7        *Governmental Affairs of the Senate and the Com-*  
8        *mittee on Homeland Security of the House of Rep-*  
9        *resentatives a report on the actions the Department is*  
10       *taking to address the recommendations included in*  
11       *the July 2011 report of the Government Account-*  
12       *ability Office entitled “Information Technology: DHS*  
13       *Needs to Improve Its Independent Acquisition Re-*  
14       *views” (GAO–11–581), including any actions taken*  
15       *to improve the use of independent verification and*  
16       *validation for the 8 programs identified in the report.*

17 **SEC. 106. OTHER TRANSACTION AUTHORITY.**

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

20            (1) *in subsection (a), by striking “Until Sep-*  
21        *tember 30, 2010” and inserting “Until September 30,*  
22        *2016”;*

23            (2) *in subsection (b), by striking “Not later than*  
24        *2 years after the effective date of this Act, and annu-*



1 *ally thereafter” and inserting “Not later than Sep-*  
2 *tember 30, 2015”; and*

3 *(3) in subsection (d)(1), by striking “September*  
4 *30, 2010” and inserting “September 30, 2016”.*

5 **SEC. 107. REPORT ON COMPETITION.**

6 *Not later than 270 days after the date of enactment*  
7 *of this Act, the Inspector General of the Department of*  
8 *Homeland Security shall prepare a report analyzing the*  
9 *use of competition in the award of contracts by the Depart-*  
10 *ment under the requirements of the Competition in Con-*  
11 *tracting Act (41 U.S.C. 3301 et seq.), which shall include—*

12 *(1) for each component of the Department, the*  
13 *total number and dollar value of new contracts for*  
14 *each of the last 3 full fiscal years for which data is*  
15 *available, and, of that total number, the number of*  
16 *contracts—*

17 *(A) entered into without full and open com-*  
18 *petition; and*

19 *(B) awarded under competition after receipt*  
20 *of only 1 offer;*

21 *(2) a statistical analysis of statutory exceptions*  
22 *used to enter contracts without full and open competi-*  
23 *tion;*

24 *(3) a discussion of the trends in competition in*  
25 *each component; and*

1           (4) *a comparison of the percentage of contracts*  
2           *awarded under full and open competition by the De-*  
3           *partment and the percentage of contracts awarded*  
4           *under full and open competition by other major agen-*  
5           *cies.*

6 **SEC. 108. OPEN ARCHITECTURE STUDY.**

7           (a) *ESTABLISHMENT.*—*Not later than 90 days after*  
8           *the date of enactment of this Act, the Under Secretary for*  
9           *Management shall commence a study within the Depart-*  
10           *ment to examine ways in which performance may be im-*  
11           *proved, costs may be reduced, and opportunities for com-*  
12           *petition may be increased through an open architecture ap-*  
13           *proach to acquisitions.*

14           (b) *PARTICIPANTS IN THE STUDY.*—*The study shall*  
15           *contain input from the following officials:*

16                   (1) *The Chief Procurement Officer of the Depart-*  
17                   *ment.*

18                   (2) *The Chief Information Officer of the Depart-*  
19                   *ment.*

20                   (3) *The Chief Acquisition Executives of the De-*  
21                   *partment's components.*

22                   (4) *The Heads of Contracting Activity of the De-*  
23                   *partment's components.*

24                   (5) *The Chief Information Officers of the Depart-*  
25                   *ment's components.*

1           (6) *The Director of Acquisition Support and Op-*  
2           *erations Analysis of the Science and Technology Di-*  
3           *rectorate.*

4           (7) *Any other official of the Department identi-*  
5           *fied by the Under Secretary for Management.*

6           (c) *STUDY.*—

7           (1) *IN GENERAL.*—*Not later than 270 days after*  
8           *the date of enactment of this Act, the Under Secretary*  
9           *for Management shall submit to the Committee on*  
10           *Homeland Security and Governmental Affairs of the*  
11           *Senate, and the Committee on Homeland Security of*  
12           *the House of Representatives a report—*

13                   (A) *assessing the current use of open archi-*  
14                   *ture by the Department;*

15                   (B) *making recommendations, as appro-*  
16                   *priate, on the benefits of expanded use of open*  
17                   *architecture by the Department;*

18                   (C) *describing the internal capabilities nec-*  
19                   *essary for executing acquisitions under an open*  
20                   *architecture model; and*

21                   (D) *identifying, as appropriate, acquisi-*  
22                   *tions for which use of open architecture would be*  
23                   *beneficial.*

24           (2) *USE OF LESSONS LEARNED.*—*In preparing*  
25           *the report, the participants in the study should draw*

1        *on lessons learned from the use of open architecture*  
2        *at the Department of Defense.*

3        *(d) OPEN ARCHITECTURE DEFINED.—In this section,*  
4        *the term “open architecture” means the employment of busi-*  
5        *ness and technical practices that yield modular, interoper-*  
6        *able systems that adhere to standards with open interfaces,*  
7        *with a goal of encouraging competitive proposals from mul-*  
8        *tiple qualified sources and rapid incorporation of innova-*  
9        *tive technologies into systems.*

10        *(e) TERMINATION.—The study shall be deemed com-*  
11        *pleted upon submission of the report required by subsection*  
12        *(c).*

13        **SEC. 109. COST ANALYSIS DIVISION.**

14        *(a) IN GENERAL.—Subtitle D of title VIII of the*  
15        *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as*  
16        *amended by section 101(a), is further amended by adding*  
17        *at the end the following new section:*

18        **“SEC. 837. COST ANALYSIS DIVISION.**

19        *“(a) ESTABLISHMENT.—There is established within*  
20        *the Department a Cost Analysis Division, which shall re-*  
21        *port to the Under Secretary for Management, to ensure that*  
22        *program cost estimates—*

23                *“(1) are accurate reflections of program require-*  
24        *ments; and*

1           “(2) increase the capability of the Department  
2           for informed investment decisions, budget formula-  
3           tion, measurement of progress, and accountability.

4           “(b) DUTIES.—The duties of the Cost Analysis Divi-  
5           sion shall include—

6           “(1) validating program life-cycle cost estimates  
7           as part of the investment review process established  
8           under section 836;

9           “(2) providing independent cost estimates of  
10          major programs at major milestone points;

11          “(3) prescribing policies and procedures for the  
12          conduct of cost estimation and cost analysis for ac-  
13          quisition programs of the Department;

14          “(4) issuing guidance relating to full consider-  
15          ation of life-cycle management and sustainability  
16          costs in acquisition programs of the Department;

17          “(5) providing assistance, training, and over-  
18          sight of the cost analysis capabilities of the compo-  
19          nents of the Department;

20          “(6) leveraging, where possible, existing data-  
21          bases and system resources maintained by other Fed-  
22          eral agencies in the development of the Department’s  
23          cost database, and sharing relevant information and  
24          best practices related to cost databases with other  
25          agencies; and

1           “(7) leading the development of—

2                   “(A) improved analytical skills and com-  
3                   petencies within the cost assessment workforce of  
4                   the Department; and

5                   “(B) tools, data, and methods to promote  
6                   improved performance, economy, and efficiency  
7                   in planning and allocation of homeland security  
8                   resources.

9           “(c) *DIRECTOR OF COST ANALYSIS.*—

10                   “(1) *IN GENERAL.*—*The Cost Analysis Division*  
11                   *shall be headed by a Director of Cost Analysis who*  
12                   *shall serve as the principal advisor to the Secretary*  
13                   *and other senior officials of the Department on cost*  
14                   *estimation and cost analysis for acquisition programs*  
15                   *of the Department.*

16                   “(2) *AVAILABILITY OF RESOURCES.*—*The Sec-*  
17                   *retary shall ensure that the Director of Cost Anal-*  
18                   *ysis—*

19                           “(A) promptly receives the results of—

20                                   “(i) all cost estimates and cost anal-  
21                                   yses conducted by components of the De-  
22                                   partment for any acquisition subject to the  
23                                   investment review process established under  
24                                   section 836; and

1                   “(i) all studies conducted by the com-  
2                   ponents in connection with such acquisi-  
3                   tions; and

4                   “(B) has timely access to any records and  
5                   data in the Department that the Director con-  
6                   siders necessary to review in order to carry out  
7                   any duties under this section.”.

8           (b) *CLERICAL AMENDMENT.*—*The table of contents in*  
9 *section 1(b) of such Act (6 U.S.C. 101(b)), as amended by*  
10 *section 101(b), is further amended by inserting after the*  
11 *item relating to section 836 the following new item:*

          “*Sec. 837. Cost Analysis Division.*”.

12 **SEC. 110. STRATEGIC ACQUISITION PLAN.**

13           (a) *IN GENERAL.*—*Subtitle D of title VIII of the*  
14 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as*  
15 *amended by section 109(a), is further amended by adding*  
16 *at the end the following new section:*

17 **“SEC. 838. STRATEGIC ACQUISITION PLAN.**

18           “*Not later than 1 year after the date of enactment of*  
19 *the Department of Homeland Security Authorization Act*  
20 *of 2012, and annually thereafter, the Under Secretary for*  
21 *Management shall make publicly available on the Internet*  
22 *website of the Department a strategic acquisition plan that*  
23 *includes—*

24                   “(1) *guiding principles, overarching goals, and*  
25                   *specific objectives of the Department’s acquisitions;*

1           “(2) *anticipated procurement needs over 1-year*  
 2           *and, at a minimum, 5-year periods with specific in-*  
 3           *formation on—*

4                     “(A) *program-level needs;*

5                     “(B) *anticipated multi-year procurements;*

6                     *and*

7                     “(C) *expected major changes in ongoing or*  
 8                     *planned procurements; and*

9           “(3) *plans for utilization of strategic sourcing*  
 10           *through Department-wide or government-wide con-*  
 11           *tracts.”.*

12           (b) *CLERICAL AMENDMENT.—The table of contents in*  
 13           *section 1(b) of such Act (6 U.S.C. 101(b)), as amended by*  
 14           *section 109(b), is further amended by inserting after the*  
 15           *item relating to section 837 the following new item:*

          “*Sec. 838. Strategic acquisition plan.*”.

16           **SEC. 111. TRANSPARENCY AND INNOVATION IN ACQUISI-**  
 17                                     **TION.**

18           (a) *IN GENERAL.—Subtitle D of title VIII of the*  
 19           *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as*  
 20           *amended by section 110(a), is further amended by adding*  
 21           *at the end the following new section:*

22           **“SEC. 839. TRANSPARENCY AND INNOVATION IN ACQUISI-**  
 23                                     **TION.**

24           “*The Under Secretary for Management, consistent*  
 25           *with applicable law, regulations, and policy shall—*



1           “(1) ensure that acquisition personnel provide  
2 information on acquisition needs of the Department  
3 to the private sector and nongovernmental organiza-  
4 tions;

5           “(2) ensure that the Department’s website in-  
6 cludes information on programs, policies, and initia-  
7 tives designed to encourage small businesses to par-  
8 ticipate in Department acquisitions;

9           “(3) provide information on the Department’s  
10 website to guide interactions between the Department  
11 and vendors;

12           “(4) provide information on the Department’s  
13 procurements on the Department’s website;

14           “(5) promote use of consistent, shared termi-  
15 nology and definitions within the Department and in  
16 the solicitations, contracts, grants, and other trans-  
17 actions of the Department with the private sector;

18           “(6) encourage appropriate use of requests for  
19 information and other pre-solicitation means of gath-  
20 ering knowledge about the marketplace; and

21           “(7) ensure that debriefings to unsuccessful  
22 offerors, including those required by the Federal Ac-  
23 quisition Regulation, provide adequate explanation of  
24 the basis for an award decision.”.

1           (b) *CLERICAL AMENDMENT.*—*The table of contents in*  
 2 *section 1(b) of such Act (6 U.S.C. 101(b)), as amended by*  
 3 *section 110(b), is further amended by inserting after the*  
 4 *item relating to section 838 the following new item:*

“*Sec. 839. Transparency and innovation in acquisition.*”.

5 **SEC. 112. DISASTER RELIEF PROCUREMENT AUTHORITIES.**

6           (a) *CONFORMING DISASTER RELIEF AUTHORITIES TO*  
 7 *THE FEDERAL ACQUISITION REGULATION.*—*Subtitle F of*  
 8 *the Post-Katrina Emergency Management Reform Act of*  
 9 *2006 (title VI of Public Law 109–295; 120 Stat. 1457) is*  
 10 *amended by striking sections 692 and 695 (6 U.S.C. 792*  
 11 *and 794).*

12           (b) *STREAMLINING REGISTRATION FOR VOLUNTARY*  
 13 *DISASTER RESPONSE REGISTRY.*—*Section 697(b) of the*  
 14 *Post-Katrina Emergency Management Reform Act of 2006*  
 15 *(title VI of Public Law 109–295; 6 U.S.C. 796(b)) is*  
 16 *amended—*

17           (1) *by amending paragraph (3) to read as fol-*  
 18 *lows:*

19           “(3) *SOURCE OF INFORMATION.*—*Information*  
 20 *maintained in the registry shall be submitted on a*  
 21 *voluntary basis and be kept current by the submitting*  
 22 *business concerns.*”; *and*

23           (2) *in paragraph (5), by striking “consult the*  
 24 *registry” and inserting “consult the Central Con-*  
 25 *tractor Registration database maintained under sub-*

1       *part 4.11 of the Federal Acquisition Regulation, or*  
2       *any successor thereto”.*

3   **SEC. 113. SPECIAL EMERGENCY PROCUREMENT AUTHORITY**  
4                   **FOR DOMESTIC EMERGENCY OPERATIONS.**

5       *Section 1903 of title 41, United States Code, is amend-*  
6   *ed—*

7           (1) *in subsection (a)—*

8               (A) *by redesignating paragraphs (1) and*  
9               (2) *as subparagraphs (A) and (B), respectively,*  
10              *and moving such subparagraphs, as so redesign-*  
11              *ated, 2 ems to the right;*

12             (B) *by striking “with respect to a procure-*  
13             *ment” and inserting the following: “with respect*  
14             *to—*

15             *“(1) a procurement”;*

16             (C) *in subparagraph (B), as redesignated*  
17             *by subparagraph (A) of this paragraph, by strik-*  
18             *ing “United States.” and inserting “United*  
19             *States; and”;* and

20             (D) *by adding at the end the following new*  
21             *subparagraph:*

22             *“(C) a procurement of property or services*  
23             *by or for the Department of Homeland Security*  
24             *that the Secretary of Homeland Security deter-*  
25             *mines are to be used in support of domestic*

1           *emergency operations, in accordance with sub-*  
2           *section (d).”;*

3           *(2) in subsection (c)(1), by striking “subsection*  
4           *(a)(2)” and inserting “subsection (a)(1)(B)”;* and

5           *(3) by adding at the end the following new sub-*  
6           *section:*

7           *“(d) DOMESTIC EMERGENCY OPERATIONS.—The Sec-*  
8           *retary of Homeland Security, or a designee at the Chief*  
9           *Procurement Officer level or higher, in consultation with*  
10           *the Administrator, may utilize the authorities provided*  
11           *under paragraphs (1)(A), (2)(A), and (3) of subsection (b)*  
12           *in a domestic emergency operation to provide support for—*

13           *“(1) an emergency or major disaster, as those*  
14           *terms are defined under section 102 of the Robert T.*  
15           *Stafford Disaster Relief and Emergency Assistance*  
16           *Act (42 U.S.C. 5122); or*

17           *“(2) any occasion or instance for which the Sec-*  
18           *retary of Homeland Security determines Federal as-*  
19           *sistance is needed to supplement State and local ef-*  
20           *forts and capabilities to save lives and to protect*  
21           *property and public health and safety, or to lessen or*  
22           *avert the threat of a catastrophe in any part of the*  
23           *United States.”.*

1 **SEC. 114. FIELD EFFICIENCIES REPORT AND IMPLEMENTA-**  
2 **TION PLAN.**

3 (a) *DEFINITION.*—*In this section, the term “designated*  
4 *geographic area”*—

5 (1) *means an area designated by the Secretary*  
6 *where there is a substantial physical presence of more*  
7 *than 1 component or operational entity of a compo-*  
8 *nent of the Department; and*

9 (2) *does not include the National Capital Re-*  
10 *gion, as defined under section 2674 of title 10, United*  
11 *States Code.*

12 (b) *REPORT AND PLAN.*—

13 (1) *IN GENERAL.*—*Not later than 9 months after*  
14 *the date of enactment of this Act, the Secretary shall*  
15 *submit to the Committee on Homeland Security and*  
16 *Governmental Affairs of the Senate and the Com-*  
17 *mittee on Homeland Security of the House of Rep-*  
18 *resentatives an efficiencies report and implementation*  
19 *plan that—*

20 (A) *examines the facilities and administra-*  
21 *tive and logistics functions of components or*  
22 *operational entities of components of the Depart-*  
23 *ment located within designated geographic areas;*  
24 *and*

25 (B) *provides specific recommendations and*  
26 *an associated cost-benefit analysis for the con-*

1           *solidation of the facilities and administrative*  
2           *and logistics functions of components or oper-*  
3           *ational entities of components of the Department*  
4           *within each designated geographic area.*

5           (2) *CONTENTS.*—*The efficiencies report and im-*  
6           *plementation plan submitted under paragraph (1)*  
7           *shall—*

8                   (A) *describe the facilities and administra-*  
9                   *tive and logistics functions of components or*  
10                   *operational entities of components of the Depart-*  
11                   *ment located within each designated geographic*  
12                   *area;*

13                   (B) *evaluate for each designated geographic*  
14                   *area—*

15                           (i) *specific facilities at which compo-*  
16                           *nents or operational entities of components*  
17                           *of the Department may be closed or consoli-*  
18                           *dated, including the consideration of when*  
19                           *leases expire or facilities owned by the Gov-*  
20                           *ernment become available;*

21                           (ii) *the potential for the consolidation*  
22                           *of administrative and logistics functions,*  
23                           *including—*

24                                   (I) *engineering services;*

25                                   (II) *facility maintenance;*

- 1                    *(III) janitorial services;*  
2                    *(IV) fleet vehicle services;*  
3                    *(V) shipping and receiving;*  
4                    *(VI) facility security;*  
5                    *(VII) procurement of goods and*  
6                    *services;*  
7                    *(VIII) mail handling;*  
8                    *(IX) administrative support; and*  
9                    *(X) information technology and*  
10                   *telecommunications services and sup-*  
11                   *port; and*  
12                   *(iii) additional ways to improve unity*  
13                   *of effort and cost savings for field operations*  
14                   *and related support activities;*  
15                   *(C) detail any other opportunities to im-*  
16                   *prove efficiency or reduce costs identified by a*  
17                   *component of the Department; and*  
18                   *(D) from the elimination of duplicative*  
19                   *component support functions, consolidation of fa-*  
20                   *ilities, and implementation of additional oper-*  
21                   *ational initiatives, reduce the aggregate amount*  
22                   *of expenditures on all Department facilities, ad-*  
23                   *ministrative and logistics functions, and oper-*  
24                   *ational activities in designated geographic areas*  
25                   *by 5 percent.*

1           (3) *IMPLEMENTATION.*—Not later than 2 years  
2           after the date of enactment of this Act, the implemen-  
3           tation plan required by this section shall be fully im-  
4           plemented.

5 **SEC. 115. COST SAVINGS AND EFFICIENCY REVIEWS.**

6           (a) *MANAGEMENT AND ADMINISTRATIVE SAVINGS.*—  
7           Not later than 270 days after the date of enactment of this  
8           Act, the Secretary, acting through the Under Secretary for  
9           Management, shall submit to the Committee on Homeland  
10          Security and Governmental Affairs of the Senate and the  
11          Committee on Homeland Security of the House of Rep-  
12          resentatives a report that—

13               (1) provides a detailed accounting of the man-  
14               agement and administrative expenditures and activi-  
15               ties of the components of the Department; and

16               (2) identifies potential cost savings and effi-  
17               ciencies for the management and administrative ex-  
18               penditures and activities of each component of the De-  
19               partment.

20          (b) *PERSONNEL ALLOCATION STUDY.*—Not later than  
21          270 days after the date of enactment of this Act, the Sec-  
22          retary, acting through the Under Secretary for Manage-  
23          ment, shall—

24               (1) conduct a study that examines the size, expe-  
25               rience level, and geographic distribution of the oper-



1        *ational personnel of the Department, including U.S.*  
2        *Customs and Border Protection officers, Border Pa-*  
3        *trol agents, U.S. Customs and Border Protection Air*  
4        *and Marine agents, U.S. Customs and Border Protec-*  
5        *tion Agriculture Specialists, Federal Protective Serv-*  
6        *ice Law Enforcement Security Officers, U.S. Immigra-*  
7        *tion and Customs Enforcement agents, Transpor-*  
8        *tation Security Officers, Federal air marshals, and*  
9        *members of the Coast Guard; and*

10            *(2) submit to the Committee on Homeland Secu-*  
11        *rity and Governmental Affairs of the Senate and the*  
12        *Committee on Homeland Security of the House of*  
13        *Representatives a report that details the findings of*  
14        *the study conducted under paragraph (1) and rec-*  
15        *ommends adjustments to close gaps in capabilities, re-*  
16        *duce costs, and enhance efficiencies.*

17        **SEC. 116. CONSOLIDATION OF YOUTH PROGRAMS.**

18        *The Secretary shall consolidate all youth preparedness*  
19        *educational programs of the Department, including the use*  
20        *of mascots and youth-focused websites, into 1 program, in-*  
21        *cluding—*

22            *(1) the Ready Kids Initiative;*

23            *(2) the FEMA for Kids website;*

24            *(3) the U.S. Fire Administration for Kids*  
25        *website; and*

1           (4) *the Disaster Twins website of the Federal*  
2           *Emergency Management Agency.*

3 **SEC. 117. REVERSION TO TREASURY OF EXCESS FUNDS.**

4           *For any reduction in the cost to the Government at-*  
5 *tributable to a consolidation of programs or termination*  
6 *of a program under this Act, or an amendment made by*  
7 *this Act, an amount equal to the amount of such reduction*  
8 *shall be returned from the applicable appropriations ac-*  
9 *count to the general fund of the Treasury.*

10 **SEC. 118. PROHIBITION ON COLLECTION OF POLITICAL IN-**  
11 **FORMATION.**

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

15 **“SEC. 890A. PROHIBITION ON COLLECTION OF POLITICAL**  
16 **INFORMATION.**

17           “(a) *PROHIBITION ON REQUIRING SUBMISSION OF PO-*  
18 *LITICAL INFORMATION.*—*The Secretary may not require a*  
19 *contractor to submit political information related to the*  
20 *contractor or a subcontractor at any tier, or any partner,*  
21 *officer, director, or employee of the contractor or subcon-*  
22 *tractor—*

23           “(1) *as part of a solicitation, request for bid, re-*  
24 *quest for proposal, or any other form of communica-*  
25 *tion designed to solicit offers in connection with the*

1       *award of a contract for procurement of property or*  
2       *services;*

3           “(2) *during the course of contract performance*  
4       *as part of the process associated with modifying a*  
5       *contract or exercising a contract option; or*

6           “(3) *any time prior to contract completion and*  
7       *final contract closeout.*

8       “(b) *SCOPE.—The prohibition under this section ap-*  
9       *plies to the procurement of commercial items, the procure-*  
10      *ment of commercial-off-the-shelf-items, and the non-com-*  
11      *mercial procurement of supplies, property, services, and*  
12      *manufactured items, irrespective of contract vehicle, includ-*  
13      *ing contracts, purchase orders, task or deliver orders under*  
14      *indefinite delivery/indefinite quantity contracts, blanket*  
15      *purchase agreements, and basic ordering agreements.*

16      “(c) *RULE OF CONSTRUCTION.—Nothing in this sec-*  
17      *tion shall be construed as—*

18           “(1) *waiving, superseding, restricting, or lim-*  
19      *iting the application of the Federal Election Cam-*  
20      *paign Act of 1971 (2 U.S.C. 431 et seq.) or pre-*  
21      *venting Federal regulatory or law enforcement agen-*  
22      *cies from collecting or receiving information author-*  
23      *ized by law; or*

24           “(2) *precluding the Defense Contract Audit*  
25      *Agency or any other Federal agency responsible for*

1 performing audits from accessing and reviewing cer-  
2 tain information, including political information, for  
3 the purpose of identifying unallowable costs and ad-  
4 ministering cost principles established pursuant to  
5 chapter 43 of title 41, United States Code.

6 “(d) *DEFINITIONS.*—*In this section:*

7 “(1) *CONTRACTOR.*—*The term ‘contractor’ in-*  
8 *cludes contractors, bidders, and offerors, and individ-*  
9 *uals and legal entities who would reasonably be ex-*  
10 *pected to submit offers or bids for Federal Govern-*  
11 *ment contracts.*

12 “(2) *POLITICAL INFORMATION.*—*The term ‘polit-*  
13 *ical information’ means information relating to polit-*  
14 *ical spending, including any payment consisting of a*  
15 *contribution, expenditure, independent expenditure,*  
16 *or disbursement for an electioneering communication*  
17 *that is made by the contractor, any of its partners,*  
18 *officers, directors or employees, or any of its affiliates*  
19 *or subsidiaries to a candidate or on behalf of a can-*  
20 *didate for election for Federal office, to a political*  
21 *committee, to a political party, to a third party enti-*  
22 *ty with the intention or reasonable expectation that*  
23 *it would use the payment to make independent ex-*  
24 *penditures or electioneering communications, or that*  
25 *is otherwise made with respect to any election for*

1 *Federal office, party affiliation, and voting history.*  
 2 *Each of the terms ‘contribution’, ‘expenditure’, ‘inde-*  
 3 *pendent expenditure’, ‘candidate’, ‘election’, ‘election-*  
 4 *eering communication’, and ‘Federal office’ has the*  
 5 *meaning given the term in the Federal Campaign Act*  
 6 *of 1971 (2 U.S.C. 431 et seq.).”*

7 *(b) TABLE OF CONTENTS.—The table of contents in*  
 8 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*  
 9 *101(b)) is amended by inserting after the item relating to*  
 10 *section 890 the following new item:*

*“Sec. 890A. Prohibition on collection of political information.”*

11 **SEC. 119. FORMAT OF PLANS AND REPORTS SUBMITTED TO**  
 12 **CONGRESS.**

13 *(a) SEARCHABLE, MACHINE-READABLE PLANS AND*  
 14 *REPORTS.—If the Department is required to submit a plan*  
 15 *or report to Congress under any statutory provision of law,*  
 16 *the Department shall—*

17 *(1) make that plan or report available on the*  
 18 *website described under section 1122 of title 31,*  
 19 *United States Code;*

20 *(2) produce that plan or report in searchable,*  
 21 *machine-readable formats;*

22 *(3) take actions to limit the unnecessary print-*  
 23 *ing of plans and reports; and*

24 *(4) notify the Secretary of the Senate, the Clerk*  
 25 *of the House of Representatives, and any congres-*

1       sional committee to which that plan or report is re-  
 2       quired to be submitted of the availability of the plan  
 3       or report on the website.

4       (b) *RELATIONSHIP TO FREEDOM OF INFORMATION*  
 5 *ACT.*—

6           (1) *IN GENERAL.*—Nothing in this section shall  
 7       be construed to require the disclosure of information  
 8       or records that are exempt from public disclosure  
 9       under section 552 of title 5, United States Code.

10          (2) *REDACTION.*—If any information in a plan  
 11       or report to which this section applies may not be  
 12       publicly disclosed under section 552(b) of title 5,  
 13       United States Code, the Department shall—

14           (A) redact from the report submitted to be  
 15       published on the website described under section  
 16       1122 of title 31, United States Code, only such  
 17       information;

18           (B) indicate where such redactions were  
 19       made in the report; and

20           (C) identify the exemption under which  
 21       each such redaction is made.

22 **SEC. 120. TRAVEL EXPENSES OF POLITICAL APPOINTEES.**

23       (a) *DEFINITION.*—In this section, the term “political  
 24       appointee” means an individual who—

1           (1) *is employed in a position described under*  
2           *sections 5312 through 5316 of title 5, United States*  
3           *Code, (relating to the Executive Schedule);*

4           (2) *is a limited term appointee, limited emer-*  
5           *gency appointee, or noncareer appointee in the Senior*  
6           *Executive Service, as defined under paragraphs (5),*  
7           *(6), and (7), respectively, of section 3132(a) of title 5,*  
8           *United States Code; or*

9           (3) *is employed in a position in the executive*  
10          *branch of the Government of a confidential or policy-*  
11          *determining character under schedule C of subpart C*  
12          *of part 213 of title 5 of the Code of Federal Regula-*  
13          *tions.*

14          (b) *REPORT.—Not later than December 31, 2011, the*  
15          *Secretary shall submit to the Committee on Homeland Se-*  
16          *curity and Governmental Affairs of the Senate and the*  
17          *Committee on Homeland Security of the House of Rep-*  
18          *resentatives a report detailing the travel expenses of polit-*  
19          *ical appointees of the Department during fiscal year 2011,*  
20          *which shall, for each trip by a political appointee—*

21                (1) *list the dates, destinations, and purposes of*  
22                *and number of official travelers on the trip;*

23                (2) *indicate whether Government or commercial*  
24                *craft were used for the trip; and*

25                (3) *provide the costs of the trip.*

1 **SEC. 121. ELIMINATION OF DUPLICATIVE FELLOWSHIP PRO-**  
2 **GRAMS.**

3 (a) *IN GENERAL.*—

4 (1) *NATIONAL FIRE ACADEMY FELLOWSHIP PRO-*  
5 *GRAM.*—*Except as provided in subsection (b), on and*  
6 *after the date of enactment of this Act, the Secretary*  
7 *may not provide funds to the Harvard Fire Executive*  
8 *Fellowship Program (including making any grants*  
9 *for the tuition costs of selected applicants for the pro-*  
10 *gram).*

11 (2) *DHS SCHOLARS AND FELLOWS EDUCATIONAL*  
12 *PROGRAM.*—*Except as provided in subsection (b), on*  
13 *and after the date of enactment of this Act, the Sec-*  
14 *retary may not carry out the Homeland Security*  
15 *Scholars and Fellows program of the Department (in-*  
16 *cluding making any grants under the program).*

17 (b) *SAVINGS CLAUSE.*—*A grant made under a pro-*  
18 *gram described under subsection (a) before the date of enact-*  
19 *ment of this Act shall remain in full force and effect under*  
20 *the terms and conditions, and for the duration, of the grant.*

21 **SEC. 122. INFORMATION OF SUBGRANTEES.**

22 (a) *IN GENERAL.*—*Not later than 1 year after the date*  
23 *of enactment of this Act, the Administrator of the Federal*  
24 *Emergency Management Agency shall submit to the Com-*  
25 *mittee on Homeland Security and Governmental Affairs of*  
26 *the Senate and the Committee on Homeland Security of the*



1 *House of Representatives a plan to develop and implement*  
 2 *processes to collect and track information on grants award-*  
 3 *ed each fiscal year to subgrantees under the nondisaster pre-*  
 4 *paredness grant programs of the Federal Emergency Man-*  
 5 *agement Agency.*

6 (b) *REQUIREMENTS.—The plan submitted under sub-*  
 7 *section (a) shall—*

8 (1) *require the collection and tracking of the*  
 9 *name and employer identification number or other*  
 10 *unique identifier of the subgrantee (if available), the*  
 11 *award amount, and capability being acquired;*

12 (2) *describe how the information will be collected*  
 13 *each fiscal year as part of the grant cycle; and*

14 (3) *explain how the Federal Emergency Manage-*  
 15 *ment Agency will use the information to determine*  
 16 *whether a grant recipient is receiving Federal fund-*  
 17 *ing from multiple preparedness grant programs to*  
 18 *fully fund a project.*

19 **SEC. 123. IMPROVING FINANCIAL ACCOUNTABILITY AND**  
 20 **MANAGEMENT.**

21 (a) *DEFINITIONS.—In this section, the terms “quali-*  
 22 *fied opinion” and “unqualified opinion” mean a qualified*  
 23 *opinion and an unqualified opinion, respectively, within*  
 24 *the meanings given those terms under generally accepted*  
 25 *government auditing standards.*

1       (b) *REACHING AN UNQUALIFIED AUDIT OPINION.*—In  
2 order to ensure compliance with the Department of Home-  
3 land Security Financial Accountability Act (Public Law  
4 108–330; 118 Stat. 1275) and the amendments made by  
5 that Act, the Secretary shall—

6           (1) take the necessary steps to ensure that the  
7 balance sheet of the Department and associated state-  
8 ment of custodial activity for the fiscal years ending  
9 September 30, 2012 and September 30, 2013 are  
10 ready in a timely manner and in preparation for an  
11 audit as part of preparing the performance and ac-  
12 countability reports required under section 3516(f) of  
13 title 31, United States Code, including submitting the  
14 reports not later than November 15, 2012 and Novem-  
15 ber 15, 2013, respectively, in order to obtain a quali-  
16 fied or unqualified opinion;

17           (2) take the necessary steps to ensure that the  
18 full set of consolidated financial statements of the De-  
19 partment for the fiscal years ending September 30,  
20 2014 and September 30, 2015 are ready in a timely  
21 manner and in preparation for an audit as part of  
22 preparing the performance and accountability reports  
23 required under section 3516(f) of title 31, United  
24 States Code, including submitting the reports not  
25 later than November 15, 2014 and November 15,

1       2015, respectively, in order to obtain a qualified or  
2       unqualified opinion; and

3               (3) take the necessary steps to ensure that the  
4       full set of consolidated financial statements of the De-  
5       partment for the fiscal year ending September 30,  
6       2016, and each fiscal year thereafter, are ready in a  
7       timely manner and in preparation for an audit as  
8       part of preparing the performance and accountability  
9       reports required under section 3516(f) of title 31,  
10      United States Code, including submitting the reports  
11      not later than November 15, 2016, and each year  
12      thereafter, in order to obtain an unqualified opinion.

