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DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2012

DECEMBER 20, 2012.—Ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3116]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3116) to authorize certain programs of the Department of Homeland Security, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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29–006

AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Authorization Act for Fiscal Year 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

Sec. 101. Under Secretary for Policy.
Sec. 102. Countering homegrown radicalization and violent Islamist extremism.
Sec. 103. Direct line authority for Chief Operating Officers.
Sec. 104. Department of Homeland Security International Affairs Office.
Sec. 105. Assistant Secretary for Health Affairs.
Sec. 106. Department of Homeland Security reorganization authority.
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Sec. 109. Development of explosives detection canine standards.
Sec. 110. Development of a balanced workforce.
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Sec. 113. Future-years homeland security program.
Sec. 114. Cost of submissions to Congress.
Sec. 115. Protection of name, initials, insignia, and seal.
Sec. 116. Office of Policy.
Sec. 117. Federal vacancy compliance.
Sec. 118. Electronic submissions.
Sec. 119. Chief information officer.
Sec. 120. Cost savings and efficiency reviews.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION POLICY

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Sec. 202. Capabilities and Requirements Council.
Sec. 203. Acquisition authorities for the Under Secretary for Management.
Sec. 204. Acquisition Professional Career Program.
Sec. 205. Strategic plan for acquisition workforce.
Sec. 206. Notification to Congress of major awards.
Sec. 207. Independent verification and validation.
Sec. 208. Other transaction authority.
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Sec. 210. Buy American requirement imposed on Department of Homeland Security; exceptions.
Sec. 211. Strategic sourcing for marine and aviation assets.
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Sec. 214. Software licensing.
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TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

Sec. 301. Department of Homeland Security National Network of Fusion Centers Initiative.
Sec. 302. Homeland security information sharing networks development.
Sec. 303. Authority for flexible personnel management at the Department of Homeland Security Intelligence elements.
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Sec. 403. Purposes of the 9/11 Review Commission.
Sec. 404. Composition of the 9/11 Review Commission.
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Sec. 407. Appointment of staff.
Sec. 408. Security clearances for Commission members and staff.
Sec. 409. Nonapplicability of Federal Advisory Committee Act.
Sec. 410. Reports of 9/11 Review Commission.
Sec. 411. Funding.

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Sec. 502. Weapons of mass destruction intelligence and information sharing.
Sec. 503. Risk assessments.
Sec. 504. Individual and community preparedness.
Sec. 505. Detection of biological threats.
Sec. 506. Rapid biological threat detection and identification at ports of entry.

Sec. 507. Communications planning.
Sec. 508. Response guidelines concerning weapons of mass destruction.
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Subtitle B—Grants

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SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and any committee of the House of Representatives or the Senate having legislative or oversight jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) FUNCTION.—The term "function" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) LOCAL GOVERNMENT.—The term "local government" means—

(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and

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

(5) PERSONNEL.—The term "personnel" means officers and employees.

(6) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(8) TERRORISM.—The term "terrorism" means any activity that—

(A) involves an act that—

(i) is dangerous to human life or potentially destructive of critical infrastructure or key resources; and

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

(B) appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.

(9) UNITED STATES.—

(A) IN GENERAL.—The term "United States", when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

(B) INA NOT AFFECTED.—Nothing in this paragraph or any other provision of this Act shall be construed to modify the definition of "United States" for the purposes of the Immigration and Nationality Act or any other immigration or nationality law.

SEC. 4. AMENDMENT REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

SEC. 101. UNDER SECRETARY FOR POLICY.

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

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

(2) striking the heading for title VI and inserting the following:

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

"SEC. 601. UNDER SECRETARY FOR POLICY.

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

"(b) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Under Secretary for Policy shall—

"(1) serve as a principal policy advisor to the Secretary;

"(2) supervise policy development for the programs, offices, and activities of the Department;

"(3) establish and direct a formal policymaking process for the Department;

"(4) ensure that the budget of the Department can fulfill the Department's statutory and regulatory responsibilities and implement strategic plans and policies established by the Secretary in a risk-based manner;

"(5) conduct long-range, risk-based, strategic planning for the Department, including overseeing each quadrennial homeland security review required under section 707;

"(6) coordinate policy development undertaken by the component agencies and offices of the Department; and

"(7) carry out such other functions as the Secretary determines are appropriate, consistent with this section.".

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

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

"Sec. 601. Under Secretary for Policy.".

SEC. 102. COUNTERING HOMEGROWN RADICALIZATION AND VIOLENT ISLAMIST EXTREMISM.

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

(b) NOTICE.—Not later than 15 days after the date on which the Secretary designates an official under subsection (a), the Secretary shall submit to the appropriate congressional committees a written notification of the designation.

(c) REPORT.—Not later than 90 days after the date on which the Secretary designates an official under subsection (a), the official designated shall submit to the appropriate congressional committees a report detailing—

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

(2) the division of responsibilities within the Department for countering homegrown violent Islamist extremism, including the violent ideology of Al Qaeda and its affiliated groups;

(3) the strategy of the Department to monitor open source messaging that incite violence, including Internet websites that disseminate videos, graphics, text calling for violent activities, and to provide counter-messaging to that messaging;

(4) the number of employees of the Department and the amount of funding dedicated by the Department to countering homegrown violent Islamist extremism, including the violent ideology of Al Qaeda and its affiliated groups;

(5) the type of Department-sponsored activities and training for States and local governments, including products and activities associated with State and major urban area fusion centers, for countering homegrown violent Islamist extremism; and

(6) the metrics used to measure the effectiveness of programs or activities of the Department aimed to counter homegrown violent Islamist extremism, including the violent ideology of Al Qaeda and its affiliated groups.

SEC. 103. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

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

"SEC. 602. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

"(a) IN GENERAL.—The Department's Chief Operating Officers shall include—

"(1) the Chief Financial Officer;

"(2) the Chief Procurement Officer;

"(3) the Chief Information Officer;

"(4) the Chief Human Capital Officer;

"(5) the Chief Administrative Officer; and

"(6) the Chief Security Officer.

"(b) DELEGATION.—Subject to the direction and control of the Secretary, the Chief Operating Officers shall have direct authority over their respective counterparts in the components of the Department to ensure that the components comply with the laws, rules, regulations, and departmental policies the Chief Operating Officers are responsible for implementing. In coordination with the head of the relevant component, such authorities shall include, with respect to the Officer's counterparts within components of the Department, direction of—

"(1) the activities of personnel;

"(2) planning, operations, and training; and

"(3) the budget and other financial resources.

"(c) COORDINATION WITH HEADS OF AGENCIES.—The chief operating officers of components of the Department shall coordinate with the heads of their respective agencies while fulfilling their responsibilities under subsection (b) to report directly to the Chief Operating Officers.".

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

"Sec. 602. Direct line authority for Chief Operating Officers.".

SEC. 104. DEPARTMENT OF HOMELAND SECURITY INTERNATIONAL AFFAIRS OFFICE.

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

"SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

"(a) ESTABLISHMENT.—There is established within the Department an Office of International Affairs. The Office shall be headed by the Assistant Secretary for International Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary for International Affairs shall—

"(1) coordinate international functions within the Department, including functions carried out by the components of the Department, in consultation with other Federal officials with responsibility for counterterrorism and homeland security matters;

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

"(3) develop, in consultation with the Under Secretary for Management, for selecting, assigning, training, and monitoring overseas deployments of Department personnel, including minimum standards for predeployment training;

"(4) develop and update, in coordination with all components of the Department engaged in international activities, a strategic plan for the international activities of the Department and establish a process for managing its implementation and monitor the ability of Department's components to comply with implementation;

"(5) develop and distribute guidance on Department policy priorities for overseas functions to personnel deployed overseas that, at a minimum, sets forth the regional and national priorities being advanced by their deployment;

"(6) maintain awareness regarding the international travel of senior officers of the Department, as well as their intent to pursue negotiations with foreign government officials and reviewing resulting draft agreements;

"(7) develop, in consultation with the components and, where appropriate, with the Science and Technology Directorate, programs to support the overseas programs conducted by the Department, including training, technical assistance, and equipment to ensure that Department personnel deployed abroad have proper resources and receive adequate and timely support;

"(8) conduct exchange of homeland security information and best practices relating to homeland security with foreign nations that, in the determination of the Secretary, reciprocate the sharing of such information in a substantially similar manner;

"(9) ensure that internationally deployed Department personnel have access to, as appropriate for the requirements of their duties, Department systems with the capability of sending and receiving cables or other messages; and

"(10) submit information to the Under Secretary of Policy for oversight and purposes, including preparation of the quadrennial homeland security review, on the status of overseas activities, including training and technical assistance and information exchange activities, and the Department's resources dedicated to these activities.

"(c) RESPONSIBILITIES OF THE COMPONENTS OF THE DEPARTMENT.—

"(1) NOTICE OF FOREIGN NEGOTIATIONS.—All components of the Department shall coordinate with the Office of International Affairs of the intent of the component to pursue negotiations with foreign governments to ensure consistency with the Department's policy priorities.

"(2) NOTICE OF INTERNATIONAL TRAVEL BY SENIOR OFFICERS.—All components of the Departments shall notify the Office of International Affairs about the international travel of senior officers of the Department.

"(d) INVENTORY OF ASSETS DEPLOYED ABROAD.—The Office of International Affairs shall provide to the appropriate congressional committees, with the annual budget request for the Department, an annual accounting of all assets of the Department, including personnel, deployed outside the United States on behalf of the Department.

"(e) EXCLUSIONS.—This section does not apply to international activities related to the protective mission of the United States Secret Service, or to the Coast Guard when operating under the direct authority of the Secretary of Defense or the Secretary of the Navy.".

SEC. 105. ASSISTANT SECRETARY FOR HEALTH AFFAIRS.

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

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

(2) in subsection (c)—

(A) in paragraph (6), by striking "and" after the semicolon at the end;

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

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

"(7) ensuring that the workforce of the Department has science-based policy, standards, requirements, and metrics for occupational safety and health;

"(8) providing medical expertise for the components of the Department with respect to prevention, preparedness, protection, response, and recovery for medical and public health matters;

"(9) working in conjunction with appropriate entities of the Department and other appropriate Federal agencies to develop guidance for prevention, preparedness, protection, response, and recovery from catastrophic events with human, animal, and agricultural health consequences; and".

SEC. 106. DEPARTMENT OF HOMELAND SECURITY REORGANIZATION AUTHORITY.

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

(1) in subsection (a), by striking "only" and all that follows through "(2) after" and inserting "only after"; and

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

"(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

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

"(2) EXCEPTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), if the President determines it to be necessary because of an imminent threat to homeland security, a function, power, or duty vested by law in the Department, or an officer, official, or agency thereof, may be transferred, reassigned, or consolidated within the Department.

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

"(C) DURATION.—A transfer, reassignment, or consolidation under subparagraph (A) shall remain in effect only until the President determines that the threat to homeland security has terminated or is no longer imminent.

"(c) PUBLICATION.—Not later than 30 days after the date on which the President or the Secretary makes a transfer, allocation, assignment, consolidation, alteration, establishment, or discontinuance under this section, the President or the Secretary shall publish in the Federal Register—

"(1) the reasons for the action taken; and

"(2) a list of each statutory provision implicated by the action.

"(d) SUBMITTAL OF NOTIFICATION TO CONGRESS.—No reorganization, realignment, consolidation, or other significant organizational change to a component, directorate, or agency of the Department, may take effect before the appropriate congressional committees receive information from the Secretary to support the determination that such reorganization, realignment, consolidation, or other significant organizational change will enhance the component, directorate, or office's efficiency, operational capabilities, or capacity, balance the numbers of Federal workers in accordance with the balanced workforce strategy, and result in administrative cost saving.".

SEC. 107. REPEAL OF OFFICE OF DOMESTIC PREPAREDNESS.

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

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

SEC. 108. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "fiscal year 2009" and inserting "calendar year 2013"; and

(B) in paragraph (3), by striking "The Secretary shall conduct each quadrennial homeland security review under this subsection" and inserting "In order to ensure that each quadrennial homeland security review conducted under this section is coordinated with the quadrennial defense review conducted by the Secretary of Defense under section 118 of title 10, United States Code, and any other major strategic review relating to diplomacy, intelligence, or other national security issues, the Secretary shall conduct each quadrennial homeland security review"; and

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

"(b) SCOPE OF REVIEW AND REPORT.—

"(1) IN GENERAL.—In each quadrennial homeland security review, the Secretary shall—

"(A) examine the homeland security aspects of the security environment of the Nation, including existing and potential homeland security threats and challenges, and the effect of laws, Presidential directives, national strategies, and other relevant guidance documents in meeting existing and potential homeland security threats and challenges;

"(B) review the capabilities and capacities across the homeland security enterprise, and the roles of executive agencies, States, local governments, Indian tribes, and private entities in providing those capabilities and capacities;

"(C) evaluate and prioritize the homeland security mission areas of the Nation and associated goals and objectives, and recommend any necessary revisions to the mission areas, goals, and objectives as appropriate;

"(D) examine whether the capabilities and capacities across the homeland security enterprise should be adjusted based on any proposed modifications to the mission areas, goals, or objectives;

"(E) identify additional capabilities and capacities that may be needed across the homeland security enterprise in response to potential homeland security threats and challenges, and the resources required to provide the capabilities and capacities;

"(F) identify redundant, wasteful, or unnecessary capabilities and capacities where resources can be redirected to support capabilities and capacities identified under subparagraph (E);

"(G) evaluate the organization, organizational structure, governance structure, and business processes (including acquisition processes) of the Department, as they relate to the ability of the Department to meet the responsibilities of the Department; and

"(H) review any other matter the Secretary considers appropriate.

"(2) REPORT.—During the year following the year in which a quadrennial homeland security review is conducted, and not later than the date on which the budget of the President for the next fiscal year is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall—

"(A) submit to the appropriate congressional committees a report—

"(i) describing the process used in conducting the quadrennial homeland security review and explaining any underlying assumptions used in conducting the quadrennial homeland security review;

"(ii) describing the findings and conclusions of the review, including findings and conclusions relating to each issue addressed under subparagraphs (A) through (H) of paragraph (1);

"(iii) detailing any proposed revisions to the national homeland security strategy, including any proposed revisions to the homeland security missions, capabilities and capacities, goals, or objectives of the Nation;

"(iv) detailing how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian tribes, and private entities, and of individuals, families, and communities;

"(v) providing proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department in order to better fulfill the responsibilities of the Department; and

"(vi) describing any other matter the Secretary considers appropriate; and

"(B) consistent with the protection of national security and other sensitive matters, make the report required under subparagraph (A) publicly available on the website of the Department; and

"(C) where appropriate, the Secretary may include as an annex to the report materials prepared pursuant to section 306 of title 5, relating to the

preparation of an agency strategic plan, to satisfy, in whole or in part, the reporting requirements of this paragraph.".

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

"Sec. 707. Quadrennial homeland security review.".

SEC. 109. DEVELOPMENT OF EXPLOSIVES DETECTION CANINE STANDARDS.

(a) IN GENERAL.—Section 1307(c) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116(c)) is amended to read as follows:

"(c) EXPLOSIVES DETECTION CANINE ACCREDITATION AND MINIMUM CERTIFICATION STANDARDS.—

"(1) IN GENERAL.—To assist in the Department's counterterrorism mission, the Secretary shall—

"(A) issue mission-specific accreditation and minimum certification standards for all explosives detection canines, and their handlers, that are used or funded by the Department; and

"(B) ensure that all explosives detection canines used or funded by the Department, and their handlers, are trained by persons who have met those accreditation standards and utilize such minimum certification standards.

"(2) INCLUDED CANINES AND HANDLERS.—The canines and handlers referred to in paragraph (1) include—

"(A) canines that are not bred by the Department;

"(B) canines and handlers that are not trained by the Department; and

"(C) canine and handlers that are obtained by the Department by contract, or funded by the Department by grant or otherwise.

"(3) RECOMMENDATIONS.—

"(A) PANEL.—The Secretary shall convene a panel that will develop recommendations for the accreditation and minimum certification standards under this subsection, which shall consist of canine training subject matter experts, including representatives from the private sector and academia, as designated by the Secretary.

"(B) RECOMMENDATIONS.—The recommendations shall consist of a multitier set of standards designed to provide minimum accreditation and certification standards, as well as a higher level of standards based on mission-critical objectives of the components that use explosives detection canines. The standards shall address both initial and recurrent training and certification.

"(C) REVIEW AND REVISION.—After provision of the recommendations, the panel shall meet no less than biennially to review and revise the recommendations.

"(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection there is authorized to be appropriated $300,000 for fiscal year 2012.".

(b) DEADLINE FOR STANDARDS.—The Secretary of Homeland Security shall issue accreditation and minimum certification standards under the amendment made by subsection (a) by not later than 180 days after the date of enactment of this Act.

SEC. 110. DEVELOPMENT OF A BALANCED WORKFORCE.

(a) COMPONENT STRATEGIES.—Each component of the Department shall coordinate with the Chief Human Capital Officer of the Department to develop its own 5-year workforce strategy that will support the Department's goals, objectives, and performance measures for determining the proper balance of Federal employees and private labor resources.

(b) STRATEGY REQUIREMENTS.—The Chief Human Capital Officer shall ensure that in the development of the strategy required by subsection (a) for a component the head of the component reports to the Chief Human Capital Officer on the human resources considerations associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services, including—

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

(2) the identification of critical skills requirements over the 5-year period, any current or anticipated deficiency in critical skills required at the Department, and the training or other measures required to address those deficiencies in skills;

(3) recruitment of qualified candidates and retention of qualified employees;

(4) supervisory and management requirements;

(5) travel and related personnel support costs;

(6) the anticipated cost and impact on mission performance associated with replacing Federal personnel due to their retirement or other attrition; and

(7) other appropriate factors.

(c) ANNUAL SUBMISSION.—The Department shall provide to the appropriate congressional committees, together with submission of the annual budget justification, information on the progress within the Department of fulfilling the workforce strategies required under subsection (a).