13      (c) *REPORT TO CONGRESS ON PROGRESS OF MEETING*  
14 *AUDIT REQUIREMENTS.*—Not later than 270 days after the  
15 date of enactment of this Act, and annually thereafter until  
16 an unqualified opinion is submitted under paragraph (2)  
17 or (3) of subsection (b), and in order to ensure progress  
18 in implementing the Department of Homeland Security Fi-  
19 nancial Accountability Act (Public Law 108–330; 118 Stat.  
20 1275) and the amendments made by that Act, the Chief Fi-  
21 nancial Officer of the Department shall submit to the Com-  
22 mittee on Homeland Security and Governmental Affairs of  
23 the Senate and the Committee on Homeland Security of the  
24 House of Representatives a report on the plans to obtain

1 *an unqualified opinion, which shall discuss plans and re-*  
2 *sources needed to meet the deadlines under subsection (b).*

3 *(d) REPORT TO CONGRESS ON PLANS TO MODERNIZE*  
4 *FINANCIAL SYSTEMS.—*

5 *(1) IN GENERAL.—Not later than 270 days after*  
6 *the date of enactment of this Act, and in order to im-*  
7 *prove financial management at the Department, the*  
8 *Chief Financial Officer of the Department shall sub-*  
9 *mit to the Committee on Homeland Security and*  
10 *Governmental Affairs of the Senate and the Com-*  
11 *mittee on Homeland Security of the House of Rep-*  
12 *resentatives and the Comptroller General of the*  
13 *United States a report on the plans of the Depart-*  
14 *ment and resources needed to modernize the financial*  
15 *systems of the Department.*

16 *(2) CONTENTS.—The report submitted under*  
17 *paragraph (1) shall discuss—*

18 *(A) the challenges of and opportunities for*  
19 *using existing financial systems of the Depart-*  
20 *ment, including an assessment of the feasibility*  
21 *and cost of using an existing financial system;*

22 *(B) the challenges and opportunities of im-*  
23 *plementing a new financial system and associ-*  
24 *ated financial controls; and*

1           (C) the lessons learned from the prior at-  
2           tempts of the Department to develop a financial  
3           system that will be considered in implementing  
4           a new financial system.

5           (3) *REVIEW.*—Not later than 180 days after the  
6           date on which the Chief Financial Officer of the De-  
7           partment submits the report under paragraph (1), the  
8           Comptroller General of the United States shall review  
9           the report and submit to the Committee on Homeland  
10          Security and Governmental Affairs of the Senate and  
11          the Committee on Homeland Security of the House of  
12          Representatives a report that provides—

13                 (A) an assessment of the status of the finan-  
14                 cial system modernization by the Department;

15                 (B) an evaluation of the report;

16                 (C) an assessment of the plans to modernize,  
17                 and developments at the Department relating to,  
18                 the financial system of the Department; and

19                 (D) any recommendations for improving the  
20                 plans for a new financial system at the Depart-  
21                 ment.

22 **SEC. 124. LIMITATION ON USE OF COST-PLUS CONTRACTS.**

23           (a) *PRODUCTION OF MAJOR SYSTEMS.*—Not later than  
24           120 days after the date of enactment of this Act, the Sec-  
25           retary shall modify the acquisition regulations of the De-

1 *partment to prohibit the Department from entering into*  
2 *cost-type contracts for the production of major systems.*

3       **(b) DEVELOPMENT OF MAJOR SYSTEMS.**—*As modified*  
4 *under subsection (a), the acquisition regulations of the De-*  
5 *partment shall require the Under Secretary of Management,*  
6 *in consultation with the Acquisition Review Board, to de-*  
7 *termine the appropriate contract type for the development*  
8 *of a major system at the time the Board approves the De-*  
9 *partment's investment in the development of a major system*  
10 *in accordance with section 836 of the Homeland Security*  
11 *Act of 2002, as added by section 101. The Under Secretary,*  
12 *in consultation with the Board, may authorize the use of*  
13 *a cost-type contract only upon written determination*  
14 *that—*

15           **(1)** *the major system is so complex and tech-*  
16 *nically challenging that it is not practicable to use a*  
17 *fixed-price type contract for its development;*

18           **(2)** *all reasonable efforts have been made to de-*  
19 *fine the requirements sufficiently to allow for the use*  
20 *of a fixed-price contract for the development of the*  
21 *major system; and*

22           **(3)** *despite these efforts, the Department cannot*  
23 *define requirements sufficiently to allow for the use of*  
24 *a fixed-price contract for the development of the major*  
25 *system.*

1           (c) *OTHER TYPES OF PROCUREMENTS.*—As modified  
2 under subsection (a), the acquisition regulations of the De-  
3 partment shall, with respect to all procurements other than  
4 procurements for the production or development of major  
5 systems, prohibit the use of cost-types of contracts unless—

6           (1) a contracting officer determines in writing  
7 that—

8           (A) a cost-type contract is required by the  
9 level of program risk; and

10           (B) appropriate steps will be taken as soon  
11 as practicable to reduce such risk so that follow-  
12 on contracts for the same product or service can  
13 be awarded on a fixed-price basis;

14           (2) the use of a cost-type contract for such pro-  
15 curement is approved by the head of the contracting  
16 activity; and

17           (3) the contracting officer records in writing the  
18 steps referred to in paragraph (1)(B) in the acquisi-  
19 tions plan required under the Federal Acquisition  
20 Regulation.

21           (d) *REPORTING OF SIGNIFICANT CONTRACTS.*—Pursu-  
22 ant to section 104, the Secretary shall notify the Committee  
23 on Homeland Security and Governmental Affairs of the  
24 Senate and the Committee on Homeland Security of the  
25 House of Representatives at least 3 business days before

1 *making a cost-type contract award, other transaction agree-*  
2 *ment, or task and delivery order exceeding \$10,000,000.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) DEVELOPMENT OF A MAJOR SYSTEM.—The*  
5 *term “development of a major system” means any ac-*  
6 *tivity relating to the development of a major system*  
7 *or related increment of capability, the completion of*  
8 *full system integration, the development of an afford-*  
9 *able and executable manufacturing process, and the*  
10 *demonstration of system integration, interoperability,*  
11 *safety, and utility.*

12 *(2) MAJOR SYSTEM.—The term “major system”*  
13 *has the meaning given the term in Chapter 3007 of*  
14 *the Department of Homeland Security Acquisition*  
15 *Manual.*

16 *(3) PRODUCTION OF A MAJOR SYSTEM.—The*  
17 *term “production of a major system” means any ac-*  
18 *tivity relating to the production and deployment of a*  
19 *major system intended to achieve an operational ca-*  
20 *pability that satisfies mission need.*

21 **SEC. 125. SAFEGUARDING CONSTITUTIONALLY PROTECTED**  
22 **ACTIVITY.**

23 *(a) IN GENERAL.—In conducting all investigative, an-*  
24 *alytical, and other activities, the Department may not—*



1           (1) *violate the constitutional rights of any indi-*  
2 *vidual, including any right involving—*

3                   (A) *the lawful purchase of a firearm or am-*  
4 *munition;*

5                   (B) *membership in or involvement with a*  
6 *political organization;*

7                   (C) *lawful protest against or petition of the*  
8 *Government for redress or change in domestic or*  
9 *foreign policy; or*

10                  (D) *any other speech or activity protected*  
11 *by the Constitution of the United States; or*

12           (2) *target an individual based solely upon the*  
13 *race, religion, or color of the individual.*

14           (b) **TRAINING REQUIREMENT.**—*All managerial and*  
15 *operational employees for the Department shall receive an-*  
16 *ual training on privacy matters, including training on*  
17 *activities and speech protected by the First Amendment to*  
18 *the Constitution of the United States.*

19 **SEC. 126. SECRETARY GUIDELINES FOR PROTECTING CON-**  
20 **STITUTIONAL RIGHTS AND CIVIL LIBERTIES.**

21           *Not later than 60 days after the date of enactment of*  
22 *this Act, the Secretary shall submit to the Committee on*  
23 *Homeland Security and Governmental Affairs of the Senate*  
24 *and the Committee on Homeland Security of the House of*  
25 *Representatives—*

1           (1) *a report that details the operational guide-*  
2 *lines that the employees of the Department shall fol-*  
3 *low to ensure the protection of constitutional rights of*  
4 *citizens of the United States while carrying out the*  
5 *activities and duties of the Department; and*

6           (2) *a report that details—*

7                 (A) *the actions the Secretary will take to*  
8 *ensure that all employees of the Department are*  
9 *trained to understand the rights guaranteed to*  
10 *citizens of the United States by the Constitution*  
11 *of the United States; and*

12                 (B) *the operational guidelines issued by the*  
13 *Secretary to ensure that all activities of the De-*  
14 *partment are conducted legally.*

## 15           **TITLE II—STRUCTURE AND** 16           **ORGANIZATION**

### 17         **SEC. 201. UNDER SECRETARY FOR POLICY.**

18           (a) *IN GENERAL.—The Homeland Security Act of*  
19 *2002 (6 U.S.C. 101 et seq.) is amended by—*

20                 (1) *redesignating section 601 as section 890B*  
21 *and transferring that section to after section 890A, as*  
22 *added by section 118; and*

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

1 **“TITLE VI—POLICY, PLANNING,**  
2 **AND OPERATIONS COORDINA-**  
3 **TION**

4 **“Subtitle A—Under Secretary for**  
5 **Policy**

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

7 *“(a) IN GENERAL.—There shall be in the Department*  
8 *an Under Secretary for Policy, who shall be appointed by*  
9 *the President, by and with the advice and consent of the*  
10 *Senate.*

11 *“(b) RESPONSIBILITIES.—The Under Secretary for*  
12 *Policy shall—*

13 *“(1) serve as the principal policy advisor to the*  
14 *Secretary;*

15 *“(2) coordinate and provide overall direction*  
16 *and supervision of policy development for the pro-*  
17 *grams, offices, and activities of the Department;*

18 *“(3) work with the Under Secretary for Manage-*  
19 *ment and the General Counsel of the Department to*  
20 *ensure that the development of the budget of the De-*  
21 *partment is compatible with the priorities, strategic*  
22 *plans, and policies established by the Secretary;*

23 *“(4) conduct long-range, strategic planning for*  
24 *the Department, including overseeing each quadren-*  
25 *ennial homeland security review under section 621; and*

1           “(5) carry out such other responsibilities as the  
2           Secretary determines are appropriate, consistent with  
3           this section.”.

4           (b) *INCUMBENT*.—The individual serving as Assistant  
5           Secretary for Policy on the date of enactment of this Act  
6           may serve as the Under Secretary for Policy until the date  
7           on which an appointment to the position of Under Sec-  
8           retary for Policy is made, by and with the advice and con-  
9           sent of the Senate.

10          (c) *TECHNICAL AND CONFORMING AMENDMENT*.—The  
11          table of contents in section 1(b) of the Homeland Security  
12          Act of 2002 (6 U.S.C. 101 et seq.) is amended—

13                 (1) by striking the items relating to title VI and  
14                 section 601 and inserting the following:

                  “TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

                                  “Subtitle A—Under Secretary for Policy

                  “Sec. 601. Under Secretary for Policy.”;

15                 and

16                 (2) by inserting after the item relating to section  
17                 890A, as added by section 118, the following:

                  “Sec. 890B. Treatment of charitable trusts for members of the Armed Forces of  
                                  the United States and other governmental organizations.”.

18           (d) *REPORT*.—Not later than 270 days after the date  
19           of enactment of this Act, the Comptroller General of the  
20           United States shall submit to the Committee on Homeland  
21           Security and Governmental Affairs of the Senate and the  
22           Committee on Homeland Security of the House of Rep-

1 *representatives a report on the Office of Policy of the Depart-*  
2 *ment (referred to in this subsection as the “Office”), which*  
3 *shall focus on—*

4 *(1) any efforts or activities of the Office or re-*  
5 *lated policy efforts or activities throughout the De-*  
6 *partment that are duplicative;*

7 *(2) whether the Office is effectively using the*  
8 *budgetary resources of the Office; and*

9 *(3) whether the Office is appropriately and effi-*  
10 *ciently organized, including whether the number of*  
11 *supervisory and political positions is appropriate for*  
12 *the size and scope of the Office.*

13 **SEC. 202. OFFICE OF INTERNATIONAL AFFAIRS.**

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

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

17 *“(a) ESTABLISHMENT.—There is established within*  
18 *the Department an Office of International Affairs, which*  
19 *shall be headed by the Assistant Secretary for International*  
20 *Affairs, who shall be appointed by the President.*

21 *“(b) RESPONSIBILITIES OF THE ASSISTANT SEC-*  
22 *RETARY.—The Assistant Secretary for International Affairs*  
23 *shall—*

24 *“(1) coordinate international activities within*  
25 *the Department;*

1           “(2) develop and update, in consultation with all  
2 components of the Department with international ac-  
3 tivities, an international strategic plan for the De-  
4 partment and establish a process for managing its  
5 implementation;

6           “(3) provide guidance to components of the De-  
7 partment on executing international activities and to  
8 employees of the Department who are deployed over-  
9 seas, including—

10           “(A) establishing predeployment prepared-  
11 ness criteria for employees and any accom-  
12 panying family members;

13           “(B) establishing, in coordination with the  
14 Under Secretary for Management, minimum  
15 support requirements for Department employees  
16 abroad, to ensure the employees have the proper  
17 resources and have received adequate and timely  
18 support prior to and during tours of duty;

19           “(C) providing information and training  
20 on administrative support services available to  
21 overseas employees from the Department of State  
22 and other Federal agencies;

23           “(D) establishing guidance on how Depart-  
24 ment attaches are expected to coordinate with  
25 other component staff and activities; and

1           “(E) developing procedures and guidance  
2           for employees of the Department returning to the  
3           United States;

4           “(4) identify areas for homeland security infor-  
5           mation and training exchange in which—

6           “(A) the United States has a demonstrated  
7           weakness; and

8           “(B) a country that is a friend or ally of  
9           the United States has a demonstrated expertise;

10          “(5) maintain situational awareness of—

11          “(A) all international engagement and trav-  
12          el conducted by offices and personnel of the De-  
13          partment; and

14          “(B) all spending by the Federal Govern-  
15          ment for international assistance activities relat-  
16          ing to homeland security; and

17          “(6) perform other duties, as determined by the  
18          Secretary.”.

19 **SEC. 203. CHIEF MEDICAL OFFICER.**

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

22          (1) in subsection (a), by striking all that follows  
23          the second comma and inserting “and who shall also  
24          have the title of Assistant Secretary for Health Af-  
25          fairs.”; and

1           (2) *in subsection (c)—*

2                   (A) *in paragraph (6), by striking “and” at*  
3           *the end;*

4                   (B) *by redesignating paragraph (7) as*  
5           *paragraph (10); and*

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

8                   “(7) *ensuring that the workforce of the Depart-*  
9           *ment has science-based policy, standards, require-*  
10           *ments, and metrics for occupational safety and*  
11           *health;*

12                   “(8) *providing medical expertise for the compo-*  
13           *nents of the Department with respect to prevention,*  
14           *preparedness, protection, response, and recovery for*  
15           *medical and public health matters;*

16                   “(9) *working in conjunction with appropriate*  
17           *entities of the Department and other appropriate Fed-*  
18           *eral agencies to develop guidance for prevention, pre-*  
19           *paredness, protection, response, and recovery from*  
20           *catastrophic events with human, animal, agricultural,*  
21           *or environmental health consequences; and”.*

22   **SEC. 204. 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) and (c) and in-  
17          serting 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*  
8           *providing 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 Congress a report—

21                         “(i) describing the process used in con-  
22                         ducting the quadrennial homeland security  
23                         review and explaining any underlying as-  
24                         sumptions used in conducting the quadren-  
25                         nial homeland security review;

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

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

12          “(iv) describing how the conclusions  
13          under the quadrennial homeland security  
14          review are to be implemented through the  
15          Future Years Homeland Security Program  
16          under section 874;

17          “(v) detailing how the conclusions  
18          under the quadrennial homeland security  
19          review will inform efforts to develop capa-  
20          bilities and build capacity of States, local  
21          governments, Indian Tribes, and private en-  
22          tities, and of individuals, families, and  
23          communities;

24          “(vi) providing proposed changes to the  
25          authorities, organization, governance struc-

1            *ture, or business processes (including acqui-*  
2            *sition processes) of the Department in order*  
3            *to better fulfill the responsibilities of the De-*  
4            *partment; and*

5            *“(vii) describing any other matter the*  
6            *Secretary considers appropriate; and*

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

11          *“(c) MIDTERM REVIEW OF IMPLEMENTATION.—Not*  
12          *later than 2 years after the date on which the Secretary*  
13          *submits a report under subsection (b)(2)(A), the Secretary*  
14          *shall submit to the Committee on Homeland Security and*  
15          *Governmental Affairs of the Senate and the Committee on*  
16          *Homeland Security of the House of Representatives a report*  
17          *on—*

18            *“(1) the implementation of the recommendations*  
19            *in the report, including recommended revisions to the*  
20            *national homeland security strategy made under sub-*  
21            *section (b)(2)(A)(iii) and changes proposed under*  
22            *subsection (b)(2)(A)(vi); and*

23            *“(2) the preparations for the next quadrennial*  
24            *homeland security review, including a detailed re-*  
25            *source plan specifying the estimated budget and num-*

1 *ber of staff members that will be required for prepara-*  
2 *tion of the quadrennial homeland security review.”.*

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

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

7 **SEC. 205. DESIGNATION OF FOREIGN TERRORIST ORGANI-**  
8 **ZATIONS.**

9 *(a) IN GENERAL.—Title VIII of the Homeland Secu-*  
10 *rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by insert-*  
11 *ing after section 890B, as redesignated and transferred by*  
12 *section 201(a)(1), the following:*

13 **“SEC. 890C. DESIGNATION OF FOREIGN TERRORIST ORGA-**  
14 **NIZATIONS.**

15 *“In designating foreign terrorist organizations under*  
16 *section 219(a) of the Immigration and Nationality Act (8*  
17 *U.S.C. 1189(a)), the Secretary of State shall consult with*  
18 *the Secretary, the Attorney General, the Secretary of the*  
19 *Treasury, and the Director of National Intelligence.”.*

20 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*  
21 *table of contents in section 1(b) of the Homeland Security*  
22 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
23 *after the item relating to section 890B, as added by section*  
24 *201(c)(2), the following:*

*“Sec. 890C. Designation of foreign terrorist organizations.”.*

1 **SEC. 206. OFFICE FOR DOMESTIC PREPAREDNESS TERMI-**  
2 **NATION.**

3 (a) *TERMINATION.*—*Title IV of the Homeland Security*  
4 *Act of 2002 is amended by striking section 430 (6 U.S.C.*  
5 *238).*

6 (b) *INCUMBENT.*—*Notwithstanding the amendment*  
7 *made by subsection (a), an individual serving on the day*  
8 *before the date of enactment of this Act under an appoint-*  
9 *ment by the President, by and with the advice and consent*  
10 *of the Senate, under section 430 of the Homeland Security*  
11 *Act of 2002 may continue to serve in the position held by*  
12 *the individual and to perform the responsibilities of the in-*  
13 *dividual on the day before the date of enactment of this*  
14 *Act.*

15 (c) *RESPONSIBILITIES.*—

16 (1) *IN GENERAL.*—*On and after the date on*  
17 *which the individual described in subsection (b) leaves*  
18 *the position held by the individual on the day before*  
19 *the date of enactment of this Act, the Administrator*  
20 *of the Federal Emergency Management Agency (in*  
21 *this subsection referred to as the “Administrator”)*  
22 *may perform or delegate the responsibilities of the in-*  
23 *dividual as determined appropriate by the Adminis-*  
24 *trator.*

25 (2) *NO INCUMBENT.*—*If there is no individual*  
26 *described in subsection (b), on and after the date of*

1       enactment of this Act the Administrator may perform  
 2       or delegate the responsibilities of the individual most  
 3       recently serving under an appointment by the Presi-  
 4       dent, by and with the advice and consent of the Sen-  
 5       ate, under section 430 of the Homeland Security Act  
 6       of 2002 as determined appropriate by the Adminis-  
 7       trator.

8       (d) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
 9       table of contents under section 1(b) of the Homeland Secu-  
 10      rity Act of 2002 (6 U.S.C. 101(b)) is amended by striking  
 11      the item relating to section 430.

12      **SEC. 207. STATE AND LOCAL GOVERNMENT COORDINATION.**

13      (a) *INTERGOVERNMENTAL AFFAIRS.*—

14              (1) *IN GENERAL.*—Section 801 of the Homeland  
 15      Security Act of 2002 (6 U.S.C. 361) is amended—

16                      (A) in the section heading by striking “**OF-**  
 17                      **FICE FOR**”; and

18                      (B) in subsection (a)—

19                              (i) by striking the subsection heading  
 20                              and inserting “(a) *IN GENERAL.*—”;

21                              (ii) by striking “established”; and

22                              (iii) by striking “for State and Local  
 23                              Government Coordination” and inserting  
 24                              “of Intergovernmental Affairs”.



1           (2) *TECHNICAL AND CONFORMING AMEND-*  
2           *MENTS.—*

3           (A) *TABLE OF CONTENTS.—The table of*  
4           *contents under section 1(b) of the Homeland Se-*  
5           *curity Act of 2002 (6 U.S.C. 101(b)) is amended*  
6           *by striking the item relating to section 801 and*  
7           *inserting the following:*

          “*Sec. 801. State and Local Government Coordination.*”.

8           (B) *FUNCTIONS OF THE SECRETARY.—Sec-*  
9           *tion 102(c) of the Homeland Security Act of*  
10          *2002 (6 U.S.C. 112(c)) is amended by striking*  
11          *“the Office of State and Local Coordination (es-*  
12          *tablished under section 801)” and inserting “the*  
13          *Office of Intergovernmental Affairs described*  
14          *under section 801”.*

15          (C) *SPECIAL ASSISTANT TO THE SEC-*  
16          *RETARY.—Section 102(f)(11) of the Homeland*  
17          *Security Act of 2002 (6 U.S.C. 112(f)(11)) is*  
18          *amended by striking “the Office of State and*  
19          *Local Coordination and Preparedness” and in-*  
20          *serting “the Office of Intergovernmental Affairs”.*

21          (D) *CHIEF INFORMATION OFFICER.—Sec-*  
22          *tion 703(b)(2)(D)(iv) of the Homeland Security*  
23          *Act of 2002 (6 U.S.C. 343(b)(2)(D)(iv)) is*  
24          *amended by striking “and the Executive Director*

1           *of the Office of State and Local Coordination*  
2           *and Preparedness”.*

3           **(b) TRANSFER OF RESPONSIBILITIES.**—*Not later than*  
4 *30 days after the date of enactment of this Act, the Sec-*  
5 *retary shall transfer to the Office of Intergovernmental Af-*  
6 *fairs any responsibility under section 801(b) of the Home-*  
7 *land Security Act of 2002 (6 U.S.C. 361(b)) which was*  
8 *transferred by the Secretary under section 872 of that Act*  
9 *(6 U.S.C. 452) or any other Act to an office or entity other*  
10 *than the Office of Intergovernmental Affairs before that date*  
11 *of enactment.*

12 **SEC. 208. TERMINATION OF OFFICE OF COUNTER-**  
13 **NARCOTICS ENFORCEMENT.**

14           **(a) TERMINATION.**—

15           **(1) IN GENERAL.**—*Subtitle H of title VIII of the*  
16 *Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)*  
17 *is amended by striking section 878 (6 U.S.C. 458).*

18           **(2) EFFECTIVE DATE.**—*The amendment made by*  
19 *paragraph (1) shall take effect on the date of enact-*  
20 *ment of this Act.*

21           **(3) TRANSITION PROVISION.**—*Notwithstanding*  
22 *the amendment made by paragraph (1), the Office of*  
23 *Counternarcotics Enforcement and the Director of the*  
24 *Office of Counternarcotics Enforcement shall continue*  
25 *to perform any function of the Office or the Director,*

1       *respectively, under section 878 of the Homeland Security Act of 2002, as in effect on the day before the date of enactment of this Act, until the earlier of—*

2  
3  
4               *(A) the date on which the function is transferred under subsection (b); and*

5  
6               *(B) the date that is 180 days after the date of enactment of this Act.*

7  
8       *(b) TRANSFER OF FUNCTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—*

9  
10  
11               *(1) determine whether to transfer to an appropriate official of the Department each function described in paragraph (1), (2), (3), or (5) of section 878(d) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)), as in effect on the day before the date of enactment of this Act;*

12  
13  
14  
15  
16  
17               *(2) transfer to an appropriate official of the Department any function determined appropriate under paragraph (1) and any personnel, assets, components, authorities, and liabilities relating to the function; and*

18  
19  
20  
21  
22               *(3) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a notification regarding any function*

1       described in paragraph (1) that the Secretary does  
2       not transfer under paragraph (2).

3       (c) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
4       table of contents in section 1(b) of the Homeland Security  
5       Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking  
6       the item relating to section 878.

7       **SEC. 209. REORGANIZATION AUTHORITY.**

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

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

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

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

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

23                       “(2) *EXCEPTION.*—

24                               “(A) *IN GENERAL.*—Notwithstanding para-  
25               graph (1), if the President determines it to be

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

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

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

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

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

1           “(2) a list of each statutory provision implicated  
2           by the action.”.

3 **SEC. 210. CHIEF INFORMATION OFFICER.**

4           (a) *IN GENERAL.*—Section 703 of the Homeland Security  
5 *Act of 2002 (6 U.S.C. 343) is amended—*

6           (1) *by redesignating subsection (b) as subsection*  
7           *(c); and*

8           (2) *by inserting after subsection (a) the fol-*  
9           *lowing:*

10          “(b) *RESPONSIBILITIES.*—*The Chief Information Offi-*  
11 *cer shall—*

12           “(1) *advise and assist the Secretary, heads of the*  
13 *components of the Department, and other senior offi-*  
14 *cers in carrying out the responsibilities of the Depart-*  
15 *ment for all activities relating to the programs and*  
16 *operations of the information technology functions of*  
17 *the Department;*

18           “(2) *establish the information technology prior-*  
19 *ities, policies, processes, standards, guidelines, and*  
20 *procedures of the Department;*

21           “(3) *coordinate and ensure implementation of*  
22 *information technology priorities, policies, processes,*  
23 *standards, guidelines, and procedures within the De-*  
24 *partment;*

1           “(4) be responsible for information technology  
2 capital planning and investment management in ac-  
3 cordance with sections 11312 and 11313 of title 40,  
4 United States Code;

5           “(5) in coordination with the Chief Procurement  
6 Officer of the Department, assume responsibility for  
7 information systems acquisition, development and in-  
8 tegration as required by section 11312 of title 40,  
9 United States Code;

10           “(6) in coordination with the Chief Procurement  
11 Officer of the Department, review and approve any  
12 information technology acquisition with a total value  
13 greater than a threshold level to be determined by the  
14 Secretary;

15           “(7) in coordination with relevant officials of the  
16 Department, ensure that information technology sys-  
17 tems meet the standards established under the infor-  
18 mation sharing environment, as defined in section  
19 1016 of the Intelligence Reform and Terrorism Pre-  
20 vention Act of 2004 (6 U.S.C. 485);

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

24           “(9) perform such other responsibilities as the  
25 Secretary may prescribe.”.