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

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101µ09246; 5 U.S.C. 5928 note) is amended by striking "Drug Enforcement Administration or Federal Bureau of Investigations" and inserting "Drug Enforcement Administration, Federal Bureau of Investigation, or the Department of Homeland Security".

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

Prior to offering or implementing any program, including any pilot program, intended to provide training on increasing awareness relating to and countering violent Islamist extremism, the Director of the Federal Law Enforcement Training Center (FLETC) shall submit to the appropriate congressional committees the following:

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

(2) A detailed description of the training that FLETC intends to implement as part of the program, including all training materials that are being distributed as part of the program.

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

(4) A description of what qualifications will be required for instructors to provide the training, including—

(A) whether the instructor has counterterrorism or intelligence experience; and

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

(5) An estimate of the amount of funds the Department will expend for any such program, including a plan for such expenditures and specification of the existing programs from which the funds will be drawn.

SEC. 113. FUTURE-YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended to read as follows:

"SEC. 874. FUTURE-YEARS HOMELAND SECURITY PROGRAM.

"(a) IN GENERAL.—Not later than the 30 days following the date of each fiscal year on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees a future-years homeland security program that provides detailed estimates of the projected expenditures and corresponding requests for appropriations included in that budget. The future-years homeland security program shall cover the fiscal year for which the budget is submitted as well as the four succeeding fiscal years.

"(b) CONSISTENCY OF BUDGET REQUEST WITH ESTIMATES OF NECESSARY EXPENDITURES AND APPROPRIATIONS.—For each fiscal year, the Secretary shall endeavor to ensure that the projected amounts specified in program and budget information submitted to Congress in support of the President's budget request are consistent with the estimates for expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department included in the budget pursuant to section 1105(a) (5) of title 31, United States Code.

"(c) EXPLANATION OF ALIGNMENT WITH STRATEGIES AND PLANS.—Together with the detailed estimates of the projected expenditures and corresponding requests for appropriations submitted for the future years homeland security program, the Secretary shall provide an explanation of how those estimates and requests align with the homeland security strategies and plans developed and updated as appropriate by the Secretary.

"(d) PROJECTION OF ACQUISITION ESTIMATES.—Each futures year homeland security funding program shall project acquisition estimates for a period of 5 fiscal years, with specified estimates for each fiscal year, for all technology acquisitions within the Department and each component therein, including refresh and sustainment expenses, as well as the annual deployment schedule of any acquisition with a total cost over the 5-fiscal-year period estimated to exceed $50,000,000.

"(e) CONTINGENCY AMOUNTS.—Nothing in this section shall be construed as prohibiting the inclusion in the future-years homeland security program of amounts for management contingencies, subject to the requirements of subsection (b).

"(f) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to Congress under this section, except those portions that are deemed to be classified in nature under the parameters of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114).".

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

"Sec. 874. Future-years homeland security program.".

SEC. 114. COST OF SUBMISSIONS TO CONGRESS.

Beginning on the date that is 90 days after the date of the enactment of this Act, the Secretary shall include at the front of each plan, report, strategy, or other written material provided to the appropriate congressional committees pursuant to a congressional mandate, information on the costs and the number of full-time equivalent (FTE) personnel required for complying with the mandate to the greatest extent practical. If the Secretary deems that it is not practical, the Secretary shall instead provide an explanatory statement delineating why the information cannot be provided.

SEC. 115. PROTECTION OF NAME, INITIALS, INSIGNIA, AND SEAL.

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

"(d) PROTECTION OF NAME, INITIALS, INSIGNIA, AND SEAL.—

"(1) PROTECTION.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including, but not limited to, film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department of Homeland Security or any organizational element of the Department has approved endorsed, or authorized such use, any of the following (or any colorable imitation thereof):

"(A) the words 'Department of Homeland Security', the initials 'DHS', or the insignia seal of the Department; or

"(B) any 'DHS visual identities' meaning DHS or DHS Component name, initials, seal, insignia, trade or certification marks of DHS or any DHS Component or any combination, variation, or colorable imitation of indicia alone or in combination with other words to convey the impression of affiliation, connection, approval, or endorsement by DHS or any DHS component; or

"(C) the name, initials, insignia, or seal of any organizational element/component (including any former such element/component) of the Department.

"(2) CIVIL PROCEEDINGS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (d)(1), the Attorney General may initiate a civil proceeding in a district court of the United State to enjoin such at or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such retraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United State or to any person or class of persons for whose protection the act is brought.

"(3) DEFINITION.—For the purpose of this subsection, the term 'audiovisual production' means the production of a work that consists of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or taps, in which the work is embodied.".

(b) PENALTIES.—Section 709 of title 18, United States Code, is amended by inserting after "authorized by the Federal Bureau of Investigation; or" the following new paragraph:

"Whoever, except with the written permission of the Secretary of the Department of Homeland Security, knowingly uses the words "Department of Homeland Security," the initials "DHS," or any colorable imitation of such words or initials, or the words, initials, seals, or colorable imitations relating to any subcomponents thereof, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reason-

ably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast telecast, or other production, is approved, endorsed, or authorized by the Department of Homeland Security; or".

SEC. 116. OFFICE OF POLICY.

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

"SEC. 603. OFFICE OF POLICY.

"(a) ESTABLISHMENT.—There is established in the Department the Office of Policy, to be headed by the Under Secretary for Policy as authorized under the Department of Homeland Security Authorization Act for Fiscal Year 2012.

"(b) FUNCTIONS OF THE OFFICE OF POLICY.—The Office of Policy shall—

"(1) develop Department policies, programs, and planning, consistent with the quadrennial homeland security review, to promote and ensure quality, consistency, and integration for the programs, offices, and activities of the Department across all homeland security missions;

"(2) develop and articulate the long-term strategic view of the Department and translate the Secretary's strategic priorities into capstone planning products that drive increased operational effectiveness through integration, prioritization, and resource allocation;

"(3) lead Departmental international engagement and activities;

"(4) represent the Department position to other Federal Agencies and the President; and

"(5) coordinate with policy officials in Departmental components to ensure the effective and efficient implementation of policy.".

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

"Sec. 603. Office of Policy.".

SEC. 117. FEDERAL VACANCY COMPLIANCE.

For a position at the Department that is subject to sections 3345 through 3349d of title 5, United States Code (referred to as the "Vacancies Reform Act of 1998"), the Secretary shall notify the appropriate congressional committees of any position held by an individual on a temporary or acting basis for 210 days. Such notification shall include—

(1) the duration of the vacancy as of the date of the notification;

(2) information on whether a nomination to fill the vacancy is pending before the Senate and, if so, the status of that nomination within the Senate; and

(3) what actions, if any, the Secretary intends to take to bring the Department in compliance with such sections.

SEC. 118. ELECTRONIC SUBMISSIONS.

Beginning on the date that is 90 days after the date of the enactment of this Act, the Secretary shall, to the greatest extent practicable, submit each plan, report, strategy, or other written material provided to the appropriate congressional committees pursuant to a congressional mandate in an electronic format.

SEC. 119. CHIEF INFORMATION OFFICER.

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

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) RESPONSIBILITIES.—The Chief Information Officer shall—

"(1) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the programs and operations of the information technology functions of the Department;

"(2) establish the information technology priorities, policies, processes, standards, guidelines, and procedures of the Department;

"(3) coordinate and ensure implementation of information technology priorities, policies, processes, standards, guidelines, and procedures within the Department;

"(4) be responsible for information technology capital planning and investment management in accordance with sections 11312 and 11313 of title 40, United States Code;

"(5) in coordination with the Chief Procurement Officer of the Department, assume responsibility for information systems acquisition, development, and integration as required by section 11312 of title 40, United States Code;

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

"(7) in coordination with relevant officials of the Department, ensure that information technology systems meet the standards established under the information sharing environment, as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

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

"(9) perform such other responsibilities as the Secretary may prescribe.".

SEC. 120. COST SAVINGS AND EFFICIENCY REVIEWS.

The Secretary, acting through the Under Secretary for Management of the Department, shall submit to the appropriate congressional committees the following:

(1) A report that provides a detailed accounting of the management and administrative expenditures and activities of the components of the Department and identifies potential cost savings and efficiencies for those expenditures and activities of each component of the Department.

(2) The findings of a study that examines the size, experience level, and geographic distribution of the operational personnel of the Department, including U.S. Customs and Border Protection officers, Border Patrol agents, U.S. Customs and Border Protection Air and Marine agents, U.S. Customs and Border Protection Agriculture Specialists, Federal Protective Service Law Enforcement Security Officers, U.S. Immigration and Customs Enforcement agents, Transportation Security Officers, Federal air marshals, and members of the Coast Guard, and recommendations for adjustments that would reduce deficiencies in the Department's capabilities, reduce costs, and enhance efficiencies.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION POLICY

SEC. 201. DEPARTMENT OF HOMELAND SECURITY ACQUISITIONS AND PROCUREMENT REVIEW.

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

"SEC. 708. DEPARTMENT ACQUISITIONS AND PROCUREMENT REVIEW.

"(a) IN GENERAL.—The Secretary shall review the proposed acquisitions and procurements by the Department.

"(b) PURPOSE.—The review under subsection (a) shall inform the Department's investment decisions, evaluate lifecycles of procurements, strengthen acquisition oversight, and improve resource management in a risk-based manner.

"(c) ACQUISITION REVIEW BOARD.—

"(1) ESTABLISHMENT.—The Secretary shall establish an Acquisition Review Board for the purpose of carrying out the review of proposed acquisitions and procurements required under subsection (a).

"(2) MEMBERSHIP.—The Secretary shall designate appropriate officers from throughout the Department to serve on the Acquisition Review Board, including an appointee to serve as chair of the Board.

"(3) SUBORDINATE BOARDS AND COUNCILS.—The Secretary may establish subordinate boards and councils to support the Acquisition Review Board.

"(d) INVESTMENT THRESHOLDS.—The Secretary may establish materiality thresholds for the review of investments by the Acquisition Review Board or any subordinate board or council.

"(e) SAFETY ACT.—The Acquisition Review Board shall identify proposed investments and acquisitions across the Department that should utilize the pre-qualification designation notice, the block designation, or the block certification processes available under subtitle G of title VIII, and provide its findings to the Under Secretary for Management, the Under Secretary for Science and Technology, and the relevant acquisition authority for implementation.

"(f) REPORTING REQUIREMENT.—The Secretary shall submit to the appropriate congressional committees an annual report, broken down on a quarterly basis, on the activities of the Acquisition Review Board, including detailed descriptions of and statistics on programs and activities reviewed by the Acquisition Review Board.".

(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the processes and protocols implemented to carry out the review required under the amendment made by subsection (a).

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

"Sec. 708. Department acquisitions and procurement review.".

SEC. 202. CAPABILITIES AND REQUIREMENTS COUNCIL.

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

"SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.

"(a) ESTABLISHMENT.—There is established a Capabilities and Requirements Council in the Department.

"(b) MISSION.—The Capabilities and Requirements Council shall provide recommendations and assistance to the Secretary for the following:

"(1) Identifying, assessing, and approving homeland security investments and acquisition requirements, including investments in and requirements for existing programs, systems, and equipment, to meet homeland security strategic goals and objectives.

"(2) Harmonizing common investments and requirements across Department organizational elements.

"(3) Reviewing the mission need associated with each proposed investment or acquisition requirement identified under paragraph (1).

"(4) Reviewing major investments across the Department to ensure consistency with homeland security strategic goals and objectives.

"(5) Ensuring the use of cost-benefit analyses, giving consideration to factors such as cost, schedule, performance, risk, and operational efficiency, in order to determine the most viable homeland security investments or acquisition requirements identified under paragraph (1).

"(6) Establishing and assigning priority levels for the homeland security investments and requirements identified under paragraph (1), in consultation with advisors to the Council engaged under subsection (d).

"(7) Reviewing the estimated level of resources required to fulfill the homeland security requirements identified under paragraph (1) and to ensure that such resource level is consistent with the level of priority assigned to such requirement.

"(8) Proposing schedules for delivery of the operational capability needed to meet each homeland security requirement identified under paragraph (1).

"(9) Identifying alternatives to any acquisition program that meet homeland security requirements identified under paragraph (1).

"(10) Providing recommendations to the Acquisition Review Board established under section 708.

"(11) Performing any other duties established by the Secretary.

"(c) COMPOSITION.—The Capabilities and Requirements Council is composed of—

"(1) the Under Secretary for Management of the Department, who shall act as the Chairman of the Council; and

"(2) appropriate representatives from the components and organizational elements of the Department, as determined by the Secretary.

"(d) ADVISORS.—The Council shall seek and consider input from members of Federal, State, local, and tribal governments, and the private sector, as appropriate, on matters within their authority and expertise in carrying out its mission under subsection (b).".

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

"Sec. 709. Capabilities and Requirements Council.".

SEC. 203. ACQUISITION AUTHORITIES FOR THE UNDER SECRETARY FOR MANAGEMENT.

(a) IN GENERAL.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(2), by striking "Procurement" and inserting "Acquisition, as provided in subsection (d)"; and

(2) by adding at the end the following:

"(d) ACQUISITION AND RELATED RESPONSIBILITIES.—

"(1) IN GENERAL.—The Under Secretary for Management shall act as the senior acquisition officer for the Department and shall administer functions relating to acquisition, including—

"(A) supervising the management of Department acquisition activities and acquisition programs, evaluating the performance of those activities and programs, and advising the Secretary regarding the appropriate risk-based acquisition strategy to achieve the mission of the Department;

"(B) directing all of the Department's components with regard to the Under Secretary's responsibility under this subsection;

"(C) establishing policies for acquisition that implement a risk-based approach, as appropriate, including investment review, program management, procurement of goods and services, research and development, and contract administration, for all components of the Department;

"(D) establishing policies for logistics, maintenance, and sustainment support for all components of the Department;

"(E) ensuring the procurement activities of the Department's components consider the applicability of the SAFETY Act in accordance with the procedures in the Federal Acquisition Regulations Subpart 50.205; and

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

"(2) UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—Nothing in this subsection shall diminish or otherwise affect the authority granted to the Under Secretary for Science and Technology under this Act. The Under Secretary for Management and the Under Secretary for Science and Technology shall cooperate in matters of mutual interest related to the subjects addressed by this subsection.".

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

(1) improve collaboration, coordination, and awareness of technologies and capabilities across components of the Department, the Federal Government, universities, and the private sector when developing program requirements for acquisitions by the Department;

(2) evaluate the reasons for modifying program requirements after an award of a contract and analyze the need for modifications and whether modifications would lead to contract cost overruns or time delays;

(3) ensure regular communication with and support from State and local entities when developing program requirements and modifying program requirements;

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

(5) evaluate the turnover rate of program managers and contracting officers throughout a contract and its impact on program requirement modifications, cost overruns, and time delays; and

(6) evaluate the time it takes between first developing program requirements, through the acquisition review process, up until a contract award is made.

SEC. 204. ACQUISITION PROFESSIONAL CAREER PROGRAM.

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

"SEC. 710. ACQUISITION PROFESSIONAL CAREER PROGRAM.

"(a) ESTABLISHMENT.—The Secretary may establish at the Department an Acquisition Professional Career Program for the recruitment, training, and retention of acquisition professionals for the Department.

"(b) PROGRAM.—The program established under subsection (a) shall rotate participants through various headquarters and component acquisition and program offices to assure that participants receive broad experience and developmental training throughout the Department.

"(c) ACQUISITION PROFESSIONAL.—An acquisition professional shall include, but is not limited to, an individual employed by the Department as a contract specialist, program manager, or technical representative of a contracting office.

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

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

"Sec. 710. Acquisition Professional Career Program.".

SEC. 205. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.

(a) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of this Act, the Chief Procurement Officer and the Chief Human Capital Officer of the Department of Homeland Security shall submit to the appropriate congressional committees a 5-year strategic plan for the acquisition workforce of the Department.

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

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

(A) program management;
(B) systems planning, research, development, engineering, and testing;
(C) procurement, including contracting;
(D) industrial property management;
(E) logistics;
(F) quality control and assurance;
(G) manufacturing and production;
(H) business, cost estimating, financial management, and auditing;
(I) education, training, and career development;
(J) construction; and
(K) joint projects with other Government agencies and foreign countries;

(2) identify acquisition workforce needs of each Department component performing acquisition functions and develop a schedule for filling those needs;

(3) include departmental guidance and risk-based policies on the use of contractors to perform acquisition functions;

(4) summarize the recruitment, hiring, training, and retention of the workforce identified in paragraph (2); and

(5) establish goals for achieving integration and consistency with Governmentwide training and accreditation standards, acquisition training tools, and training facilities.

(c) OTHER ACQUISITION POSITIONS.—The Chief Acquisition Officer of the Department may, as appropriate, designate as acquisition positions those additional positions that perform significant acquisition-related functions within that component of the Department.

SEC. 206. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.

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

"SEC. 711. NOTIFICATION TO CONGRESS OF MAJOR PROCUREMENT AWARDS.

"(a) REPORTING OF SIGNIFICANT CONTRACTS.—The Secretary shall notify the appropriate congressional committees at least 3 business days prior to—

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

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

"(b) EXCEPTION.—If the Secretary determines that compliance with this section would pose a substantial risk to homeland security, an award may be made without the notification required by subsection (a) if the Secretary notifies the appropriate congressional committees by not later than 5 business days after such award is made.".

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

"Sec. 711. Notification to Congress of major procurement awards.".

SEC. 207. INDEPENDENT VERIFICATION AND VALIDATION.

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

"SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.

"(a) IN GENERAL.—The Under Secretary for Management shall establish a process to provide for the evaluation of the integrity and quality of major acquisitions, to be conducted independently by personnel with no involvement or interest in the underlying acquisitions.

"(b) REQUIREMENT FOR GUIDANCE.—The Under Secretary for Management shall create a transparent acquisition process by making available to the public written guidance that provides the following:

"(1) Criteria for applying and planning independent verification and validation, including appropriate thresholds above which acquisitions may not proceed without independent verification and validation unless authorized to do so by the Acquisition Review Board established under section 708.

"(2) Procedures for ensuring the managerial, financial, and technical independence of providers of independent verification and validation.

"(3) Methods for integrating independent verification and validation results into program management.

"(c) REPORTING TO CONGRESS.—The annual report required by section 708(e) shall—

"(1) identify any acquisition that is granted initial approval to proceed by the Acquisition Review Board without undergoing the process to establish independent verification and validation required under this section; and

"(2) provide an explanation of the decision not to employ independent verification and validation.".

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

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

"Sec. 712. Independent verification and validation.".

SEC. 208. OTHER TRANSACTION AUTHORITY.

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

(1) in subsection (a), by striking "Until September 30, 2011" and inserting "Until September 30, 2016";

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

(3) in subsection (d)(1), by striking "September 30, 2011" and inserting "September 30, 2016".

SEC. 209. REPORT ON COMPETITION.

Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall prepare a report analyzing the use of competition in the award of contracts by the Department under the requirements of the Competition in Contracting Act (41 U.S.C. 3301 et seq.), which shall include—

(1) for each component of the Department—

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

(B) of that total number, the number of contracts that were either—

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

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

(2) a statistical analysis of statutory exceptions used to enter contracts without full and open competition;

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

(4) a comparison of the percentage of contracts awarded under full and open competition by the Department and the percentage of contracts awarded under full and open competition by other Federal departments and agencies.

SEC. 210. BUY AMERICAN REQUIREMENT IMPOSED ON DEPARTMENT OF HOMELAND SECURITY; EXCEPTIONS.

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

"SEC. 890B. BUY AMERICAN REQUIREMENT; EXCEPTIONS.

"(a) REQUIREMENT.—Except as provided in subsections (c) through (e), the Secretary may not procure an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

"(b) COVERED ITEMS.—

"(1) IN GENERAL.—An item referred to in subsection (a) is any item described in paragraph (2), if the item is directly related to the national security interests of the United States.

"(2) ITEMS DESCRIBED.—An item described in this paragraph is any article or item of—

"(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

"(B) tents, tarpaulins, or covers;

"(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

"(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

"(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(2) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed.

"(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

"(1) Procurements by vessels in foreign waters.

"(2) Emergency procurements.

"(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

"(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

"(g) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes the possessions of the United States.

"(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b)(2), if the Secretary applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied.

"(i) TRAINING.—

"(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training on the requirements of this section and the regulations implementing this section.

"(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this section includes comprehensive information on the requirements described in paragraph (1).

"(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.".

(b) EFFECTIVE DATE.—Section 890B of the Homeland Security Act of 2002, as added by subsection (a), shall apply with respect to contracts entered into by the Department of Homeland Security on and after the date occurring 180 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 890B. Buy American requirement; exceptions.".

SEC. 211. STRATEGIC SOURCING FOR MARINE AND AVIATION ASSETS.

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

"SEC. 714. STRATEGIC SOURCING FOR MARINE AND AVIATION ASSETS.

"Before the development and procurement by the Department of any marine or aviation asset or equipment, the Chief Procurement Officer for the Department shall coordinate with the chief procurement officers of the Department's components, as appropriate—

"(1) to identify common mission requirements; and

"(2) to the extent practicable, to standardize equipment purchases, streamline the acquisition process, improve efficiencies, and conduct best practices for strategic sourcing that would unify purchasing, address procurement issues, and improve control and oversight of asset purchases.".

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

"Sec. 714. Strategic sourcing for marine and aviation assets.".

SEC. 212. STRATEGIC SOURCING FOR DETECTION AND SCREENING TECHNOLOGY.

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

"SEC. 715. STRATEGIC SOURCING FOR DETECTION AND SCREENING TECHNOLOGY.

"(a) IN GENERAL.—Before the development and procurement by the Department of any detection or screening technology, the Chief Procurement Officer for the De-

partment shall coordinate with the chief procurement officers of the Department's components, as appropriate—

"(1) to identify common mission requirements; and

"(2) to the extent practicable, to standardize equipment purchases, streamline the acquisition of security screening technologies, improve efficiencies, and conduct best practices for strategic sourcing that would unify purchasing, address procurement issues, and improve control and oversight of technology assets.

"(b) DETECTION OR SCREENING TECHNOLOGY DEFINED.—In this section the term 'detection or screening technology' includes x-ray equipment, metal detectors, and radiation detectors.".

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

"Sec. 715. Strategic sourcing for detection and screening technology.".

SEC. 213. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

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

"SEC. 526. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to permit a class deviation to the Federal Acquisition Regulation with respect to the micropurchase threshold and may do so in such official's sole discretion to support domestic emergency operations and response activities related to acts of terrorism.

"(b) DELEGATION OF AUTHORITY.—The Secretary may carry out this section by acting through the Under Secretary for Management.

"(c) LIMITATION.—In any class deviation under subsection (a), the micropurchase threshold may not exceed $15,000.

"(d) DOMESTIC EMERGENCY OPERATION DEFINED.—In this section, the term 'domestic emergency operation' means assistance activities carried out in support of or in response to—

"(1) an emergency or major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

"(2) any occasion or instance for which the Secretary determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States;

"(3) any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby; or

"(4) any act of terrorism, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.".

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

"Sec. 526. Special emergency procurement authority for domestic emergency operations.".

SEC. 214. SOFTWARE LICENSING.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, and every 2 years thereafter, the Chief Information Officer of the Department, in consultation with Department component chief information officers, shall—

(1) conduct a Department-wide inventory of all existing software licenses including utilized and unutilized licenses;

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

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

(b) EXCESS SOFTWARE LICENSES.—

(1) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the inventory conducted under subsection (a) that the number of existing software licenses of the Department and the components of the Department exceeds the needs of the Department as assessed under subsection (a), the Secretary, not later than 90 days after the date on which the inventory is completed under subsection (a), shall establish a plan for bringing the number of software licenses into balance with such needs of the Department.

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

(A) IN GENERAL.—Except as provided in subparagraph (A), upon completion of a plan established under paragraph (1), no additional resources may be obligated for the procurement of new software licenses until such time as the need of the Department exceeds the number of existing and unused licenses.

(B) EXCEPTION.—The Chief Information Officer of the Department may allow the purchase of additional licenses and amend the number of needed licenses as necessary.

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

(d) SUBMISSION TO CONGRESS.—A copy of each inventory conducted under subsection (a) and each plan established under subsection (b) shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 215. FINANCIAL MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a Departmentwide financial management strategy.

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

(1) clearly define and document a Departmentwide financial management strategy which shall integrate the financial operations of all Department components;

(2) leverage existing best practices from component legacy systems that meet expected performance and functionality targets;

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

(4) implement specific processes to minimize project risk, including requirements management, testing, data conversion and system interfaces, risk management, configuration management, project management, quality assurance and internal controls;

(5) consider key human capital practices to ensure that financial management transformation efforts are properly staffed with appropriately skilled employees;

(6) clearly define the Department's strategy for obtaining reliable auditable financial reporting and compliance with Federal financial laws and regulations; and

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

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains—

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

(2) an evaluation of whether the plan under subsection (a) complies with and includes the implementation of prior Government Accountability Office recommendations regarding Department financial management; and

(3) recommendations regarding any additional actions necessary to address existing financial internal control weaknesses and achieve financial management integration.

TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

SEC. 301. DEPARTMENT OF HOMELAND SECURITY NATIONAL NETWORK OF FUSION CENTERS INITIATIVE.

(a) AMENDMENTS TO ESTABLISH NETWORK.—

(1) AMENDMENTS.—Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(A) by striking the section heading and inserting the following:

"SEC. 210A. DEPARTMENT OF HOMELAND SECURITY NATIONAL NETWORK OF FUSION CENTERS INITIATIVE.";

(B) in subsection (a), by striking "a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers" and inserting "a Department of Homeland Security National Network of Fusion Centers Initiative to establish partnerships with State and major urban area fusion centers";

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

"(b) INTERAGENCY SUPPORT AND COORDINATION.—Through the Department of Homeland Security National Network of Fusion Centers Initiative, principal officials of participating State and major urban area fusion centers, and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

"(1) coordinate with other Federal departments and agencies to provide operational and intelligence advice and assistance to the National Network of Fusion Centers;

"(2) support the integration of State and major urban area fusion centers into the information sharing environment and the National Prevention Framework as required by Presidential Policy Directive 8;

"(3) oversee the maturation and sustainment of the National Network of Fusion Centers, including the development of a fusion center performance management program and exercises to assess the capability of individual fusion centers, the statewide fusion process, and the national network;

"(4) reduce inefficiencies and maximize the effectiveness of Federal resource support;

"(5) develop criteria for designating fusion centers that enables the most effective allocation of Federal resources and aligns with priorities of the Department as determined by the Secretary;

"(6) coordinate with the Nationwide Suspicious Activity Reporting Initiative to ensure information within the scope of the information sharing environment created under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) gathered by the National Network of Fusion Centers is incorporated into the Department's information resources;

"(7) provide management guidance and assistance to the National Network of Fusion Centers;

"(8) serve as a point of contact for and effective dissemination of information within the scope of such information sharing environment to the National Network of Fusion Centers;

"(9) serve as the single point of contact to ensure the close communication and coordination between the National Network of Fusion Centers and the Department;

"(10) provide the National Network of Fusion Centers with expertise on Department resources and operations;

"(11) coordinate the provision of training and technical assistance to the National Network of Fusion Centers and encourage fusion centers in such Network to participate in terrorism threat-related exercises conducted by the Department;

"(12) ensure, to the greatest extent practicable, that support to fusion centers in such network is reflected as a national priority in all applicable grant guidance;

"(13) ensure that each fusion center in such network has a privacy policy approved by the Chief Privacy Officer of the Department; and

"(14) carry out such other duties as the Secretary determines are appropriate.";

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

"(c) RESOURCE ALLOCATION.—

"(1) RESPONSIBILITIES OF UNDER SECRETARY.—

"(A) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall—

"(i) lead Department efforts to ensure fusion centers in the Network are the primary focal points for the sharing of terrorism-related information with State and local entities; and

"(ii) ensure that, as appropriate, operational, programmatic, and administrative resources, including intelligence officers, intelligence analysts, reporting officers, and other liaisons from components of the Department are provided to qualifying State and major urban area fusion centers.

"(B) GRANT GUIDANCE.—The Under Secretary for Intelligence and Analysis shall provide guidance on fusion centers to the Administrator of the Federal Emergency Management Agency in accordance with the memorandum of understanding required under section 210F.

"(2) SOURCES OF SUPPORT.—

"(A) IN GENERAL.—Resources allocated under this subsection to fusion centers in the Network shall be provided by the following Department components and offices, in coordination with the respective component head and in consultation with the principal officials of fusion centers in the Network:

"(i) The Office of Intelligence and Analysis.

"(ii) The Office of Infrastructure Protection.

"(iii) The Transportation Security Administration.

"(iv) U.S. Customs and Border Protection.

"(v) U.S. Immigration and Customs Enforcement.

"(vi) The Coast Guard.

"(vii) The Privacy Office of the Department.

"(viii) The Office for Civil Rights and Civil Liberties of the Department.

"(ix) Other components or offices of the Department, as determined by the Secretary.

"(B) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Under Secretary for Intelligence and Analysis shall coordinate with appropriate officials throughout the Federal government to ensure the relevant deployment of representatives of other Federal departments and agencies.

"(3) RESOURCE ALLOCATION CRITERIA.—

"(A) IN GENERAL.—The Secretary shall make available criteria for allocating resources referred to in paragraph (1)(A)(ii) to any fusion center in the Network.";

(E) in subsection (c)(3)(B), by striking "and" after the semicolon at the end of clause (iv), by striking the period at the end of clause (v) and inserting "; and", and by adding at the end the following:

"(vi) whether the fusion center has privacy protections in place that are determined to be at least as comprehensive as the Federal information sharing environment privacy guidelines in effect on the date of the enactment.";

(F) in subsection (e)—

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

"(1) IN GENERAL.—The Secretary shall make it a priority to allocate resources, including deployed personnel, under this section from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to participating State and major urban area fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security."; and

(ii) in paragraph (2), by striking "participating State, local, and regional fusion centers" and inserting "participating State and major urban area fusion centers";

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

"(f) MASS TRANSIT INTELLIGENCE PRIORITY.—

"(1) IN GENERAL.—To the greatest extent practicable, the Secretary shall, under this section, assign personnel with expertise in security of mass transit systems to participating State and major urban area fusion centers located in high-risk jurisdictions with mass transit systems.

"(2) MASS TRANSIT INTELLIGENCE PRODUCTS.—In performing the responsibilities under subsection (d), officers and intelligence analysts assigned to fusion centers in the Network shall, as a primary responsibility, create mass transit intelligence products that—

"(A) assist State, local, and tribal law enforcement agencies in detecting and interdicting terrorists, weapons of mass destruction, and related contraband traveling on mass transit systems or targeting mass transit systems;

"(B) promote consistent and timely sharing of mass transit security-relevant information among jurisdictions with mass transit systems; and

"(C) enhance the Department's situational awareness of the threat of acts of terrorism at or involving mass transit systems.

"(3) DECONFLICTION.—In performing the responsibilities under subsection (d), officers and intelligence analysts assigned to fusion centers in the Network shall assist Federal, State, local, and tribal law enforcement authorities overseeing the security of mass transit systems with resolving conflicting threat information provided by Federal Government sources.";

(H) by amending subsection (j), as so redesignated, to read as follows:

"(j) GUIDELINES.—The Secretary, in consultation with the Attorney General, shall—

"(1) ensure the consistent application of guidance for identifying baseline capabilities and operational standards that must be achieved by a fusion center to participate in the Network; and

"(2) ensure that such guidance aligns with and is mutually supportive of the role of fusion centers in the National Prevention Framework."; and

(I) in subsection (l), as so redesignated, by striking "subsection (i)" and inserting "subsection (j)".

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

"Sec. 210A. Department of Homeland Security National Network of Fusion Centers Initiative.".

(b) MEMORANDUM OF UNDERSTANDING ON FUSION CENTERS.—

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

"SEC. 210G. MEMORANDUM OF UNDERSTANDING ON FUSION CENTERS.

"The Administrator of the Federal Emergency Management Agency shall enter into a memorandum of understanding with the Under Secretary for Intelligence and Analysis that delineates the roles and responsibilities of their respective organizations with respect to policy and guidance for fusion center-related expenditures with grant funds.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 210G. Memorandum of understanding on fusion centers.".

SEC. 302. HOMELAND SECURITY INFORMATION SHARING NETWORKS DEVELOPMENT.

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

(b) PLAN.—

(1) IN GENERAL.—The strategy under subsection (a) shall include a comprehensive plan for the further development, acquisition, and deployment, and continual operations of—

(A) the Homeland Security Information Network;

(B) the Homeland Secure Data Network; and

(C) the Homeland Top Secret Network.

(2) CONTENTS.—The plan shall include the following:

(A) cost estimates for the further development of the networks identified in paragraph (1);

(B) development and acquisition schedules;

(C) a schedule for the decommissioning the legacy Cμ09LAN system and transition to the Homeland Top Secret Network;

(D) a comprehensive list of systems requirements that meet strategic goals and Department-wide operational and analytical mission requirements;

(E) a plan for standardizing and properly disseminating the networks across the Department;

(F) consideration for any homeland security computer system or database not listed in paragraph (1) that is currently in development or in operation in any component or office of the Department and that should be merged with or incorporated into one of the networks listed in paragraph (1) to eliminate redundancy, and a schedule for such merger or incorporation; and

(G) a comprehensive plan for the coordinated deployment of the systems listed in paragraph (1), as considered appropriate by the Secretary, to—

(i) the Department of Homeland Security Headquarters offices;

(ii) the Department of Homeland Security component headquarters;

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

(iv) the National Network of Fusion Centers;

(v) State and local government entities; and

(vi) other Federal departments and agencies.

(c) REPORTING REQUIREMENT.—The Secretary shall report the strategy required by subsection (a) to the congressional homeland security committees within 30 days after it is completed.

SEC. 303. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ELEMENTS.

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

"SEC. 846. AUTHORITY TO ESTABLISH EXCEPTED SERVICE POSITIONS WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF HOMELAND SECURITY.

"(a) AUTHORITY.—The Secretary of Homeland Security may convert both unencumbered and encumbered competitive service positions, and the incumbents of any such positions, within the elements of the intelligence community within the Department of Homeland Security, to excepted service positions as the Secretary determines necessary to carry out the intelligence functions of the Department.

"(b) INCUMBENTS.—Any incumbent currently occupying a position selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.".

(b) REPORTING.—The Secretary shall include information, together with submission of the annual budget justification, on the following:

(1) the challenge with filling vacancies of the positions referenced in subsection (a);

(2) the extent to which the authority provided under subsection (a) was utilized to fill those positions; and

(3) any impact that the exercise of that authority had on diversity within the Department.

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

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

SEC. 304. SUPPORT AND OVERSIGHT OF FUSION CENTERS.

To ensure that the Department, as the lead Federal agency with responsibility for supporting fusion centers, is maximizing the utility of Federal funding awarded to fusion centers through the Homeland Security Grant Program, as a means of justifying support to fusion centers in subsequent fiscal years, the Inspector General shall, within 180 days of the date of the enactment of this Act, submit to Congress a report. The report shall include each of the following:

(1) An audit of Federal homeland security grant funding awarded to fusion centers, to measure the extent to which the funding is used to achieve measurable homeland security outcomes, including filling gaps in critical baseline capabilities.

(2) An assessment of the processes in place at the Department designed to track and measure the effectiveness of grant funding to fusion centers, including an evaluation of the extent to which the Office of Intelligence and Analysis and the Federal Emergency Management Agency coordinate to design and implement effective grant guidance and conduct proper oversight of the grant funding to fusion centers.