1       **(b) SOFTWARE LICENSING.—**

2               **(1) IN GENERAL.—***Not later than 180 days after*  
3 *the date of enactment of this Act, and every 2 years*  
4 *thereafter, the Chief Information Officer of the De-*  
5 *partment, in consultation with component chief infor-*  
6 *mation officers, shall—*

7                       **(A)** *conduct a department-wide inventory of*  
8 *all existing software licenses including utilized*  
9 *and unutilized licenses;*

10                      **(B)** *assess the needs of the Department and*  
11 *the components of the Department for software*  
12 *licenses for the upcoming 2 fiscal years; and*

13                      **(C)** *examine how the Department can*  
14 *achieve the greatest possible economies of scale*  
15 *and cost-savings in the procurement of software*  
16 *licenses.*

17       **(2) EXCESS SOFTWARE LICENSES.—**

18                      **(A) PLAN TO REDUCE SOFTWARE LI-**  
19 **CENSES.—***If the Chief Information Officer deter-*  
20 *mines through the inventory conducted under*  
21 *paragraph (1) that the number of existing soft-*  
22 *ware licenses of the Department and the compo-*  
23 *ments of the Department exceeds the needs of the*  
24 *Department as assessed under paragraph (1)(B),*  
25 *the Secretary, not later than 90 days after the*



1           *date on which the inventory is completed under*  
2           *paragraph (1), shall establish a plan for bring-*  
3           *ing the number of software licenses into balance*  
4           *with such needs of the Department.*

5                   *(B) PROHIBITION ON PROCUREMENT OF*  
6           *NEW SOFTWARE LICENSES.—*

7                   *(i) IN GENERAL.—Except as provided*  
8                   *in clause (ii), upon completion of a plan es-*  
9                   *tablished under subparagraph (A), no addi-*  
10                  *tional resources may be obligated for the*  
11                  *procurement of new software licenses until*  
12                  *such time as the need of the Department ex-*  
13                  *ceeds the number of existing and unused li-*  
14                  *censes.*

15                  *(ii) EXCEPTION.—The Chief Informa-*  
16                  *tion Officer of the Department may allow*  
17                  *the purchase of additional licenses and*  
18                  *amend the number of needed licenses as nec-*  
19                  *essary.*

20                   *(3) SUBMISSION TO CONGRESS.—A copy of each*  
21                   *inventory conducted under paragraph (1) and each*  
22                   *plan established under paragraph (2) shall be sub-*  
23                   *mitted to the Committee on Homeland Security and*  
24                   *Governmental Affairs of the Senate and the Com-*

1        *mittee on Homeland Security of the House of Rep-*  
2        *resentatives.*

3        **SEC. 211. DEPARTMENT OF HOMELAND SECURITY HEAD-**  
4        **QUARTERS.**

5        *(a) IN GENERAL.—Notwithstanding any other provi-*  
6        *sion of law and not later than the end of fiscal year 2018,*  
7        *the Secretary shall consolidate the location of the head-*  
8        *quarters of the Department and the headquarters of compo-*  
9        *nents of the Department, as determined by the Secretary,*  
10       *in accordance with this section.*

11       *(b) ST. ELIZABETHS HOSPITAL.—The Secretary shall*  
12       *ensure that—*

13                *(1) the headquarters consolidation under sub-*  
14                *section (a) occurs at the West Campus and East Cam-*  
15                *pus of Saint Elizabeths Hospital in the District of*  
16                *Columbia; and*

17                *(2) the sites of the headquarters consolidation in-*  
18                *clude adequate parking and infrastructure to support*  
19                *the offices and employees relocated to the sites.*

20        *(c) OTHER MISSION SUPPORT ACTIVITIES.—*

21                *(1) IN GENERAL.—The Secretary shall consoli-*  
22                *date the physical location of all components and ac-*  
23                *tivities of the Department in the National Capital*  
24                *Region that do not relocate to the West Campus or*  
25                *East Campus of Saint Elizabeths Hospital to as few*

1 *locations within the National Capital Region as pos-*  
2 *sible.*

3 (2) *LIMITATION.*—*The Secretary may only con-*  
4 *solidate components and activities described in para-*  
5 *graph (1) if the consolidation can be accomplished*  
6 *without adversely affecting the specific mission of the*  
7 *components or activities being consolidated.*

8 (d) *REPORTS ON TOTAL COSTS.*—

9 (1) *INITIAL REPORT.*—*Not later than 180 days*  
10 *after the date of enactment of this Act, the Secretary,*  
11 *in consultation with the Administrator of General*  
12 *Services, shall submit a report on the total costs to*  
13 *complete each of the 3 phases of construction for the*  
14 *Department Headquarters Consolidation project with-*  
15 *in the National Capital Region to—*

16 (A) *the Committee on Homeland Security*  
17 *and Governmental Affairs of the Senate; and*

18 (B) *the Committee on Homeland Security of*  
19 *the House of Representatives.*

20 (2) *SUBSEQUENT REPORTS.*—*Not later than 60*  
21 *days after final appropriations are provided for each*  
22 *of the fiscal years that the project is funded starting*  
23 *with fiscal year 2012, the Secretary, in consultation*  
24 *with the Administrator of General Services, shall sub-*

1        *mit an updated report to the committees described*  
2        *under paragraph (1).*

3            (3) *CONTENTS.—The reports submitted under*  
4        *this subsection shall—*

5            (A) *include the full costs for the facility to*  
6        *be operational, including information technology*  
7        *costs;*

8            (B) *include the amount of all funding ex-*  
9        *pended or obligated by the Department or the*  
10       *General Services Administration on the project*  
11       *for the most recent fiscal year and each of the*  
12       *preceding fiscal years;*

13           (C) *include fiscal implications for the delay*  
14       *of the project; and*

15           (D) *provide estimated cost avoidances as*  
16       *calculated by the most recent completion schedule*  
17       *and for each previous completion schedule.*

18       **SEC. 212. FUTURE YEARS HOMELAND SECURITY PROGRAM.**

19        *Section 874(a) of the Homeland Security Act of 2002*  
20       *(6 U.S.C. 454(a)) is amended by inserting “but in any*  
21       *event not later than 30 days after the date on which the*  
22       *budget request is submitted,” after “at or about the same*  
23       *time.”.*

24       **SEC. 213. COUNTERING HOMEGROWN TERRORISM.**

25        (a) *FINDINGS.—Congress finds the following:*

1           (1) *The Final Report of the National Commis-*  
2           *sion on Terrorist Attacks Upon the United States*  
3           *(commonly know as, and in this section referred to*  
4           *as, the “9/11 Commission Report”)* states that “our  
5           *strategy must match our means to two ends: disman-*  
6           *tling the al Qaeda network and prevailing in the*  
7           *longer term over the ideology that gives rise to*  
8           *Islamist terrorism.”.*

9           (2) *The President released a document in August*  
10          *2011, entitled “Empowering Local Partners to Pre-*  
11          *vent Violent Extremism in the United States”, which*  
12          *set forth a framework for countering violent extre-*  
13          *mism in the United States.*

14          (b) *DESIGNATION OF OFFICIAL.—Not later than 30*  
15          *days after the date of enactment of this Act, the Secretary*  
16          *shall designate an official of the Department to coordinate*  
17          *efforts to counter violent extremism in the United States,*  
18          *including the ideology that gives rise to Islamist terrorism*  
19          *as identified in the 9/11 Commission Report.*

20          (c) *NOTICE.—Not later than 15 days after the date on*  
21          *which the Secretary designates an official under subsection*  
22          *(b), the Secretary shall submit to the Committee on Home-*  
23          *land Security and Governmental Affairs of the Senate and*  
24          *the Committee on Homeland Security of the House of Rep-*  
25          *resentatives a written notification of the designation.*

1       (d) *REPORT.*—Not later than 90 days after the date  
2 on which the Secretary designates an official under sub-  
3 section (b), the official designated shall submit 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 a report detailing—

7           (1) the strategy and activities of the Department  
8 to counter violent extremism in the United States, in-  
9 cluding the ideology that gives rise to Islamist ter-  
10 rorism as identified in the 9/11 Commission Report;

11           (2) which offices of the Department have signifi-  
12 cant responsibilities for countering violent extremism  
13 in the United States, including the ideology that gives  
14 rise to Islamist terrorism as identified in the 9/11  
15 Commission Report;

16           (3) the number of employees of the Department  
17 whose time is fully or partially dedicated and the  
18 amount of funding dedicated by the Department to  
19 countering violent extremism in the United States,  
20 including the ideology that gives rise to Islamist ter-  
21 rorism as identified in the 9/11 Commission Report;

22           (4) the type of Department-sponsored activities  
23 and training for States and local governments, in-  
24 cluding products and activities associated with State  
25 and major urban area fusion centers, for countering

1 *violent extremism in the United States, including the*  
2 *ideology that gives rise to Islamist terrorism as iden-*  
3 *tified in the 9/11 Commission Report;*

4 (5) *the metrics used to measure the effectiveness*  
5 *of programs or activities of the Department or spon-*  
6 *sored by the Department aimed to counter violent ex-*  
7 *tremism in the United States, including the ideology*  
8 *that gives rise to Islamist terrorism as identified in*  
9 *the 9/11 Commission Report; and*

10 (6) *the work of the Department to ensure that its*  
11 *activities to counter violent extremism in the United*  
12 *States, including the ideology that gives rise to*  
13 *Islamist terrorism as identified in the 9/11 Commis-*  
14 *sion report, are in compliance with civil rights and*  
15 *civil liberties under applicable law.*

16 **SEC. 214. OFFICE OF CARGO SECURITY POLICY.**

17 (a) *REPEAL.*—*Section 431 of the Homeland Security*  
18 *Act of 2002 (6 U.S.C. 239) is repealed.*

19 (b) *TRANSFER OF FUNCTIONS.*—*All functions and re-*  
20 *sponsibilities of the Office of Cargo Security Policy, as of*  
21 *the day before the date of enactment of this Act, shall be*  
22 *transferred to appropriate officials within the Office of Pol-*  
23 *icy.*

1 **SEC. 215. REPORTS ON EMERGENCY COMMUNICATIONS**  
2 **AND INTEROPERABILITY FUNCTIONS.**

3 (a) *REPORT BY SECRETARY.*—Not later than 90 days  
4 after the date of enactment of this Act, the Secretary shall  
5 submit to the Committee on Homeland Security and Gov-  
6 ernmental Affairs of the Senate and the Committee on  
7 Homeland Security of the House of Representatives and the  
8 Government Accountability Office a report reviewing all of-  
9 fices of the Department responsible for emergency commu-  
10 nications and interoperability functions.

11 (b) *REPORT BY GOVERNMENT ACCOUNTABILITY OF-*  
12 *FICE.*—Not later than 90 days after the date on which the  
13 Government Accountability Office receives the report sub-  
14 mitted under subsection (a), the Government Accountability  
15 Office shall—

16 (1) review the report submitted by the Secretary;  
17 and

18 (2) submit to the Committee on Homeland Secu-  
19 rity and Governmental Affairs of the Senate and the  
20 Committee on Homeland Security of the House of  
21 Representatives a report on the potential consolida-  
22 tion or partial consolidation of the emergency com-  
23 munication programs.

24 **SEC. 216. TECHNICAL AND CONFORMING AMENDMENTS.**

25 (a) *HOMELAND SECURITY ACT OF 2002.*—



1           (1) *TITLE I.—Title I of the Homeland Security*  
2 *Act of 2002 (6 U.S.C. 111 et seq.) is amended—*

3           (A) *in section 102(f)(10) (6 U.S.C.*  
4 *112(f)(10)), by striking “the Directorate of Bor-*  
5 *der and Transportation Security” and inserting*  
6 *“Commissioner, Customs and Border Protec-*  
7 *tion”; and*

8           (B) *in section 103(a) (6 U.S.C. 113(a))—*

9           (i) *in paragraph (3), by striking*  
10 *“Under Secretary for Border and Transpor-*  
11 *tation Security” and inserting “Under Sec-*  
12 *retary for Policy”; and*

13           (ii) *in paragraph (5), by striking “the*  
14 *Bureau of” and inserting “U.S.”.*

15           (2) *TITLE IV.—Title IV of the Homeland Secu-*  
16 *rity Act of 2002 (6 U.S.C. 201 et seq.) is amended—*

17           (A) *by amending the title heading to read*  
18 *as follows:*

19           ***“TITLE IV—BORDER AND***  
20 ***TRANSPORTATION SECURITY”;***

21           (B) *in subtitle A, by amending the subtitle*  
22 *heading to read as follows:*

23           ***“Subtitle A—Border and***  
24 ***Transportation Security”;***

25           (C) *by striking section 401 (6 U.S.C. 201);*

1 (D) in section 402 (6 U.S.C. 202)—

2 (i) in the section heading, by striking  
3 **“RESPONSIBILITIES”** by inserting **“BOR-**  
4 **DER AND TRANSPORTATION RESPON-**  
5 **SIBILITIES”**; and

6 (ii) by striking “, acting through the  
7 Under Secretary for Border and Transpor-  
8 tation Security,”;

9 (E) in section 411(a) (6 U.S.C. 211(a)), by  
10 striking “Under Secretary for Border and  
11 Transportation Security” and inserting “Sec-  
12 retary”;

13 (F) in section 424(a) (6 U.S.C. 234(a)), by  
14 striking “Under Secretary for Border Transpor-  
15 tation and Security” and inserting “Secretary”;

16 (G) in section 441 (6 U.S.C. 251)—

17 (i) in the section heading, by striking  
18 **“TO UNDER SECRETARY FOR BORDER**  
19 **AND TRANSPORTATION SECURITY”**;  
20 and

21 (ii) by striking “Under Secretary for  
22 Border and Transportation Security” and  
23 inserting “Secretary”;

24 (H) in section 442 (6 U.S.C. 252)—

1                   (i) by amending the section heading to  
2                   read as follows:

3 **“SEC. 442. UNITED STATES IMMIGRATION AND CUSTOMS**  
4 **ENFORCEMENT.”;**

5                   (ii) in subsection (a)—

6                   (I) in the subsection heading, by  
7                   striking “ESTABLISHMENT OF BU-  
8                   REAU” and inserting “U.S. IMMIGRA-  
9                   TION AND CUSTOMS ENFORCEMENT”;

10                  (II) in paragraph (1), by striking  
11                  “a bureau to be known as the ‘Bureau  
12                  of Border Security.’” and inserting  
13                  “an agency to be known as ‘U.S. Im-  
14                  migration and Customs Enforce-  
15                  ment.’”;

16                  (III) by amending paragraph (2)  
17                  to read as follows:

18                  “(2) ASSISTANT SECRETARY.—The head of U.S.  
19                  Immigration and Customs Enforcement shall be the  
20                  Assistant Secretary of U.S. Immigration and Cust-  
21                  oms Enforcement, who—

22                  “(A) shall also have the title of Director of  
23                  U.S. Immigration and Customs Enforcement;  
24                  and

25                  “(B) shall have a minimum of—

1                   “(i) 5 years of professional experience  
2                   in law enforcement; and

3                   “(ii) 5 years of management experi-  
4                   ence.”;

5                   (IV) in paragraph (3)—

6                   (aa) in the matter preceding  
7                   subparagraph (A), by striking  
8                   “the Bureau of Border Security”  
9                   and inserting “U.S. Immigration  
10                  and Customs Enforcement”;

11                  (bb) in subparagraph (A)—

12                  (AA) by striking  
13                  “Under Secretary for Border  
14                  and Transportation Secu-  
15                  rity” each place such term  
16                  appears and inserting “Sec-  
17                  retary”; and

18                  (BB) by inserting “of  
19                  U.S. Immigration and Cus-  
20                  toms Enforcement” after  
21                  “Assistant Secretary” each  
22                  place such term appears; and

23                  (cc) in subparagraph (C)—

24                  (AA) by striking  
25                  “Under Secretary for Border

1                    *and Transportation Security*  
2                    *Secretary for Policy” and inserting “Under*  
3                    *Secretary for Policy”;*

4                    *(BB) by striking “the*  
5                    *Bureau of Border Security”*  
6                    *and inserting “U.S. Immigra-*  
7                    *tion and Customs En-*  
8                    *forcement”;* *and*

9                    *(CC) by striking “the*  
10                    *Bureau of Citizenship and*  
11                    *Immigration Services” and*  
12                    *inserting “U.S. Citizenship*  
13                    *and Immigration Services”;*

14                    *(V) in paragraph (4)—*

15                    *(aa) by striking “the Bureau*  
16                    *of Border Security” and inserting*  
17                    *“U.S. Immigration and Customs*  
18                    *Enforcement”;* *and*

19                    *(bb) by striking “the Bu-*  
20                    *reau” and inserting “U.S. Immigra-*  
21                    *tion and Customs Enforce-*  
22                    *ment”;* *and*

23                    *(VI) in paragraph (5)(A)—*

24                    *(aa) by striking “the Bureau*  
25                    *of Border Security” and inserting*

1 “U.S. Immigration and Customs  
2 Enforcement”; and

3 (bb) by striking “such bu-  
4 reau” each place such term ap-  
5 pears and inserting “U.S. Immi-  
6 gration and Customs Enforce-  
7 ment”;

8 (iii) in subsection (b)—

9 (I) in paragraph (1), by striking  
10 “the Bureau of Border Security” and  
11 inserting “U.S. Immigration and Cus-  
12 toms Enforcement”; and

13 (II) in paragraph (2)—

14 (aa) in the matter preceding  
15 subparagraph (A), by striking  
16 “Bureau of Border Security” and  
17 inserting “U.S. Immigration and  
18 Customs Enforcement”; and

19 (bb) in subparagraph (B), by  
20 striking “the Bureau of Citizen-  
21 ship and Immigration Services  
22 (established under subtitle E)”  
23 and inserting “U.S. Citizenship  
24 and Immigration Services”; and

25 (iv) in subsection (c)—

1           (I) by striking “the Bureau of  
2           Border Security” each place such term  
3           appears and inserting “U.S. Immigra-  
4           tion and Customs Enforcement”; and

5           (II) by striking “the bureau” and  
6           inserting “U.S. Immigration and Cus-  
7           toms Enforcement”;

8           (I) in section 443 (6 U.S.C. 253)—

9           (i) by striking “The Under Secretary  
10           for Border and Transportation Security”  
11           and inserting “The Secretary”; and

12           (ii) by striking “the Bureau of Border  
13           Security” each place such term appears and  
14           inserting “U.S. Immigration and Customs  
15           Enforcement”;

16           (J) in section 444 (6 U.S.C. 254)—

17           (i) by striking “The Under Secretary  
18           for Border and Transportation Security”  
19           and inserting “The Secretary”;

20           (ii) by striking “pursuant to policies  
21           and procedures applicable to employees of  
22           the Federal Bureau of Investigation,”; and

23           (iii) by striking “the Bureau of Border  
24           Security” and inserting “U.S. Immigration  
25           and Customs Enforcement”;

1                   (K) by striking section 445 (6 U.S.C. 255);

2                   (L) in section 451 (6 U.S.C. 271)—

3                   (i) in the section heading, by striking

4                   “**BUREAU OF**” and inserting “**U.S.**”;

5                   (ii) in subsection (a)—

6                   (I) in the subsection heading, by

7                   striking “OF BUREAU”;

8                   (II) in paragraph (1), by striking

9                   “a bureau to be known as the Bureau

10                  of” and inserting “an agency to be

11                  known as U.S.”;

12                  (III) in paragraph (2)—

13                  (aa) by striking “the Bureau

14                  of Citizenship and Immigration

15                  Services” each place such term

16                  appears and inserting “U.S. Citi-

17                  zenship and Immigration Serv-

18                  ices”; and

19                  (bb) by striking “the Bureau

20                  of Border Security” and inserting

21                  “U.S. Immigration and Customs

22                  Enforcement”;

23                  (IV) in paragraph (3)—

24                  (aa) by striking “the Bureau

25                  of Citizenship and Immigration



1           *Services*” each place such term  
2           appears and inserting “U.S. Citi-  
3           zenship and Immigration Serv-  
4           ices”; and

5                   *(bb) by striking “the Bureau*  
6                   *of Border Security of the Depart-*  
7                   *ment” and inserting “U.S. Immi-*  
8                   *gration and Customs Enforce-*  
9                   *ment”;*

10           *(V) in paragraph (4)(A)—*

11                   *(aa) by striking “the Bureau*  
12                   *of” and inserting “U.S.”; and*

13                   *(bb) by striking “such bu-*  
14                   *reau” each place such term ap-*  
15                   *pears and inserting “U.S. Citi-*  
16                   *zenship and Immigration Serv-*  
17                   *ices”; and*

18                   *(VI) in paragraph (5), by striking*  
19                   *“the Bureau of” and inserting “U.S.”;*

20                   *(iii) in subsection (b), by striking “the*  
21                   *Bureau of” and inserting “U.S.”;*

22                   *(iv) in subsection (c)—*

23                   *(I) by striking “the Bureau of”*  
24                   *each place such term appears and in-*  
25                   *serting “U.S.”; and*

1 (II) in paragraph (2)—

2 (aa) in the matter preceding  
3 subparagraph (A), by striking  
4 “Bureau of” and inserting  
5 “U.S.”; and

6 (bb) in subparagraph (B), by  
7 striking “Border Security of the  
8 Department” and inserting “Im-  
9 migration and Customs Enforce-  
10 ment”;

11 (v) in subsection (d), by striking “the  
12 Bureau of” each place such term appears  
13 and inserting “U.S.”;

14 (vi) in subsection (e), by striking “the  
15 Bureau of” each place such term appears  
16 and inserting “U.S.”; and

17 (vii) in subsection (f), by striking “the  
18 Bureau of” each place such term appears  
19 and inserting “U.S.”;

20 (M) in section 452 (6 U.S.C. 272)—

21 (i) by striking “the Bureau of” each  
22 place such term appears and inserting  
23 “U.S.”; and

1           (ii) in the heading to subsection (f), by  
2 striking “BUREAU OF” and inserting  
3 “U.S.”;

4 (N) in section 453 (6 U.S.C. 273)—

5           (i) by striking “the Bureau of” each  
6 place such term appears and inserting  
7 “U.S.”; and

8           (ii) in subsection (a)(2), by striking  
9 “such bureau” and inserting “U.S. Citizen-  
10 ship and Immigration Services”;

11 (O) in section 454 (6 U.S.C. 274)—

12           (i) by striking “the Bureau of” each  
13 place such term appears and inserting  
14 “U.S.”; and

15           (ii) by striking “pursuant to policies  
16 and procedures applicable to employees of  
17 the Federal Bureau of Investigation,”;

18 (P) by striking section 455 (6 U.S.C. 271  
19 note);

20 (Q) by redesignating section 456 (6 U.S.C.  
21 275) as section 455;

22 (R) in section 455, as redesignated—

23           (i) by striking “the Bureau of” each  
24 place such term appears and inserting  
25 “U.S.”; and

1           (ii) by striking “the effective date spec-  
2           ified in section 455” each place such term  
3           appears and inserting “the date on which  
4           the functions specified under section 441  
5           were transferred”;

6           (S) by striking sections 459 and 460 (6  
7           U.S.C. 276 and 277);

8           (T) by redesignating sections 461 and 462  
9           as sections 456 and 457, respectively;

10          (U) by striking section 471 (6 U.S.C. 291);

11          (V) in section 472 (6 U.S.C. 292)—

12           (i) in subsection (a)(2)—

13               (I) in subparagraph (B), by strik-  
14               ing “the Bureau of Border Security of  
15               the Department of Homeland Secu-  
16               rity” and inserting “U.S. Immigration  
17               and Customs Enforcement”; and

18               (II) in subparagraph (C), by  
19               striking “the Bureau of Citizenship  
20               and Immigration Services of the De-  
21               partment of Homeland Security” and  
22               inserting “U.S. Citizenship and Immi-  
23               gration Services”; and

1           (ii) in subsection (e), by striking “or  
2           the Under Secretary for Border and Trans-  
3           portation Security”;

4           (W) in section 474 (6 U.S.C. 294), by strik-  
5           ing “the Bureau of Border Security and the Bu-  
6           reau of” and inserting “U.S. Immigration and  
7           Customs Enforcement and U.S.”;

8           (X) in section 475(b) (6 U.S.C. 295(b)), by  
9           striking “the Bureau of Border Security and the  
10          Bureau of” and inserting “U.S. Immigration  
11          and Customs Enforcement and U.S.”;

12          (Y) in section 476 (6 U.S.C. 296), by strik-  
13          ing “the Bureau of Citizenship and Immigration  
14          Services and the Bureau of Border Security”  
15          each place it appears and inserting “U.S. Citi-  
16          zenship and Immigration Services and U.S. Im-  
17          migration and Customs Enforcement”; and

18          (Z) in section 477 (6 U.S.C. 297)—

19               (i) by striking “the Bureau of Citizen-  
20               ship and Immigration Services and the Bu-  
21               reau of Border Security” each place it ap-  
22               pears and inserting “U.S. Citizenship and  
23               Immigration Services and U.S. Immigra-  
24               tion and Customs Enforcement”; and

25               (ii) by striking subsections (c) and (d).

1           (3) *TITLE VII.—Section 701(b)(1)(A) of the*  
 2           *Homeland Security Act of 2002 (6 U.S.C.*  
 3           *341(b)(1)(A)) is amended by striking “the Bureau of*  
 4           *Border Security and the Bureau of Citizenship and*  
 5           *Immigration Services” and inserting “U.S. Immigra-*  
 6           *tion and Customs Enforcement and U.S. Citizenship*  
 7           *and Immigration Services”.*

8           (4) *TABLE OF CONTENTS.—The table of contents*  
 9           *in section 1(b) of the Homeland Security Act of 2002*  
 10          *(6 U.S.C. 101 et seq.) is amended—*

11                   (A) *by striking the item relating to title IV*  
 12                   *and inserting the following:*

                  “*TITLE IV—BORDER AND TRANSPORTATION SECURITY*”;

13                   (B) *by striking the item relating to subtitle*  
 14                   *A of title IV and inserting the following:*

                  “*Subtitle A—Border and Transportation Security*”;

15                   (C) *by striking the items relating to sections*  
 16                   *401, 445, 455, 459, 460, and 471;*

17                   (D) *by striking the items relating to section*  
 18                   *441 and 442 and inserting the following:*

                  “*441. Transfer of functions.*

                  “*442. United States Immigration and Customs Enforcement.*”; and

19                   (E) *by striking the items relating to sections*  
 20                   *456, 461, and 462 and inserting the following:*

                  “*455. Transition.*

                  “*456. Application of internet-based technologies.*

                  “*457. Children’s affairs.*”.

21           (5) *OTHER LAWS.—*

1           (A) *VULNERABILITY AND THREAT ASSESS-*  
2           *MENT.*—Section 301 of the *REAL ID Act of*  
3           *2005 (8 U.S.C. 1778) is amended—*

4           *(i) in subsection (a)—*

5           *(I) in the first sentence, by strik-*  
6           *ing “Under Secretary of Homeland Se-*  
7           *curity for Border and Transportation*  
8           *Security” and inserting “Secretary of*  
9           *Homeland Security”; and*

10          *(II) in the second sentence, by*  
11          *striking “Under”;*

12          *(ii) in subsection (b)—*

13          *(I) by striking “Under”; and*

14          *(II) by striking “Under Sec-*  
15          *retary’s findings and conclusions” and*  
16          *inserting “Secretary’s findings and*  
17          *conclusions”; and*

18          *(iii) in subsection (c), by striking “Di-*  
19          *rectorate of Border and Transportation Se-*  
20          *curity”.*

21          (B) *AIR CHARTER PROGRAM.*—Section  
22          *44903(l)(1) of title 49, United States Code, is*  
23          *amended by striking “Under Secretary for Bor-*  
24          *der and Transportation Security of the Depart-*  
25          *ment of” and inserting “Secretary of”.*

1           (C) *BASIC SECURITY TRAINING.*—Section  
2           44918(a)(2)(E) of title 49, United States Code, is  
3           amended by striking “Under Secretary for Bor-  
4           der and Transportation Security of the Depart-  
5           ment of” and inserting “Secretary of”.

6           (D) *AIRPORT SECURITY IMPROVEMENT*  
7           *PROJECTS.*—Section 44923 of title 49, United  
8           States Code, is amended—

9           (i) in subsection (a), in the matter pre-  
10          ceding paragraph (1), by striking “Under  
11          Secretary for Border and Transportation  
12          Security of the Department of” and insert-  
13          ing “Secretary of”;

14          (ii) by striking “Under Secretary”  
15          each place it appears and inserting “Sec-  
16          retary of Homeland Security”; and

17          (iii) in subsection (d)(3), in the para-  
18          graph heading, by striking “UNDER”.

19          (E) *REPAIR STATION SECURITY.*—Section  
20          44924 of title 49, United States Code, is amend-  
21          ed—

22          (i) in subsection (a), by striking  
23          “Under Secretary for Border and Transpor-  
24          tation Security of the Department of” and  
25          inserting “Secretary of”; and



1                   (ii) by striking “Under Secretary”  
 2                   each place it appears and inserting “Sec-  
 3                   retary of Homeland Security”.

4                   (F) CERTIFICATE ACTIONS IN RESPONSE TO  
 5                   A SECURITY THREAT.—Section 46111 of title 49,  
 6                   United States Code, is amended—

7                   (i) in subsection (a), by striking  
 8                   “Under Secretary for Border and Transpor-  
 9                   tation Security of the Department of” and  
 10                   inserting “Secretary of”; and

11                   (ii) by striking “Under Secretary”  
 12                   each place it appears and inserting “Sec-  
 13                   retary of Homeland Security”.

14                   (b) CLERICAL AMENDMENT.—The table of contents in  
 15                   section 1(b) of such Act (6 U.S.C. 101(b)), as amended by  
 16                   section 310(b), is further amended by inserting after the  
 17                   item relating to section 837 the following new item:

“Sec. 838. Transparency and innovation in acquisition.”.

18                   **TITLE III—INFRASTRUCTURE**  
 19                   **PROTECTION AND RESILIENCE**

20                   **SEC. 301. INFRASTRUCTURE PROTECTION AND RESILIENCE**

21                   **DIRECTORATE.**

22                   (a) IN GENERAL.—The Homeland Security Act of  
 23                   2002 (6 U.S.C. 101 et seq.) is amended—

24                   (1) in section 103(a)(8) (6 U.S.C. 113), by strik-  
 25                   ing “Secretary” and all that follows and inserting

1       “Secretary for Infrastructure Protection and Resil-  
2       ience.”; and

3               (2) in section 201 (6 U.S.C. 121)—

4                       (A) in the section heading, by striking “**IN-**  
5                       **FORMATION**” and all that follows and inserting  
6                       “**INTELLIGENCE AND ANALYSIS**”;

7                       (B) in subsection (a)—

8                               (i) in the subsection heading, by strik-  
9                               ing “**AND INFRASTRUCTURE PROTECTION**”;  
10                              and

11                             (ii) by striking “and an Office of In-  
12                             frastructure Protection”;

13                       (C) in subsection (b)—

14                               (i) in the subsection heading, by strik-  
15                               ing “**AND ASSISTANT SECRETARY FOR IN-**  
16                               **FRASTRUCTURE PROTECTION**”; and

17                             (ii) by striking paragraph (3);

18                       (D) in subsection (c)—

19                               (i) by striking “and infrastructure  
20                               protection”; and

21                             (ii) by striking “or the Assistant Sec-  
22                             retary for Infrastructure Protection, as ap-  
23                             propriate”;

24                       (E) in subsection (d)—

1                   (i) *in the subsection heading, by strik-*  
2                   ing “AND INFRASTRUCTURE PROTECTION”;

3                   (ii) *in the matter preceding paragraph*  
4                   (1), *by striking “and infrastructure protec-*  
5                   tion”;

6                   (iii) *by striking paragraphs (2), (5),*  
7                   (6), *and (25);*

8                   (iv) *in paragraph (3), in the matter*  
9                   *preceding subparagraph (A), by inserting “,*  
10                  *in coordination with the Office of Infra-*  
11                  *structure Protection,” after “To integrate”;*

12                  (v) *by redesignating paragraphs (3)*  
13                  *and (4) as paragraphs (2) and (3), respec-*  
14                  *tively; and*

15                  (vi) *by redesignating paragraphs (7)*  
16                  *through (24) as paragraphs (4) through*  
17                  (21), *respectively; and*

18                  (F) *in subsection (g), in the matter pre-*  
19                  ceding paragraph (1), *by striking “under this*  
20                  section”.