(3) An assessment of the processes in place at the Department designed to track and measure the effectiveness of grant funding to fusion centers, including an evaluation of the extent to which the fusion center considers privacy, civil rights, and civil liberties in the selection of contractors, trainers, and other personnel that provide advice and guidance to the fusion centers.

(4) An assessment to determine whether each fusion center has privacy protections in place that are determined to be at least as comprehensive as the Federal information sharing environment privacy guidelines in effect on the date of enactment.

(5) Recommendations on the development and implementation of a metrics program for the Federal Emergency Management Agency to measure the efficacy of grant funding to fusion centers.

SEC. 305. AUDIT ON PRIVACY AND CIVIL LIBERTIES AND UPDATE ON PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENTS.

(a) INSPECTOR GENERAL AUDIT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department shall—

(1) conduct an audit on the activities of the Department to ensure that State and local fusion centers take appropriate measures to protect privacy and civil liberties, including through the implementation of training programs and support for the development of fusion center privacy policies; and

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

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

(1) update the Privacy Impact Assessment for the State, Local, and Regional Fusion Center Initiative completed in 2008 in accordance with the requirements of section 511(d)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 in order to reflect the evolution of State and local fusion centers since that date; and

(2) submit the updated assessment to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

(c) CIVIL LIBERTIES IMPACT ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Officer for Civil Liberties and Civil Rights of the Department shall—

(1) update the Civil Liberties Impact Assessment for the State, Local and Regional Fusion Center Initiative completed in 2008 in accordance with the requirements of section 511(d)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 in order to reflect the evolution of State and local fusion centers since that date; and

(2) submit the updated assessment to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE IV—9/11 REVIEW COMMISSION

SEC. 401. SHORT TITLE.

This title may be cited as the "9/11 Review Commission Act".

SEC. 402. ESTABLISHMENT.

There is established in the legislative branch a National Commission to Review the National Response Since the Terrorist Attacks of September 11, 2001 (referred to as the "9/11 Review Commission").

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

The 9/11 Review Commission shall conduct a comprehensive review of the implementation of the recommendations proposed in the report issued by the National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Commission"), as established pursuant to section 601 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107µ09306). The review of the 9/11 Review Commission shall—

(1) assess the progress and challenges in carrying out the recommendations of the 9/11 Commission, including any relevant legislation, executive order, regulation, plan, policy, practice, or procedure implemented since the attacks of September 11, 2001;

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

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

(4) provide additional recommendations with regard to protecting United States homeland security, ensuring interagency intelligence sharing, and other matters relating to counterterrorism policy.

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

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

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

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

(1) hold hearings, take testimony, receive evidence, and administer oaths; and

(2) subject to subsection (b)(1), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, electronic communications, papers, and documents, as the 9/11 Review Commission or such designated panel may determine advisable.

(b) SUBPOENA AUTHORITY.—

(1) ISSUANCE.—Upon the agreement of the chairman and the vice chairman, the chairman may issue a subpoena to compel the production of documents or sworn testimony.

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

(3) ENFORCEMENT.—

(A) IN GENERAL.—In the event that any person fails to obey a subpoena issued pursuant to paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any person failing to obey the order of the court may be held in contempt of the court.

(B) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the chairman may certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192µ09194).

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The 9/11 Review Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the 9/11 Review Commission, upon request made by the chairman or the vice chairman.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by the 9/11 Review Commission, including its staff, in accordance with all applicable statutes, regulations, and Executive orders.

(d) ADVISORY PANELS.—The chairman may establish advisory panels composed of individuals, including such experts as the chairman determines appropriate, who may undertake investigations, evaluate evidence, make findings, and provide recommendations to the 9/11 Review Commission.

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

(f) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the 9/11 Review Commission, on a reimbursable basis, administrative support and other services for the performance of the 9/11 Review Commission's functions.

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

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

SEC. 406. COMPENSATION.

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

SEC. 407. APPOINTMENT OF STAFF.

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

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the 9/11 Review Commission, members and staff of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(c) STAFF AS FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Any staff receiving compensation under this section shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

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

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

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

SEC. 408. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall provide to the 9/11 Review Commission, to the extent possible, personnel with appropriate security clearances. No person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 409. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

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

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

(1) hold public hearings and meetings to the extent appropriate; and

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

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

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

(a) INTERIM REPORTS.—The 9/11 Review Commission may submit to the President and provide to Congress interim reports containing its findings, conclusions, and recommendations, and may submit with such reports any classified annexes.

(b) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the 9/11 Review Commission shall submit to the President and appropriate congressional committees (as such term is defined in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a final report, together with a classified annex

if such is determined appropriate, containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by the chairman and vice chairman.

(c) TERMINATION.—

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

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The 9/11 Review Commission may use the 30-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to Congress concerning its reports and disseminating the final report.

SEC. 411. FUNDING.

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

(b) DURATION OF AVAILABILITY.—Amounts made available to the 9/11 Review Commission under this section shall remain available until the termination of the 9/11 Review Commission.

TITLE V—PREPAREDNESS AND RESPONSE

Subtitle A—WMD Preparedness and Response

SEC. 501. HOMELAND SECURITY BIODEFENSE STRATEGY.

(a) BIODEFENSE REVIEW AND STRATEGY.—

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

"TITLE XXI—WEAPONS OF MASS DESTRUCTION

"SEC. 2101. BIODEFENSE STRATEGY.

"(a) IN GENERAL.—The Secretary shall issue, at least once every four years, a biodefense strategy that establishes detailed strategic biodefense objectives for the Department's mission areas.

"(b) COMPONENTS.—The strategy shall—

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

"(2) include an inventory of the Department's biodefense capabilities and assets;

"(3) be sufficiently detailed to guide prioritization of Department investments in and strategic approach to biodefense-related research, development, planning, and preparedness; and

"(4) include an implementation plan to enable the Department to carry out the objectives contained in the strategy.

"(c) ANNUAL REVIEW.—

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

"(2) CONSIDERATION OF BIODEFENSE POLICY.—Each review shall—

"(A) identify continuing gaps or vulnerabilities in the Department's biodefense posture;

"(B) make recommendations for refining the Department's biodefense investments; and

"(C) include a detailed analysis of how well the implementation plan included in the most recent biodefense strategy is allowing the Department to meet the objectives of the biodefense strategy, with special emphasis on unmet objectives and proposed mechanisms to eliminate shortfalls in meeting those objectives, through budgetary, management, or other refinements.

"SEC. 2102. SUBMISSIONS TO CONGRESS.

"The Secretary shall submit each biodefense strategy and annual biodefense strategy review under this title to the appropriate congressional committees.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

"TITLE XXI—WEAPONS OF MASS DESTRUCTION

"Sec. 2101. Biodefense strategy.
"Sec. 2102. Submissions to Congress.".

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

SEC. 502. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is amended by adding at the end the following:

"SEC. 2103. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

"(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department shall—

"(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

"(2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

"(3) support homeland-security focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2) by providing relevant quantitative and nonquantitative threat information;

"(4) leverage existing and emerging homeland security capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

"(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities; and

"(6) perform other responsibilities, as assigned by the Secretary.

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

"(1) coordinate with other relevant Department components;

"(2) consult with others in the Intelligence Community, including State, local, and tribal authorities, in particular officials from high-threat areas; and

"(3) enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how they can provide information to the Department.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this section and annually thereafter, the Secretary shall report to the appropriate congressional committees on—

"(A) the intelligence and information sharing activities under subsection (a) and of all relevant entities within the Department to counter the threat from weapons of mass destruction; and

"(B) the Department's activities in accordance with relevant intelligence strategies.

"(2) ASSESSMENT OF IMPLEMENTATION.—The report shall include—

"(A) a description of methods established to assess progress of the Office of Intelligence and Analysis in implementing this section; and

"(B) such assessment.".

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

"Sec. 2103. Weapons of mass destruction intelligence and information sharing.".

SEC. 503. RISK ASSESSMENTS.

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is amended by adding at the end the following:

"SEC. 2104. RISK ASSESSMENTS.

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology and in coordination with relevant Department components and other appropriate Federal departments and agencies, shall—

"(1) produce and update periodically a terrorism risk assessment of chemical, biological, radiological, and nuclear threats; and

"(2) produce and update periodically an integrated terrorism risk assessment that assesses all of those threats and compares them against one another according to their relative risk.

"(b) METHODOLOGY.—

"(1) IN GENERAL.—The Secretary shall—

"(A) convene an interagency task force of relevant subject matter experts to assess the proposed methodology to be used for assessments required under subsection (a), and to provide recommendations to the Secretary as to the adequacy of such methodology;

"(B) conduct sensitivity analysis on each assessment to identify and prioritize research activities to close knowledge gaps; and

"(C) consider the evolving threat from an intelligent adversary.

"(2) INCLUSION IN ASSESSMENT.—Each assessment under subsection (a) shall include a description of the methodology used for the assessment.

"(c) USAGE.—The assessments required under subsection (a) shall be used to inform and guide risk management decisions, including—

"(1) the threat assessments and determinations by the Secretary regarding agents and toxins pursuant to section 319Fμ092 of the Public Health Service Act;

"(2) allocation of resources for research and development for prevention of, protection against, response to, and recovery from a chemical, biological, radiological, or nuclear attack;

"(3) prioritization of medical countermeasure research, development, acquisition, and distribution activities and other national strategic biodefense research;

"(4) tailored risk assessments and risk mitigation studies, as appropriate, on topics such as radiological materials security or the economic risks of a biological attack; and

"(5) other homeland security activities as determined appropriate by the Secretary and the heads of other agencies.

"(d) INPUT AND SHARING.—The Secretary shall, for each assessment required under subsection (a)—

"(1) seek input from Federal, State, local, and tribal officials involved in efforts to prevent, protect against, respond to, and recover from chemical, biological, radiological, and nuclear threats;

"(2) ensure that written procedures are in place to guide the development and review of risk assessments through coordinated efforts of relevant Federal agencies;

"(3) share the risk assessments with Federal, State, local and tribal officials with appropriate security clearances and a need for the information in the classified version; and

"(4) to the extent practicable, make available an unclassified version for Federal, State, local, and tribal officials involved in prevention and preparedness for chemical, biological, radiological, and nuclear events.".

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

"Sec. 2104. Risk assessments.".

SEC. 504. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

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

"SEC. 527. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

"(a) IN GENERAL.—The Administrator shall assist State, local, and tribal authorities in improving and promoting individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear materials, including those that cause mass fatalities, against the United States, by—

"(1) developing guidance and checklists of recommended actions for individual and community prevention and preparedness efforts and disseminating such guidance and checklists to communities and individuals;

"(2) updating new and existing guidance and checklists as appropriate;

"(3) disseminating the guidance developed under section 510 to communities and individuals, as appropriate;

"(4) providing information and training materials in support of individual and community preparedness efforts;

"(5) conducting individual and community preparedness outreach efforts; and

"(6) such other actions as the Secretary determines appropriate.

"(b) COORDINATION.—Where appropriate, the Secretary shall coordinate with private sector and nongovernmental organizations to promote individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear materials against the United States.

"(c) BEST PRACTICES.—In compiling guidance for individual and community preparedness in order to carry out subsection (a)(4), the Secretary shall give due regard to best practices based on the experience of other agencies and countries and the expertise of academic institutions and nongovernmental organizations.".

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

"Sec. 527. Individual and community preparedness.".

SEC. 505. DETECTION OF BIOLOGICAL THREATS.

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is further amended by adding at the end the following:

"SEC. 2105. DETECTION OF BIOLOGICAL ATTACKS.

"(a) PROGRAM.—The Secretary shall carry out a program to detect a biological attack or event that poses a high risk to homeland security. Through such program, the Secretary shall—

"(1) deploy detection capabilities to areas, based on risks identified by Department assessments, to indicate the presence of biological agents;

"(2) consider multiple deployment strategies including surge capability;

"(3) provide information to participating laboratories and programs for their use in monitoring public health, and biological material or other data from those detectors to participating laboratories and programs for testing and evaluation;

"(4) regularly communicate with, and provide information about the presence of biological agents to, appropriate Federal, State, and local agencies responsible for public health, law enforcement, and emergency services, in a manner that ensures transparency with the governments served by such personnel;

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

"(6) provide technical assistance to jurisdictions hosting the program to improve their ability to respond to a detected pathogen.

"(b) PROGRAM REQUIREMENTS.—Under the program required under subsection (a), the Secretary shall—

"(1) enter into memoranda of agreement or interagency agreements under the Economy Act of 1933 (31 U.S.C. 1535 et seq.) with the Director of the Centers of Disease Control and Prevention and the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies, setting forth roles and responsibilities, including with respect to validating performance and developing testing protocols for participating laboratories and coordination with appropriate State, local, and tribal agencies;

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

"(3) acting through the Under Secretary for Science and Technology, and in consultation with the heads of other relevant departments and agencies, implement a process for establishing assay performance standards and evaluation for equivalency for biological threat assays, that—

"(A) evaluates biological threat detection assays, their protocols for use, and their associated response algorithms for confirmation of biological threat agents, taking performance measures and concepts of operation into consideration;

"(B) develops peer-reviewed assay performance and equivalency standards based on the findings of the evaluation under subparagraph (A);

"(C) requires implementation of the standards developed under subparagraph (B) for all Department biological detection programs;

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

"(E) is updated as necessary;

"(4) prior to obligating funds to acquire biodetection systems for purposes of operational testing and evaluation, require—

"(A) a determination of the sensitivity and specificity of the currently deployed biodetection system;

"(B) an assessment of the sensitivity and specificity of the next generation biodetection system or systems under consideration for acquisition and whether it meets established operational requirements;

"(C) provision of all raw data to the Science and Technology Directorate to enable the Under Secretary to—

"(i) conduct a trade-off study comparing the results of subparagraphs (A) and (B); and

"(ii) perform a technical readiness assessment in accordance with section 308(b); and

"(D) that the findings under subparagraph (C) inform the cost-benefit analysis under paragraph (5)(A) and any acquisition decision made by the Acquisition Review Board under section 708(c) of the biodetection system or systems under consideration; and

"(5) prior to acquiring and deploying biodetection technology, require—

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

"(B) operational testing and evaluation;

"(C) operational assessment by the end users of the technology; and

"(D) the Department, other relevant executive agencies, and local jurisdictions intended to host the systems to agree on concepts of operations for resolving alarms.

"(c) CONTRACT AUTHORITY.—The Secretary may enter into contracts with participating laboratories and programs for—

"(1) the provision of laboratory services or other biosurveillance activities as appropriate for purposes of this section on a fee-for-service basis or on a prepayment or other similar basis; and

"(2) administrative and other costs related to hosting program personnel and equipment in these laboratories or programs.

"(d) DEFINITIONS.—In this section:

"(1) The term 'participating laboratory' means a laboratory that has been accepted as a member of the Laboratory Response Network for Bioterrorism that—

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

"(B) provides biocontainment and microbiological analysis in support of the Department and relevant law enforcement agencies with responsibilities for investigating biological incidents; and

"(C) supports threat agent characterization studies and assay evaluation, research and development.

"(2) The term 'assay' means any scientific test that is designed to detect the presence of a biological threat agent that is of a type selected under criteria established by the Secretary.".

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

"Sec. 2105. Detection of biological attacks.".

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

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is further amended by adding at the end the following:

"SEC. 2106. RAPID BIOLOGICAL THREAT DETECTION AND IDENTIFICATION AT PORTS OF ENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security shall require the Under Secretary for Science and Technology, in consultation with the heads of other relevant operational components of the Department of Homeland Security, to assess whether the development of technological screening capabilities for biological agents, pandemic influenza, and other infectious diseases should be undertaken by the Science and Technology Directorate to support entry and exit screening at ports of entry and for other homeland security purposes.

"(b) DEVELOPMENT OF METHODS.—If the Under Secretary determines that the development of such screening capabilities should be undertaken, the Secretary shall, to the extent possible, initiate development of safe and effective methods to—

"(1) rapidly screen incoming persons at ports of entry for biological agents, pandemic influenza, and other infectious diseases; and

"(2) obtain results of such screening near the point of entry.".

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

"Sec. 2106. Rapid biological threat detection and identification at ports of entry.".

SEC. 507. COMMUNICATIONS PLANNING.

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

"SEC. 528. COMMUNICATIONS PLANNING.

"(a) COMMUNICATIONS PLAN.—

"(1) IN GENERAL.—The Administrator shall develop a communications plan designed to provide information to the public related to preventing, protecting against, responding to, and recovering from chemical, biological, radiological, and nuclear attacks;

"(2) PRE-SCRIPTED MESSAGES AND MESSAGE TEMPLATES.—

"(A) IN GENERAL.—The Administrator shall develop and disseminate, through the Federal Emergency Management Agency, a public alerts and warnings system, and prescripted messages and message templates to be provided to State, local, and tribal authorities so that those authorities can quickly and rapidly disseminate critical information to the public in anticipation of, during, or in the immediate aftermath of a chemical, biological, radiological, or nuclear attack, and to be included in the Department of Homeland Security's lessons learned information sharing system.

"(B) DEVELOPMENT AND DESIGN.—The pre-scripted messages or message templates shall—

"(i) be developed in consultation with State, local, and tribal authorities and in coordination with other appropriate Federal departments and agencies;

"(ii) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by an incident, including information regarding an evacuation, sheltering in place, hospital surge operations, health, and safety;

"(iii) be designed to provide accurate, essential, and appropriate information and instructions to emergency response providers and medical personnel responding to an incident; and

"(iv) include direction for the coordination of Federal, State, local, and tribal communications teams.

"(C) COMMUNICATIONS FORMATS.—The Administrator shall develop pre-scripted messages or message templates under this paragraph in multiple formats to ensure delivery—

"(i) in cases where the usual communications infrastructure is unusable; and

"(ii) to individuals with disabilities or other special needs and individuals with limited English proficiency.

"(D) DISSEMINATION AND TECHNICAL ASSISTANCE.—The Administrator shall ensure that all pre-scripted messages and message templates developed under this paragraph are made available to State, local, and tribal authorities so that those authorities may incorporate them, as appropriate, into their emergency plans. The Administrator shall also make available relevant technical assistance to those authorities to support communications planning.

"(E) EXERCISES.—To ensure that the pre-scripted messages or message templates developed under this paragraph can be effectively utilized in a disaster or incident, the Administrator shall incorporate Federal, State, local, and tribal communications teams that deliver such pre-scripted messages or message templates into exercises, including those conducted under the National Exercise Program.

"(b) TERRORISM THREAT AWARENESS.—

"(1) TERRORISM THREAT AWARENESS.—The Secretary, in consultation with the heads of appropriate Federal departments and agencies, shall for purposes of preparedness and collective response to terrorism and for other purposes—

"(A) ensure that homeland security information concerning terrorist threats is provided to State, local, and tribal authorities and the public within the United States, as appropriate; and

"(B) establish a process to optimize opportunities for qualified heads of State, local, and tribal government entities to obtain appropriate security clearances so that they may receive classified threat information when appropriate.

"(2) THREAT BULLETINS.—

"(A) IN GENERAL.—Consistent with the requirements of paragraph (1), the Secretary shall, on a timely basis, prepare unclassified threat bulletins on chemical, biological, radiological, and nuclear threats.

"(B) REQUIREMENTS.—Each assessment required under subparagraph (A) shall—

"(i) include guidance to the public for preventing and responding to acts of terrorism arising from such threats; and

"(ii) be made available on the Internet Web site of the Department and other publicly accessible Internet Web sites, communication systems, and information networks.

"(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL AUTHORITIES.—The Secretary, using information provided by the terrorism risk assessments required under section 2104 and other threat assessments available to the Department—

"(A) shall provide to State, local, and tribal authorities written guidance on communicating terrorism-related threats and risks to the public within their jurisdictions; and

"(B) shall identify the governmental rationale for identifying particular communities as being at heightened risk of exploitation.".

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees the communications plans required to be developed under the amendments made by subsection (a), including pre-scripted messages or message templates developed in conjunction with the plans and a description of the means that will be used to deliver these messages during such incidents.

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

"Sec. 528. Communications planning.".

SEC. 508. RESPONSE GUIDELINES CONCERNING WEAPONS OF MASS DESTRUCTION.

(a) ESTABLISHMENT OF VOLUNTARY GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other relevant Federal departments and agencies, shall—

(1) develop for police, fire, emergency medical services, emergency management, and medical and public health personnel, voluntary guidance for responding to chemical, biological, radiological, or nuclear attacks;

(2) make such guidance available to State, local, and tribal authorities, educational institutions, nongovernmental organizations, the private sector, and the public; and

(3) in developing the guidance under paragraph (1)—

(A) review the experiences of other countries and the expertise of academic institutions and nongovernmental organizations; and

(B) consider the unique needs of children and other vulnerable populations.

(b) CONTENTS.—The guidance developed under subsection (a)(1) shall be voluntary, risk-based guidance that shall include—

(1) protective action guidance for ensuring the security, health, and safety of emergency response providers and their families and household contacts;

(2) specific information regarding the effects of the chemical, biological, radiological, or nuclear material on those exposed to the agent; and

(3) best practices for emergency response providers to effectively diagnose, handle, and otherwise manage individuals affected by an incident involving chemical, biological, radiological, or nuclear material.

(c) REVIEW AND REVISION OF GUIDANCE.—The Secretary shall—

(1) review the guidance developed under subsection (a)(1) at least once every 2 years;

(2) make revisions to the guidance as appropriate; and

(3) make any revised guidance available to State, local, and tribal authorities, nongovernmental organizations, the private sector, and the public.

(d) PROCEDURES FOR DEVELOPING AND REVISING GUIDANCE.—In carrying out the requirements of this section, the Secretary shall establish procedures to—

(1) enable members of the first responder and first provider community to submit recommendations of areas in which guidance is needed and could be developed under subsection (a)(1);

(2) determine which entities should be consulted in developing or revising the guidance;

(3) prioritize, on a regular basis, guidance that should be developed or revised; and

(4) develop and disseminate the guidance in accordance with the prioritization under paragraph (3).

SEC. 509. PLUME MODELING.

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is further amended by adding at the end the following:

"SEC. 2107. PLUME MODELING.

"(a) DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall acquire, use, and disseminate the best available integrated plume models to enable rapid response activities following a chemical, biological, nuclear, or radiological attack or event.

"(2) SCOPE.—The Secretary shall—

"(A) identify Federal, State, and local needs regarding plume models and ensure the rapid development and distribution of integrated plume models that meet those needs to appropriate officials of the Federal Government and State, local, and tribal authorities to enable immediate response to a chemical, biological, or radiological attack or event;

"(B) establish mechanisms for dissemination by appropriate emergency response officials of the integrated plume models described in paragraph (1) to nongovernmental organizations and the public to enable appropriate collective response activities;

"(C) ensure that guidance and training in how to appropriately use such models are provided; and

"(D) ensure that lessons learned from assessing the development and dissemination of integrated plume models during exercises administered by the Department are put into the lessons learned information sharing system maintained by the Department.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PLUME MODEL.—The term 'plume model' means the assessment of the location and prediction of the spread of agents following a chemical, biological, radiological, or nuclear attack or event.

"(2) INTEGRATED PLUME MODEL.—The term 'integrated plume model' means a plume model that integrates protective action guidance and other information as the Secretary determines appropriate.".

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

"Sec. 2107. Plume modeling.".

SEC. 510. DISASTER RECOVERY.

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is further amended by adding at the end the following:

"SEC. 2108. IDENTIFYING AND ADDRESSING GAPS IN RECOVERY CAPABILITIES.

"(a) RISK ASSESSMENT.—

"(1) TAILORED RISK ASSESSMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall conduct tailored risk assessments to inform prioritization of national recovery activities for chemical, biological, radiological, and nuclear incidents, to be updated as necessary.

"(2) CONSIDERATIONS.—In conducting the risk assessments under paragraph (1), the Secretary shall—

"(A) consult with the heads of other relevant Federal departments and agencies;

"(B) consider recovery of both indoor areas and outdoor environments; and

"(C) consider relevant studies previously prepared by other Federal agencies, or other appropriate stakeholders.

"(3) COLLABORATION.—Upon completion of the risk assessments required by this section, the Secretary shall provide the findings to the heads of relevant Federal agencies in order to inform ongoing and future work, including research and guidance development, undertaken by those agencies in recovery and remediation from chemical, biological, radiological, or nuclear incidents.

"(b) RESEARCH.—The results of the risk assessment under this section shall inform appropriate Federal research to address the high-risk capability gaps uncovered by each assessment.

"SEC. 2109. RECOVERY FROM CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ATTACKS OR INCIDENTS.

"(a) ESTABLISHMENT OF GUIDANCE.—Within 24 months from the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal departments and agencies, shall develop and issue guidance for clean-up and restoration of indoor and outdoor areas, including subways and other mass transportation facilities, that have been exposed to chemical, biological, radiological, or nuclear materials.

"(b) CONTENTS.—The guidance developed under subsection (a) shall clarify Federal roles and responsibilities for assisting State, local, and tribal authorities and include risk-based recommendations for—

"(1) standards for effective decontamination of affected sites;

"(2) standards for safe post-event occupancy of affected sites, including for vulnerable populations such as children and individuals with health concerns;

"(3) requirements to ensure that the decontamination procedures for responding organizations do not conflict;

"(4) requirements that each responding organization uses a uniform system for tracking costs and performance of clean-up contractors;

"(5) maintenance of negative air pressure in buildings;

"(6) standards for proper selection and use of personal protective equipment;

"(7) air sampling procedures;

"(8) development of occupational health and safety plans that are appropriate for the specific risk to responder health; and

"(9) waste disposal.

"(c) REVIEW AND REVISION OF GUIDANCE.—The Secretary shall—

"(1) not less frequently than once every two years, review the guidance developed under subsection (a);

"(2) make revisions to the guidance as appropriate; and

"(3) make the revised guidance available to the Federal Government, State, local, and tribal authorities, nongovernmental organizations, the private sector, and the public.

"(d) PROCEDURES FOR DEVELOPING AND REVISING GUIDANCE.—In carrying out the requirements of this section, the Secretary shall establish procedures to—

"(1) prioritize issuance of guidance based on the results of the risk assessment conducted pursuant to section 2108;

"(2) inventory existing relevant guidance;

"(3) enable the public to submit recommendations of areas in which guidance is needed;

"(4) determine which entities should be consulted in developing or revising the guidance;

"(5) prioritize, on a regular basis, guidance that should be developed or revised; and

"(6) develop and disseminate the guidance in accordance with the prioritization under paragraph (5).

"(e) CONSULTATIONS.—The Secretary shall develop and revise the guidance developed under subsection (a), and the procedures required under subsection (d), in consultation with—

"(1) the heads of other Federal departments and agencies, as appropriate;

"(2) State, local, and tribal authorities; and

"(3) nongovernmental organizations and private industry.

"SEC. 2110. EXERCISES.

"To facilitate environmental recovery from a chemical, biological, radiological, or nuclear attack or other incident involving chemical, biological, radiological, or nuclear materials and to foster collective response to terrorism, the Secretary shall develop exercises in consultation with State, local, and tribal authorities and other appropriate Federal agencies, and, as appropriate, in collaboration with national level exercises, including exercises that address, to the best knowledge available at the time, analysis, indoor environmental cleanup methods, and decontamination standards, including those published in the guidance documents required by section 2109.".

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

"Sec. 2108. Identifying and addressing gaps in recovery capabilities.
"Sec. 2109. Recovery from chemical, biological, radiological, and nuclear attacks or incidents.
"Sec. 2110. Exercises.".

Subtitle B—Grants

SEC. 521. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Terrorism preparedness grant programs administered by the Department of Homeland Security since the attacks of September 11, 2001, including the State Homeland Security Grant Program, Urban Area Security Initiative, Transit Security Grant Program, and Port Security Grant Program, have contributed to increased preparedness, resilience, and response capabilities at the State and local levels.

(2) State and local governments have utilized grant funding to, among other things, conduct planning, training, and exercises, improve information sharing, and enhance communications.

(3) More than a decade after the terrorist attacks of September 11, 2001, the United States remains the top target of Al Qaeda and its affiliates, and faces increasing threats of domestic radicalization and from lone wolf extremists.

(4) Continued Federal assistance to States and localities is necessary to maintain the increased preparedness and response capabilities developed over the past decade in order to address this continuing threat.

(b) SENSE OF CONGRESS.—It is the sense of Congress that grant programs such as the State Homeland Security Grant Program, Urban Area Security Initiative, Transit Security Grant Program, and Port Security Grant Program, should be funded consistent with their previously authorized levels to ensure that States and localities build and sustain the necessary capabilities to prevent, prepare for, and respond to terrorist attacks or other emergencies.

SEC. 522. USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY.

Section 2008(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(2)) is amended by inserting "training conducted in conjunction with a national laboratory or research facility and" after "including".

SEC. 523. NOTIFICATION OF HOMELAND SECURITY GRANT AWARDS.

Section 2002 of the Homeland Security Act of 2002 is amended by adding at the end the following new subsection:

"(d) NOTIFICATION.—The Administrator of the Federal Emergency Management Agency shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not less than three business days in advance of announcing publicly an allocation or award made pursuant to section 2003 or 2004.".

SEC. 524. TRANSPARENCY IN HOMELAND SECURITY GRANT FUNDING.

(a) IN GENERAL.—Subtitle B of title XX of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

"SEC. 2024. TRANSPARENCY IN HOMELAND SECURITY GRANT FUNDING.

"(a) IN GENERAL.—The Assistant Administrator of the Grant Programs Directorate, or an official otherwise designated by the Administrator, shall serve as the Authorization Liaison Officer within the Federal Emergency Management Agency.

"(b) REPORTING TO CONGRESS.—The Authorization Liaison Officer shall provide timely information on all grants administered by the Federal Emergency Management Agency upon request to the appropriate congressional committees.

"(c) SEMIANNUAL REPORTING.—

"(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall submit a written report to the appropriate congressional committees, on not less than a semiannual basis, that provides a full accounting of funds awarded by the Department under all homeland security grant programs administered by the Federal Emergency Management Agency for the previous five fiscal years, ending with the year in which the report is provided.

"(2) SCOPE OF REPORTS.—The Authorization Liaison Officer shall ensure, to the greatest extent practicable, that each report under this subsection includes a full accounting of funds awarded by the Department under all homeland security grant programs administered by the Federal Emergency Management Agency for the previous five fiscal years, ending with the year in which the report is provided, including—

"(A) the number and type of projects approved, by grantee;

"(B) the amount of funds awarded for each project;

"(C) the amount of funds available for each project;

"(D) the date on which those funds were made available;

"(E) the amount of funds not yet released by the Department, by project; and

"(F) the reasons funds have not been released, by project.

"(d) MEASURES AND METRICS.—

"(1) QUARTERLY PROVISION OF INFORMATION TO CONGRESS.—The Assistant Administrator of the Grant Programs Directorate shall provide information quarterly to the appropriate congressional committees on its efforts to develop performance measures and metrics for the Homeland Security Grant Program pursuant to section 2023 of the Homeland Security Act of 2002 (6 U.S.C. 613), until the development and implementation of such performance measures and metrics.

"(2) BIANNUAL BRIEFINGS.—After the development and implementation of such performance measures and metrics, the Assistant Administrator shall provide biannual briefings to the appropriate congressional committees on the expenditure of grant funds and the Assistant Administrator's findings based on

the metrics, including an assessment of the extent which funding under the Homeland Security Grant Program has contributed to building and sustaining State and local preparedness and response capabilities to address terrorism threats and other emergencies.".

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

"Sec. 2024. Transparency in homeland security grant funding.".

SEC. 525. METROPOLITAN MEDICAL RESPONSE SYSTEM.

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

"SEC. 529. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

"(a) IN GENERAL.—The Secretary shall conduct a Metropolitan Medical Response System Program, that shall assist State and local governments in preparing for and responding to public health and mass casualty incidents resulting from acts of terrorism and natural disasters.

"(b) FINANCIAL ASSISTANCE.—

"(1) AUTHORIZATION OF GRANTS.—

"(A) IN GENERAL.—The Secretary, through the Administrator, may make grants under this section to State and local governments to assist in preparing for and responding to mass casualty incidents resulting from acts of terrorism and natural disasters.

"(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Assistant Secretary for Health Affairs of the Department.

"(2) USE OF FUNDS.—A grant made under this section may be used to support the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard, including—

"(A) to strengthen medical surge capacity;

"(B) to strengthen mass prophylaxis capabilities including development and maintenance of an initial pharmaceutical stockpile sufficient to protect first responders, their families, and immediate victims from a chemical or biological event;

"(C) to strengthen chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities;

"(D) to develop and maintain mass triage and pre-hospital treatment plans and capabilities;

"(E) for planning;

"(F) to support efforts to strengthen information sharing and collaboration capabilities of regional, State, and urban areas in support of public health and medical preparedness;

"(G) for medical supplies management and distribution;

"(H) for training and exercises;

"(I) for integration and coordination of the activities and capabilities of public health personnel and medical care providers with those of other emergency response providers as well as other Federal agencies, the private sector, and nonprofit organizations, for the forward movement of patients; and

"(J) for such other activities as the Administrator provides.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any jurisdiction that received funds through the Metropolitan Medical Response System Program in fiscal year 2010 shall be eligible to receive a grant under this section.

"(B) PERFORMANCE REQUIREMENT AFTER FISCAL YEAR 2012.—A jurisdiction shall not be eligible for a grant under this subsection from funds available after fiscal year 2012 unless the Secretary determines that the jurisdiction maintains a sufficient measured degree of capability in accordance with the performance measures issued under subsection (c).

"(4) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—The Administrator shall distribute grant funds under this section to the State in which the jurisdiction receiving a grant under this section is located.

"(B) PASS THROUGH.—Subject to subparagraph (C), not later than 45 days after the date on which a State receives grant funds under subparagraph (A), the State shall provide the jurisdiction receiving the grant 100 percent of the grant funds, and not later than 45 days after the State releases the

funds, all fiscal agents shall make the grant funds available for expenditure.

"(C) EXCEPTION.—The Administrator may permit a State to provide to a jurisdiction receiving a grant under this section 97 percent of the grant funds awarded if doing so would not result in any jurisdiction eligible for a grant under paragraph (3)(A) receiving less funding than such jurisdiction received in fiscal year 2009.

"(5) REGIONAL COORDINATION.—The Administrator shall ensure that each jurisdiction that receives a grant under this section, as a condition of receiving such grant, is actively coordinating its preparedness efforts with surrounding jurisdictions, with the official with primary responsibility for homeland security (other than the Governor) of the government of the State in which the jurisdiction is located, and with emergency response providers from all relevant disciplines, as determined by the Administrator, to effectively enhance regional preparedness.

"(c) PERFORMANCE MEASURES.—The Administrator, in coordination with the Assistant Secretary for Health Affairs, and the National Metropolitan Medical Response System Working Group, shall issue performance measures within one year after the date of enactment of this section that enable objective evaluation of the performance and effective use of funds provided under this section in any jurisdiction.

"(d) METROPOLITAN MEDICAL RESPONSE SYSTEM WORKING GROUP DEFINED.—In this section, the term 'National Metropolitan Medical Response System Working Group' means—

"(1) 10 Metropolitan Medical Response System Program grant managers, who shall—

"(A) include one such grant manager from each region of the Agency;

"(B) comprise a population-based cross section of jurisdictions that are receiving grant funds under the Metropolitan Medical Response System Program; and

"(C) include—

"(i) 3 selected by the Administrator; and

"(ii) 3 selected by the Chief Medical Officer of the Department; and

"(2) 3 State officials who are responsible for administration of State programs that are carried out with grants under this section, who shall be selected by the Administrator.

"(e) AUTHORIZATION OF APPROPRIATIONS.—From the total amount authorized to be appropriated under this Act, $42,000,000 shall be authorized for appropriations to carry out the program for each of fiscal years 2012 through 2016.".