21                  (b) *INFRASTRUCTURE PROTECTION AND RESILIENCE*

22                  *DIRECTORATE.—*

23                  (1) *IN GENERAL.—Title II of the Homeland Se-*  
24                  *curity Act of 2002 (6 U.S.C. 121 et seq.) is amended*  
25                  *by adding at the end the following:*

1 **“Subtitle E—Infrastructure Protec-**  
2 **tion and Resilience Directorate**

3 **“SEC. 241. INFRASTRUCTURE PROTECTION AND RESIL-**  
4 **IENCE DIRECTORATE.**

5 *“(a) IN GENERAL.—There is established in the Depart-*  
6 *ment, an Infrastructure Protection and Resilience Direc-*  
7 *torate.*

8 *“(b) UNDER SECRETARY FOR INFRASTRUCTURE PRO-*  
9 *TECTION AND RESILIENCE.—The Infrastructure Protection*  
10 *and Resilience Directorate shall be headed by the Under*  
11 *Secretary for Infrastructure Protection and Resilience.*

12 *“(c) RESPONSIBILITIES.—The Under Secretary for In-*  
13 *frastructure Protection and Resilience shall—*

14 *“(1) coordinate critical infrastructure protection*  
15 *and resiliency activities within the Department;*

16 *“(2) ensure Federal facilities protected by the*  
17 *Federal Protective Service are rendered safe and se-*  
18 *ecure for Federal employees, contract employees, offi-*  
19 *cers, and visitors; and*

20 *“(3) perform such other duties as the Secretary*  
21 *may prescribe.*

22 *“(d) OFFICE OF INFRASTRUCTURE PROTECTION.—*

23 *“(1) IN GENERAL.—There is established in the*  
24 *Infrastructure Protection and Resilience Directorate*  
25 *an Office of Infrastructure Protection.*

1           “(2) *ASSISTANT SECRETARY FOR INFRASTRUC-*  
2           *TURE PROTECTION.—The Office of Infrastructure Pro-*  
3           *tection shall be headed by the Assistant Secretary for*  
4           *Infrastructure Protection, who shall be appointed by*  
5           *the President.*

6           “(3) *RESPONSIBILITIES.—The Assistant Sec-*  
7           *retary for Infrastructure Protection shall—*

8                   “(A) *promote, prioritize, coordinate, and*  
9                   *plan for the protection, security, resiliency, and*  
10                  *postdisaster restoration of critical infrastructure*  
11                  *and key resources of the United States against or*  
12                  *in the event of an act of terrorism, natural dis-*  
13                  *aster, or other manmade disaster, in coordina-*  
14                  *tion with other agencies of the Federal Govern-*  
15                  *ment and in cooperation with State and local*  
16                  *government agencies and authorities, the private*  
17                  *sector, and other entities;*

18                   “(B) *carry out comprehensive assessments of*  
19                   *the vulnerabilities of the key resources and crit-*  
20                   *ical infrastructure of the United States, includ-*  
21                   *ing the performance of risk assessments to deter-*  
22                   *mine the risks posed by particular types of ter-*  
23                   *rorist attacks within the United States (includ-*  
24                   *ing an assessment of the probability of success of*

1           *the attacks and the feasibility and potential effi-*  
2           *cacy of various countermeasures to the attacks);*

3           “(C) integrate, in coordination with the Of-  
4           *fice of Intelligence and Analysis, relevant infor-*  
5           *mation, analyses, and vulnerability assessments*  
6           *of critical infrastructure and key resources of the*  
7           *United States (whether such information, anal-*  
8           *yses, or assessments are provided or produced by*  
9           *the Department or others) in order to identify*  
10          *priorities for protective and support measures by*  
11          *the Department, other agencies of the Federal*  
12          *Government, State, and local government agen-*  
13          *cies;*

14          “(D) develop a comprehensive national plan  
15          *for securing the key resources and critical infra-*  
16          *structure of the United States, including power*  
17          *production, generation, and distribution systems,*  
18          *information technology, and telecommunications*  
19          *systems (including satellites), electronic financial*  
20          *and property record storage and transmission*  
21          *systems, emergency preparedness communica-*  
22          *tions systems, and the physical and technological*  
23          *assets that support such systems;*

24          “(E) recommend measures necessary to pro-  
25          *tect the key resources and critical infrastructure*

1           *of the United States in coordination with other*  
2           *agencies of the Federal Government and in co-*  
3           *operation with State and local government agen-*  
4           *cies and authorities, the private sector, and other*  
5           *entities;*

6           “(F) *for each sector identified in the Na-*  
7           *tional Infrastructure Protection Plan, prepare*  
8           *and submit to the Committee on Homeland Se-*  
9           *curity and Governmental Affairs of the Senate*  
10           *and the Committee on Homeland Security of the*  
11           *House of Representatives, and to other appro-*  
12           *priate congressional committees having jurisdic-*  
13           *tion over the critical infrastructure or key re-*  
14           *sources, a report on the comprehensive assess-*  
15           *ments carried out by the Secretary of the critical*  
16           *infrastructure and key resources of the United*  
17           *States, evaluating threat, vulnerability, and con-*  
18           *sequence, as required under this subsection,*  
19           *which—*

20           “(i) *shall contain, if applicable, ac-*  
21           *tions or countermeasures recommended or*  
22           *taken by the Secretary or the head of an-*  
23           *other Federal agency to address issues iden-*  
24           *tified in the assessments; and*

1                   “(ii) shall be submitted not later than  
2                   the start of the third fiscal year beginning  
3                   after the date of enactment of this subtitle,  
4                   and every 4 years thereafter;

5                   “(G) coordinate the identification and miti-  
6                   gation of risks associated with assets and systems  
7                   located outside the United States, which, if dis-  
8                   rupted or destroyed, would critically affect the  
9                   public health and safety, economy, or national  
10                  security of the United States; and

11                  “(H) perform such other duties as the Sec-  
12                  retary may prescribe.”.

13                  (2) *CONTINUATION IN OFFICE.*—The individual  
14                  serving as Under Secretary for National Protection  
15                  and Programs on the day before the date of enactment  
16                  of this Act, may serve as the Under Secretary for In-  
17                  frastructure Protection and Resilience until the date  
18                  on which an appointment to the position of Under  
19                  Secretary for Infrastructure Protection and Resilience  
20                  is made under section 103(a)(8) of the Homeland Se-  
21                  curity Act of 2002, as amended by this Act.

22                  (3) *TECHNICAL AND CONFORMING AMEND-*  
23                  *MENT.*—The table of contents in section 1(b) of the  
24                  Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)



1        *is amended by inserting after the item relating to sec-*  
 2        *tion 235 the following:*

      “*Subtitle E—Infrastructure Protection and Resilience Directorate*  
 “*Sec. 241. Infrastructure Protection and Resilience Directorate.*”.

3    **SEC. 302. FEDERAL PROTECTIVE SERVICE.**

4        *(a) IN GENERAL.—Title II of the Homeland Security*  
 5        *Act of 2002 (6 U.S.C. 121 et seq.), as amended by section*  
 6        *301, is amended by adding at the end the following:*

7        **“Subtitle F—Federal Protective**  
 8        **Service**

9        **“SEC. 251. FEDERAL PROTECTIVE SERVICE.**

10        *“(a) ESTABLISHMENT.—There is established within*  
 11        *the Department the Federal Protective Service, which shall*  
 12        *be headed by a Director, who shall report to the Under Sec-*  
 13        *retary for Infrastructure Protection and Resilience.*

14        *“(b) ASSESSMENT AND COLLECTION OF FEES.—The*  
 15        *Secretary may assess and collect fees and security charges*  
 16        *for the costs of providing protective service.*

17        *“(c) DEPOSIT OF FEES.—Any fees or security charges*  
 18        *paid under this section shall be deposited in the appropria-*  
 19        *tions account under the heading ‘FEDERAL PROTECTIVE*  
 20        *SERVICE’ under the heading ‘NATIONAL PROTECTION AND*  
 21        *PROGRAMS DIRECTORATE’ of the Department.*

22        *“(d) ADJUSTMENT OF FEES.—The Director of the Of-*  
 23        *fice of Management and Budget shall adjust fees as nec-*  
 24        *essary to carry out this section.”.*

1       (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
 2 *table of contents in section 1(b) of the Homeland Security*  
 3 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
 4 *after the item relating to section 241, as added by section*  
 5 *301 the following:*

*“Subtitle F—Federal Protective Service*

*“Sec. 251. Federal Protective Service.”.*

6       ***TITLE IV—PREPAREDNESS,***  
 7       ***RESPONSE, AND RECOVERY***

8       ***SEC. 401. CATASTROPHIC INCIDENT PLANNING.***

9       (a) *DEFINITIONS.*—*Section 602 of the Post-Katrina*  
 10 *Emergency Management Act of 2006 (6 U.S.C. 701) is*  
 11 *amended—*

12               (1) *by redesignating paragraphs (5) through (16)*  
 13 *as paragraphs (6) through (17), respectively; and*

14               (2) *by inserting after paragraph (4) the fol-*  
 15 *lowing:*

16                       *“(5) the term ‘critical infrastructure’ has the*  
 17 *meaning given that term in section 1016(e) of the*  
 18 *USA PATRIOT Act (42 U.S.C. 5195c(e));”.*

19       (b) *IN GENERAL.*—*Section 653 of the Post-Katrina*  
 20 *Emergency Management Act of 2006 (6 U.S.C. 753) is*  
 21 *amended—*

22               (1) *by redesignating subsections (b), (c), (d), and*  
 23 *(e), as subsections (e), (f), (g), and (h), respectively;*

1           (2) by redesignating subsection (a) as subsection  
2           (c);

3           (3) by inserting before subsection (c), as redesign-  
4           nated, the following:

5           “(a) *DEFINITION.*—*In this section, the term ‘cata-*  
6           *strophic incident planning’ means planning to prevent,*  
7           *prepare for, protect against, respond to, and recover from*  
8           *a catastrophic incident.*

9           “(b) *PLANNING.*—*In support of the national prepared-*  
10           *ness system, the President shall ensure that there are com-*  
11           *prehensive plans to prevent, prepare for, protect against,*  
12           *respond to, and recover from natural disasters, acts of ter-*  
13           *rorism, and other man-made disasters, including cata-*  
14           *strophic incidents, throughout the Federal Government.”;*

15           (4) in subsection (c), as redesignated—

16                   (A) by redesignating paragraphs (4) and  
17                   (5) as paragraphs (5) and (6);

18                   (B) by inserting after paragraph (3), the  
19                   following:

20                   “(4) *conducts catastrophic incident planning as*  
21                   *required under subsection (d)(2);”; and*

22                   (C) in paragraph (5), as redesignated, by  
23                   inserting “, including for catastrophic inci-  
24                   dents,” after “operational plans”;

1           (5) by inserting after subsection (c), as redesignated, the following:

2           “(d) *CATASTROPHIC INCIDENT PLANNING.*—In carrying out subsections (b) and (c), the President shall—

3           “(1) identify and prioritize risks of catastrophic incidents, including risks across all critical infrastructure sectors;

4           “(2) ensure that Federal agencies coordinate to conduct comprehensive and effective catastrophic incident planning to address prioritized catastrophic risks; and

5           “(3) review plans for catastrophic incidents developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—

6           “(A) the assumptions underlying plans for catastrophic incidents are realistic;

7           “(B) the resources identified to implement the plans are adequate for catastrophic incidents, including whether the number, skills, and training of the available workforce is sufficient to implement the plans; and

8           “(C) plans for catastrophic incidents reflect coordination with governmental and nongovernmental entities that would play a significant

1           *role in the response to the catastrophic inci-*  
2           *dent.”;*

3           *(6) in subsection (e), as redesignated, by striking*  
4           *“subsection (a)(4)” and inserting “subsection (c)(5)”;*  
5           *and*

6           *(7) in subsection (g), as redesignated, in the*  
7           *matter preceding paragraph (1), by striking “sub-*  
8           *sections (a) and (b)” and inserting “subsections (c)*  
9           *and (e).”.*

10          *(c) HOMELAND SECURITY ACT.—Title V of the Home-*  
11          *land Security Act of 2002 (6 U.S.C. 311 et seq.) is amended*  
12          *by adding at the end the following:*

13          **“SEC. 526. CATASTROPHIC INCIDENT PLANNING.**

14            *“(a) DEFINITION.—In this section, the term ‘cata-*  
15            *strophic incident planning’ means planning to prevent,*  
16            *prepare for, protect against, respond to, and recover from*  
17            *a catastrophic incident.*

18            *“(b) DIRECTOR.—The Secretary shall appoint a senior*  
19            *official within the Agency who shall be responsible for cata-*  
20            *strophic incident planning, including—*

21                    *“(1) assisting the President and the heads of*  
22                    *Federal agencies in identifying risks of catastrophic*  
23                    *incidents for which planning is likely to be most*  
24                    *needed or beneficial, including risks across all critical*  
25                    *infrastructure sectors;*

1           “(2) leading the efforts of the Department to con-  
2           duct catastrophic incident planning to address risks  
3           in the areas of responsibility of the Department;

4           “(3) leading, promoting, and coordinating efforts  
5           of Federal agencies to conduct catastrophic incident  
6           planning to address risks, including by assisting in  
7           the assessing and reviewing of plans of Federal agen-  
8           cies for catastrophic incidents and plans of private  
9           sector entities for catastrophic incidents submitted to  
10          the Federal agencies;

11          “(4) developing communications plans and  
12          prescripted messages and message templates in ac-  
13          cordance with section 530;

14          “(5) providing assistance to State, local, and  
15          tribal governments in developing plans for cata-  
16          strophic incidents;

17          “(6) promoting and supporting appropriate cat-  
18          astrophic incident planning by private sector entities,  
19          including private sector entities that own or manage  
20          critical infrastructure; and

21          “(7) otherwise assisting in the implementation of  
22          section 653 of the Post-Katrina Emergency Manage-  
23          ment Reform Act of 2006 (6 U.S.C. 753).”.

24          (d) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
25          table of contents in section 1(b) of the Homeland Security

1 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
 2 *after the item relating to section 525 the following:*

*“Sec. 526. Catastrophic incident planning.”.*

3 **SEC. 402. PREPAREDNESS OF INDIVIDUALS AND COMMU-**  
 4 **NITIES.**

5 *(a) IN GENERAL.—Title V of the Homeland Security*  
 6 *Act of 2002 (6 U.S.C. 311 et seq.), as amended by section*  
 7 *401, is amended by adding at the end the following:*

8 **“SEC. 527. PREPAREDNESS OF INDIVIDUALS AND COMMU-**  
 9 **NITIES.**

10 *“(a) IN GENERAL.—The Administrator shall enhance*  
 11 *and promote the preparedness of individuals and commu-*  
 12 *nities for natural disasters, acts of terrorism, and other*  
 13 *man-made disasters and coordinate with State, local, and*  
 14 *tribal governments and private sector and nongovernmental*  
 15 *organizations in these efforts.*

16 *“(b) LEAD OFFICIAL.—The Administrator shall ap-*  
 17 *point a senior official within the Department to coordinate*  
 18 *and oversee the activities of the Agency to enhance and pro-*  
 19 *mote the preparedness of individuals and communities for*  
 20 *natural disasters, acts of terrorism, and other man-made*  
 21 *disasters.”.*

22 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*  
 23 *table of contents in section 1(b) of the Homeland Security*  
 24 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*

1 *after the item relating to section 526, as added by section*  
 2 *401, the following:*

*“Sec. 527. Preparedness of individuals and communities.”.*

3 **SEC. 403. FEDERAL RESPONSE AND RECOVERY PREPARED-**  
 4 **NESS OFFICIALS.**

5 *(a) IN GENERAL.—Title V of the Homeland Security*  
 6 *Act of 2002 (6 U.S.C. 311 et seq.) is amended—*

7 *(1) in section 501 (6 U.S.C. 311)—*

8 *(A) in paragraph (8), by striking “section*  
 9 *502(a)(6)” and inserting “section 504(a)(6)”;*

10 *(B) by redesignating paragraphs (9)*  
 11 *through (14) as paragraphs (10) through (15),*  
 12 *respectively; and*

13 *(C) by inserting after paragraph (8) the fol-*  
 14 *lowing:*

15 *“(9) the term ‘recovery’ means the short- and*  
 16 *long-term process of restoring, reshaping, and enhanc-*  
 17 *ing the resiliency of the physical, social, economic,*  
 18 *and natural environments, government institutions,*  
 19 *and the lives of affected individuals.”; and*

20 *(2) by adding after section 527, as added by sec-*  
 21 *tion 402 of this Act, the following:*

22 **“SEC. 528. FEDERAL RESPONSE AND RECOVERY PREPARED-**  
 23 **NESS OFFICIALS.**

24 *“(a) IN GENERAL.—The Administrator shall ensure*  
 25 *the preparedness of Federal agencies to respond to and sup-*



1 *port recovery from a natural disaster, act of terrorism, or*  
2 *other man-made disaster by—*

3           “(1) *ensuring the development of and prepared-*  
4 *ness of the Agency to implement the National Re-*  
5 *sponse Framework and the National Disaster Recov-*  
6 *ery Framework;*

7           “(2) *ensuring Federal agencies with responsibil-*  
8 *ities under the National Response Framework and the*  
9 *National Disaster Recovery Framework are prepared*  
10 *to fulfill those responsibilities, including having ap-*  
11 *propriate staffing and training; and*

12           “(3) *unless a major disaster is a catastrophic in-*  
13 *cident relating to which the President has established*  
14 *a Commission under section 327 of the Robert T.*  
15 *Stafford Disaster Relief and Emergency Assistance*  
16 *Act, resolving disagreements relating to response to*  
17 *and recovery from major disasters between Federal*  
18 *agencies with responsibilities under the National Dis-*  
19 *aster Recovery Framework, including disagreements*  
20 *relating to a particular major disaster and disagree-*  
21 *ments that arise before a major disaster is declared.*

22           “(b) *DISASTER RESPONSE AND RECOVERY OFFI-*  
23 *CIALS.—The head of each Federal agency with major re-*  
24 *sponsibilities under the National Response Framework or*

1 *the National Disaster Recovery Framework, as determined*  
 2 *by the Administrator, shall designate a senior official to—*

3           “(1) *ensure the Federal agency is prepared to*  
 4 *execute its response and recovery responsibilities*  
 5 *under such plans; and*

6           “(2) *coordinate disaster response and recovery ef-*  
 7 *forts and activities with the Administrator.*”.

8           **(b) TECHNICAL AND CONFORMING AMENDMENT.**—*The*  
 9 *table of contents in section 1(b) of the Homeland Security*  
 10 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
 11 *after the item relating to section 527, as added by section*  
 12 *402, the following:*

          “*Sec. 528. Federal response and recovery preparedness officials.*”.

13 **SEC. 404. RECOVERY.**

14           **(a) DEFINITION OF MAJOR DISASTER.**—*Section 102 of*  
 15 *the Robert T. Stafford Disaster Relief and Emergency As-*  
 16 *sistance Act (42 U.S.C. 5122) is amended by striking para-*  
 17 *graph (2) and inserting the following:*

18           “(2) **MAJOR DISASTER.**—*The term ‘major dis-*  
 19 *aster’ means any natural disaster (including a pan-*  
 20 *demic), act of terrorism, or other man-made disaster,*  
 21 *in any part of the United States, which in the deter-*  
 22 *mination of the President causes damage of sufficient*  
 23 *severity and magnitude to warrant major disaster as-*  
 24 *sistance under this Act to supplement the efforts and*  
 25 *available resources of States, local governments, and*

1        *disaster relief organizations in alleviating the dam-*  
2        *age, loss, hardship, or suffering caused thereby.”.*

3        (b) *OTHER DEFINITIONS.*—Section 102 of the Robert  
4 *T. Stafford Disaster Relief and Emergency Assistance Act*  
5 *(42 U.S.C. 5122) is amended by adding at the end the fol-*  
6 *lowing:*

7                “(11) *RECOVERY.*—The term ‘recovery’ has the  
8                meaning given that term in section 501 of the *Home-*  
9                *land Security Act of 2002 (6 U.S.C. 311).*

10                “(12) *NATIONAL DISASTER RECOVERY FRAME-*  
11                *WORK.*—The term ‘National Disaster Recovery  
12                *Framework’ means the National Disaster Recovery*  
13                *Framework developed under section 655 of the Post-*  
14                *Katrina Emergency Management Reform Act of 2006.*

15                “(13) *CATASTROPHIC INCIDENT.*—The term ‘cat-  
16                *astrophic incident’ has the meaning given that term*  
17                *in section 501 of the Homeland Security Act of 2002*  
18                *(6 U.S.C. 311).”.*

19        (c) *RECOVERY EFFORTS.*—Section 402 of the Robert  
20 *T. Stafford Disaster Relief and Emergency Assistance Act*  
21 *(42 U.S.C. 5170a) is amended—*

22                (1) *in paragraph (3)—*

23                        (A) *in subparagraph (D), by inserting*  
24                        “and” after “measures;”;

1           (B) in subparagraph (E), by striking “and”  
2           at the end; and

3           (C) by striking subparagraph (F);

4           (2) in paragraph (4), by striking “and” at the  
5           end;

6           (3) in paragraph (5)(B), by striking the period  
7           at the end and inserting “; and”; and

8           (4) by adding at the end the following:

9           “(6) assist State and local governments to re-  
10          cover from a major disaster and coordinate Federal  
11          assistance for recovery from the major disaster by—

12               “(A) identifying and coordinating Federal  
13               resources, programs, and agencies to support the  
14               implementation of recovery and mitigation ef-  
15               forts of State and local governments;

16               “(B) providing technical and other advice  
17               to State and local governments to manage, con-  
18               trol, and mitigate hazards and risk to reduce  
19               damages from a subsequent major disaster;

20               “(C) in the case of a catastrophic incident,  
21               establishing a Commission under section 327;  
22               and

23               “(D) providing financial and technical as-  
24               sistance and advice to State and local govern-  
25               ments affected by a major disaster to—

1                   “(i) assess the effects of the major dis-  
2                   aster;

3                   “(ii) support coordinated and com-  
4                   prehensive recovery planning; and

5                   “(iii) support and facilitate implemen-  
6                   tation of recovery plans and actions.”.

7           (d) *RECOVERY FROM A CATASTROPHIC INCIDENT.*—  
8 *Title III of the Robert T. Stafford Disaster Relief and*  
9 *Emergency Assistance Act (42 U.S.C. 5141 et seq.) is*  
10 *amended by adding at the end the following:*

11 **“SEC. 327. CATASTROPHIC INCIDENT RECOVERY COMMIS-**  
12 **SIONS.**

13           “(a) *DEFINITIONS.*—*In this section—*

14                   “(1) the term ‘Administrator’ means the Admin-  
15                   istrator of the Federal Emergency Management Agen-  
16                   cy;

17                   “(2) the term ‘Chairperson’ means the Chair-  
18                   person of a Commission selected under subsection  
19                   (b)(2); and

20                   “(3) the term ‘Commission’ means a commission  
21                   established under subsection (b)(1).

22           “(b) *COMMISSION ESTABLISHMENT.*—

23                   “(1) *IN GENERAL.*—*Immediately following a cat-*  
24 *astrophic incident, the President may establish a*  
25 *commission to facilitate and support States and local*

1 *governments in achieving an efficient, effective, and*  
2 *expeditious recovery from the catastrophic incident.*

3 “(2) *CHAIRPERSON.*—*The President shall select*  
4 *an official to serve as the Chairperson of each Com-*  
5 *mission to ensure the responsibilities of the Commis-*  
6 *sion are fulfilled. The Chairperson shall have the au-*  
7 *thority to direct any Federal agency to use the au-*  
8 *thorities and resources granted to the Federal agency*  
9 *under Federal law in support of the efficient, effective,*  
10 *and expeditious recovery from the catastrophic inci-*  
11 *dent.*

12 “(3) *MEMBERS OF COMMISSIONS.*—*Each Com-*  
13 *mission shall include as a member the Administrator,*  
14 *the head of each Federal agency with major respon-*  
15 *sibilities under the National Disaster Recovery*  
16 *Framework, and the head of any other Federal agency*  
17 *that the President determines necessary.*

18 “(4) *STAFFING.*—*The Administrator and the*  
19 *head of each Federal agency with responsibilities*  
20 *under the National Disaster Recovery Framework*  
21 *shall each detail to each Commission a sufficient*  
22 *number of senior officials with decisionmaking au-*  
23 *thority and staff who shall serve full-time on the*  
24 *Commission to ensure efficient administration of the*  
25 *assistance provided by the Federal Government.*

1       “(c) *RESPONSIBILITIES OF A COMMISSION.*—A Com-  
2 *mission shall—*

3           “(1) *develop and implement a strategic plan*  
4 *under subsection (d) for the recovery from the cata-*  
5 *strophic incident and to mitigate against the effects*  
6 *of and foster resilience against subsequent disasters;*

7           “(2) *coordinate the activities of Federal agencies*  
8 *represented by the members of the Commission and*  
9 *other Federal agencies that the President determines*  
10 *necessary and resolve disagreements relating to recov-*  
11 *ery from the catastrophic incident between or among*  
12 *Federal agencies;*

13           “(3) *compile data relating to the recovery from*  
14 *the catastrophic incident, including on the Federal*  
15 *assistance provided and the status of meeting recovery*  
16 *goals;*

17           “(4) *identify Federal regulations, policies, and*  
18 *procedures that need to be streamlined and coordi-*  
19 *nated to enable an efficient, expeditious, and effective*  
20 *recovery from the catastrophic incident;*

21           “(5) *identify and facilitate the provision of Fed-*  
22 *eral funds to address gaps in the recovery from the*  
23 *catastrophic incident;*

24           “(6) *coordinate with State and local governments*  
25 *on the recovery from the catastrophic incident; and*

1           “(7) *take actions to prevent waste, fraud, and*  
2 *abuse in the recovery from the catastrophic incident.*

3           “(d) *STRATEGIC RECOVERY PLAN.—*

4           “(1) *IN GENERAL.—Not later than 90 days after*  
5 *the date of a catastrophic incident, the Commission*  
6 *established for the catastrophic incident shall submit*  
7 *to the Committee on Homeland Security and Govern-*  
8 *mental Affairs of the Senate and the Committee on*  
9 *Transportation and Infrastructure of the House of*  
10 *Representatives a strategic recovery plan for how the*  
11 *Federal Government will expeditiously assist State*  
12 *and local governments in the recovery of the area af-*  
13 *ected by the catastrophic incident.*

14           “(2) *CONTENTS.—Each strategic plan submitted*  
15 *under paragraph (1) shall be written in coordination*  
16 *with State and local governments affected by the cata-*  
17 *strophic incident and shall include—*

18           “(A) *an assessment of challenges and needs*  
19 *faced in the recovery from the catastrophic inci-*  
20 *dent;*

21           “(B) *a description of how each Federal*  
22 *agency will support State and local governments*  
23 *in the recovery efforts, including technical, fi-*  
24 *nancial, and planning assistance, and the roles*



1           *and responsibilities of each Federal agency in*  
2           *fulfilling the strategic plan;*

3           “(C) *a description of how each Federal*  
4           *agency on the Commission will administer and*  
5           *provide staffing to assist in the recovery from the*  
6           *catastrophic incident;*

7           “(D) *a description of any procedures of a*  
8           *Federal agency that will be streamlined to help*  
9           *ensure an efficient and effective recovery from*  
10          *the catastrophic incident; and*

11          “(E) *a description of any legislative author-*  
12          *ity needed to help ensure an efficient, expedi-*  
13          *tious, and effective recovery from the cata-*  
14          *strophic incident.*

15          “(3) *UPDATE.—Not later than 180 days after the*  
16          *date on which a Commission submits a strategic plan*  
17          *under paragraph (1), and every 180 days thereafter*  
18          *until the date on which the Commission terminates*  
19          *under subsection (e), the Commission shall submit to*  
20          *the Committee on Homeland Security and Govern-*  
21          *mental Affairs of the Senate a report describing—*

22                 “(A) *progress in the recovery from the cata-*  
23                 *strophic incident since the date on which the*  
24                 *most recent strategic plan or report relating to*  
25                 *the catastrophic incident was submitted; and*

1           “(B) major challenges and unmet needs re-  
2           maining in the recovery from the catastrophic  
3           incident.

4           “(e) *TERMINATION.*—

5           “(1) *IN GENERAL.*—The President shall termi-  
6           nate a Commission established in relation to a cata-  
7           strophic incident when the President determines that  
8           all issues relating to the Federal coordination of the  
9           recovery have been substantially resolved.

10          “(2) *WITHDRAWAL.*—Upon a determination by  
11          the President that the matters with which a Federal  
12          agency has been involved as part of a Commission  
13          have been substantially resolved, the Federal agency  
14          may withdraw from the Commission.”.

15   **SEC. 405. ENHANCING RESPONSE AND RECOVERY OPER-**  
16                                    **ATIONS AND PROGRAMS.**

17          (a) *IN GENERAL.*—Title V of the Homeland Security  
18          Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
19          403, is amended by adding at the end the following:

20   **“SEC. 529. ADMINISTRATION OF RESPONSE AND RECOVERY**  
21                                    **OPERATIONS AND PROGRAMS.**

22          “(a) *DEFINITIONS.*—In this section—

23                  “(1) the term ‘annuitant’ means an annuitant  
24                  under a Government retirement system;

1           “(2) the terms ‘deployed’ and ‘deployment’ mean  
2           the performance of services under the response and re-  
3           covery operations and programs of the Agency, in-  
4           cluding exercises and training for such operations  
5           and programs;

6           “(3) the term ‘Disaster Reserve Workforce’ means  
7           the Disaster Reserve Workforce established under sub-  
8           section (b);

9           “(4) the term ‘employee’ has the meaning given  
10          under section 2105 of title 5, United States Code;

11          “(5) the term ‘employee designated for short term  
12          deployments’ means an employee hired under section  
13          306(b)(1) of the Robert T. Stafford Disaster Relief  
14          and Emergency Assistance Act (42 U.S.C. 5149(b)(1))  
15          designated only for short-term deployments;

16          “(6) the term ‘Government retirement system’  
17          means a retirement system established by law for em-  
18          ployees of the Government of the United States;

19          “(7) the term ‘major project’ means any project  
20          for which the total costs are greater than \$400,000;

21          “(8) the term ‘permanent seasonal employee’  
22          means an employee, including an employee hired  
23          under section 306(b)(1) of the Robert T. Stafford Dis-  
24          aster Relief and Emergency Assistance Act (42 U.S.C.  
25          5149(b)(1)), working under seasonal employment as

1 *defined under section 340.401 of title 5 of the Code*  
2 *of Federal Regulations or any successor regulation;*

3 “(9) *the term ‘reservist’ means an employee who*  
4 *is a member of the Disaster Reserve Workforce;*

5 “(10) *the term ‘response and recovery operations*  
6 *and programs’ means response operations and pro-*  
7 *grams and recovery operations and programs;*

8 “(11) *the term ‘response operations and pro-*  
9 *grams’ means operations and programs that involve*  
10 *taking immediate actions to save lives, protect prop-*  
11 *erty or the environment, or meet basic human needs;*

12 “(12) *the term ‘recovery operations and pro-*  
13 *grams’ means operations and programs to support*  
14 *and enable recovery, as defined in section 501 of the*  
15 *Homeland Security Act of 2002; and*

16 “(13) *the term ‘term employee’ means an em-*  
17 *ployee, including an employee hired under section*  
18 *306(b)(1) of the Robert T. Stafford Disaster Relief*  
19 *and Emergency Assistance Act (42 U.S.C.*  
20 *5149(b)(1)), who is appointed to a term of 1 or more*  
21 *years.*

22 “(b) *DISASTER RESERVE WORKFORCE.—In order to*  
23 *provide efficiency, continuity, quality, and accuracy in*  
24 *services performed under response and recovery operations*  
25 *and programs there is within the Agency a Disaster Reserve*

1 *Workforce, which shall be used to supplement the work of*  
2 *permanent full-time employees of the Agency on response*  
3 *and recovery operations and programs.*

4       “(c) *PROVISION OF SERVICES PERFORMED UNDER*  
5 *RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—*

6               “(1) *IN GENERAL.—The Administrator shall en-*  
7 *sure that the Disaster Reserve Workforce can rapidly*  
8 *and efficiently deploy qualified, skilled, and trained*  
9 *reservists for a sufficiently long period to provide con-*  
10 *tinuity in response and recovery operations and pro-*  
11 *grams.*

12               “(2) *MANAGEMENT AND IMPLEMENTATION.—*

13                       “(A) *IN GENERAL.—Sufficient numbers of*  
14 *qualified permanent full-time employees of the*  
15 *Agency shall lead and manage the Disaster Re-*  
16 *serve Workforce and implement response and re-*  
17 *covery operations and programs, including lead-*  
18 *ing individual major projects under sections 404,*  
19 *406, and 407 of the Robert T. Stafford Disaster*  
20 *Relief and Emergency Assistance Act (42 U.S.C.*  
21 *5170c, 5172, and 5173).*

22                       “(B) *RESERVISTS.—Reservists shall in-*  
23 *clude—*

24                               “(i) *term employees;*

25                               “(ii) *permanent seasonal employees;*

1           “(iii) employees designated for short-  
2           term deployments;

3           “(iv) employees of the Department who  
4           are not employees of the Agency; and

5           “(v) employees of other Federal agen-  
6           cies.

7           “(C) *SHORT-TERM DEPLOYMENTS.—Em-*  
8           *ployees designated for short-term deployments*  
9           *shall generally be deployed—*

10           “(i) when necessary to temporarily re-  
11           spond to—

12           “(I) imminent natural disasters,  
13           acts of terrorism, and other manmade  
14           disasters; or

15           “(II) the immediate aftermath of  
16           those disasters or acts;

17           “(ii) only for uncertain or temporary  
18           durations; and

19           “(iii) absent extraordinary cir-  
20           cumstances, for less than 180 days each cal-  
21           endar year.

22           “(D) *RELIANCE ON CERTAIN RESERVISTS.—*  
23           *In supporting the work of permanent full-time*  
24           *employees, the Administrator—*

1           “(i) shall rely to the greatest extent  
2           possible on term employees and permanent  
3           seasonal employees, in order to help ensure  
4           greater efficiency, continuity, quality, and  
5           accuracy in services performed under recov-  
6           ery operations and programs; and

7           “(ii) may use discretion to deploy the  
8           reservists most able to ensure the greatest ef-  
9           ficiency, continuity, quality, and accuracy  
10          in services performed under response and  
11          recovery operations and programs.

12          “(3) *POLICIES AND PROCEDURES.*—*In order to*  
13          *ensure that efficient, continuous, and accurate serv-*  
14          *ices are provided under response and recovery oper-*  
15          *ations and programs, not later than 180 days after*  
16          *the date of enactment of this section, the Adminis-*  
17          *trator shall develop—*

18                 “(A) staffing policies and procedures that  
19                 provide for the proper implementation of and  
20                 management of response and recovery operations  
21                 and programs by sufficient numbers of perma-  
22                 nent full-time senior-level officials;

23                 “(B) plans to recruit individuals who reside  
24                 in the area affected by a major disaster when  
25                 long-term recovery efforts are needed; and

1           “(C) policies and procedures relating to sec-  
2           tions 403, 404, 406, 407, and 502 of the Robert  
3           T. Stafford Disaster Relief and Emergency As-  
4           sistance Act (42 U.S.C. 5170b, 5170c, 5172,  
5           5173, and 5192).

6           “(4) MINIMUM STANDARDS AND GUIDELINES FOR  
7           THE DISASTER RESERVE WORKFORCE.—

8           “(A) STANDARDS AND GUIDELINES.—Not  
9           later than 180 days after the date of enactment  
10          of this section, the Administrator shall develop  
11          standards and guidelines for the Disaster Reserve  
12          Workforce, including—

13               “(i) setting appropriate mandatory be-  
14               fore and after disaster training require-  
15               ments;

16               “(ii) establishing the minimum num-  
17               ber of days annually an individual is re-  
18               quired to deploy in a year during which  
19               there is sufficient work for members of the  
20               Disaster Reserve Workforce;

21               “(iii) providing for a reasonably long  
22               time period for deployment to ensure con-  
23               tinuity in operations; and



1           “(iv) *establishing performance require-*  
2           *ments, including for the timely and accu-*  
3           *rate resolution of issues and projects.*

4           “(B) *MAINTAINING MEMBERSHIP IN THE*  
5           *DISASTER RESERVE WORKFORCE.—In order to*  
6           *maintain membership in the Disaster Reserve*  
7           *Workforce, a reservist shall—*

8                   “(i) *be credentialed in accordance with*  
9                   *section 510; and*

10                   “(ii) *meet all minimum standards and*  
11                   *guidelines established under subparagraph*  
12                   *(A)—*

13                           “(I) *for term employees, before*  
14                           *being appointed to a term in the Dis-*  
15                           *aster Reserve Workforce; and*

16                           “(II) *annually for all other reserv-*  
17                           *ists.*

18           “(C) *EVALUATION SYSTEM.—In consulta-*  
19           *tion with the Director of the Office of Personnel*  
20           *Management, the Administrator shall develop*  
21           *and implement a system to continuously evalu-*  
22           *ate reservists to ensure that all minimum stand-*  
23           *ards and guidelines under this paragraph are*  
24           *satisfied annually by all reservists. Chapter 43 of*  
25           *title 5, United States Code, shall not apply to re-*

1           *servists covered under the system developed and*  
2           *implemented under this subparagraph.*

3           “(5) *CONTRACTORS.*—*Not later than 180 days*  
4           *after the date of enactment of this section, the Admin-*  
5           *istrator, in conjunction with the Chief Human Cap-*  
6           *ital Officer of the Agency, shall establish policies and*  
7           *procedures for contractors that support response and*  
8           *recovery operations and programs, which shall ensure*  
9           *that the contractors have appropriate skills, training,*  
10           *knowledge, and experience for assigned tasks, includ-*  
11           *ing by ensuring that the contractors meet training,*  
12           *credentialing, and performance requirements similar*  
13           *to the requirements for reservists.*

14           “(6) *REEMPLOYED ANNUITANTS.*—

15           “(A) *IN GENERAL.*—*In appointing reserv-*  
16           *ists to the Disaster Reserve Workforce, the appli-*  
17           *cation of sections 8344 and 8468 of title 5,*  
18           *United States Code (relating to annuities and*  
19           *pay on reemployment) or any other similar pro-*  
20           *vision of law under a Government retirement*  
21           *system may be waived by the Administrator for*  
22           *annuitants reemployed on deployments involving*  
23           *a direct threat to life or property or other un-*  
24           *usual circumstances for the entirety of the de-*  
25           *ployment.*

1           “(B) *LIMITATIONS.*—*The authority under*  
2           *subparagraph (A)—*

3           “*(i) is granted to assist the Adminis-*  
4           *trator in establishing and effectively oper-*  
5           *ating the Disaster Reserve Workforce if no*  
6           *other qualified applicant is available for a*  
7           *reservist position; and*

8           “*(ii) may be exercised only—*

9           “*(I) with respect to natural disas-*  
10           *ters, acts of terrorism, or other man-*  
11           *made disasters, including catastrophic*  
12           *incidents; and*

13           “*(II) if the applicant will not ac-*  
14           *cept the position without a waiver.*

15           “(C) *NOT EMPLOYEE FOR RETIREMENT*  
16           *PURPOSES.*—*An annuitant to whom a waiver*  
17           *under subparagraph (A) is in effect shall not be*  
18           *considered an employee for purposes of any Gov-*  
19           *ernment retirement system.*

20           “(7) *PERMANENT EMPLOYMENT POSITIONS.*—

21           “*(A) IN GENERAL.*—*A reservist hired under*  
22           *section 306(b)(1) of the Robert T. Stafford Dis-*  
23           *aster Relief and Emergency Assistance Act (42*  
24           *U.S.C. 5149(b)(1)) may compete for permanent*  
25           *positions in the Agency under merit promotion*

1           *procedures. The actual time deployed as a reserv-*  
2           *ist shall be considered creditable service for pur-*  
3           *poses of such competition and shall be calculated,*  
4           *for purposes of section 8411 of title 5, United*  
5           *States Code, by dividing the total number of*  
6           *days of service as a reservist by 365 to obtain the*  
7           *number of years of service and dividing any re-*  
8           *mainder by 30 to obtain the number of addi-*  
9           *tional months of service and excluding from the*  
10          *aggregate the fractional part of a month, if any.*

11           “(B) *CONSIDERATION.*—*In evaluating a re-*  
12          *servist hired under section 306(b)(1) of the Rob-*  
13          *ert T. Stafford Disaster Relief and Emergency*  
14          *Assistance Act (42 U.S.C. 5149(b)(1)) for a po-*  
15          *tential permanent employment position, the Ad-*  
16          *ministrator shall consider the qualifications of,*  
17          *and performance as a reservist by, the reservist,*  
18          *including the ability of the reservist to timely,*  
19          *accurately, and creatively resolve issues and*  
20          *projects when deployed.*

21           “(C) *EFFECTIVE DATE AND APPLICATION.*—  
22          *This paragraph shall—*

23                   “(i) *take effect on the date on which*  
24                   *the Administrator implements the evalua-*  
25                   *tion system under paragraph (4)(C); and*

1                   “(i) apply to periods of service per-  
2                   formed after that date.

3                   “(8) *NO IMPACT ON AGENCY PERSONNEL CEIL-*  
4                   *ING.—Reservists shall not be counted against any per-*  
5                   *sonnel ceiling limitation applicable to the Agency.”.*

6                   (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
7                   *table of contents in section 1(b) of the Homeland Security*  
8                   *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
9                   *after the item relating to section 528, as added by section*  
10                  *403, the following:*

                  “*Sec. 529. Administration of response and recovery operations and programs.*”.

11                  (c) *PERMANENT SEASONAL EMPLOYEES.—Section*  
12                  *306(b) of the Robert T. Stafford Disaster Relief and Emer-*  
13                  *gency Assistance Act (42 U.S.C. 5149(b)) is amended—*

14                   (1) *in paragraph (1), by inserting “or perma-*  
15                   *nent seasonal employees (as that term is defined*  
16                   *under section 529(a)(8) of the Homeland Security Act*  
17                   *of 2002)” after “temporary personnel”; and*

18                   (2) *in paragraph (3), by inserting “or the em-*  
19                   *ployment of permanent seasonal employees (as that*  
20                   *term is defined under section 529(a)(8) of the Home-*  
21                   *land Security Act of 2002)” after “additional per-*  
22                   *sonnel”.*

23 **SEC. 406. DEPARTMENT AND AGENCY OFFICIALS.**

24                  (a) *IN GENERAL.—Section 514(a) of the Homeland Se-*  
25                  *curity Act of 2002 (6 U.S.C. 321c(a)) is amended—*

1           (1) *by striking “The President” and inserting*  
2 *the following:*

3           “(1) *IN GENERAL.—The President*”;

4           (2) *by striking “4 Deputy Administrators” and*  
5 *inserting “3 Deputy Administrators”; and*

6           (3) *by adding at the end the following:*

7           “(2) *CHIEF MANAGEMENT OFFICER.—*

8           “(A) *IN GENERAL.—In addition to any*  
9 *Deputy Administrators appointed under para-*  
10 *graph (1), the President shall appoint 1 Deputy*  
11 *Administrator who shall serve as the Chief Man-*  
12 *agement Officer of the Agency and advise the Ad-*  
13 *ministrator on matters relating to the manage-*  
14 *ment of the Agency, including—*

15           “(i) *budgeting, appropriations, expend-*  
16 *itures of funds, accounting, and finance;*

17           “(ii) *procurement;*

18           “(iii) *human resources and personnel;*

19           “(iv) *information technology and com-*  
20 *munications systems;*

21           “(v) *facilities, property, equipment,*  
22 *and other material resources;*

23           “(vi) *security for personnel, informa-*  
24 *tion technology and communications sys-*

1            *tems, facilities, property, equipment, and*  
2            *other material resources;*

3            *“(vii) identification and tracking of*  
4            *performance measures relating to the re-*  
5            *sponsibilities of the Agency;*

6            *“(viii) grants and other assistance*  
7            *management programs;*

8            *“(ix) the conduct of internal audits*  
9            *and management analyses of the programs*  
10           *and activities of the Agency;*

11           *“(x) controls over waste, fraud, and*  
12           *abuse; and*

13           *“(xi) any other management duties de-*  
14           *termined appropriate by the Administrator.*

15           *“(B) CRITERIA.—The Deputy Adminis-*  
16           *trator appointed under subparagraph (A) shall*  
17           *have—*

18           *“(i) extensive executive level leadership*  
19           *and management experience in the public*  
20           *or private sector;*

21           *“(ii) strong leadership skills;*

22           *“(iii) a demonstrated ability to man-*  
23           *age large and complex organizations; and*

24           *“(iv) a proven record in achieving*  
25           *positive operational results.”.*

1       **(b) PROVISION OF INFORMATION TO CONGRESS.—**

2               **(1) DEFINITION.—***In this subsection, the term*  
3       *“appropriate committees of Congress” means—*

4                       **(A)** *the Committee on Homeland Security*  
5                       *and Governmental Affairs of the Senate; and*

6                       **(B)** *the Committee on Homeland Security*  
7                       *and the Committee on Transportation and Infra-*  
8                       *structure of the House of Representatives.*

9               **(2) STRATEGY.—***Not later than 1 year after the*  
10       *date of enactment of this Act, the Chief Management*  
11       *Officer of the Federal Emergency Management Agency*  
12       *and the Under Secretary for Management shall sub-*  
13       *mit to the appropriate committees of Congress a*  
14       *strategy for improving the management of the Federal*  
15       *Emergency Management Agency.*

16               **(3) BRIEFINGS.—***Not later than 90 days after*  
17       *the date of enactment of this Act, and every 90 days*  
18       *thereafter until the date that is 3 years after the date*  
19       *of enactment of this Act, the Chief Management Offi-*  
20       *cer of the Federal Emergency Management Agency*  
21       *and the Under Secretary for Management shall brief*  
22       *the appropriate committees of Congress on measures*  
23       *taken to improve the management of the Federal*  
24       *Emergency Management Agency, including, after the*



1        *strategy is submitted under paragraph (2), informa-*  
2        *tion regarding implementation of the strategy.*

3        **SEC. 407. INFRASTRUCTURE PROTECTION ASSISTANCE.**

4        *(a) PORT SECURITY GRANTS.—There are authorized*  
5        *to be appropriated to the Secretary to make grants for port*  
6        *security in accordance with section 70107 of title 46,*  
7        *United States Code, \$249,500,000 for fiscal year 2012.*

8        *(b) SURFACE TRANSPORTATION SECURITY GRANTS.—*

9                *(1) IN GENERAL.—There are authorized to be ap-*  
10              *propriated to the Secretary for public transportation*  
11              *and railroad security grants authorized under sec-*  
12              *tions 1406 and 1513 of the Implementing Rec-*  
13              *ommendations of the 9/11 Commission Act of 2007 (6*  
14              *U.S.C. 1135 and 1163) \$224,500,000 for fiscal year*  
15              *2012.*

16              *(2) PROGRAM GUIDANCE.—The Secretary shall—*

17                      *(A) ensure public transportation and pas-*  
18                      *senger rail security grants are awarded on the*  
19                      *basis of remediating risk to the system and to the*  
20                      *region as a whole;*

21                      *(B) require applications be reviewed and*  
22                      *approved by a Regional Transit Security Work-*  
23                      *ing Group comprised of representatives of all eli-*  
24                      *gible transportation systems in the region, the*

1           *homeland security offices of each State in the re-*  
2           *gion, and other relevant regional officials;*

3           *(C) require a Federal Security Director fa-*  
4           *miliar with the region, or another Federal secu-*  
5           *rity official familiar with the region and des-*  
6           *ignated by the Secretary, to rank applications*  
7           *based on the anticipated ability of the proposed*  
8           *use of funds to protect passengers from acts of*  
9           *terrorism, including the use of explosive devices*  
10           *and the release of biological, chemical, and radi-*  
11           *ological agents; and*

12           *(D) in any year in which more than 50*  
13           *percent (by dollar value) of all funding available*  
14           *for grants under sections 1406 and 1513 of the*  
15           *Implementing Recommendations of 9/11 Com-*  
16           *mission Act of 2007 (6 U.S.C. 1135 and 1163)*  
17           *are awarded for securing or remediating risk to*  
18           *specific physical assets, submit a report to the*  
19           *Committee on Homeland Security and Govern-*  
20           *mental Affairs of the Senate and the Committee*  
21           *on Homeland Security of the House of Rep-*  
22           *resentatives describing how the grant funds*  
23           *awarded under those sections will be used to pro-*  
24           *tect passengers from acts of terrorism, including*

1           *the use of explosive devices and the release of bio-*  
 2           *logical, chemical, and radiological agents.*

3           (c) *REPEAL OF OVER-THE-ROAD BUS SECURITY AS-*  
 4 *SISTANCE PROGRAM.—*

5           *Section 1532 of the Implementing Recommenda-*  
 6           *tions of the 9/11 Commission Act of 2007 is repealed.*

7 **SEC. 408. FEDERAL-STATE BORDER SECURITY COOPERA-**  
 8           **TION.**

9           (a) *IN GENERAL.—Title XX of the Homeland Security*  
 10 *Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding*  
 11 *at the end the following:*

12 **“Subtitle C—Other Grant Programs**

13 **“SEC. 2041. OPERATION STONEGARDEN GRANT PROGRAM.**

14           “(a) *FINANCIAL ASSISTANCE.—*

15           “(1) *AUTHORITY.—*

16           “(A) *IN GENERAL.—The Secretary, acting*  
 17           *through the Administrator, may make grants to*  
 18           *States to facilitate and enhance participation by*  
 19           *States, local governments, and Indian tribes in*  
 20           *border security efforts.*

21           “(B) *CONSULTATION.—In developing guid-*  
 22           *ance for grants authorized under this section, the*  
 23           *Administrator shall consult with the Commis-*  
 24           *sioner of U.S. Customs and Border Protection.*

1           “(2) *ELIGIBILITY.*—A State is eligible for a  
2           grant under this section if the State has an inter-  
3           national water border or is located on the inter-  
4           national border between the United States and Mexico  
5           or the United States and Canada.

6           “(3) *AVAILABILITY AND USE OF FUNDS.*—

7           “(A) *IN GENERAL.*—Not later than 45 days  
8           after the date on which a State receives funds  
9           under a grant under this section, the State shall  
10          make available not less than 95 percent of the  
11          funds to participating entities of the State or a  
12          local government or Indian tribe in the State.

13          “(B) *RETAINED FUNDS.*—A States may use  
14          not more than 5 percent of the funds received  
15          under a grant under this section for expenses re-  
16          lating to the management and administration of  
17          the grant.

18          “(C) *MANAGEMENT AND ADMINISTRA-*  
19          *TION.*—A local government or Indian tribe that  
20          receives grant funds under this section may use  
21          not more than 5 percent of the funds for expenses  
22          relating to the management and administration  
23          of the grant.

1           “(4) *LIMITATIONS ON USE OF FUNDS.*—*Funds*  
2           *provided under a grant under this section may not be*  
3           *used to—*

4                   “(A) *supplant State, local, or tribal govern-*  
5                   *ment funds;*

6                   “(B) *pay salaries or benefits for personnel,*  
7                   *other than overtime expenses of regular and re-*  
8                   *serve law enforcement personnel or regular pay*  
9                   *expenses of reserve law enforcement personnel; or*

10                   “(C) *construct or renovate buildings or*  
11                   *other physical facilities.*

12           “(5) *PRIORITIZATION.*—*In allocating funds*  
13           *among eligible States applying for grants under this*  
14           *section, the Administrator shall consider—*

15                   “(A) *an assessment of the risks associated*  
16                   *with cross-border threats to a State, including*  
17                   *terrorism and other criminal activities, includ-*  
18                   *ing consideration of—*

19                           “(i) *the most current threat assess-*  
20                           *ments available to the Department relevant*  
21                           *to the border of the State;*

22                           “(ii) *border-specific law enforcement*  
23                           *intelligence;*

24                           “(iii) *the length of the international*  
25                           *border of the State; and*

1                   “(iv) such other factors as the Admin-  
2                   istrator determines appropriate;

3                   “(B) the anticipated effectiveness of the pro-  
4                   posed use of the grant by the State to enhance  
5                   border security capabilities; and

6                   “(C) the results of peer review evaluations  
7                   of applications conducted by State, local, and  
8                   tribal law enforcement personnel.

9                   “(b) *AUTHORIZATION OF APPROPRIATIONS.*—There  
10                  are authorized to be appropriated for grants under this sec-  
11                  tion \$55,000,000 for each of fiscal years 2012 through  
12                  2017.”.

13                  (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
14                  table of contents in section 1(b) of the Homeland Security  
15                  Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting  
16                  after the item relating to section 2022 the following:

“Subtitle C—Other Grant Programs

“Sec. 2041. Operation Stonegarden grant program.”.

17                  **SEC. 409. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
18                  **PACT.**

19                  Section 661(d) of the Post-Katrina Emergency Man-  
20                  agement Reform Act of 2006 (6 U.S.C. 761(d)) is amended  
21                  by striking “\$4,000,000 for fiscal year 2008” and inserting  
22                  “\$2,000,000 for each of fiscal years 2012 through 2016”.

1 **SEC. 410. REPEAL OF EMERGENCY OPERATIONS CENTER**  
2 **GRANT PROGRAM.**

3 (a) *IN GENERAL.*—*Subtitle A of title VI of the Robert*  
4 *T. Stafford Disaster Relief and Emergency Assistance Act*  
5 *(42 U.S.C. 5196 et seq.) is amended—*

6 (1) *by striking section 614 (42 U.S.C. 5196c);*

7 *and*

8 (2) *by redesignating sections 615 and 616 (42*  
9 *U.S.C. 5196d and 5196f) as sections 614 and 615, re-*  
10 *spectively.*

11 (b) *SAVINGS CLAUSE.*—*A grant made under section*  
12 *614 of the Robert T. Stafford Disaster Relief and Emer-*  
13 *gency Assistance Act before the date of enactment of this*  
14 *Act shall remain in full force and effect under the terms*  
15 *and conditions, and for the duration, of the grant.*

16 **SEC. 411. PERFORMANCE MEASURES.**

17 *In order to ensure that States, high-risk urban areas,*  
18 *and other grant recipients use grants administered by the*  
19 *Department effectively, the Administrator of the Federal*  
20 *Emergency Management Agency shall develop and imple-*  
21 *ment performance metrics in accordance with the com-*  
22 *prehensive assessment system under section 649 of the Post-*  
23 *Katrina Emergency Management Act of 2006 (6 U.S.C.*  
24 *749) and section 2022(a)(4) of the Homeland Security Act*  
25 *of 2002 (6 U.S.C. 612(a)(4)).*

1 **SEC. 412. COMMUNICATIONS PLANNING.**

2       (a) *IN GENERAL.*—*Title V of the Homeland Security*  
3 *Act of 2002 (6 U.S.C. 311 et seq.), as amended by section*  
4 *405, is amended by adding at the end the following:*

5 **“SEC. 530. COMMUNICATIONS PLANNING.**

6       “(a) *INCORPORATION OF COMMUNICATIONS PLANS.*—

7           “(1) *IN GENERAL.*—*The Secretary, acting*  
8 *through the senior official responsible for catastrophic*  
9 *incident planning appointed under section 526 (in*  
10 *this section referred to as the ‘designated official’),*  
11 *shall develop communications plans for providing in-*  
12 *formation to the public related to preparing for, pro-*  
13 *tecting against, and responding to natural disasters,*  
14 *acts of terrorism, and other man-made disasters, in-*  
15 *cluding catastrophic incidents involving the use of*  
16 *weapons of mass destruction.*

17           “(2) *CONSULTATION.*—*In developing commu-*  
18 *nications plans under paragraph (1), the designated*  
19 *official shall consult with State, local, and tribal gov-*  
20 *ernments and coordinate, as the designated official*  
21 *considers appropriate, with other executive agencies*  
22 *that have responsibilities under the National Response*  
23 *Framework and other relevant executive agencies.*

24       “(b) *PRESCRIPTED MESSAGES AND MESSAGE TEM-*  
25 *PLATES.*—



1           “(1) *IN GENERAL.*—*As part of the communica-*  
2           *tion plans, the designated official shall develop*  
3           *prescribed messages or message templates to be in-*  
4           *cluded in the plans to be provided to State, local, and*  
5           *tribal government officials so that those officials can*  
6           *quickly and rapidly disseminate critical information*  
7           *to the public in anticipation or in the immediate*  
8           *aftermath of a disaster or incident.*

9           “(2) *DEVELOPMENT AND DESIGN.*—*The*  
10          *prescribed messages or message templates shall—*

11                 “(A) *be developed, as the designated official*  
12                 *determines appropriate, in consultation with*  
13                 *State, local, and tribal governments and in co-*  
14                 *ordination with other executive agencies that*  
15                 *have responsibilities under the National Re-*  
16                 *sponse Framework and other relevant executive*  
17                 *agencies;*

18                 “(B) *be designed to provide accurate, essen-*  
19                 *tial, and appropriate information and instruc-*  
20                 *tions to the population directly affected by a dis-*  
21                 *aster or incident, including information related*  
22                 *to evacuation, sheltering in place, and issues of*  
23                 *immediate health and safety; and*

24                 “(C) *be designed to provide accurate, essen-*  
25                 *tial, and appropriate technical information and*

1           *instructions to emergency response providers and*  
2           *medical personnel responding to a disaster or in-*  
3           *cident.*

4           “(c) *COMMUNICATIONS FORMATS.—In developing the*  
5           *prescribed messages or message templates required under*  
6           *subsection (b), the designated official shall develop each such*  
7           *prescribed message or message template in multiple for-*  
8           *mats to ensure delivery—*

9                   “(1) *in cases where the usual communications*  
10            *infrastructure is unusable as a result of the nature of*  
11            *a disaster or incident; and*

12                   “(2) *to individuals with disabilities or other spe-*  
13            *cial needs and individuals with limited English pro-*  
14            *ficiency in accordance with section 616 of the Robert*  
15            *T. Stafford Disaster Relief and Emergency Assistance*  
16            *Act (42 U.S.C. 5196d).*

17           “(d) *DISSEMINATION AND TECHNICAL ASSISTANCE.—*  
18            *The designated official shall ensure that all prescribed mes-*  
19            *sages and message templates developed under this section*  
20            *are made available to State, local, and tribal governments*  
21            *so that those governments may incorporate the messages*  
22            *and templates into the emergency plans of those govern-*  
23            *ments. The designated official shall also make available rel-*  
24            *evant technical assistance to those governments to support*  
25            *communications planning.*

1       “(e) *EXERCISES.*—To ensure that the prescribed mes-  
2 sages or message templates developed under this section can  
3 be effectively utilized in a disaster or incident, the des-  
4 ignated official shall incorporate such prescribed messages  
5 or message templates into exercises conducted under the Na-  
6 tional Exercise Program described in section 648 of the  
7 Post-Katrina Emergency Management Reform Act of 2006  
8 (6 U.S.C. 748).

9       “(f) *SUBMISSION OF PLANS.*—Not later than 1 year  
10 after the date of enactment of this section, the designated  
11 official shall submit to the Committee on Homeland Secu-  
12 rity and Governmental Affairs of the Senate and the Com-  
13 mittee on Homeland Security of the House of Representa-  
14 tives a copy of the communications plans required to be  
15 developed under this section, including—

16               “(1) prescribed messages or message templates  
17 developed in conjunction with the plans; and

18               “(2) a description of the means that will be used  
19 to deliver such messages in a natural disaster, act of  
20 terrorism, or other man-made disaster.”.

21       “(b) *TABLE OF CONTENTS.*—The table of contents in  
22 section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.  
23 101) is amended by inserting after the item relating to sec-  
24 tion 529, as added by section 405, the following:

“Sec. 530. Communications planning.”.