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

"Sec. 529. Metropolitan Medical Response System Program.".

(c) METROPOLITAN MEDICAL RESPONSE PROGRAM REVIEW.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, the Assistant Secretary for Health Affairs of the Department, and the National Metropolitan Medical Response System Working Group shall conduct a review of the Metropolitan Medical Response System Program authorized under this section, including an examination of—

(A) the extent to which the goals and objectives are being met;

(B) the performance metrics that can best help assess whether the Metropolitan Medical Response System Program is succeeding;

(C) how the Metropolitan Medical Response System Program can be improved;

(D) how the Metropolitan Medical Response System Program complements and enhances other preparedness programs supported by the Department of Homeland Security and the Department of Health and Human Services;

(E) the degree to which the strategic goals, objectives, and capabilities of the Metropolitan Medical Response System Program are incorporated in State and local homeland security plans;

(F) how eligibility for financial assistance, and the allocation of financial assistance, under the Metropolitan Medical Response System Program should be determined, including how allocation of assistance could be based on risk;

(G) implications for the Metropolitan Medical Response System Program if it were managed as a contractual agreement; and

(H) the resource requirements of the Metropolitan Medical Response System Program.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator and the Assistant Secretary for Health Affairs shall submit to the appropriate congressional committees a report on the results of the review under this section.

(3) CONSULTATION.—The Administrator of the Federal Emergency Management Agency shall consult with the heads of other relevant departments and agencies in the implementation of subsection (a)(5).

(4) DEFINITION.—In this subsection the term "National Metropolitan Medical Response System Working Group" has the meaning that term has in section 529 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENT.—Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 723) is repealed.

SEC. 526. TRANSIT SECURITY GRANT PROGRAM.

(a) SECURITY ASSISTANCE PROGRAM.—Section 1406(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(a)) is amended—

(1) in paragraph (1) by inserting "and law enforcement" after "public transportation"; and

(2) by adding at the end the following:

"(3) LAW ENFORCEMENT AGENCY ELIGIBILITY.—A law enforcement agency is eligible for a grant under this section if the agency enters into a memorandum of agreement or other arrangement with a public transportation agency that is eligible for a grant under paragraph (2) to oversee, direct, and command the security operations of that public transportation agency.".

(b) USES OF FUNDS.—Section 1406(b)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(b)(1)) is amended—

(1) in subparagraph (J), by striking "evacuation improvements" and inserting "consequence management investments, including investments with respect to evacuation improvements, route designation and signage, and public assistance materials";

(2) in subparagraph (N), by striking "and" at the end;

(3) by redesignating subparagraph (O) as subparagraph (P); and

(4) by inserting after subparagraph (N) the following new subparagraph (O):

"(O) systems for identity verification for access control, including biometrics; and".

(c) OPERATIONAL ALLOWANCES.—Section 1406(m)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(m)(1)) is amended—

(1) in subparagraph (D) by striking "and" at the end;

(2) in subparagraph (E)—

(A) by striking "10 percent" and inserting "50 percent"; and

(B) by striking "subsection (b)(2)." and inserting "subsection (b)(2); and"; and

(3) by adding at the end the following:

"(F) $400,000,000 for fiscal year 2012, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2).".

SEC. 527. PRIORITIZATION.

(a) CRUISE SHIP PASSENGERS AND BORDER CROSSINGS.—Section 2007(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 608(a)(1)) is amended—

(1) in subparagraph (A), by inserting "(including cruise ship passengers)" after "tourist"; and

(2) by redesignating subparagraphs (H) through (K) as subparagraphs (I) through (L) and inserting after subparagraph (G) the following:

"(H) the number of border crossings at land, air, and maritime ports of entry;".

(b) CONFORMING AMENDMENT.—Section 2003(b)(2)(A)(i) of such Act (6 U.S.C. 604(a)(2)(A)(i)) is amended by striking "(H) and (K)" and inserting "(I) and (L)".

SEC. 528. TRANSPORTATION SECURITY GRANT PROGRAM STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study evaluating the homeland security impacts of transportation security grant program funding levels in States located on the west coast of the United States. In carrying out the study, the Comptroller General shall review—

(1) how funding under the grant program has been distributed in correlation to locations near critical infrastructure sectors, eligible metropolitan areas, and high risk urban areas in such States; and

(2) the level of coordination in the disbursements of such funds with the risk determinations based on State and local entities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of the study required under this section.

SEC. 529. INTERAGENCY GRANTS WORKING GROUP.

(a) IN GENERAL.—The Secretary shall, in coordination with relevant Department components and other appropriate Federal departments and agencies, establish an interagency working group to better coordinate Federal preparedness grants.

(b) MEMBERSHIP.—The working group shall be chaired by the Secretary and be composed of the Secretary and representatives from the Department of Health and Human Services, Department of Transportation, Department of Justice, and other Federal agencies as determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall—

(1) meet regularly to coordinate, as appropriate, development of grant guidance, application and award timelines, monitoring, and assessments;

(2) seek input from State, local, and tribal officials involved in grant management in order to inform grant processes, allocations, and awards;

(3) promote coordinated grant timelines; and

(4) ensure all preparedness grant programs employ a common Internet Web portal.

(d) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the appropriate congressional committees a report on the activities of the working group.

Subtitle C—Communications

SEC. 541. SENSE OF CONGRESS REGARDING INTEROPERABILITY.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (in this section referred to as the "9/11 Commission") determined that the inability of first responders to communicate effectively on September 11, 2001 was a critical obstacle to an effective multijurisdictional response.

(2) More than 10 years have passed since the terrorist attacks of September 11, 2001, and many jurisdictions across the country still experience difficulties communicating that may contribute to confusion, delays, or added risks when responding to a terrorist attack or natural disaster.

(3) In the years since September 11, 2001, the need for a national wireless first responder interoperable communications network has remained, but the Nation has not yet completed building this vital resource for public safety.

(4) The earthquake that originated in Virginia on August 23, 2011, and affected areas throughout the East Coast jammed commercial communications and data networks, making them incapable of handling the mission critical communications needs of first responders even if provided with priority access.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal resources should be allocated to improve first responder interoperable communications and the D Block spectrum should be reallocated for the construction of a national interoperable public safety wireless broadband network as expeditiously as possible.

SEC. 542. ROLES AND RESPONSIBILITIES WITH RESPECT TO POLICY AND GUIDANCE FOR COMMUNICATIONS-RELATED EXPENDITURES WITH GRANT FUNDS.

(a) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF EMERGENCY COMMUNICATIONS.—Section 1801(c) of the Homeland Security Act of 2002 (6 U.S.C. 571(c)) is amended by striking "and" after the semicolon at the end of paragraph (14), striking the period at the end of paragraph (15) and inserting "; and", and adding at the end the following:

"(16) provide guidance on interoperable emergency communications to the Administrator of the Federal Emergency Management Agency in accordance with the memorandum of understanding required under section 1811.".

(b) AUTHORIZATION FOR MEMORANDUM OF UNDERSTANDING ON EMERGENCY COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

"SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMERGENCY COMMUNICATIONS.

"The Administrator of the Federal Emergency Management Agency shall execute a memorandum of understanding with the Director of the Office of Emergency Com-

munications delineating the roles and responsibilities of each office with respect to policy and guidance for communications-related expenditures with grant funds.".

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

"Sec. 1811. Memorandum of understanding on emergency communications.".

SEC. 543. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

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

"SEC. 530. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

"(a) IN GENERAL.—In order to provide timely and effective warnings and disseminate homeland security and other information, the Secretary shall—

"(1) establish a national integrated public alert and warning system (in this section referred to as 'the system') not later than one year after the date of the enactment of this section; and

"(2) designate an agency within the Department to receive, aggregate, validate, and authenticate homeland security and other information originated by authorized Federal, State, local, and tribal governments to facilitate the transmission of the Personalized Localized Alerting Network.

"(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

"(1) establish, as appropriate, common alerting and warning protocols, standards of performance, and terminology for the system established under subsection (a)(1) by adopting, where appropriate, mechanisms that integrate various approaches developed by key stakeholders;

"(2) include in the system the capability to adapt the dissemination of homeland security and other information and the content of communications on the basis of geographic location, risks, or user preferences, as appropriate;

"(3) include in the system the capability to alert and warn individuals with disabilities and access and functional needs;

"(4) ensure that the system is incorporated into the training and exercise programs of the Department; and

"(5) coordinate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal governments, and other key stakeholders to leverage existing alert and warning capabilities.

"(c) SYSTEM REQUIREMENTS.—The Secretary shall ensure that the system—

"(1) incorporates redundant and diverse modes to disseminate homeland security and other information in warning messages to the public so as to reach the greatest number of individuals;

"(2) can be adapted to incorporate future technologies;

"(3) is resilient, secure, and can withstand acts of terrorism and other external attacks;

"(4) delivers alerts to populations in remote areas; and

"(5) promotes State, local, tribal, and regional partnerships to enhance coordination.

"(d) REPORT.—Not later than one year after the date on which the system established under subsection (a) is fully functional and every six months thereafter, the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Homeland Security and Governmental Affairs Committee of the Senate on the functionality and performance of the integrated public alert and warning system, including—

"(1) an assessment of the accomplishments and deficiencies of the system;

"(2) recommendations for improvements to the system; and

"(3) information on the feasibility and effectiveness of disseminating homeland security and other information, notices, and alerts prior to and following an incident requiring use of the system.".

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

"Sec. 530. National integrated public alert and warning system modernization.".

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act (including the amendment made by this Act) shall be construed to affect the authority of the Department of Commerce, the Federal Communications Commission, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(d) HOMELAND SECURITY GRANTS.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:
"(13) improving public alert and warning capabilities; and".

Subtitle D—Broadband for First Responders

SEC. 561. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY LICENSES.

(a) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) in paragraph (1), by striking "24" and inserting "34"; and

(2) in paragraph (2), by striking "36" and inserting "26".

(b) ASSIGNMENT.—Section 337(b) of the Communications Act of 1934 (47 U.S.C. 337(b)) is amended to read as follows:

"(b) ASSIGNMENT.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012, the Commission shall allocate the paired electromagnetic spectrum bands of 758µ09763 megahertz and 788µ09793 megahertz for public safety broadband communications and shall license such paired bands to the public safety broadband licensee.

"(2) ESTABLISHMENT OF RULES.—

"(A) IN GENERAL.—The Commission shall establish rules to permit the public safety broadband licensee to authorize providers of public safety services to construct and operate a wireless public safety broadband network in the spectrum licensed to the public safety broadband licensee if the public safety broadband licensee determines that such authorization would expedite the deployment of public safety broadband communications.

"(B) NETWORK REQUIREMENTS.—The Commission shall require that any such wireless public safety broadband network shall—

"(i) be fully interoperable and remain interoperable with, and in conformance with the same broadband technology standards as, all other public safety broadband systems deployed or authorized;

"(ii) provide for roaming by local, State, tribal, and Federal governments and other authorized users of the spectrum licensed to the public safety broadband licensee;

"(iii) provide priority access to public safety agencies;

"(iv) be built to survive most large-scale disasters;

"(v) ensure that networks of such systems have the appropriate level of cyber security;

"(vi) ensure that authorized users have control over all local network uses consistent with rules established by the Commission; and

"(vii) be consistent with the Statewide Interoperable Communications Plans adopted by each State and the National Emergency Communications Plan, as adopted by the Department of Homeland Security.

"(C) DEADLINES.—

"(i) RULES.—The Commission shall establish rules under this paragraph not later than 9 months after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012.

"(ii) REPORT.—

"(I) IN GENERAL.—Not later than 60 days after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012, the public safety broadband licensee shall submit a report to the appropriate committees of Congress on the phased network deployment plan of such spectrum bands.

"(II) DEFINITIONS.—For purposes of subclause (I), the term 'appropriate committees of Congress' means the Committee on Homeland Security of the House of Representatives and any other committee of the House of Representatives or the Senate having legislative jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.".

(c) NETWORK-SHARING AGREEMENTS.—Section 337 of the Communications Act of 1934 (47 U.S.C. 337) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) RULEMAKING REQUIRED.—The Commission shall establish regulations to—

"(1) authorize the shared use of the public safety broadband spectrum and network infrastructure by entities that are not defined as public safety services in subsection (g)(1), subject to the requirement that public safety services retain priority access to the spectrum, pursuant to procedures adopted by the Commis-

sion, so long as the needs of other governmental entities needs are considered before commercial entities; and

"(2) allow use of the public safety broadband spectrum by emergency response providers, as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).".

(d) DEFINITION.—Section 337(g) of the Communications Act of 1934 (as so redesignated) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectively; and

(2) by inserting before paragraph (3), as so redesignated, the following:

"(1) PUBLIC SAFETY BROADBAND LICENSEE.—The term 'public safety broadband licensee' means a licensee as defined by the Commission in its Second Report and Order adopted July 31, 2007 (FCC 07µ09132), and selected in the Commission's Order adopted November 19, 2007 (FCC 07µ09199), by the Commission to be the licensee for spectrum between 763µ09768 and 793µ09798 megahertz.

"(2) PUBLIC SAFETY BROADBAND SPECTRUM.—The term 'public safety broadband spectrum' means the electromagnetic spectrum between 758 megahertz and 768 megahertz, inclusive, and 788 megahertz and 798 megahertz, inclusive, and any additional electromagnetic frequencies allocated by the Commission for public safety broadband use.".

SEC. 562. STANDARDS.

(a) INTEROPERABILITY REQUIREMENTS.—To enhance domestic preparedness for and collective response to a catastrophic incident, not later than 180 days after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary and in consultation with the Director of the National Institute of Standards and Technology, the Attorney General, and local, State, tribal, and Federal public safety agencies, shall develop a public safety agency statement of requirements that enables nationwide interoperability and roaming across any communications system using public safety broadband spectrum, as defined in section 337(g) of the Communications Act of 1934.

(b) SPECIFICATIONS.—The Secretary, in coordination with the Director of the National Institute of Standards and Technology, shall establish an appropriate standard, or set of standards, for enhancing domestic preparedness for and collective response to a catastrophic incident and meeting the public safety agency statement requirements developed under subsection (a), taking into consideration—

(1) the extent to which particular technologies and user equipment are, or are likely to be, available in the commercial marketplace;

(2) the availability of necessary technologies and equipment on reasonable and nondiscriminatory licensing terms;

(3) the ability to evolve with technological developments in the commercial marketplace;

(4) the ability to accommodate prioritization for public safety transmissions;

(5) the ability to accommodate appropriate security measures for public safety transmissions; and

(6) any other considerations the Federal Communications Commission deems appropriate.

SEC. 563. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to overturn, supersede, or otherwise preempt the Federal Communication Commission's Order adopted on November 19, 2007 (FCC 07µ09199), setting forth the roles and responsibilities of the public safety broadband licensee (as such term is defined in section 337(g) of the Communications Act of 1934) and the Federal Communications Commission, except that the following may, by rule or order, be modified by the Commission:

(1) Any organization seeking membership to the board of directors of the public safety broadband licensee may be voted in by a simple majority of the then serving members of the board of directors.

(2) The board of directors of the public safety broadband licensee shall include the following organizations:

(A) International Association of Chiefs of Police.
(B) International Association of Fire Chiefs.
(C) National Sheriffs' Association.
(D) International Association of Fire Fighters.
(E) National Volunteer Fire Council.
(F) Fraternal Order of Police.
(G) Major Cities Chiefs Association.
(H) Metropolitan Fire Chiefs Association.
(I) Major County Sheriffs' Association.

(J) Association of Public-Safety Communications Officials, International.
(K) National Emergency Management Association.
(L) International Association of Emergency Managers.
(M) Police Executive Research Forum.
(N) National Criminal Justice Association.
(O) National Association of Police Organizations.
(P) National Organization of Black Law Enforcement Executives.
(Q) Association of Air Medical Services.
(R) Advocates for Emergency Medical Services.
(S) Emergency Nurses Association.
(T) National Association of Emergency Medical Services Physicians.
(U) National Association of Emergency Medical Technicians.
(V) National Association of State Emergency Medical Service Officials.
(W) National Emergency Medical Services Management Association.
(X) International Municipal Signal Association.
(Y) American Probation and Parole Association.
(Z) National Governors Association.
(AA) National Association of Counties.
(BB) National League of Cities.
(CC) United States Conference of Mayors.
(DD) Council of State Governments.
(EE) International City/County Managers Association.
(FF) National Conference of State Legislatures.
(GG) National Association of Regional Councils.
(HH) Utilities Telecom Council.
(II) American Association of State Highway Transportation Officials.
(JJ) American Hospital Association.
(KK) Forestry Conservation Communications Association.
(LL) National Association of State 911 Administrators.
(MM) National Troopers Coalition.
(NN) National Emergency Numbers Association.

SEC. 564. FUNDING.

(a) ESTABLISHMENT OF FUNDS.—

(1) CONSTRUCTION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Public Safety Interoperable Broadband Network Construction Fund.

(B) PURPOSE.—The Secretary shall establish and administer the grant program under section 565 using the funds deposited in the Construction Fund.

(C) CREDIT.—

(i) BORROWING AUTHORITY.—The Secretary may borrow from the general fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed $2,000,000,000, to implement section 565.

(ii) REIMBURSEMENT.—The Secretary of the Treasury shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under clause (i) as funds are deposited into the Construction Fund, but in no case later than December 31, 2014.

(2) MAINTENANCE AND OPERATION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Public Safety Interoperable Broadband Network Maintenance and Operation Fund.

(B) PURPOSE.—The Secretary shall use the funds deposited in the Maintenance and Operation Fund to carry out section 566 and section 569(c).

(b) INITIAL DISTRIBUTION OF AUCTION PROCEEDS IN FUNDS.—Notwithstanding subparagraphs (A) and (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), the Secretary of the Treasury shall deposit the proceeds (including deposits and upfront payments from successful bidders) from the auction of the spectrum described in section 568 in the following manner:

(1) All proceeds less than or equal to $5,500,000,000 shall be deposited in the Construction Fund and shall be made available to the Secretary without further appropriations.