1 **SEC. 413. GUIDELINES CONCERNING WEAPONS OF MASS**  
2 **DESTRUCTION.**

3 (a) *IN GENERAL.*—Title V of the Homeland Security  
4 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
5 412, is amended by adding at the end the following:

6 **“SEC. 531. GUIDELINES CONCERNING WEAPONS OF MASS**  
7 **DESTRUCTION.**

8 “(a) *ESTABLISHMENT OF GUIDELINES.*—Not later  
9 than 1 year after the date of enactment of the Department  
10 of Homeland Security Authorization Act of 2012, the Sec-  
11 retary shall—

12 “(1) develop guidelines for responding to an ex-  
13 plosion or release of nuclear, biological, radiological,  
14 or chemical material, in coordination with—

15 “(A) State, local, and tribal governments;

16 “(B) Federal agencies with—

17 “(i) responsibilities for responding to  
18 weapons of mass destruction incidents  
19 under the National Response Framework; or

20 “(ii) relevant scientific or worker  
21 health expertise; and

22 “(C) representatives of—

23 “(i) emergency response provider orga-  
24 nizations; and

25 “(ii) public health and medical organi-  
26 zations; and

1           “(2) *make the guidelines developed under para-*  
2           *graph (1) available to State, local, and tribal govern-*  
3           *ments, nongovernmental organizations, and the pri-*  
4           *vate sector.*

5           “(b) *CONTENTS.—The guidelines developed under sub-*  
6           *section (a)(1) shall contain, at a minimum—*

7           “(1) *protective action guidelines for ensuring the*  
8           *health and safety of emergency response providers;*

9           “(2) *information regarding the effects of the bio-*  
10          *logical, chemical, or radiological agent on those ex-*  
11          *posed to the agent; and*

12          “(3) *information regarding how emergency re-*  
13          *sponse providers and mass care facilities may most*  
14          *effectively deal with individuals affected by an inci-*  
15          *dent involving a nuclear, biological, radiological, or*  
16          *chemical material.*

17          “(c) *REVIEW AND REVISION OF GUIDELINES.—The*  
18          *Secretary shall—*

19          “(1) *not less frequently than every 2 years, re-*  
20          *view the guidelines developed under subsection (a)(1);*

21          “(2) *make revisions to the guidelines as appro-*  
22          *priate; and*

23          “(3) *make the revised guidelines available to*  
24          *State, local, and tribal governments, nongovernmental*

1        *organizations, the private sector, and the general pub-*  
2        *lic.*

3        “(d) *PROCEDURES FOR DEVELOPING AND REVISING*  
4        *GUIDELINES.—In carrying out the requirements of this sec-*  
5        *tion, the Secretary shall establish procedures to—*

6                “(1) *inventory any relevant hazardous material*  
7                *response guidelines;*

8                “(2) *enable the public to submit recommenda-*  
9                *tions of areas for which guidelines could be developed*  
10               *under subsection (a)(1);*

11               “(3) *determine which entities should be consulted*  
12               *in developing or revising the guidelines;*

13               “(4) *on a regular basis, prioritize guidelines that*  
14               *should be developed or revised; and*

15               “(5) *develop and disseminate the guidelines in*  
16               *accordance with the prioritization under paragraph*  
17               *(4).*

18        “(e) *SUBMISSION OF GUIDELINES.—Not later than 1*  
19        *year after the date of enactment of the Department of*  
20        *Homeland Security Authorization Act of 2012, and annu-*  
21        *ally thereafter, the Secretary shall submit guidelines devel-*  
22        *oped under this section to the Committee on Homeland Se-*  
23        *curity and Governmental Affairs of the Senate and the*  
24        *Committee on Homeland Security of the House of Rep-*  
25        *resentatives.”.*

1           (b) *TABLE OF CONTENTS.*—*The table of contents in*  
 2 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*  
 3 *101) is amended by inserting after the item relating to sec-*  
 4 *tion 530, as added by section 409, the following:*

“*Sec. 531. Guidelines concerning weapons of mass destruction.*”.

5 **SEC. 414. PLUME MODELING.**

6           (a) *IN GENERAL.*—*Title III of the Homeland Security*  
 7 *Act of 2002 (6 U.S.C. 181 et seq.) is amended by inserting*  
 8 *after section 317 the following:*

9 **“SEC. 318. PLUME MODELING.**

10           “(a) *DEFINITIONS.*—*In this section—*

11                   “(1) *the term ‘integrated plume model’ means a*  
 12 *plume model that integrates protective action guid-*  
 13 *ance and other information as the Secretary deter-*  
 14 *mines appropriate; and*

15                   “(2) *the term ‘plume model’ means the assess-*  
 16 *ment of the location and prediction of the spread of*  
 17 *nuclear, radioactive, or chemical fallout and biologi-*  
 18 *cal pathogens resulting from an explosion or release*  
 19 *of nuclear, radioactive, chemical, or biological sub-*  
 20 *stances.*

21           “(b) *DEVELOPMENT.*—

22                   “(1) *IN GENERAL.*—*The Secretary shall develop*  
 23 *and disseminate integrated plume models to enable*  
 24 *rapid response activities following a nuclear, radio-*  
 25 *logical, chemical, or biological explosion or release.*

1           “(2) *SCOPE.—The Secretary shall—*

2                   “(A) *ensure the rapid development and dis-*  
3                   *tribution of integrated plume models to appro-*  
4                   *priate officials of the Federal Government and*  
5                   *State, local, and tribal governments to enable*  
6                   *immediate response to a nuclear, radiological,*  
7                   *chemical, or biological incident; and*

8                   “(B) *establish mechanisms for dissemina-*  
9                   *tion by appropriate emergency response officials*  
10                  *of the integrated plume models described in*  
11                  *paragraph (1) to nongovernmental organizations*  
12                  *and the public to enable appropriate response ac-*  
13                  *tivities by individuals.*

14               “(3) *CONSULTATION WITH OTHER DEPARTMENTS*  
15               *AND AGENCIES.—In developing the integrated plume*  
16               *models described in this section, the Secretary shall*  
17               *consult, as appropriate, with—*

18                   “(A) *the Secretary of Energy, the Secretary*  
19                   *of Defense, the Secretary of Health and Human*  
20                   *Services, the Secretary of Commerce, and the*  
21                   *heads of other executive agencies determined ap-*  
22                   *propriate by the Secretary; and*

23                   “(B) *State, local, and tribal governments*  
24                   *and nongovernmental organizations.*



1       “(c) *EXERCISES.*—*The Secretary shall ensure that the*  
 2 *development and dissemination of integrated plume models*  
 3 *are assessed during exercises administered by the Depart-*  
 4 *ment.*”

5       “(d) *REVIEW.*—*Not later than 180 days after the date*  
 6 *of enactment of this section, and every 2 years thereafter,*  
 7 *the Secretary shall review the process for providing inte-*  
 8 *grated plume models developed under this section to ensure*  
 9 *that the integrated plume models—*

10               “(1) *are clear and informative;*

11               “(2) *meet the needs of incident commanders; and*

12               “(3) *incorporate lessons learned during exercises*  
 13 *administered by the Department.*”.

14       “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
 15 *table of contents in section 1(b) of the Homeland Security*  
 16 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*  
 17 *after the item relating to section 317 the following:*

      “*Sec. 318. Plume modeling.*”.

18       **SEC. 415. IDENTIFICATION OF DISASTER MANAGEMENT RE-**  
 19               **SOURCES.**

20       *Section 1105(a)(35) of title 31, United States Code,*  
 21 *is amended by adding at the end the following:*

22               “(D) *In implementing this paragraph, the Presi-*  
 23 *dent shall include in each budget a description of re-*  
 24 *sources identified to support the preparedness, re-*  
 25 *sponse, and recovery responsibilities of each Federal*

1       agency with responsibilities under the National Re-  
2       sponse Framework and the National Disaster Recov-  
3       ery Framework.”.

4       **SEC. 416. ANTIFRAUD TRAINING.**

5       Section 698 of the Post-Katrina Emergency Manage-  
6       ment Reform Act of 2006 (6 U.S.C. 797) is amended—

7               (1) by striking “The Administrator” and insert-  
8       ing the following:

9       “(a) *IN GENERAL.*—The Administrator”; and

10              (2) by adding at the end the following:

11       “(b) *REPORTING.*—For the fiscal year in which this  
12       subsection is enacted, and each fiscal year thereafter for 5  
13       fiscal years, the Administrator shall submit to Committee  
14       on Homeland Security and Governmental Affairs of the  
15       Senate and the Committee on Homeland Security and the  
16       Committee on Transportation and Infrastructure of the  
17       House of Representatives a report identifying the number  
18       of employees of the Agency and contractors trained under  
19       the program developed under subsection (a).”.

20       **SEC. 417. INFORMATION TECHNOLOGY.**

21       (a) *DEFINITIONS.*—In this section—

22              (1) the term “Administrator” means the Admin-  
23       istrator of the Federal Emergency Management Agen-  
24       cy; and

1           (2) *the term “covered information technology*  
2 *purchase” means a purchase of information tech-*  
3 *nology for an amount greater than a threshold*  
4 *amount, which the Administrator shall establish.*

5           (b) *POLICY.—Not later than 90 days after the date of*  
6 *enactment of this Act, the Administrator shall implement*  
7 *a policy requiring the Chief Information Officer of the Fed-*  
8 *eral Emergency Management Agency to approve a covered*  
9 *information technology purchase before the Federal Emer-*  
10 *gency Management Agency may make the covered informa-*  
11 *tion technology purchase.*

12          (c) *REPORTING.—Not later than 1 year after the date*  
13 *of enactment of this Act, and every year thereafter until*  
14 *the date that is 5 year after the date of enactment of this*  
15 *Act, the Administrator shall submit to the Committee on*  
16 *Homeland Security and Governmental Affairs of the Senate*  
17 *and the Committee on Transportation and Infrastructure*  
18 *of the House of Representatives a report on the implementa-*  
19 *tion of the policy described in subsection (b), which shall*  
20 *include a list of any covered information technology pur-*  
21 *chases made by the Federal Emergency Management Agen-*  
22 *cy in violation of the policy during the period covered by*  
23 *the report.*

1 **SEC. 418. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

2 (a) *DEFINITION.*—Section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601) is amended—

4 (1) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and

6 (2) by inserting after paragraph (7) the following:

8 “(8) *MASS CASUALTY INCIDENT.*—The term  
9 ‘mass casualty incident’ means any natural disaster,  
10 act of terrorism, or other man-made disaster, including a disease epidemic, that results in significant  
11 numbers of injuries or deaths and to which the response has the potential to overwhelm routine emergency medical services.”.

15 (b) *AUTHORIZATION.*—Subtitle C of title XX of the  
16 Homeland Security Act of 2002, as added by section 408,  
17 is amended by adding at the end the following:

18 **“SEC. 2042. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

19 “(a) *IN GENERAL.*—There is in the Department a Metropolitan Medical Response System.

21 “(b) *PURPOSE.*—The purpose of the Metropolitan Medical Response System shall be to support States, local governments, and Indian tribes in preparing for, protecting  
22 against, and responding to mass casualty incidents by systematically enhancing cooperation and integration of emer-  
23  
24  
25

1 *gency response providers and public health and medical*  
2 *personnel.*

3       “(c) *METROPOLITAN MEDICAL RESPONSE SYSTEM*  
4 *MANAGEMENT.—In coordination with the Chief Medical Of-*  
5 *ficer, the Administrator shall—*

6               “(1) *establish objectives and a strategy for the*  
7 *Metropolitan Medical Response System, consistent*  
8 *with the National Response Framework and National*  
9 *Incident Management System;*

10              “(2) *develop and oversee standards, plans, train-*  
11 *ing, and exercises; and*

12              “(3) *provide technical assistance to States, local*  
13 *governments, and Indian tribes in preparing for, pro-*  
14 *tecting against, and responding to mass casualty in-*  
15 *cidents.*

16       “(d) *FINANCIAL ASSISTANCE.—*

17              “(1) *AUTHORIZATION OF GRANTS.—*

18                      “(A) *IN GENERAL.—The Secretary, acting*  
19 *through the Administrator, may make grants*  
20 *under this section to States, local governments,*  
21 *and Indian tribes to assist in preparing for, pro-*  
22 *tecting against, and responding to mass casualty*  
23 *incidents.*

24                      “(B) *CONSULTATION.—In developing guid-*  
25 *ance for grants authorized under this section, the*

1            *Administrator shall consult with the Chief Med-*  
2            *ical Officer.*

3            *“(2) USE OF FUNDS.—A grant made under this*  
4            *section may be used in support of public health and*  
5            *medical preparedness for mass casualty incidents*  
6            *through the integration of emergency response pro-*  
7            *viders and public health and medical personnel, in-*  
8            *cluding—*

9                    *“(A) medical surge capacity;*

10                   *“(B) mass prophylaxis;*

11                   *“(C) chemical, biological, radiological, nu-*  
12                   *clear, and explosive detection, response, and de-*  
13                   *contamination capabilities;*

14                   *“(D) mass triage and prehospital treatment*  
15                   *plans and capabilities;*

16                   *“(E) planning;*

17                   *“(F) information sharing and collaboration*  
18                   *capabilities of State, local, and tribal govern-*  
19                   *ments and Federal response entities and regional*  
20                   *areas;*

21                   *“(G) medicinal stockpiling, management,*  
22                   *distribution, and dispensing;*

23                   *“(H) fatality management;*

24                   *“(I) training and exercises;*

1           “(J) integration and coordination of the ac-  
2           tivities and capabilities of public health per-  
3           sonnel and medical care providers with those of  
4           other emergency response providers as well as  
5           private sector and nonprofit organizations; and

6           “(K) any other activities as the Adminis-  
7           trator may provide.

8           “(3) ELIGIBILITY.—

9           “(A) IN GENERAL.—The Administrator, in  
10          consultation with the Chief Medical Officer, shall  
11          establish criteria for determining whether a  
12          State, local government, or Indian tribe may be  
13          awarded a grant under this subsection.

14          “(B) LIMITATIONS.—In determining which  
15          States, local governments, and Indian tribes  
16          shall be awarded grants under this subsection,  
17          the Administrator shall ensure that—

18                 “(i) not less than 1 jurisdiction in each  
19                 State is awarded a grant; and

20                 “(ii) the total number of jurisdictions  
21                 awarded grants does not exceed the number  
22                 of jurisdictions awarded grants under the  
23                 Metropolitan Medical Response Program  
24                 under section 635 of the Post-Katrina

1                    *Emergency Management Reform Act of*  
2                    *2006 (6 U.S.C. 723) in fiscal year 2010.*

3                    “(C) *REGIONAL COORDINATION.*—*The Ad-*  
4                    *ministrators shall ensure that each recipient of a*  
5                    *grant under this subsection, as a condition of re-*  
6                    *ceiving that grant, is actively coordinating its*  
7                    *preparedness efforts with surrounding jurisdic-*  
8                    *tions and with emergency response providers*  
9                    *from all relevant disciplines, to effectively en-*  
10                    *hance regional preparedness.*

11                    “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
12                    *authorized to be appropriated to carry out the program*  
13                    *under this section \$41,000,000 for each of fiscal years 2012*  
14                    *through 2014.”.*

15                    (c) *PROGRAM REVIEW.*—

16                    (1) *IN GENERAL.*—*The Administrator of the Fed-*  
17                    *eral Emergency Management Agency and the Chief*  
18                    *Medical Officer shall conduct a review of the Metro-*  
19                    *politan Medical Response System authorized under*  
20                    *section 2042 of the Homeland Security Act of 2002,*  
21                    *as added by subsection (b), including an examination*  
22                    *of—*

23                    (A) *the goals and objectives of the Metro-*  
24                    *politan Medical Response System;*



1           (B) *the extent to which the goals and objec-*  
2           *tives are being met;*

3           (C) *the performance metrics that can best*  
4           *help assess whether the Metropolitan Medical Re-*  
5           *sponse System is succeeding;*

6           (D) *how the Metropolitan Medical Response*  
7           *System can be improved;*

8           (E) *how the Metropolitan Medical Response*  
9           *System can best be coordinated with other pre-*  
10          *paredness programs supported by the Depart-*  
11          *ment;*

12          (F) *how the number of jurisdictions, the cri-*  
13          *teria to award jurisdictions, and the relative al-*  
14          *location of financial assistance under the Metro-*  
15          *politan Medical Response System should be de-*  
16          *termined; and*

17          (G) *the resource requirements of the Metro-*  
18          *politan Medical Response System.*

19          (2) *REPORT.—Not later than 180 days after the*  
20          *date of enactment of this Act, the Administrator of the*  
21          *Federal Emergency Management Agency and the*  
22          *Chief Medical Officer shall submit a report on the re-*  
23          *sults of the review under this subsection to—*

24                 (A) *the Committee on Homeland Security*  
25                 *and Governmental Affairs of the Senate; and*

1                   (B) *the Committee on Homeland Security of*  
2                   *the House of Representatives.*

3           (d) *TECHNICAL AND CONFORMING AMENDMENTS.—*

4                   (1) *TABLE OF CONTENTS.—The table of contents*  
5                   *in section 1(b) of the Homeland Security Act of 2002*  
6                   *(6 U.S.C. 101 et seq.) is amended by inserting after*  
7                   *the item relating to section 2041, as added by section*  
8                   *408, the following:*

          “*Sec. 2042. Metropolitan Medical Response System.*”.

9                   (2) *REPEAL.—Section 635 of the Post-Katrina*  
10                   *Management Reform Act of 2006 (6 U.S.C. 723) is re-*  
11                   *pealed.*

12                   (3) *PROGRAM NOT AFFECTED.—Section*  
13                   *2002(b)(5) of the Homeland Security Act of 2002 (6*  
14                   *U.S.C. 603(b)(5)) is amended by striking “section 635*  
15                   *of the Post-Katrina Emergency Management Reform*  
16                   *Act of 2006 (6 U.S.C. 723)” and inserting “subtitle*  
17                   *C”.*

18 **SEC. 419. REGIONAL CATASTROPHIC GRANT PROGRAM.**

19                   (a) *IN GENERAL.—On and after the date of enactment*  
20                   *of this Act, the Administrator of the Federal Emergency*  
21                   *Management Agency may not award a grant under the Re-*  
22                   *gional Catastrophic Preparedness Grant Program.*

23                   (b) *SAVINGS CLAUSE.—Any grant awarded for a fiscal*  
24                   *year beginning before October 1, 2011 and any funds pro-*  
25                   *vided under a grant under the Regional Catastrophic Pre-*

1 *paredness Grant Program before the date of enactment of*  
2 *this Act shall continue and may be used under the terms*  
3 *and conditions of the program.*

4 *(c) RULE OF CONSTRUCTION.—Nothing in this section*  
5 *shall be construed to prohibit the Administrator of the Fed-*  
6 *eral Emergency Management Agency from providing sup-*  
7 *port and assistance to grantees under the Regional Cata-*  
8 *strophic Preparedness Grant Program, including assistance*  
9 *with program implementation, through the remaining per-*  
10 *formance period of a grant awarded before the date of enact-*  
11 *ment of this Act.*

12 **SEC. 420. REPORT ON CONSOLIDATION OF GRANT PRO-**  
13 **GRAMS.**

14 *Not later than 180 days after the date of enactment*  
15 *of this Act, the Secretary shall submit to the Committee on*  
16 *Homeland Security and Governmental Affairs of the Senate*  
17 *and the Committee on Homeland Security of the House of*  
18 *Representatives a report on the suitability, feasibility, and*  
19 *efficiency of consolidating grant programs administered by*  
20 *the Department, other than grants awarded in conjunction*  
21 *with a major disaster or emergency declared under the Rob-*  
22 *ert T. Stafford Disaster Relief and Emergency Assistance*  
23 *Act (42 U.S.C. 5121 et seq.).*

24 **SEC. 421. GRANT PROGRAM CONTINGENCY PLANS.**

25 *(a) DEFINITIONS.—In this section—*

1           (1) *the term “Administrator” means the Admin-*  
2           *istrator of the Agency;*

3           (2) *the term “Agency” means the Federal Emer-*  
4           *gency Management Agency; and*

5           (3) *the term “covered grant recipient” means a*  
6           *recipient of a grant under a non-disaster prepared-*  
7           *ness grant program of the Agency.*

8           (b) *IN GENERAL.—Not later than 1 year after the date*  
9           *of enactment of this Act, the Administrator shall submit*  
10          *to the Committee on Homeland Security and Governmental*  
11          *Affairs of the Senate and the Committee on Homeland Se-*  
12          *curity of the House of Representatives a plan to implement*  
13          *processes that require covered grant recipients to provide*  
14          *to the Agency contingency plans that include options for*  
15          *sustaining preparedness capabilities in the absence or re-*  
16          *duction of Federal funds.*

17          (c) *CONTENTS.—The plan required to be submitted to*  
18          *the Committee on Homeland Security and Governmental*  
19          *Affairs of the Senate and the Committee on Homeland Se-*  
20          *curity of the House of Representatives under subsection (b)*  
21          *shall include—*

22                 (1) *an explanation of how the implementation of*  
23                 *the plan will be integrated into the existing grant*  
24                 *cycle; and*

1           (2) *an evaluation of the impact on Federal pre-*  
2           *paredness capabilities of the reduction or elimination*  
3           *of Agency grant funding to covered grant recipients,*  
4           *including a list of ongoing projects that will need*  
5           *Federal funding beyond the grant period for which*  
6           *the project was funded.*

7   **SEC. 422. NATIONAL MITIGATION FRAMEWORK.**

8           *Section 504(a) of the Homeland Security Act of 2002*  
9   *(6 U.S.C. 314(a)) is amended—*

10           (1) *in paragraph (20), by striking “and” at the*  
11           *end;*

12           (2) *by redesignating paragraph (21) as para-*  
13           *graph (22); and*

14           (3) *by inserting after paragraph (20) the fol-*  
15           *lowing:*

16           “(21) *develop and implement the National Miti-*  
17           *gation Framework; and”.*

18   **SEC. 423. NONEMERGENCY PERSONNEL HIRING FREEZE.**

19           (a) *IDENTIFICATION OF POSITIONS.—Not later than 30*  
20           *days after the date of enactment of this Act, the Secretary*  
21           *shall identify all positions in the Department that do not*  
22           *involve emergency operations.*

23           (b) *FREEZE.—The Secretary may not increase the*  
24           *number of full-time equivalent positions within the Depart-*

1 *ment that do not involve emergency operations during the*  
 2 *period—*

3 *(1) beginning on the earlier of—*

4 *(A) the date on which the Secretary identi-*  
 5 *fies positions under subsection (a); or*

6 *(B) the date that is 30 days after the date*  
 7 *of enactment of this Act; and*

8 *(2) ending on the date on which the national un-*  
 9 *employment rate is not more than 8 percent, based on*  
 10 *the most recently available monthly publications of*  
 11 *the Bureau of Labor Statistics of the Department of*  
 12 *Labor.*

## 13 ***TITLE V—BORDER SECURITY***

### 14 ***SEC. 501. WORKFORCE STAFFING PLAN.***

15 *(a) IN GENERAL.—Subtitle D of title IV of the Home-*  
 16 *land Security Act of 2002 (6 U.S.C. 251 et seq.) is amended*  
 17 *by adding at the end the following:*

### 18 ***“SEC. 447. WORKFORCE STAFFING PLAN.***

19 *“(a) IN GENERAL.—Not later than 1 year after the*  
 20 *date of enactment of this section, and every 2 years there-*  
 21 *after through September 30, 2017, the Secretary of shall de-*  
 22 *velop a workforce staffing plan that—*

23 *“(1) details the optimal level of staffing required*  
 24 *to carry out the responsibilities of U.S. Customs and*  
 25 *Border Protection (referred to in this section as*

1       ‘CBP’) and U.S. Immigration and Customs Enforce-  
2       ment (referred to in this section as ‘ICE’);

3               “(2) describes the process through which CBP  
4       and ICE will make workforce allocation decisions;

5               “(3) links CBP and ICE workforce allocation de-  
6       cisions to analyses of threats; and

7               “(4) describes any coordination between CBP  
8       and ICE staffing plans to secure specific segments of  
9       the border region.

10       “(b) *SUBMISSION.*—The Secretary shall submit each  
11       workforce staffing plan to the Committee on Homeland Se-  
12       curity and Governmental Affairs of the Senate and the  
13       Committee on Homeland Security of the House of Rep-  
14       resentatives.”.

15       (b) *CLERICAL AMENDMENT.*—The table of contents of  
16       the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)  
17       is amended by adding after the item relating to section 446  
18       the following:

      “Sec. 447. Workforce staffing plan.”.

19       **SEC. 502. BORDER TECHNOLOGY AND INFRASTRUCTURE**  
20               **PLAN.**

21       (a) *IN GENERAL.*—Not later than 1 year after the date  
22       of enactment of this Act, and every year thereafter through  
23       September 30, 2017, the Secretary shall develop a border  
24       technology and infrastructure plan, that—

1           (1) details infrastructure and technology needs at  
2 or near international borders (including construction,  
3 repairs, maintenance, and security upgrades);

4           (2) details methods used by trafficking organiza-  
5 tions to smuggle contraband across the border and  
6 recommends countermeasures to address those activi-  
7 ties;

8           (3) establishes benchmarks and a comprehensive  
9 measurement system to assess border security;

10          (4) establishes benchmarks and a comprehensive  
11 measurement system to assess the flow of lawful com-  
12 merce and persons across land border ports of entry;

13          (5) details infrastructure and technology needs at  
14 land border Ports of Entry in consultation with the  
15 Administrator of General Services (including land  
16 purchases, construction of additional port capacity,  
17 traffic lanes, primary and secondary inspection  
18 areas, and security);

19          (6) includes a framework to plan, manage, and  
20 execute border security technology and infrastructure  
21 projects; and

22          (7) provides for consideration of construction al-  
23 ternatives, public-private partnerships, best practices,  
24 consultation with State, local government, and tribal



1       officials, and contracting opportunities for small busi-  
2       nesses.

3       **(b) USE OF OTHER PLANS.**—*The Secretary may mod-*  
4 *ify or use plans and reports required under other provisions*  
5 *of law in order to comply with this section.*

6       **SEC. 503. SURGE DEPLOYMENT.**

7       **(a) IN GENERAL.**—*Subtitle D of title IV of the Home-*  
8 *land Security Act of 2002 (6 U.S.C. 251 et seq.), as amend-*  
9 *ed by section 501(a), is further amended by adding at the*  
10 *end the following new section:*

11       **“SEC. 448. SURGE DEPLOYMENT.**

12       *“The Commissioner of U.S. Customs and Border Pro-*  
13 *tection may deploy existing surge teams to proactively re-*  
14 *spond to intelligence-related, high-risk threats or to assist*  
15 *or augment agency operations at ports of entry in the*  
16 *United States during emergencies or other events that re-*  
17 *quire additional staffing for a limited period of time.”.*

18       **(b) CLERICAL AMENDMENT.**—*The table of contents of*  
19 *the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.),*  
20 *as amended by section 501(b), is further amended by adding*  
21 *after the item relating to section 447 the following:*

*“Sec. 448. Surge deployment.”.*

22       **SEC. 504. ENHANCED TRAINING FOR BORDER PATROL**  
23                               **AGENTS.**

24       **(a) IN GENERAL.**—*Subtitle D of title IV of the Home-*  
25 *land Security Act of 2002 (6 U.S.C. 251 et seq.), as amend-*

1 *ed by section 503(a), is further amended by adding at the*  
2 *end the following:*

3 **“SEC. 449. ENHANCED TRAINING FOR BORDER PATROL**  
4 **AGENTS.**

5 *“(a) IN GENERAL.—The Secretary shall review and,*  
6 *to the extent necessary, revise the field training provided*  
7 *to Border Patrol agents to ensure that Border Patrol agents*  
8 *are adequately prepared to deal with the specific challenges*  
9 *posed by the station to which they are assigned.*

10 *“(b) TRAINING COMPONENTS.—Training described in*  
11 *subsection (a) should include—*

12 *“(1) a station-specific threat analysis that in-*  
13 *forms Border Patrol agents of the enforcement prior-*  
14 *ities in the station to which they are assigned;*

15 *“(2) a station-specific enforcement plan that sets*  
16 *out how Border Patrol agents will be deployed to meet*  
17 *those threats;*

18 *“(3) border- and region-specific survival train-*  
19 *ing to acclimate Border Patrol agents for operating*  
20 *in extreme weather and environmental conditions, es-*  
21 *pecially in emergency situations; and*

22 *“(4) communications training to ensure that*  
23 *Border Patrol agents are effectively and respectfully*  
24 *communicating with the public.”.*

1       (b) *CLERICAL AMENDMENT.*—*The table of contents of*  
2 *the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.),*  
3 *as amended by section 503(b), is further amended by adding*  
4 *after the item relating to section 448 the following:*

“*Sec. 449. Enhance training for Border Patrol agents.*”.

5 **SEC. 505. OUTBOUND INSPECTIONS.**

6       (a) *IN GENERAL.*—*Not later than 2 years after the*  
7 *date of enactment of this Act, the Secretary shall ensure*  
8 *that U.S. Customs and Border Protection has instituted an*  
9 *outbound inspections program at land, air, and maritime*  
10 *ports of entry.*

11       (b) *PROGRAM COMPONENTS.*—*In executing the out-*  
12 *bound inspections program under this section, the Secretary*  
13 *shall leverage existing resources and capabilities within the*  
14 *Department to—*

15               (1) *ensure that risk-based outbound inspections*  
16 *are routinely conducted;*

17               (2) *provide for the inspections to be conducted in*  
18 *a safe and efficient manner;*

19               (3) *direct appropriate resources to areas that*  
20 *demonstrate a higher risk of outbound violations;*

21               (4) *include a strategy for mitigating efforts by*  
22 *smuggling organizations to circumvent outbound in-*  
23 *spections; and*

24               (5) *collect information concerning aliens exiting*  
25 *the United States, pursuant to section 110 of division*

1 *C of the Omnibus Consolidated Appropriations Act,*  
2 *1997 (8 U.S.C. 1365a).*

3 *(c) WAIT TIMES.—The Secretary shall ensure that out-*  
4 *bound inspections carried out under this section do not add*  
5 *significantly to wait times for crossing the border.*

6 **SEC. 506. SITUATIONAL AWARENESS OF THE NORTHERN**  
7 **BORDER.**

8 *(a) DEFINITIONS.—In this section:*

9 *(1) NORTHERN BORDER.—The term “northern*  
10 *border” means the land and maritime border between*  
11 *the United States and Canada.*

12 *(2) SITUATIONAL AWARENESS.—The term “situa-*  
13 *tional awareness” means the perception of activity at*  
14 *and between land, maritime, and air ports of entry*  
15 *into the United States.*

16 *(b) PLAN.—Not later than 180 days after the date of*  
17 *enactment of this Act, the Secretary shall submit to the*  
18 *Committee on Homeland Security and Governmental Af-*  
19 *airs of the Senate and the Committee on Homeland Secu-*  
20 *rity of the House of Representatives a plan for improving*  
21 *situational awareness over the northern border, including*  
22 *U.S. Customs and Border Protection’s ability to identify*  
23 *illegal entries.*

24 *(c) PLAN CONTENTS.—The plan developed under sub-*  
25 *section (b) shall include—*

1           (1) *an assessment of the assets or technologies*  
2 *currently deployed on the northern border;*

3           (2) *a description of other assets or technologies*  
4 *that are needed to improve situational awareness over*  
5 *the northern border, including the ability to detect*  
6 *low-flying aircraft and suspicious small boat traffic;*

7           (3) *steps that will be taken to increase informa-*  
8 *tion sharing and coordination among law enforce-*  
9 *ment agencies operating along the northern border;*  
10 *and*

11           (4) *a description of how the Department of*  
12 *Homeland Security will coordinate with Federal,*  
13 *State, and local law enforcement and the Government*  
14 *of Canada to improve the detection of illegal entries*  
15 *across the northern border.*

16 **SEC. 507. OFFICE OF INTERNATIONAL TRAVEL SECURITY**  
17 **AND SCREENING.**

18 (a) *AMENDMENTS.—*

19           (1) *IN GENERAL.—*Subtitle C of title IV of the  
20 *Homeland Security Act of 2002 (8 U.S.C. 231), as*  
21 *amended by section 214(a) of this Act, is amended by*  
22 *adding at the end the following:*

1 **“SEC. 431. OFFICE OF INTERNATIONAL TRAVEL SECURITY**  
2 **AND SCREENING.**

3 “(a) *ESTABLISHMENT.*—*There is established within*  
4 *the Department an Office of International Travel Security*  
5 *and Screening, which shall be headed by the Assistant Sec-*  
6 *retary for International Travel Security and Screening (re-*  
7 *ferred to in this section as the ‘Assistant Secretary’), who*  
8 *shall be appointed by the President.*

9 “(b) *RESPONSIBILITIES OF THE ASSISTANT SEC-*  
10 *RETARY.*—*The Assistant Secretary shall—*

11 “(1) *have primary responsibility for—*

12 “(A) *the integrated entry and exit data sys-*  
13 *tem commonly known as ‘US-VISIT’, which was*  
14 *authorized under section 110 of Illegal Immigra-*  
15 *tion Reform and Immigrant Responsibility Act*  
16 *of 1996 (8 U.S.C. 1365a);*

17 “(B) *the visa waiver program authorized*  
18 *under section 217 of the Immigration and Na-*  
19 *tionality Act (8 U.S.C. 1187); and*

20 “(C) *the Screening Coordination Office,*  
21 *which shall be transferred from the Office of Pol-*  
22 *icy;*

23 “(2) *coordinate activities within the Department*  
24 *to identify, interdict, and prevent the travel of terror-*  
25 *ists to the United States; and*

1           “(3) *develop a strategic plan for preventing the*  
2 *travel of terrorists to the United States, in consulta-*  
3 *tion with other relevant Federal agencies.*

4           “(c) *ANNUAL VISA OVERSTAY REPORT.—*

5           “(1) *IN GENERAL.—Not later than 1 year after*  
6 *the date of enactment of the Department of Homeland*  
7 *Security Authorization Act of 2012, and annually*  
8 *thereafter through 2022, the Assistant Secretary shall*  
9 *submit a report to the Committee on Homeland Secu-*  
10 *rity and Governmental Affairs of the Senate and the*  
11 *Committee on Homeland Security of the House of*  
12 *Representatives that details data collected, in accord-*  
13 *ance with the National Institute of Standards and*  
14 *Technology’s protocols on statistical significance, con-*  
15 *cerning individuals who overstayed the terms of their*  
16 *admission in that year, including—*

17           “(A) *statistics on the nationality and visa*  
18 *class (including those traveling under the visa*  
19 *waiver program) of all individuals who over-*  
20 *stayed their admission;*

21           “(B) *statistics on the nationality and visa*  
22 *class (including those traveling under the visa*  
23 *waiver program) of individuals who overstayed*  
24 *their admission by 30 days or less, 180 days or*  
25 *less, 1 year or less, or for more than 1 year; and*

1           “(C) the number of individuals who over-  
2           stayed their admission and were subsequently  
3           apprehended, left the country, or transitioned to  
4           a new visa class.”.

5           (2) *CLERICAL AMENDMENT.*—*The table of con-*  
6           *tents of the Homeland Security Act of 2002 (6 U.S.C.*  
7           *101 et seq.) is amended by striking the item relating*  
8           *to section 431 and inserting the following:*

          “Sec. 431. *Office of International Travel Security and Screening.*”.

9           (b) *REVIEW OF AUTOMATED ENTRY AND EXIT SYS-*  
10          *TEM.*—*The Assistant Secretary for International Travel Se-*  
11          *curity and Screening shall—*

12           (1) *develop a plan for implementing the biomet-*  
13          *ric exit system required under section 217 of the Im-*  
14          *migration and Nationality Act (8 U.S.C. 1187), in-*  
15          *cluding a detailed time line; and*

16           (2) *conduct a review of US-VISIT—*

17           (A) *to ensure that all entry and exit records*  
18          *for air and sea passengers are being matched to*  
19          *accurately identify all visa overstays in a rig-*  
20          *orous, science-based manner that meets applica-*  
21          *ble standards for statistical significance provided*  
22          *by the National Institute of Standards and Tech-*  
23          *nology;*

24           (B) *to ensure that biographic exit data col-*  
25          *lected by the outbound inspections program au-*



1 *thorized under section 505 meets applicable*  
2 *standards for statistical significance provided by*  
3 *the National Institute of Standards and Tech-*  
4 *nology;*

5 *(C) to determine whether biographic exit*  
6 *data on visa overstay rates should be used in-*  
7 *stead of visa denial rates to make decisions re-*  
8 *garding the admittance of prospective member*  
9 *states into the Visa Waiver Program; and*

10 *(D) to determine the feasibility of using*  
11 *entry data from foreign countries in order to col-*  
12 *lect exit information on individuals who de-*  
13 *parted the United States; and*

14 *(3) not later than 270 days after the date of en-*  
15 *actment of this Act, submit the results of the review*  
16 *conducted under paragraph (2) and the plan devel-*  
17 *oped under paragraph (1) to the Committee on*  
18 *Homeland Security and Governmental Affairs of the*  
19 *Senate and the Committee on Homeland Security of*  
20 *the House of Representatives.*

21 *(c) PLACEMENT WITHIN THE DEPARTMENT OF HOME-*  
22 *LAND SECURITY.—Not later than 1 year after the date of*  
23 *enactment of this Act, the Secretary shall determine the po-*  
24 *sition of the Office of International Travel Security and*  
25 *Screening within the Department of Homeland Security.*

1 **SEC. 508. VISA SECURITY.**

2 (a) *IN GENERAL.*—

3 (1) *IN GENERAL.*—*Subtitle D of title IV of the*  
4 *Homeland Security Act of 2002 (6 U.S.C. 251 et*  
5 *seq.), as amended by section 504(a), is further amend-*  
6 *ed by adding at the end the following new section:*

7 **“SEC. 449A. ELECTRONIC SYSTEMS FOR NOTIFICATION OF**  
8 **VISA DENIALS AND REVIEWING VISAS.**

9 “(a) *ELECTRONIC SYSTEM FOR NOTIFYING AIRLINES*  
10 *OF VISA DENIALS.*—

11 “(1) *IN GENERAL.*—*Not later than 1 year after*  
12 *the date of enactment of the Department of Homeland*  
13 *Security Authorization Act of 2012, the Secretary of*  
14 *State, in cooperation with the Secretary, shall deploy*  
15 *an electronic system to notify airlines of the cancella-*  
16 *tion of any traveler’s visa for entry into the United*  
17 *States.*

18 “(2) *USE OF EXISTING SYSTEMS.*—*In deploying*  
19 *the system described in paragraph (1), the Secretary*  
20 *of State, in cooperation with the Secretary, shall, to*  
21 *the extent feasible, utilize the existing electronic pas-*  
22 *senger manifest systems required under section 231 of*  
23 *the Immigration and Nationality Act (8 U.S.C. 1221)*  
24 *and section 44909 of title 49, United States Code, to*  
25 *notify airlines of a canceled visa.*

1       “(b) *ELECTRONIC SYSTEM FOR REMOTELY REVIEWING*  
2 *VISAS.*—

3               “(1) *DEVELOPMENT.*—*The Secretary, in con-*  
4 *sultation with the Secretary of State, shall develop an*  
5 *electronic system for remotely reviewing visa applica-*  
6 *tions and supporting documentation at diplomatic*  
7 *and consular posts at which visas are issued.*

8               “(2) *SAVINGS PROVISION.*—*Nothing in this sub-*  
9 *section may be construed as not requiring visa secu-*  
10 *rity officers to be stationed at all visa adjudicating*  
11 *posts that are designated as high risk by the Sec-*  
12 *retary.*”.

13               “(2) *CLERICAL AMENDMENT.*—*The table of con-*  
14 *tents of the Homeland Security Act of 2002 (6 U.S.C.*  
15 *101 et seq.), as amended by section 504(b), is further*  
16 *amended by adding after the item relating to section*  
17 *449 the following:*

      “*Sec. 449A. Electronic systems for notification of visa denials and reviewing*  
          *visas.*”.

18               “(b) *ISSUANCE OF VISAS AT DESIGNATED DIPLOMATIC*  
19 *AND CONSULAR POSTS.*—*Section 428(i) of the Homeland*  
20 *Security Act of 2002 (6 U.S.C. 236(i)) is amended to read*  
21 *as follows:*

22               “(i) *VISA ISSUANCE AT CONSULAR POSTS AND EMBAS-*  
23 *SIES.*—

1           “(1) *STANDARD OPERATING PROCEDURES.*—*The*  
2           *Secretary, in coordination with the Secretary of*  
3           *State, shall institute standard operating procedures*  
4           *for the visa security program at all consular posts.*

5           “(2) *MEDIATION.*—*The Secretary and the Sec-*  
6           *retary of State shall create and implement a system*  
7           *for mediating disagreements about visa revocation de-*  
8           *isions between visa security officers and consular of-*  
9           *icers at posts, including designating senior officials*  
10           *at each Department to adjudicate disputes.*

11           “(3) *POLICY REVIEW.*—*The Secretary, in coordi-*  
12           *nation with the Secretary of State, shall review all*  
13           *policies relating to the issuing of visas to ensure that*  
14           *all individuals associated with terrorism are denied*  
15           *visas to travel to the United States.*

16           “(4) *SECURITY OFFICERS.*—*The Secretary, in*  
17           *consultation with the Secretary of State, shall develop*  
18           *a plan for deploying visa security officers to all con-*  
19           *sular posts determined to be high risk by the Sec-*  
20           *retary.”.*

21           (c) *CLARIFYING CONGRESSIONAL INTENT IN THE*  
22           *HOMELAND SECURITY ACT OF 2002.*—*Section 428(e)(6) of*  
23           *the Homeland Security Act of 2002 (6 U.S.C. 236(e)(6))*  
24           *is amended to read as follows:*

25           “(6) *TRAINING AND HIRING.*—

1           “(A) *TRAINING.*—*The Secretary shall re-*  
2           *quire all employees of the Department assigned*  
3           *to perform functions described in paragraph (2),*  
4           *in advance of their deployments—*

5                     “(i) *to obtain training on the day-to-*  
6                     *day operations of a consular post at the Na-*  
7                     *tional Foreign Affairs Training Center, on*  
8                     *a reimbursable basis;*

9                     “(ii) *to receive training in the foreign*  
10                    *language of the post at which they will be*  
11                    *assigned, unless they are already proficient*  
12                    *in the foreign language;*

13                    “(iii) *to receive a course in interview*  
14                    *and fraud detection techniques;*

15                    “(iv) *to be stationed, to the extent fea-*  
16                    *sible, for a minimum of 3 years in a post.*

17           “(B) *PROMOTION PREFERENCES.*—*The Sec-*  
18           *retary shall ensure that employees of the Depart-*  
19           *ment assigned to perform functions described in*  
20           *subparagraph (A) be given preference in pro-*  
21           *motions and in subsequent postings if they meet*  
22           *the minimum standards set by the Secretary for*  
23           *their performance.”.*

1 **SEC. 509. REPORT ON BORDER SECURITY TASK FORCES,**  
2 **DRUG INTELLIGENCE CENTERS, AND STATE**  
3 **AND MAJOR URBAN AREA FUSION CENTERS.**

4 (a) *IN GENERAL.*—Not later than 270 days after the  
5 date of enactment of this Act, the Comptroller General of  
6 the United States shall—

7 (1) *conduct a study on interagency border secu-*  
8 *rity task forces, drug intelligence and information*  
9 *sharing centers, and State and major urban area fu-*  
10 *sion centers in States that have an international*  
11 *water border or are located on the international bor-*  
12 *der between the United States and Mexico or the*  
13 *United States and Canada (in this section referred to*  
14 *as “border States”); and*

15 (2) *submit a report containing the results of the*  
16 *study conducted under paragraph (1) to the Com-*  
17 *mittee on Homeland Security and Governmental Af-*  
18 *airs of the Senate and the Committee on Homeland*  
19 *Security of the House of Representatives.*

20 (b) *CONTENTS.*—The report submitted under sub-  
21 section (a) shall—

22 (1) *detail—*

23 (A) *the number of information sharing and*  
24 *intelligence centers that address counternarcotics;*  
25 *and*

1           (B) the level and source of Federal funding  
2 for such centers;

3           (2) detail—

4           (A) the number of State and major urban  
5 area fusion centers in border States; and

6           (B) the level and source of Federal funding  
7 for such centers;

8           (3) detail—

9           (A) the number of border-security-focused  
10 task forces that address human smuggling and  
11 counter terrorism activities; and

12           (B) the level and source of Federal funding  
13 for such task forces;

14           (4) evaluate—

15           (A) the missions and functions of informa-  
16 tion sharing and intelligence centers, State and  
17 major urban area fusion centers in border  
18 States, and interagency border security task  
19 forces;

20           (B) the extent to which such centers and  
21 task forces are distinct or duplicative; and

22           (C) whether there are any opportunities for  
23 consolidation or cost efficiencies; and

1           (5) *analyze the views of selected entities that use*  
 2           *information and products from such centers and task*  
 3           *forces on—*

4                   (A) *the benefits provided by such centers*  
 5                   *and task forces;*

6                   (B) *the weaknesses in operations and focus*  
 7                   *areas of in such centers and task forces; and*

8                   (C) *any solutions or improvements from*  
 9                   *which such centers and task forces could benefit.*

10 **SEC. 510. ENHANCED AGRICULTURE INSPECTION.**

11           (a) *IN GENERAL.—Title IV of the Homeland Security*  
 12 *Act of 2002 (6 U.S.C. 201 et seq.) is amended by inserting*  
 13 *after section 421 the following:*

14 **“SEC. 421A. AGRICULTURE SPECIALISTS.**

15           “(a) *AGRICULTURE SPECIALIST CAREER TRACK.—*

16                   “(1) *IN GENERAL.—The Secretary, acting*  
 17 *through the Commissioner of U.S. Customs and Bor-*  
 18 *der Protection—*

19                           “(A) *shall identify appropriate career paths*  
 20 *for customs and border protection agriculture*  
 21 *specialists, including the education, training, ex-*  
 22 *perience, and assignments necessary for career*  
 23 *progression within U.S. Customs and Border*  
 24 *Protection;*



1           “(B) shall publish information on the career  
2           paths identified under subparagraph (A); and

3           “(C) may establish criteria by which appro-  
4           priately qualified customs and border protection  
5           technicians may be promoted to customs and  
6           border protection agriculture specialists.

7           “(b) *EDUCATION, TRAINING, AND EXPERIENCE.*—The  
8           Secretary, acting through the Commissioner of U.S. Cus-  
9           toms and Border Protection, shall provide customs and bor-  
10          der protection agriculture specialists the opportunity to ac-  
11          quire the education, training, and experience necessary to  
12          qualify for promotion within U.S. Customs and Border  
13          Protection.

14          “(c) *AGRICULTURE SPECIALIST RECRUITMENT AND*  
15          *RETENTION.*—Not later than 270 days after the date of en-  
16          actment of the Department of Homeland Security Author-  
17          ization Act of 2012, the Secretary, acting through the Com-  
18          missioner of U.S. Customs and Border Protection, shall de-  
19          velop a plan to more effectively recruit and retain qualified  
20          customs and border protection agriculture specialists. The  
21          plan shall include—

22                 “(1) numerical goals for recruitment and reten-  
23                 tion; and

1           “(2) *the use of recruitment incentives, as appro-*  
2           *priate and permissible under existing laws and regu-*  
3           *lations.*

4           “(d) *EQUIPMENT SUPPORT.—Not later than 270 days*  
5           *after the date of enactment of the Department of Homeland*  
6           *Security Authorization Act of 2012, the Commissioner of*  
7           *U.S. Customs and Border Protection shall—*

8           “(1) *determine the minimum equipment and*  
9           *other resources that are necessary at U.S. Customs*  
10           *and Border Protection agriculture inspection stations*  
11           *and facilities to enable customs and border protection*  
12           *agriculture specialists to fully and effectively carry*  
13           *out their mission;*

14           “(2) *complete an inventory of the equipment and*  
15           *other resources available at each U.S. Customs and*  
16           *Border Protection agriculture inspection station and*  
17           *facility;*

18           “(3) *identify the necessary equipment and other*  
19           *resources that are not currently available at agri-*  
20           *culture inspection stations and facilities; and*

21           “(4) *develop a plan to address any resource defi-*  
22           *ciencies identified under paragraph (3).*

23           “(e) *INTERAGENCY ROTATION PROGRAM.—The Sec-*  
24           *retary and the Secretary of Agriculture are authorized to*  
25           *enter into an agreement that—*

1           “(1) establishes an interagency rotation pro-  
2           gram; and

3           “(2) provides for personnel of the Animal and  
4           Plant Health Inspection Service of the Department of  
5           Agriculture to take rotational assignments within  
6           U.S. Customs and Border Protection and vice versa  
7           for the purposes of strengthening working relation-  
8           ships between agencies and promoting interagency ex-  
9           perience.”.

10          (b) *REPORT*.—Not later than 270 days after the date  
11 of enactment of this Act, the Secretary, acting through the  
12 Commissioner of U.S. Customs and Border Protection, shall  
13 submit a report to the Committee on Homeland Security  
14 and Governmental Affairs of the Senate and the Committee  
15 on Homeland Security of the House of Representatives that  
16 describes—

17           (1) the status of the implementation of the action  
18           plans developed by the Animal and Plant Health In-  
19           spection Service-U.S. Customs and Border Protection  
20           Joint Task Force on Improved Agriculture Inspection;

21           (2) the findings of the Commissioner under para-  
22           graphs (1), (2), and (3) of section 421A(d) of the  
23           Homeland Security Act of 2002, as added by sub-  
24           section (a);

1           (3) *the plan described in paragraph (4) of such*  
2           *section 421A(d);*

3           (4) *the implementation of the remaining require-*  
4           *ments under such section 421A; and*

5           (5) *any additional legal authority that the Sec-*  
6           *retary determines to be necessary to effectively carry*  
7           *out the agriculture inspection mission of the Depart-*  
8           *ment.*

9           (c) **TECHNICAL AND CONFORMING AMENDMENT.**—*The*  
10          *table of contents in section 1(b) of the Homeland Security*  
11          *Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after*  
12          *the item relating to section 420 the following:*

          “*Sec. 421A. Agriculture specialists.*”.

13          **SEC. 511. 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 enactment of*  
17          *this Act, the Secretary shall submit a report to the Com-*  
18          *mittee on Homeland Security and Governmental Affairs of*  
19          *the Senate and the Committee on Homeland Security of the*  
20          *House of Representatives regarding the status of*  
21          *\$640,000,000 in unobligated balances in the Customs User*  
22          *Fee Account, as reported by the Government Accountability*  
23          *Office in report GAO–11–318SP. The Secretary’s report*  
24          *shall include a final determination on the total amount of*  
25          *unobligated balances available.*

1 **SEC. 512. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

2       (a) *IN GENERAL.*—Not later than 1 year after the date  
3 of enactment of this Act, the Comptroller General of the  
4 United States shall submit a report to the Committee on  
5 Homeland Security and Governmental Affairs of the Senate  
6 and the Committee on Homeland Security of the House of  
7 Representatives that analyzes the effectiveness of the offices  
8 and programs at the Department of Homeland Security  
9 that promote integrity and investigate allegations of mis-  
10 conduct at U.S. Customs and Border Protection (CBP) and  
11 U.S. Immigration and Customs Enforcement (ICE).

12       (b) *CONTENTS.*—The report submitted under sub-  
13 section (a) shall include—

14               (1) an evaluation of the scope and level of cor-  
15 ruption activities, including investigations, arrests,  
16 terminations, prosecutions, and convictions, within  
17 the CBP and ICE workforces;

18               (2) a description of the Department's efforts—

19                       (A) to promote integrity and profes-  
20 sionalism, including staffing involved in such ef-  
21 forts;

22                       (B) to train the workforce about ethical  
23 standards and integrity responsibilities; and

24                       (C) to investigate allegations of misconduct  
25 within CBP and ICE, including coordinating  
26 such investigations among Federal agencies;

1           (3) *an analysis of the effectiveness of the integ-*  
2 *riety and training efforts described in paragraph (2),*  
3 *initiatives to incorporate lessons learned from pre-*  
4 *vious cases, and any inefficiencies or redundancies in*  
5 *integrity or investigative programs at the Depart-*  
6 *ment;*

7           (4) *the Federal funding—*

8                 (A) *associated with preventing corruption*  
9 *in CBP and ICE; and*

10                (B) *lost as a result of CBP and ICE per-*  
11 *sonnel being removed from their official duties*  
12 *for corruption; and*

13           (5) *any recommendations to improve the integ-*  
14 *riety and professionalism of the CBP and ICE work-*  
15 *force and the offices that oversee such activities and*  
16 *investigations at the Department.*

17 **SEC. 513. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

18           (a) *DEFINITIONS.—In this section:*

19                (1) *FEDERAL LANDS.—The term “Federal lands”*  
20 *includes all land, including a component of the Na-*  
21 *tional Wilderness Preservation System, under the con-*  
22 *trol of the Secretary concerned that is located within*  
23 *100 miles of the international border between the*  
24 *United States and Mexico.*

1           (2) *SECRETARY CONCERNED.*—*The term “Sec-*  
2 *retary concerned” means—*

3                   (A) *with respect to land under the jurisdic-*  
4 *tion of the Secretary of Agriculture, the Sec-*  
5 *retary of Agriculture; and*

6                   (B) *with respect to land under the jurisdic-*  
7 *tion of the Secretary of the Interior, the Sec-*  
8 *retary of the Interior.*

9           (b) *SUPPORT FOR BORDER SECURITY NEEDS.*—

10           (1) *IN GENERAL.*—*To achieve operational control*  
11 *of Federal lands—*

12                   (A) *the Secretary concerned shall authorize*  
13 *and provide U.S. Customs and Border Protec-*  
14 *tion personnel with immediate access to Federal*  
15 *lands for security activities, including—*

16                           (i) *routine motorized patrols; and*

17                           (ii) *the deployment of temporary tac-*  
18 *tical infrastructure and surveillance and*  
19 *detection equipment; and*

20                   (B) *the security activities described in sub-*  
21 *paragraph (A) shall be conducted, to the max-*  
22 *imum extent practicable, in a manner that the*  
23 *Secretary determines will best protect the nat-*  
24 *ural and cultural resources on Federal lands.*

1       (c) *INVENTORY OF COSTS AND ACTIVITIES.*—*The Sec-*  
2 *retary shall—*

3           (1) *coordinate with the Secretary concerned to*  
4 *develop and annually update an inventory of costs in-*  
5 *curring by the agencies relating to illegal border activ-*  
6 *ity on Federal lands; and*

7           (2) *annually submit the inventory developed*  
8 *under paragraph (1) to—*

9           (A) *the Committee on Homeland Security*  
10 *and Governmental Affairs of the Senate;*

11           (B) *the Committee on the Judiciary of the*  
12 *Senate;*

13           (C) *the Committee on Appropriations of the*  
14 *Senate;*

15           (D) *the Committee on Homeland Security*  
16 *of the House of Representatives;*

17           (E) *the Committee on the Judiciary of the*  
18 *House of Representatives; and*

19           (F) *the Committee on Appropriations of the*  
20 *House of Representatives.*

21       (d) *INTERMINGLED PRIVATE AND STATE LAND.*—*This*  
22 *section shall not apply to any private or State owned land*  
23 *within the boundaries of Federal lands.*



1 **SEC. 514. Z BACKSCATTER VAN TECHNOLOGY REPORT.**

2       (a) *IN GENERAL.*—Not later than 1 year after the date  
3 of enactment of this Act, the Secretary shall submit to the  
4 Committee on Homeland Security and Governmental Af-  
5 fairs of the Senate and the Committee on Homeland Secu-  
6 rity of the House of Representatives a report that details  
7 the use of Z Backscatter Van technology (referred to in this  
8 section as “ZBV”) by the Department.

9       (b) *CONTENTS.*—The report submitted under sub-  
10 section (a) shall include—

11           (1) a list of agencies and offices within the De-  
12 partment that use ZBV;

13           (2) information regarding detection capabilities  
14 of ZBV, including any statistics regarding rates of  
15 detection of contraband or illegal goods or substances;

16           (3) the privacy protections used by the Depart-  
17 ment to prevent the inappropriate use of ZBV, in-  
18 cluding privacy training given to ZBV operators; and

19           (4) information regarding any complaints or  
20 lawsuits filed against the Department regarding the  
21 use of ZBV.

22       (c) *CLASSIFIED ANNEX.*—The report may include a  
23 classified annex.

24 **SEC. 515. REFUGEE STATUS REPORT.**

25       Not later than 1 year after the date of enactment of  
26 this Act, the Secretary shall submit a report to the Com-

1 *mittee on Homeland Security and Governmental Affairs of*  
2 *the Senate and the Committee on Homeland Security of the*  
3 *House of Representatives that identifies the number of refu-*  
4 *gees that applied for legal permanent resident status and*  
5 *the number of refugees that did not apply for legal perma-*  
6 *nent resident status, broken down by current legal status*  
7 *and country of origin.*

8 **TITLE VI—INTELLIGENCE AND**  
9 **INFORMATION-SHARING PRO-**  
10 **VISIONS**

11 **SEC. 601. AUTHORIZATION OF INTELLIGENCE ACTIVITIES.**

12 *(a) IN GENERAL.—Funds authorized or made avail-*  
13 *able for intelligence activities of the Department are deemed*  
14 *to be specifically authorized by the Congress for purposes*  
15 *of section 504 of the National Security Act of 1947 (50*  
16 *U.S.C. 414) during fiscal year 2012.*

17 *(b) RULE OF CONSTRUCTION.—The authorization*  
18 *under this Act for intelligence activities of the Department*  
19 *shall not be deemed to constitute authority for the conduct*  
20 *of any intelligence activity which is not otherwise author-*  
21 *ized by the Constitution or the laws of the United States.*

1 **SEC. 602. CLASSIFIED NATIONAL SECURITY INFORMATION**  
2 **PROGRAM FOR STATES, LOCAL GOVERN-**  
3 **MENTS, INDIAN TRIBES, AND PRIVATE SEC-**  
4 **TOR ENTITIES.**

5 (a) *IN GENERAL.*—*Subtitle A of title II of the Home-*  
6 *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*  
7 *by adding at the end the following:*

8 **“SEC. 210G. CLASSIFIED NATIONAL SECURITY INFORMA-**  
9 **TION PROGRAM FOR STATES, LOCAL GOVERN-**  
10 **MENTS, INDIAN TRIBES, AND PRIVATE SEC-**  
11 **TOR ENTITIES.**

12 *“(a) DEFINITIONS.—In this section—*

13 *“(1) the term ‘classified information’ means in-*  
14 *formation that is classified under Executive Order*  
15 *13526 (75 Fed. Reg. 707) or any successor thereto;*  
16 *and*

17 *“(2) the term ‘Program’ means the Classified*  
18 *National Security Information Program established*  
19 *under subsection (b).*

20 *“(b) ESTABLISHMENT.—There is established a Classi-*  
21 *fied National Security Information Program, which shall*  
22 *be designed to safeguard and govern access to classified in-*  
23 *formation shared by the Federal Government with States,*  
24 *local governments, Indian tribes, and private sector entities.*

1       “(c) *RESPONSIBILITIES OF THE SECRETARY.*—The  
2 *Secretary shall manage the Program and be responsible*  
3 *for—*

4               “(1) *oversight of the Program;*

5               “(2) *accreditation, periodic inspection, and mon-*  
6 *itoring of all facilities where classified information is*  
7 *used or store that are owned or operated by a State,*  
8 *local government, or Indian tribe, unless there is an*  
9 *agreement in effect between another executive agency*  
10 *and the Secretary to perform some or all of these*  
11 *functions;*

12              “(3) *upon request by the head of an executive*  
13 *agency, processing an application for a security clear-*  
14 *ance for an employee of a State, local government, In-*  
15 *dian tribe, or private entity, which shall be processed*  
16 *on a reimbursable basis unless determined otherwise*  
17 *by the Secretary and the head of the executive agency*  
18 *making the request;*

19              “(4) *in consultation with the Director of the Of-*  
20 *fice of Personnel Management, the Secretary of De-*  
21 *fense, and the Director of National Intelligence, docu-*  
22 *menting and tracking the final status of all applica-*  
23 *tions for a security clearance for an employee of a*  
24 *State, local government, Indian tribe, or private enti-*  
25 *ty;*

1           “(5) *developing and maintaining a security pro-*  
2 *file of facilities owned or operated by a State, local*  
3 *government, or Indian tribe that have access to classi-*  
4 *fied information;*

5           “(6) *developing training for all employees of a*  
6 *State, local government, Indian tribe, or private enti-*  
7 *ty who have been determined eligible for access to*  
8 *classified information, which shall address the proper*  
9 *safeguarding of classified information and sanctions*  
10 *for unauthorized disclosure of classified information;*  
11 *and*

12           “(7) *any other responsibilities provided to the*  
13 *Secretary by the President.*

14           “(d) *ANNUAL REPORT.—*

15           “(1) *IN GENERAL.—Not later than December 31,*  
16 *2012, and every year thereafter until December 31,*  
17 *2024, the Secretary shall submit to the Committee on*  
18 *Homeland Security and Governmental Affairs of the*  
19 *Senate and the Committee on Homeland Security of*  
20 *the House of Representatives a report of the activities*  
21 *of the Department under Executive Order 13549, or*  
22 *any successor thereto, and this section.*

23           “(2) *REQUIREMENTS OF ANNUAL REPORT.—*  
24 *Each annual report under paragraph (1) shall in-*  
25 *clude—*

1           “(A) a general description of the progress  
2 made in satisfying the requirements under this  
3 section and under Executive Order 13549, or  
4 any successor thereto;

5           “(B) a description of funds expended by the  
6 Department to carry out this section and to  
7 carry out Executive Order 13549, or any suc-  
8 cessor thereto;

9           “(C) annual statistical information on the  
10 Program, including—

11           “(i) the number of employees of a  
12 State, local government, Indian tribe, or  
13 private entity for whom an application for  
14 a security clearance was submitted to the  
15 Federal Government;

16           “(ii) the number of security clearance  
17 applications processed under the Program;  
18 and

19           “(iii) the number of facilities described  
20 in subsection (c)(2);

21           “(D) a description of the training carried  
22 out under the Program;

23           “(E) information regarding performance  
24 measures under the Program;

1           “(F) an assessment of whether executive  
2 agencies are complying with the security clear-  
3 ance reciprocity requirement under section 1.3(c)  
4 of Executive Order 13549, or any successor there-  
5 to;

6           “(G) information relating to the inspection  
7 and monitoring of facilities described in sub-  
8 section (c)(2), including information on security  
9 violations discovered as a result of the inspection  
10 and monitoring; and

11           “(H) an assessment of any counterintel-  
12 ligence threats and risks associated with the Pro-  
13 gram.