(2) Any proceeds exceeding $5,500,000,000 shall be deposited in the Maintenance and Operation Fund and shall be made available to the Secretary without further appropriations.

(c) TRANSFER OF FUNDS AT COMPLETION OF CONSTRUCTION.—The Secretary of the Treasury shall transfer to the Maintenance and Operation Fund any funds remain-

ing in the Construction Fund after the date of the completion of the construction phase, as determined by the Secretary.

(d) TRANSFER OF FUNDS TO TREASURY.—The Secretary of the Treasury shall transfer to the general fund of the Treasury any funds remaining in the Maintenance and Operation Fund after the end of the 10-year period following receipt of notice by the Secretary that construction of the nationwide public safety interoperable broadband network has been completed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) CONSTRUCTION FUND.—There are authorized to be appropriated to the Secretary for deposit in the Construction Fund in and after fiscal year 2012 an amount not to exceed the amount set forth in paragraph (3).

(2) MAINTENANCE AND OPERATION FUND.—There are authorized to be appropriated to the Secretary for deposit in the Maintenance and Operation Fund in and after fiscal year 2012 an amount not to exceed the amount set forth in paragraph (3).

(3) LIMITATION.—The authorization of appropriations under paragraphs (1) and (2) may not exceed a total of $5,500,000,000.

SEC. 565. PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK CONSTRUCTION.

(a) CONSTRUCTION GRANT PROGRAM ESTABLISHMENT.—To enhance domestic preparedness for and collective response to a catastrophic incident, the Secretary shall take such action as is necessary to establish a grant program to assist public safety entities to establish a nationwide public safety interoperable broadband network in the 700 megahertz band.

(b) PROJECTS.—The projects for which construction grants may be made under this section are the following:

(1) Construction of a new public safety interoperable broadband network using public safety infrastructure or commercial infrastructure, or both, in the 700 megahertz band.

(2) Improvement of the existing public safety and commercial networks and construction of new infrastructure to meet public safety requirements.

(c) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section may not exceed 80 percent of the eligible costs of carrying out a project, as determined by the Secretary in consultation with the Chairman of the Federal Communications Commission.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a project under this section may be provided through an in-kind contribution.

(d) REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish grant program requirements including the following:

(1) Defining entities that are eligible to receive a grant under this section.

(2) Defining eligible costs for purposes of subsection (c)(1).

(3) Determining the scope of network infrastructure eligible for grant funding under this section.

(4) Conditioning grant funding on compliance with the Federal Communications Commission's license terms.

(5) Ensuring that all grant funds are in compliance with and support the goals of the National Emergency Communications Plan and the Statewide Communication Interoperability Plans for each State and territory.

(e) TECHNICAL ASSISTANCE.—The Secretary shall enhance the Office of Emergency Communications Technical Assistance Program to assist grantees with best practices and guidance in implementing these projects.

SEC. 566. PUBLIC SAFETY INTEROPERABLE BROADBAND MAINTENANCE AND OPERATION.

(a) MAINTENANCE AND OPERATION REIMBURSEMENT PROGRAM.—The Secretary shall administer a program through which not more than 50 percent of maintenance and operational expenses associated with the public safety interoperable broadband network may be reimbursed from the Maintenance and Operation Fund for those expenses that are attributable to the maintenance, operation, and improvement of the public safety interoperable broadband network.

(b) REPORT.—Not later than 7 years after the commencement of the reimbursement program established under subsection (a), the Secretary shall submit to Congress a report on whether to continue to provide funding for the Maintenance and Operation Fund following completion of the period provided for under section 564(d).

SEC. 567. AUDITS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall perform an audit of the financial statements, records, and accounts of the—

(1) Public Safety Interoperable Broadband Network Construction Fund established under section 564(a)(1);

(2) Public Safety Interoperable Broadband Network Maintenance and Operation Fund established under section 564(a)(2);

(3) construction grant program established under section 565; and

(4) maintenance and operation grant program established under section 566.

(b) GAAP.—Each audit required under subsection (a) shall be conducted in accordance with generally accepted accounting procedures.

(c) REPORT TO CONGRESS.—A copy of each audit required under subsection (a) shall be submitted to the appropriate committees of Congress.

SEC. 568. AUCTION OF SPECTRUM TO FUND THE INTEROPERABLE BROADBAND NETWORK CONSTRUCTION FUND AND THE OPERATION AND MAINTENANCE FUND.

(a) REALLOCATION OF SPECTRUM.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall reallocate for commercial use electromagnetic spectrum at 1755µ091780 megahertz.

(b) AUCTION.—Not later than 18 months after the date of enactment of this Act, the Federal Communications Commission shall establish rules for pairing electromagnetic spectrum bands at 1755µ091780 megahertz and 2155µ092180 megahertz, inclusive, and auction the licenses for such paired spectrum in accordance with section 309(j) of the Communications Act of 1934.

SEC. 569. EXTENSION OF AUCTION AUTHORITY AND ASSURANCE OF OPEN AUCTIONS.

(a) EXTENSION OF AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "2012" and inserting "2020".

(b) ELIGIBILITY.—The Federal Communications Commission shall ensure that no bidder is deemed ineligible for or otherwise excluded from an auction specified in this Act, or any other competitive bidding process under section 309(j) of the Communications Act of 1934, on account of its size or the amount of its other spectrum holdings.

SEC. 570. DEFINITIONS.

In this subtitle:

(1) The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) The term "appropriate committees of Congress" means the Committee on Homeland Security of the House of Representatives and any other committee of the House of Representatives or the Senate having legislative jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.

(3) The term "catastrophic incident" has the meaning given such term in section 501(3) of the Homeland Security Act of 2002 (6 U.S.C. 311(3)).

(4) The term "Construction Fund" means the Public Safety Interoperable Broadband Network Construction Fund established under section 564(a)(1).

(5) The term "Maintenance and Operation Fund" means the Public Safety Interoperable Broadband Network Maintenance and Operation Fund established under section 564(a)(2).

(6) The term "Secretary" means the Secretary of Homeland Security unless otherwise indicated.

Subtitle E—Miscellaneous Provisions

SEC. 581. AUDIT OF THE NATIONAL LEVEL EXERCISE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct—

(1) an audit of expenses associated with the 2010 and 2011 National Level Exercises, including costs of planning and executing the exercise scenario; and

(2) a review of whether the Federal Emergency Management Agency is incorporating lessons learned from national exercises into training, planning, and other operations.

(b) REPORT.—The Inspector General shall submit a report on the findings of the audit and review to the appropriate congressional committees.

SEC. 582. FEMA REPORT TO CONGRESS ON SOURCING AND DISTRIBUTION OF DISASTER RESPONSE GOODS AND SERVICES.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the appropriate con-

gressional committees a report on the Agency's progress in improving sourcing for disaster response goods and services, including on—

(1) the adoption of a single-point ordering concept as recommended by the Department of Homeland Security Inspector General;

(2) investment in information technology systems to support single-point ordering and make sourcing and supply movement transparent as recommended by the Department of Homeland Security Inspector General;

(3) development of an overarching strategy for the sourcing of disaster response goods and services; and

(4) other steps taken by the Agency to promote efficiency in sourcing and distribution, and to eliminate duplication and waste of essential goods and services during response to a disaster.

SEC. 583. RURAL RESILIENCE INITIATIVE.

(a) IN GENERAL.—Title XXI of the Homeland Security Act of 2002, as added by section 501 of this Act, is further amended by adding at the end the following:

"SEC. 2111. RURAL RESILIENCE INITIATIVE.

"(a) IN GENERAL.—The Under Secretary for Science and Technology of the Department of Homeland Security shall conduct research intended to assist State, local, and tribal leaders and the private sector in developing the tools and methods to enhance rural preparation for, and response and resilience to, terrorist attacks and other incidents.

"(b) INCLUDED ACTIVITIES.—Activities under this section may include—

"(1) research and implementation through outreach activities with rural communities;

"(2) an examination of how communities employ resilience capabilities and response assets;

"(3) development and use of a community resilience baseline template for determining the resilience capacity of a rural community;

"(4) a plan to address community needs for resilience;

"(5) an education program for community leaders and first responders about their resilience capacity and mechanisms for mitigation, including via distance learning; and

"(6) a mechanism by which this research can serve as a model for adoption by communities across the Nation.".

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

"Sec. 2111. Rural resilience initiative.".

SEC. 584. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—

(1) in subsection (b)(6), by striking "the Transportation Technology Center, Incorporated, in Pueblo, Colorado" and inserting "the Railroad Research Foundation";

(2) in subsection (c), by inserting "(including medical readiness training)" after "deliver training";

(3) in subsection (d)(1)—

(A) in subparagraph (C), by striking "and" at the end; and

(B) by inserting after subparagraph (D) the following new subparagraph: "(E) $62,500,000 for fiscal year 2012; and"; and

(4) in subsection (d)(2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph: "(E) $22,000,000 for fiscal year 2012.".

SEC. 585. TECHNICAL CORRECTION.

Section 525(a) of the Homeland Security Act of 2002 (6 U.S.C. 321n(a)) is amended by inserting ", acting through the Administrator," after "Secretary".

SEC. 586. CERTIFICATION THAT DISASTER FUND RECIPIENTS SUBJECT TO RECOUPMENT RECEIVE A NOTICE OF DEBT AND OPPORTUNITY TO APPEAL BEFORE DEBT IS FORWARDED TO DEPARTMENT OF THE TREASURY.

The Administrator of the Federal Emergency Management Agency, or the Administrator's duly appointed representative, shall certify to the Department of the Treasury that any recipient of disaster funds subject to recoupment received a no-

tice of debt and opportunity to appeal prior to the Federal Emergency Management Agency forwarding the debt to the Department of the Treasury.

SEC. 587. CONFORMING AMENDMENT.

Section 316 of the Homeland Security Act of 2002 (6 U.S.C. 195b), and the item relating to such section in section 1(b) of such Act, are repealed.

SEC. 588. DELEGATION OF AUTHORITIES TO THE REGIONAL OFFICES REVIEW.

(a) IN GENERAL.—The Inspector General of the Department shall audit how all regional offices within the Federal Emergency Management Agency are carrying out delegated authorities pursuant to the Post-Katrina Emergency Management and Reform Act of 2006 and a memorandum executed in July 2009 by the Administrator.

(b) CONTENTS.—The audit shall assess, at a minimum, the following:

(1) The ability of each regional office to—

(A) coordinate, on an ongoing basis, with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(B) foster better regional operable and interoperable emergency communications capabilities;

(C) support coordinated and integrated Federal preparedness, protection, response, recovery, and mitigation capabilities to respond to natural disasters, acts of terrorism, and other manmade disasters within that region;

(D) identify critical gaps in regional capabilities to respond to populations with special needs;

(E) conduct all procurements in a timely and secure manner that prevents waste and fraud and is consistent with Federal Emergency Management Agency procurement policies and programs;

(F) engage in employment practices that are consistent with Federal requirements and are transparent, efficient, and ethical; and

(G) effectively conduct ongoing oversight of the use of homeland security grants and funding within the region to promote greater preparedness and response capabilities and prevent waste and fraud.

(2) The impact of the delegation of authorities on the Administrator's ability to achieve consistency throughout the regions.

(3) The adequacy of oversight by the Administrator of how the regions are executing the delegated authorities and carrying out assigned responsibilities.

(4) The impact of the delegation of authorities on the Federal Emergency Management Agency and specific regions to address the recommendations of the Office of Inspector General and the Comptroller General of the United States in a timely manner.

SEC. 589. LESSONS LEARNED FOR NATIONAL LEVEL EXERCISES.

The Administrator of the Federal Emergency Management Agency shall provide electronically, to the maximum extent practicable, lessons learned reports to each designated representative of participating State, local, and tribal jurisdictions and private sector entities that participate in National Level Exercises of the Department. At the time the Administrator provides such reports to participating jurisdictions, the Administrator shall also provide the reports electronically to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. Each lessons learned report shall be tailored to convey information on that exercise that could be leveraged to enhance preparedness and response.

SEC. 590. SYSTEM ASSESSMENT AND VALIDATION FOR EMERGENCY RESPONDERS.

The Under Secretary for Science and Technology of the Department shall establish and maintain a program for system assessment and validation of emergency responder equipment, which shall be known as the "SAVER Program". The Under Secretary shall ensure that such program—

(1) conducts objective, impartial, practitioner-relevant, and operationally oriented assessments and validations of commercial emergency responder equipment and systems;

(2) is supported by a network of technical entities that coordinate emergency responder participation to perform the assessment and validation activities using robust scientific and testing protocols;

(3) in coordination with the Administrator of the Federal Emergency Management Agency, identifies emergency responder equipment information needs and prioritizes equipment to be assessed;

(4) provides quantitative results along with other relevant equipment information to the emergency response provider community in an operationally useful form;

(5) provides information on equipment that falls within the categories listed in the Department's authorized equipment list;

(6) provides information that enables decision-makers and responders to better select, procure, use, and maintain emergency responder equipment; and

(7) shares such information nationally with the emergency response provider community at the Federal, State, and local levels.

SEC. 591. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

Section 1205(d) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1103(d)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) $18,000,000 for fiscal year 2012;

"(6) $18,000,000 for fiscal year 2013; and

"(7) $18,000,000 for fiscal year 2014.".

SEC. 592. MENTAL HEALTH COUNSELING FOR DISASTER VICTIMS.

The Secretary shall conduct a review on the activities associated with mental health counseling for disaster victims to ensure that policies, procedures, and coordination efforts of the Department are adequate and serve the interests of disaster victims.

SEC. 593. EFFECTIVENESS OF CERTAIN DISASTER PREPARATION.

The Comptroller General of the United States shall conduct a study evaluating the effectiveness of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to disaster housing programs and collaboration and coordination between the Federal Emergency Management Agency and the Department of Housing and Urban Development.

TITLE VI—BORDER SECURITY PROVISIONS

SEC. 601. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security.

(2) MAJOR VIOLATOR.—The term "major violator" means a person or entity that is or has engaged in serious criminal activities at any land, air, or sea port of entry, including possession of narcotics, smuggling of prohibited products, human smuggling, weapons possession, use of fraudulent United States documents, and other offenses serious enough to result in arrest.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) OPERATIONAL CONTROL.—The term "operational control" has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109µ09367).

(5) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 602. STRATEGY TO ACHIEVE OPERATIONAL CONTROL OF THE BORDER.

(a) STRATEGY TO SECURE THE BORDER BETWEEN THE PORTS OF ENTRY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive strategy for gaining, within five years, operational control of the international borders between the ports of entry of the United States. The strategy shall include an analysis of the following:

(1) Staffing requirements for all border security functions.

(2) Investment in infrastructure, including pedestrian fencing, vehicle barriers, and roads.

(3) The use of unmanned aerial vehicles, camera technology, sensors, and other innovative technology as the Secretary may determine.

(4) Cooperative agreements with international, State, local, tribal, and other Federal law enforcement agencies that have jurisdiction on the northern border and southern border.

(5) Other means designed to detect, respond to, and interdict unlawful cross-border activity and to reduce the level of violence.

(6) A schedule for implementing security measures, including a prioritization for future investments.

(7) A comprehensive technology plan for major surveillance and detection technology programs, including a justification and rationale for technology choices and deployment locations.

(8) The feasibility of using existing Tethered Aerostat Radar Systems for use along the southwest border.

(b) SECURING THE BORDER AT PORTS OF ENTRY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop metrics to measure the effectiveness of security at ports of entry, which shall consider, at minimum, the following:

(1) The number of infractions related to personnel and cargo committed by major violators who are apprehended by U.S. Customs and Border Protection at such ports of entry.

(2) The estimated number of such infractions committed by major violators who are not so apprehended.

(3) The required number of U.S. Customs and Border Protection Officers, Agricultural Specialists, and Canine Enforcement Officers necessary to achieve operational control at such ports of entry.

(4) Infrastructure improvements required to achieve operational control at such ports of entry, including the installation of nonintrusive detection equipment, radiation portal monitors, biometrics, and other sensors and technology that the Secretary determines necessary.

(5) The deployment of resources based on the overall commercial and passenger traffic, cargo volume, and threat environment at such ports of entry.

(c) EVALUATION BY NATIONAL LABORATORY.—The Secretary shall submit a request to a Department of Energy national laboratory with appropriate expertise in border security to evaluate the suitability and statistical validity of the measurement system required under subsection (b) for analyzing progress in the interdiction of unlawful crossings and contraband at ports of entry.

(d) CONSIDERATION OF ALTERNATIVE BORDER SECURITY STANDARDS.—If in developing the strategic plan required under subsection (a) the Secretary determines to measure security between ports of entry by a standard other than operational control, the Secretary shall submit a request to a Department of Energy national laboratory with appropriate expertise in border security to evaluate the suitability and statistical validity of the measurement system required under subsection (b) for analyzing progress in the interdiction of unlawful crossings and contraband at ports of entry.

(e) REPORTS.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the following:

(1) A resource allocation model for current and future year staffing requirements that includes optimal staffing levels at all land, air, and sea ports of entry and an explanation of U.S. Customs and Border Protection methodology for aligning staffing levels and workload to threats and vulnerabilities across all mission areas.

(2) Detailed information on the level of manpower data available at all land, air, and sea ports of entry, including the number of canine and agricultural officers assigned to each such port of entry.

(f) PRIORITY.—In making infrastructure improvements at ports of entry in accordance with subsection (b)(4), the Commissioner of U.S. Customs and Border Protection, in coordination with the heads of relevant Federal departments and agencies, shall give priority to those ports of entry determined to be in most need of repair in order to improve border security and for other purposes in accordance with port of entry infrastructure assessment studies required in section 603 of the Border Infrastructure and Technology Modernization Act of 2007 (enacted as title VI of division E of the Consolidated Appropriations Act, 2008 (Public Law 110µ09161)).

SEC. 603. MAINTAINING BORDER PATROL STAFFING.