14           “(3) CONSISTENCY.—To the extent possible, each  
15 report submitted under paragraph (1) shall be con-  
16 sistent in the collection and analysis of relevant sta-  
17 tistical information and the use of performance meas-  
18 ures.

19           “(4) CLASSIFICATION.—Each report submitted  
20 under paragraph (1) shall be in unclassified form,  
21 but may include a classified annex.

22           “(e) REPORT ON SECURITY CLEARANCE VERIFICATION  
23 PROCESSES.—Not later than 1 year after the date of enact-  
24 ment of this section, the Secretary, in coordination with  
25 the Secretary of Defense, the Director of National Intel-

1 *ligence, and the Director of the Office of Personnel Manage-*  
 2 *ment, shall submit to the Committee on Homeland Security*  
 3 *and Governmental Affairs of the Senate and the Committee*  
 4 *on Homeland Security of the House of Representatives a*  
 5 *report on the activities conducted by the Federal Govern-*  
 6 *ment to support the efficient management and verification*  
 7 *of security clearances, including by employees of States,*  
 8 *local governments, Indian tribes, and private sector enti-*  
 9 *ties.”.*

10 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
 11 *table of contents under section 1(b) of the Homeland Secu-*  
 12 *rity Act of 2002 (6 U.S.C. 101(b)) is amended by inserting*  
 13 *after the item relating to section 210F the following:*

*“Sec. 210G. Classified National Security Information Program for States, local  
governments, Indian tribes, and private sector entities.”.*

14 **SEC. 603. FLEXIBLE PERSONNEL MANAGEMENT AT THE OF-**  
 15 ****OFFICE OF INTELLIGENCE AND ANALYSIS.****

16 (a) *IN GENERAL.—The Homeland Security Act of*  
 17 *2002 (6 U.S.C. 101 et seq.) is amended by inserting after*  
 18 *section 845 the following:*

19 **“SEC. 846. AUTHORITY FOR FLEXIBLE PERSONNEL MAN-**  
 20 ****AGEMENT AT THE OFFICE OF INTELLIGENCE****  
 21 ****AND ANALYSIS.****

22 *“(a) AUTHORITY TO ESTABLISH POSITIONS IN EX-*  
 23 *CEPTED SERVICE.—*



1           “(1) *IN GENERAL.*—*With the concurrence of the*  
2           *Director of National Intelligence and in coordination*  
3           *with the Director of the Office of Personnel Manage-*  
4           *ment, the Secretary may—*

5                   “(A) *convert such competitive service posi-*  
6                   *tions, and the incumbents of such positions,*  
7                   *within the Office of Intelligence and Analysis to*  
8                   *excepted service positions as the Secretary deter-*  
9                   *mines are necessary to carry out the intelligence*  
10                  *functions of the Department; and*

11                   “(B) *establish new positions within the Of-*  
12                   *fice of Intelligence and Analysis in the excepted*  
13                   *service, if the Secretary determines such posi-*  
14                   *tions are necessary to carry out the intelligence*  
15                   *functions of the Department.*

16           “(2) *CLASSIFICATION AND PAY RANGES.*—*In co-*  
17           *ordination with the Director of National Intelligence,*  
18           *the Secretary may establish the classification and*  
19           *ranges of rates of basic pay for any position converted*  
20           *under paragraph (1)(A) or established under para-*  
21           *graph (1)(B), notwithstanding otherwise applicable*  
22           *laws governing the classification and rates of basic*  
23           *pay for such positions.*

24           “(3) *APPOINTMENT AND COMPENSATION.*—*The*  
25           *Secretary may appoint individuals for service in po-*

1        *sitions converted under paragraph (1)(A) or estab-*  
 2        *lished under paragraph (1)(B) without regard to the*  
 3        *provisions of chapter 33 of title 5, United States*  
 4        *Code, governing appointments in the competitive serv-*  
 5        *ice, and may fix the compensation of such individuals*  
 6        *within the applicable ranges of rates of basic pay es-*  
 7        *tablished under paragraph (2).*

8            *“(4) LOCALITY-BASED COMPARABILITY PAY-*  
 9            *MENTS.—Locality-based comparability payments*  
 10          *under section 5304 of title 5, United States Code,*  
 11          *may be made to employees appointed to positions*  
 12          *converted under paragraph (1)(A) or established*  
 13          *under paragraph (1)(B) at a rate established under*  
 14          *that section, notwithstanding the limitation under*  
 15          *subsection (g) of that section.*

16            *“(5) MAXIMUM RATE OF BASIC PAY.—The max-*  
 17            *imum rate of basic pay the Secretary may establish*  
 18            *under this subsection is the rate for level III of the*  
 19            *Executive Schedule under section 5314 of title 5,*  
 20            *United States Code.*

21            *“(b) EXTENSION OF FLEXIBLE PERSONNEL MANAGE-*  
 22            *MENT AUTHORITIES.—*

23            *“(1) DEFINITIONS.—In this subsection—*

24            *“(A) the term ‘compensation authority’—*

1           “(i) means authority involving basic  
2           pay (including position classification), pre-  
3           mium pay, awards, bonuses, incentives, al-  
4           lowances, differentials, student loan repay-  
5           ments, and special payments; and

6           “(ii) shall not include—

7                   “(I) authorities relating to bene-  
8                   fits such as leave, severance pay, retire-  
9                   ment, and insurance;

10                   “(II) authority to grant a rank  
11                   award by the President under section  
12                   4507, 4507a, or 3151(c) of title 5,  
13                   United States Code, or any other pro-  
14                   vision of law; or

15                   “(III) compensation authorities  
16                   and performance management authori-  
17                   ties provided under provisions of law  
18                   relating to the Senior Executive Serv-  
19                   ice or under section 5376 of title 5,  
20                   United States Code (relating to senior-  
21                   level and scientific or professional posi-  
22                   tions); and

23                   “(B) the term ‘intelligence community’ has  
24                   the meaning given under section 3(4) of the Na-  
25                   tional Security Act of 1947 (50 U.S.C. 401a(4)).

1           “(2) *AUTHORITY.*—

2                   “(A) *IN GENERAL.*—*Notwithstanding any*  
3 *other provision of law, in order to ensure the eq-*  
4 *uitable treatment of employees across the intel-*  
5 *ligence community—*

6                           “(i) *except for matters referred to in*  
7 *clause (ii), the Secretary, with the concur-*  
8 *rence of the Director of National Intel-*  
9 *ligence, may authorize the Office of Intel-*  
10 *ligence and Analysis to adopt compensation*  
11 *authority, performance management author-*  
12 *ity, and scholarship authority that have*  
13 *been authorized for another element of the*  
14 *intelligence community if the Secretary and*  
15 *the Director of National Intelligence deter-*  
16 *mine that the adoption of that authority*  
17 *would improve the management and per-*  
18 *formance of the intelligence community; and*

19                           “(ii) *for those matters that fall under*  
20 *the responsibilities of the Office of Personnel*  
21 *Management under statute or executive*  
22 *order, the Secretary, in coordination with*  
23 *the Director of the Office of Personnel Man-*  
24 *agement, may authorize the Office of Intel-*  
25 *ligence and Analysis to adopt compensation*

1           *authority, performance management author-*  
2           *ity, and scholarship authority that have*  
3           *been authorized for another element of the*  
4           *intelligence community if the Secretary, in*  
5           *coordination with the Director of the Office*  
6           *of Personnel Management, determines that*  
7           *the adoption of that authority would im-*  
8           *prove the management and performance of*  
9           *the intelligence community.*

10           “(B) NOTICE.—Not later than 60 days be-  
11           *fore an authority adopted under subparagraph*  
12           *(A) is to take effect, the Secretary shall submit*  
13           *notice of the adoption of that authority by the*  
14           *Office of Intelligence and Analysis, including the*  
15           *authority to be so adopted, and an estimate of*  
16           *the costs associated with the adoption of that au-*  
17           *thority to—*

18           “(i) *the Committee on Homeland Secu-*  
19           *rity and Governmental Affairs of the Senate*  
20           *and the Select Committee on Intelligence of*  
21           *the Senate; and*

22           “(ii) *the Committee on Homeland Se-*  
23           *curity of the House of Representatives and*  
24           *the Permanent Select Committee on Intel-*  
25           *ligence of the House of Representatives.*



1 **SEC. 605. FUSION CENTER FUNDING REPORT.**

2 *Not later than 60 days after the end of fiscal year*  
3 *2012, and each fiscal year thereafter through fiscal year*  
4 *2016, the Secretary shall submit to the Committee on*  
5 *Homeland Security and Governmental Affairs of the Senate*  
6 *and the Committee on Homeland Security of the House of*  
7 *Representatives a report detailing the amount of Federal*  
8 *funds provided, directly or indirectly, to each State and*  
9 *major urban area fusion center during that fiscal year.*

10 **SEC. 606. REPORT ON FUSION CENTERS.**

11 *(a) IN GENERAL.—Not later than 270 days after the*  
12 *date of enactment of this Act, the Comptroller General of*  
13 *the United States shall submit to the Committee on Home-*  
14 *land Security and Governmental Affairs of the Senate and*  
15 *the Committee on Homeland Security of the House of Rep-*  
16 *resentatives a report evaluating the process, or feasibility*  
17 *of developing a process, under which the Office of Intel-*  
18 *ligence and Analysis assesses the results achieved from the*  
19 *award of grants that support the activities of State and*  
20 *major urban area fusion centers, which could be used as*  
21 *a means of determining the return on investment for the*  
22 *Federal Government in terms of added homeland security*  
23 *protection.*

24 *(b) CONTENTS.—The report submitted under sub-*  
25 *section (a) shall discuss whether the Office of Intelligence*  
26 *and Analysis has, or could develop, a process that—*

1           (1) establishes and requires reporting relating to  
2           measurable results each State and major urban area  
3           fusion center is expected to achieve with grant fund-  
4           ing, including addressing gaps in critical baseline ca-  
5           pabilities (such as improved analytical capabilities)  
6           or attaining a homeland security outcome (such as  
7           helping to identify a potential threat);

8           (2) establishes annual performance targets to-  
9           wards achieving the measurable results described in  
10          paragraph (1);

11          (3) allows the Office to—

12               (A) review how State and major urban area  
13               fusion centers propose to use grant funds;

14               (B) evaluate the activities of State and  
15               major urban area fusion centers; and

16               (C) assess whether State and major urban  
17               area fusion centers are using grant funds to  
18               achieve priority capabilities;

19          (4) establishes a means to track and measure  
20          progress towards achieving performance targets and  
21          expected results, based on consistent and reliable data  
22          from State and major urban area fusion centers and  
23          individuals and entities most affected by the activities  
24          of State and major urban area fusion centers; and



1           (5) assesses progress and results achieved by  
2           State and major urban area fusion centers and uses  
3           this information to inform decisions regarding grant  
4           funding.

5 **SEC. 607. GAO REPORT ON ANALYTICAL CAPABILITIES.**

6           Not later than 1 year after the date of enactment of  
7           this Act, the Comptroller General of the United States shall  
8           submit to the Committee on Homeland Security and Gov-  
9           ernmental Affairs of the Senate and the Committee on  
10          Homeland Security of the House of Representatives an un-  
11          classified report on the analytical capabilities of the De-  
12          partment in the area of intelligence, including at intel-  
13          ligence offices within the operational components of the De-  
14          partment, which shall include—

15                 (1) an analysis of the reliance on contractors by  
16                 the Department for intelligence analysis;

17                 (2) a description of whether the Department de-  
18                 velops analysts with the proper level of specialization;

19                 (3) a description of—

20                         (A) whether parts of the intelligence anal-  
21                         ysis organization of the Department overlap or  
22                         are duplicative; and

23                         (B) whether there are any gaps in intel-  
24                         ligence analysis within the Department; and

1           (4) a description of the accuracy and usefulness  
2           of the analytical products produced by the Depart-  
3           ment.

4 **SEC. 608. AUDIT ON PRIVACY AND CIVIL LIBERTIES AND UP-**  
5                           **DATE ON PRIVACY AND CIVIL LIBERTIES IM-**  
6                           **PACT ASSESSMENTS.**

7           (a) *INSPECTOR GENERAL AUDIT.*—Not later than 1  
8           year after the date of enactment of this Act, the Inspector  
9           General of the Department shall—

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

16                   (2) submit a report on the results of that audit  
17                   to the Homeland Security and Governmental Affairs  
18                   Committee of the Senate and the Committee on  
19                   Homeland Security of the House of Representatives.

20           (b) *PRIVACY IMPACT ASSESSMENT.*—Not later than  
21           180 days after the date of enactment of this Act, the Privacy  
22           Officer of the Department shall—

23                   (1) update the Privacy Impact Assessment for  
24                   the State, Local, and Regional Fusion Center Initia-  
25                   tive completed in 2008 in accordance with the re-

1        *quirements of section 511(d)(2) of the Implementing*  
2        *Recommendations of the 9/11 Commission Act of 2007*  
3        *in order to reflect the evolution of State and local fu-*  
4        *sion centers since that date; and*

5                *(2) submit the updated assessment to the Home-*  
6        *land Security and Governmental Affairs Committee*  
7        *of the Senate and the Committee on Homeland Secu-*  
8        *rity of the House of Representatives.*

9        *(c) CIVIL LIBERTIES IMPACT ASSESSMENT.—Not later*  
10        *than 180 days after the date of enactment of this Act, the*  
11        *Officer for Civil Liberties and Civil Rights of the Depart-*  
12        *ment shall—*

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

20                *(2) submit the updated assessment to the Home-*  
21        *land Security and Governmental Affairs Committee*  
22        *of the Senate and the Committee on Homeland Secu-*  
23        *rity of the House of Representatives.*

1           **TITLE VII—SCIENCE AND**  
2           **TECHNOLOGY PROVISIONS**

3   **SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY.**

4       (a) *IN GENERAL.*—

5           (1) *DIRECTORATE.*—*Title III of the Homeland*  
6           *Security Act of 2002 (6 U.S.C. 181 et seq.), is amend-*  
7           *ed by striking section 301 and inserting the following:*

8   **“SEC. 301. DIRECTORATE OF SCIENCE AND TECHNOLOGY.**

9       “(a) *IN GENERAL.*—*There shall be in the Department*  
10      *a Directorate of Science Technology headed by an Under*  
11      *Secretary for Science and Technology.*

12      “(b) *RESPONSIBILITIES.*—*The Directorate of Science*  
13      *and Technology shall serve as the primary research, devel-*  
14      *opment, testing, and evaluation agency in the Depart-*  
15      *ment.”.*

16           (2) *TECHNICAL AND CONFORMING AMEND-*  
17      *MENT.*—*The table of contents in section 1(b) of the*  
18      *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)*  
19      *is amended by striking the item relating to section*  
20      *301 and inserting the following:*

    “*Sec. 301. Directorate of Science and Technology.*”.

21      (b) *RESPONSIBILITIES AND AUTHORITIES.*—*Section*  
22      *302 of the Homeland Security Act of 2002 (6 U.S.C. 182)*  
23      *is amended—*

1           (1) in paragraph (5)(A), by striking the second  
2 comma after “biological” and inserting “radiological,  
3 nuclear,”;

4           (2) in paragraph (12), by inserting “, including  
5 conducting strategic planning and providing tech-  
6 nical assistance for such activities within the Depart-  
7 ment” after “activities of the Department”;

8           (3) in paragraph (13), by striking “and” at the  
9 end;

10          (4) in paragraph (14), by striking the period  
11 and inserting “; and”; and

12          (5) by adding after paragraph (14) the fol-  
13 lowing:

14           “(15) supporting the acquisition of technologies  
15 and systems by the Department by providing—

16               “(A) the Secretary with independent assess-  
17 ments; and

18               “(B) technical assistance within the Depart-  
19 ment for development, testing, and evaluation;

20           “(16) conducting strategic planning within the  
21 Department for basic, advanced, and applied research  
22 and development; and

23           “(17) providing technical assistance within the  
24 Department for the development, testing, evaluation,  
25 and acquisition of technologies.”.

1       (c) *HOMELAND SECURITY ADVANCED RESEARCH*  
2 *PROJECTS.*—Section 307(b)(3)(B) of the Homeland Secu-  
3 rity Act of 2002 (6 U.S.C. 187(b)(3)(B)) is amended by  
4 inserting “to strengthen border and maritime security,  
5 cyber security, aviation security, transportation security,  
6 catastrophic response and recovery capabilities, and other  
7 homeland security missions” after “technologies”.

8 **SEC. 702. DIRECTOR OF TESTING AND EVALUATION.**

9       Section 308 of the Homeland Security Act of 2002 (6  
10 U.S.C. 188) is amended by adding at the end the following:

11       “(d) *DIRECTOR OF TESTING AND EVALUATION.*—

12               “(1) *DEFINITION.*—In this subsection, the term  
13 ‘operational testing and evaluation activity’ means—

14                       “(A) any field test, under realistic condi-  
15 tions, of technologies, equipment, or systems for  
16 the purpose of determining the performance, ef-  
17 fectiveness, and operational suitability of the  
18 technologies, equipment, or systems for use by the  
19 Department; and

20                       “(B) the evaluation of the results of such  
21 tests against established operational require-  
22 ments.

23               “(2) *ESTABLISHMENT.*—There is established in  
24 the Directorate of Science and Technology a Director  
25 of Testing and Evaluation.

1           “(3) *RESPONSIBILITIES, AUTHORITIES, AND*  
2 *FUNCTIONS.—*

3           “(A) *PRINCIPLE ADVISER.—The Director of*  
4 *Testing and Evaluation is the principal adviser*  
5 *to the Under Secretary for Science and Tech-*  
6 *nology for all testing and evaluation, including*  
7 *operational testing and evaluation activities in*  
8 *the Department.*

9           “(B) *OTHER RESPONSIBILITIES, AUTHORI-*  
10 *TIES, AND FUNCTIONS.—The Director of Testing*  
11 *and Evaluation shall—*

12           “(i) *establish testing and evaluation*  
13 *policies, procedures, standards and practices*  
14 *for the Department;*

15           “(ii) *monitor and review all oper-*  
16 *ational testing and evaluation activities*  
17 *within the Department; and*

18           “(iii) *provide support to the Acquisi-*  
19 *tion Review Board, established under sec-*  
20 *tion 836, including by preparing a Letter of*  
21 *Assessment for any investment reviewed by*  
22 *the Acquisition Review Board, that sets*  
23 *forth an assessment of the technology and*  
24 *the testing and evaluation activity.*

1           “(C) *ACCESS TO INFORMATION.*—*The Direc-*  
2           *tor of Testing and Evaluation—*

3                   “(i) *shall have access to all acquisition*  
4                   *records and data within the Department*  
5                   *that the Director determines are necessary*  
6                   *to carry out the duties authorized under*  
7                   *this subsection;*

8                   “(ii) *may designate observers to be*  
9                   *present during the preparation for, and the*  
10                   *execution of, any operational testing and*  
11                   *evaluation activity within the Department;*  
12                   *and*

13                   “(iii) *shall have prompt access to the*  
14                   *results of any operational testing and eval-*  
15                   *uation activity.”.*

16 **SEC. 703. FIVE-YEAR RESEARCH AND DEVELOPMENT IN-**  
17 **VESTMENT PLAN; TECHNOLOGY READINESS**  
18 **ASSESSMENT PROCESS; AND AVAILABILITY**  
19 **OF TESTING FACILITIES AND EQUIPMENT.**

20           *Title III of the Homeland Security Act of 2002 (6*  
21 *U.S.C. 181 et seq.) is amended by inserting after section*  
22 *318, as added by section 414(a), the following:*



1 **“SEC. 319. FIVE-YEAR RESEARCH AND DEVELOPMENT IN-**  
2 **VESTMENT PLAN.**

3 “(a) *DEFINITION.*—*In this section the term ‘Plan’*  
4 *means the Five-year Research and Development Investment*  
5 *Plan developed under this section.*

6 “(b) *IN GENERAL.*—*Acting through the Under Sec-*  
7 *retary of Science and Technology, the Secretary shall de-*  
8 *velop a Five-Year Research and Development Investment*  
9 *Plan that shall guide all expenditures by the Department*  
10 *for basic, advanced, or applied research and technology de-*  
11 *velopment activities.*

12 “(c) *CONTENTS.*—*The Plan shall—*

13 “(1) *set forth anticipated annual expenditures*  
14 *for each fiscal year from 2012 through 2017;*

15 “(2) *set forth annual milestones and objectives*  
16 *that shall be—*

17 “(A) *for all basic, advanced, applied re-*  
18 *search and development; and*

19 “(B) *aligned with the operational require-*  
20 *ments of the Department, including the improve-*  
21 *ment and development of technologies to—*

22 “(i) *combat chemical, biological, nu-*  
23 *clear, and radiological and high-explosive*  
24 *terrorist attacks;*

25 “(ii) *strengthen border and maritime*  
26 *security, cyber security, aviation security,*

1           *transportation security, and response and*  
2           *recovery capabilities; and*

3                   “(iii) *address other needs as deter-*  
4                   *mined by the Secretary; and*

5           “(3) *take into account the operational require-*  
6           *ments of State and local governments.*

7           “(d) *SUBMISSIONS OF THE PLAN AND UPDATES.—*

8                   “(1) *INITIAL PLAN.—Not later than 180 days*  
9                   *after the date of enactment of the Department of*  
10                   *Homeland Security Authorization Act of 2012, the*  
11                   *Secretary shall submit the Plan to the Committee on*  
12                   *Homeland Security and Government Affairs of the*  
13                   *Senate and the Committee on Homeland Security of*  
14                   *the House of Representatives.*

15                   “(2) *ANNUAL UPDATES.—The Secretary shall*  
16                   *submit an annual update of the Plan that sets forth*  
17                   *each expenditure in the preceding fiscal year to the*  
18                   *Committee on Homeland Security and Government*  
19                   *Affairs of the Senate and the Committee on Home-*  
20                   *land Security of the House of Representatives.*

21   **“SEC. 320. ESTABLISHING A TECHNOLOGY EVALUATION**  
22                   **AND READINESS ASSESSMENT PROCESS.**

23           *“Acting through the Under Secretary for Science and*  
24           *Technology, the Secretary shall establish a process for evalu-*  
25           *ating the readiness, performance, and suitability of any*

1 *technologies or systems that the Department acquires or de-*  
2 *velops to carry out the missions of the Department.*

3 **“SEC. 321. AVAILABILITY OF TESTING FACILITIES AND**  
4 **EQUIPMENT.**

5       “(a) *AUTHORITY.*—*The Under Secretary for Science*  
6 *and Technology may make available to any person or enti-*  
7 *ty, for an appropriate fee, the services of any center or other*  
8 *testing facility owned and operated by the Department for*  
9 *the testing of materials, equipment, models, computer soft-*  
10 *ware, and other items designed to advance the homeland*  
11 *security mission.*

12       “(b) *INTERFERENCE WITH FEDERAL PROGRAMS.*—  
13 *The Under Secretary for Science and Technology shall en-*  
14 *sure that the testing of materials, equipment, models, com-*  
15 *puter software, or other items not owned by the Federal*  
16 *Government shall not cause personnel or other resources of*  
17 *the Federal Government to be diverted from scheduled Fed-*  
18 *eral Government tests or otherwise interfere with Federal*  
19 *Government mission requirements.*

20       “(c) *CONFIDENTIALITY OF TEST RESULTS.*—*The re-*  
21 *sults of tests performed with services made available under*  
22 *subsection (a) and any associated data provided by the per-*  
23 *son or entity for the conduct of the tests may not be disclosed*  
24 *outside the Federal Government without the consent of the*  
25 *person or entity for whom the tests are performed.*

1       “(d) *USE OF FEES.*—Any fee collected under sub-  
2 section (a) shall be used to recoup the direct and indirect  
3 costs incurred by the Federal Government to provide for  
4 testing and any remaining funds shall be used by the Sec-  
5 retary to support research and development activities with-  
6 in the Department.”.

7 **SEC. 704. NATIONAL ACADEMY OF SCIENCES REPORT.**

8       (a) *DEFINITION.*—In this section—

9               (1) the term “2002 report” means the report pre-  
10       pared by the National Research Council entitled  
11       “*Making the Nation Safer: The Role of Science and*  
12       *Technology in Countering Terrorism (2002)*”; and

13               (2) the term “National Research Council” means  
14       the National Research Council of the National Acad-  
15       emy of Sciences.

16       (b) *AGREEMENT.*—Not later than 90 days after the  
17       date of enactment of this Act, the Secretary shall enter into  
18       an agreement with the National Research Council to update  
19       the 2002 report.

20       (c) *CONTENTS OF REPORT.*—The report described  
21       under subsection (b) shall—

22               (1) update the 2002 report to assess progress  
23       made towards the recommendations in that report;  
24       and

1           (2) *make recommendations to guide the Federal*  
2           *Government to strengthen and improve homeland se-*  
3           *curity over the next decade.*

4           (d) *SUBMISSION OF REPORT.*—*Not later than 1 year*  
5           *after the date of enactment of this Act, the National Re-*  
6           *search Council shall submit the report described under sub-*  
7           *section (b) to the Committee on Homeland Security and*  
8           *Government Affairs of the Senate and the Committee on*  
9           *Homeland Security of the House of Representatives.*

10          (e) *FORM OF REPORT.*—*The report submitted under*  
11          *subsection (d) shall be submitted in unclassified form, but*  
12          *may contain a classified annex.*

13       **SEC. 705. DOMESTIC NUCLEAR DETECTION OFFICE.**

14          (a) *MISSION.*—*Section 1902(a) of the Homeland Secu-*  
15          *rity Act of 2002 (6 U.S.C. 592(a)) is amended—*

16               (1) *by striking paragraph (6);*

17               (2) *by redesignating paragraphs (2) through (5)*  
18               *as paragraphs (3) through (6), respectively;*

19               (3) *by inserting after paragraph (1) the fol-*  
20               *lowing:*

21                       “(2) *coordinate strategic planning and invest-*  
22                       *ments, within the Department and with other Federal*  
23                       *agencies and State and local governments—*

1           “(A) to detect and prevent illegal trafficking  
2           in nuclear weapons-making materials or tech-  
3           nologies; and

4           “(B) to reduce the risk of a nuclear terrorist  
5           attack;”; and

6           (4) in paragraph (8), by striking “government  
7           agencies” and inserting “Federal, State, and local en-  
8           tities”.

9           (b) *DOMESTIC NUCLEAR THREAT DETECTION AND*  
10 *PREVENTION PLAN.*—Title XIX of the Homeland Security  
11 Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding  
12 at the end the following:

13 **“SEC. 1908. DOMESTIC NUCLEAR THREAT DETECTION AND**  
14 **PREVENTION PLAN.**

15           “(a) *IN GENERAL.*—Not later than 270 days after the  
16 effective date of the Department of Homeland Security Au-  
17 thorization Act of 2012, the Secretary, acting through the  
18 Director of the Domestic Nuclear Detection Office, in co-  
19 ordination with relevant Federal agencies, as determined  
20 by the Secretary, shall develop a plan to integrate and  
21 strengthen the Nation’s capabilities to deter, detect, and pre-  
22 vent nuclear terrorist threats in the domestic portion of the  
23 global nuclear detection architecture within 10 years.

24           “(b) *CONTENTS.*—The plan developed under subsection  
25 (a) shall—

1           “(1) set forth national strategic goals;

2           “(2) set forth initiatives to integrate and  
3 strengthen the domestic portion of the global nuclear  
4 detection architecture;

5           “(3) describe steps to monitor and assess the de-  
6 velopment and execution of the plan;

7           “(4) set forth the investments, expenditures, and  
8 schedules for the deployment of nuclear and radio-  
9 logical detection equipment and countermeasures  
10 within the Department;

11           “(5) assess the investments, expenditures, or de-  
12 ployments that the Department makes to substantially  
13 reduce the illegal trafficking of nuclear weapons mak-  
14 ing materials and to measurably reduce the risk of a  
15 nuclear terrorist attack occurring inside the United  
16 States; and

17           “(6) set forth annual milestones and schedules  
18 for the deployment of advanced, commercially-avail-  
19 able nuclear detection technologies and counter-  
20 measures by the Department.

21           “(c) *CLASSIFIED INFORMATION.*—The plan developed  
22 under subsection (a) shall be submitted in unclassified form,  
23 but may contain an unclassified annex.

24           “(d) *SUBMISSION OF PLAN.*—





1       (b) *AUTHORITY.*—*The Secretary may make appoint-*  
2 *ments to a position described under subsection (c) without*  
3 *regard to the provisions of subchapter I of chapter 33 of*  
4 *title 5, United States Code, other than sections 3303 and*  
5 *3328 of that title.*

6       (c) *POSITIONS.*—*This section applies with respect to*  
7 *any scientific or engineering position within the Science*  
8 *and Technology Directorate which requires an advanced de-*  
9 *gree.*

10      (d) *LIMITATION.*—

11           (1) *IN GENERAL.*—*Authority under this section*  
12 *may not, in any calendar year and with respect to*  
13 *any laboratory, be exercised with respect to a number*  
14 *of positions greater than the number equal to 2 per-*  
15 *cent of the total number of positions within that lab-*  
16 *oratory that are filled as of the end of the most recent*  
17 *fiscal year before the start of that calendar year.*

18           (2) *FULL-TIME EQUIVALENT BASIS.*—*For pur-*  
19 *poses of this subsection, positions shall be counted on*  
20 *a full-time equivalent basis.*

21      (e) *TERMINATION.*—*The authority to make appoint-*  
22 *ments under this section shall terminate on January 1,*  
23 *2014.*

1 **SEC. 707. TECHNICAL AND CONFORMING AMENDMENT.**

2       *The table of contents in section 1(b) of the Homeland*  
3 *Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by*  
4 *inserting after the item relating to section 318, as added*  
5 *by section 414(b), the following:*

*“Sec. 319. Five-year research and development investment plan.*

*“Sec. 320. Establishing a technology evaluation and readiness assessment process.*

*“Sec. 321. Availability of testing facilities and equipment.”.*



Calendar No. 565

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1546**

[Report No. 112-249]

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## **A BILL**

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

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DECEMBER 13, 2012

Reported with an amendment