(a) IN GENERAL.—Subject to the availability of appropriations, for each of fiscal years 2012 and 2013, the Secretary shall maintain a force of not fewer than 21,300 Border Patrol agents and sufficient support staff for such agents, including mechanics, administrative support, and surveillance personnel.

(b) NORTHERN BORDER.—Of the Border Patrol agents referred to in subsection (a), not fewer than 2,200 of such agents shall be assigned to the northern border.

(c) DEPLOYMENT.—The Commissioner of U.S. Customs and Border Protection shall take into account apprehension rates, unlawful border crossings, and the number of apprehensions of aliens unlawfully present in the United States per Border Patrol agent when determining the deployment locations of the Border Patrol agents referred to in subsection (a).

SEC. 604. JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established in United States Immigration and Customs Enforcement (ICE) a program known as a Border Enforcement Security Task Force (referred to as "BEST").

(b) PURPOSE.—The purpose of the BEST program is to establish units to enhance border security by addressing and reducing border security threats and violence by—

(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

(c) COMPOSITION AND DESIGNATION.—

(1) COMPOSITION.—BEST units may be comprised of personnel from—

(A) United States Immigration and Customs Enforcement;

(B) United States Customs and Border Protection;

(C) the Coast Guard;

(D) other Federal agencies, as appropriate;

(E) appropriate State law enforcement agencies;

(F) foreign law enforcement agencies, as appropriate;

(G) local law enforcement agencies from affected border cities and communities; and

(H) appropriate tribal law enforcement agencies.

(2) DESIGNATION.—The Secretary is authorized to establish BEST units in jurisdictions where such units can contribute to the BEST program's missions. Prior to establishing a BEST unit, the Assistant Secretary shall consider the following factors:

(A) Whether the area where the BEST unit would be established is significantly impacted by cross-border threats.

(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit.

(C) The extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions of the country.

(D) Whether or not an Integrated Border Enforcement Team already exists in the area where the BEST unit would be established.

(d) OPERATION.—After making a designation under subsection (d)(2), and in order to provide Federal assistance to the area so designated, the Secretary may—

(1) obligate such sums as are appropriated for the BEST program;

(2) direct the assignment of Federal personnel to the BEST program, subject to the approval of the head of the department or agency that employs such personnel; and

(3) take other actions to assist State, local, tribal, and foreign jurisdictions to participate in the BEST program.

(e) REPORT.—Not later than 180 days after the date of the establishment of the BEST program under subsection (b) and annually thereafter, the Secretary shall submit to Congress a report on the effectiveness of the BEST program in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $15,400,000 for fiscal year 2012 over amounts that are otherwise authorized to be appropriated for this purpose. The $15,400,000 in funds utilized to fund U.S. Immigration and Customs Enforcement's border enforcement security task force, better known as "BEST Teams", will be taken from the cancellation of the Department's Advanced Spectroscopic Portal Program, or ASP.

SEC. 605. COST-EFFECTIVE TRAINING FOR BORDER PATROL AGENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the basic training provided by United States Customs and Border Protection to Border Patrol agents to ensure that such training is being conducted as efficiently and cost-effectively as possible.

(b) CONTENTS OF REVIEW.—The review shall include the following:

(1) An evaluation of the appropriateness of the length and content of the basic training curriculum provided by the Federal Law Enforcement Training Center to new Border Patrol agents.

(2) An evaluation of the appropriateness and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A cost and effectiveness of training comparison with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) Recommendations to increase the number of Border Patrol agents trained per year, and to reduce the per-agent costs of basic training—

(A) through utilization of comparable training programs sponsored by State and local agencies, non-profit organizations, universities, and the private sector;

(B) by allowing Border Patrol agents to take proficiency tests, enroll in long distance learning programs, and waive such courses as Spanish language instruction or physical fitness; or

(C) by any other means the Comptroller General considers appropriate.

SEC. 606. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION RELATED TO BORDER SECURITY.

(a) PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on land that is located within 100 miles of the international land borders of the United States that would otherwise be under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture in order to achieve operational control over the international land borders of the United States.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—Notwithstanding any other provision of law, U.S. Customs and Border Protection shall have access to land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture that is located within 100 miles of the international land borders of the United States for purposes of conducting the following activities on such land that assist in securing the international land borders of the United States:

(1) Construction and maintenance of roads.

(2) Construction and maintenance of fences.

(3) Use vehicles to patrol.

(4) Installation, maintenance, and operation of surveillance equipment and sensors.

(5) Use of aircraft.

(6) Deployment of temporary tactical infrastructure, including forward operating bases.

(c) PROTECTION OF NATURAL AND CULTURAL RESOURCES.—The activities described in subsection (b) shall be conducted, to the maximum extent practicable, in a manner that the Commissioner of U.S. Customs and Border Protection determines will best protect the natural and cultural resources on Federal lands.

(d) PROTECTION OF LEGAL USES.—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, or mining, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) LIMITATION REGARDING INTERMINGLED PRIVATE AND STATE LAND.—This section shall not apply to any private or State-owned land within the boundaries of Federal lands.

SEC. 607. BORDER SECURITY INFRASTRUCTURE AND TECHNOLOGY.

(a) IN GENERAL.—The Commissioner, in collaboration with the Under Secretary for Science and Technology, shall identify equipment and technology described in subsection (b) that would enhance the security of the northern and southern borders.

(b) EQUIPMENT AND TECHNOLOGY DESCRIBED.—The equipment and technology referred to in subsection (a) shall include equipment and technology designed to—

(1) detect anomalies such as tunnels and breaches in perimeter security;

(2) detect the use of unauthorized vehicles;

(3) detect low-flying aircraft;

(4) employ unmanned vehicles; or

(5) otherwise strengthen the ability to detect and deter unlawful entries at and between ports of entry.

(c) CONSULTATION.—In carrying out this section, the Commissioner shall consult with the Assistant Secretary of Defense for Research and Engineering to leverage existing research and development of relevant equipment and technologies.

(d) OFF-THE-SHELF TECHNOLOGY.—In identifying equipment and technology under subsection (a), the Secretary shall endeavor to integrate equipment technology that

has already been acquired and deployed on the northern and southern border, including cameras, sensors, unmanned aerial vehicles, radar, and other technologies, along with the emerging technology, using commercial off-the-shelf software products in order to establish a common operating picture that can autonomously process data, identify threats, and initiate an appropriate response.

SEC. 608. NORTHERN BORDER CANINE TEAMS.

(a) DEPLOYMENT OF CANINES.—Not later than one year after the date of the enactment of this Act, the Secretary shall deploy no less than one additional canine enforcement team, capable of detecting narcotics, at each of the 5 busiest northern ports of entry as determined by traffic volume, and at other ports of entry as the Secretary determines appropriate.

(b) ACQUISITION OF CANINES.—In acquiring canine assets required under subsection (a), the Secretary shall, to the greatest extent possible, acquire canines that are bred in the United States.

(c) REPORTING REQUIREMENT.—One year after the deployment of additional canines under subsection (a), the Secretary shall provide information to the appropriate congressional committees analyzing the effectiveness of the canine enforcement teams in enhancing operational control and reducing the unlawful trafficking of drugs, or for other homeland security missions, with comparisons to relevant statistics measuring similar activity in prior years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 609. UNMANNED VEHICLES PILOT PROGRAM.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Commissioner, in cooperation with the Under Secretary of Homeland Security for Science and Technology, shall initiate a six-month pilot program to test the use of autonomous unmanned vehicles.

(b) LOCATION.—The pilot program shall, at a minimum, test the effectiveness of autonomous unmanned vehicles to patrol—

(1) the maritime environment along the northern border; and

(2) the land environment along the southern border.

(c) REPORT.—Not later than six months after the date of the completion of the pilot program, the Under Secretary of Homeland Security for Science and Technology shall submit to the appropriate congressional committees a report on the effectiveness and scalability of the use of autonomous unmanned vehicles to patrol the locations described in subsection (b).

(d) USE OF AVAILABLE FUNDING.—The Secretary may use funding already appropriated for the Innovative Technology Pilot Program to pay for the pilot described in this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be constructed as authorizing flight testing of autonomous unmanned vehicles that are unmanned aerial vehicles in any area except for segregated airspace.

SEC. 610. REPORT ON UNMANNED AERIAL VEHICLES.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that analyzes and compares the costs and missions of different aviation assets, including unmanned aerial vehicles, utilized by U.S. Customs and Border Protection and the Coast Guard, to assess the cost efficiencies and operational advantages provided by unmanned aerial vehicles as compared to manned aerial vehicles.

(b) REQUIRED DATA.—The report required under subsection (a) shall include a detailed assessment of costs for operating each type of asset described in such report, including—

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

(5) costs associated with the acquisition of each type of such asset; and

(6) any other relevant costs necessary to provide a holistic analysis and to identify potential cost savings.

SEC. 611. STUDENT VISA SECURITY IMPROVEMENT.

(a) ENHANCED STUDENT VISA BACKGROUND CHECKS.—Section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended by adding at the end the following new paragraph:

"(9) STUDENT VISAS.—In administering the program under this subsection, the Secretary, not later than 180 days after the date of the enactment of the Student Visa Security Improvement Act, shall—

"(A) prescribe regulations to require employees assigned under paragraph (1) to review the applications of all applicants recommended by Department of State personnel for visas under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and conduct in-person interviews where appropriate, prior to final adjudication, with special emphasis on determining whether applicants are inadmissible under section 212(a)(3)(B) of such Act (8 U.S.C. 1182(a)(3)(B)) (relating to terrorist activities);

"(B) ensure that employees assigned under paragraph (1) conduct on-site reviews of any applications and supporting documentation for visas under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) that they deem appropriate prior to final adjudication; and

"(C) update, in consultation with the Secretary of State, the memorandum of understanding between the Department of Homeland Security and the Department of State regarding implementation of this section to clarify the roles and responsibilities of employees assigned under paragraph (1) specifically with regard to the duties prescribed by this paragraph.".

(b) STUDENT AND EXCHANGE VISITOR PROGRAM.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (11); and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) STUDENT AND EXCHANGE VISITOR PROGRAM.—In administering the program under paragraph (4), the Secretary shall, not later than one year after the date of the enactment of the Student Visa Security Improvement Act—

"(A) prescribe regulations to require an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program to ensure that each covered student or exchange visitor enrolled at the institution or attending the exchange visitor program—

"(i) is an active participant in the program for which the covered student or exchange visitor was issued a visa to enter the United States;

"(ii) is not unobserved for any period—

"(I) exceeding 30 days during any academic term or program in which the covered student or exchange visitor is enrolled; or

"(II) exceeding 60 days during any period not described in subclause (I); and

"(iii) is reported to the Department within 10 days of—

"(I) transferring to another institution or program;

"(II) changing academic majors; or

"(III) any other changes to information required to be maintained in the system described in paragraph (4);

"(B) notwithstanding subparagraph (A), require each covered student or exchange visitor to be observed at least once every 60 days; and

"(C) prescribe regulations defining what constitutes the commencement of participation of a covered student in a designated exchange visitor program (as defined in section 641(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(h))).

"(6) ENHANCED ACCESS.—The Secretary shall provide access to the Student and Exchange Visitor Information System (hereinafter in this subsection referred to as the 'SEVIS'), or other equivalent or successor program or system, to appropriate employees of an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program if—

"(A) at least two authorized users are identified at each participating institution or exchange visitor sponsor;

"(B) at least one additional authorized user is identified at each such institution or sponsor for every 200 covered students or exchange visitors enrolled at the institution or sponsor; and

"(C) each authorized user is certified by the Secretary as having completed an appropriate training course provided by the Department for the program or system.

"(7) PROGRAM SUPPORT.—The Secretary shall provide appropriate technical support options to facilitate use of the program or system described in paragraph (4) by authorized users.

"(8) SEVIS DATA.—The system described in paragraph (4) shall include—

"(A) verification that a covered student's performance meets the minimum academic standards of the institution in which such student is enrolled; and

"(B) timely entry of any information required by paragraph (5) regarding covered students and exchange visitors enrolled at institutions or exchange program sponsors.

"(9) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary or any institution or exchange program sponsor participating in the Student Exchange Visitor Program from requiring more frequent observations of covered students or exchange visitors.

"(10) DECERTIFICATION.—The Secretary is authorized, without notice, to decertify any approved institution or exchange visitor program sponsor if such institution or exchange visitor program sponsor is engaged in egregious criminal activities or is a threat to national security."; and

(2) by adding at the end the following new subsection:

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered student' means a student who is a nonimmigrant pursuant to subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

"(2) The term 'observed' means positively identified by physical or electronic means.

"(3) The term 'authorized user' means an individual nominated by an institution participating in the Student and Exchange Visitor Program and confirmed by the Secretary as not appearing on any terrorist watch list.".

(c) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall conduct a review of the fees for the Student and Exchange Visitor Program of the Department of Homeland Security. The Comptroller General shall include in such review data from fiscal years 2007 through 2011 and shall consider fees collected by the Department and all expenses associated with the review, issuance, maintenance, data collection, and enforcement functions of the Student and Exchange Visitor Program.

SEC. 612. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of State, may issue Asia-Pacific Economic Cooperation Business Travel Cards (in this section referred to as "ABT Cards") to any eligible person, including—

(1) business leaders; and

(2) United States Government officials engaged in Asia-Pacific Economic Cooperation (APEC) business.

(b) ELIGIBILITY.—To be eligible for an ABT Card under this section, an individual must be approved and in good standing in an international trusted traveler program of the Department of Homeland Security, including NEXUS, SENTRI, and Global Entry.

(c) INTEGRATION WITH EXISTING TRAVEL PROGRAMS.—The Secretary shall, to the extent practicable, integrate application procedures for, and issuance, suspension, and revocation of, ABT Cards with other appropriate international trusted traveler programs conducted by the Department, including NEXUS, SENTRI, and Global Entry.

(d) COOPERATION WITH PRIVATE ENTITIES.—In carrying out this section, the Secretary may consult with appropriate private sector entities.

(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to implement this section.

(f) FEES.—

(1) IN GENERAL.—The Secretary may charge a fee for the issuance of ABT Cards and any associated costs which shall be set at a level that will ensure recovery of the full costs of providing and administering the ABT Cards.

(2) ACCOUNT FOR COLLECTIONS.—The Secretary may establish a fund for the collection of fees under paragraph (1), which shall be made available to pay the costs incurred to administer.

(3) LIMITATION.—The Secretary shall ensure that the total amount of any fee available to be used under paragraph (4) in any fiscal year does not exceed the costs associated with carrying out this section in such fiscal year.

(g) TERMINATION OF PROGRAM.—The Secretary, in consultation with the Secretary of State, may terminate activities under this section if the Secretary deems it in the interest of the United States to do so.

SEC. 613. BORDER CROSSING DOCUMENTATION.

The Commissioner of U.S. Customs and Border Protection shall carry out the NEXUS, SENTRI, Global Entry, and ABT Card (as described in section 612) programs of U.S. Customs and Border Protection.

SEC. 614. INTERNAL REVIEW OF ADEQUACY OF U.S. CUSTOMS AND BORDER PROTECTION IN BUSIEST INTERNATIONAL AIRPORTS.

The Secretary, acting through U.S. Customs and Border Protection, shall within 180 days after the date of enactment of this Act conduct an internal review to ensure that there enough U.S. Customs and Border Protection agents in each of the 10 international airports in the United States with the largest volume of international travelers.

SEC. 615. PORT SECURITY GRANT PROGRAM.

Section 70107(l) of title 46, United States Code, is amended by striking "2013" and inserting "2014".

SEC. 616. PORT SECURITY GRANT FUNDING FOR MANDATED SECURITY PERSONNEL.

Section 70107(b)(1) of title 46, United States Code, is amended by striking the period and inserting the following: ", including overtime and backfill costs incurred in support of other expenditures authorized under this subsection, except that not more than 50 percent of amounts received by a grantee under this section for a fiscal year may be used under this paragraph.".

SEC. 617. SECURING THE TWIC AGAINST USE BY UNAUTHORIZED ALIENS.

(a) PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process to ensure, to the maximum extent practicable, that aliens unlawfully present in the United States are unable to obtain or use a Transportation Worker Identification Credential (in this section referred to as "TWIC").

(2) COMPONENTS.—Under the process, the Secretary shall—

(A) publish a list of documents that will identify TWIC applicants and verify their immigration statuses by requiring each applicant to produce a document or documents that demonstrate—

(i) identity; and

(ii) proof of United States citizenship or authorization to work in the United States; and

(B) establish training requirements to ensure that trusted agents at TWIC enrollment centers receive training to identify fraudulent documents.

(b) EXPIRATION OF TWICS.—A TWIC expires 5 years after the date it is issued, except that if an individual is in a lawful nonimmigrant status category—

(1) the term of any TWIC issued to the applicant shall not to exceed the expiration of the visa held by the applicant; and

(2) a TWIC issued to the individual expires on the date of the expiration of such status, notwithstanding the expiration date on the face of the TWIC.

SEC. 618. SMALL VESSEL THREAT ANALYSIS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report analyzing the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel to attack United States vessels, ports, or maritime interests.

SEC. 619. CUSTOMS AND BORDER PROTECTION PROFESSIONALISM AND TRANSPARENCY.

To increase professionalism and transparency U.S. Customs and Border Protection shall—

(1) publish live wait times at all United States air ports of entry, as determined by calculating the time elapsed between an individual's entry into the U.S. Customs and Border Protection inspection area and the individual's clearance by a U.S. Customs and Border Protection officer;

(2) make information about such wait times available to the public in real time through the U.S. Customs and Border Protection Web site;

(3) submit monthly reports to Congress that include compilations of all such wait times and that ranking all United States international airports by wait times; and

(4) increase staffing at the U.S. Customs and Border Protection INFO center to reduce wait times to under ten minutes for travelers attempting to submit comments or speak with a representative about their entry experience.

SEC. 620. SENSE OF CONGRESS REGARDING DEPLOYMENT OF ADDITIONAL UAV.

It is the sense of Congress that, due to frequently changing weather conditions and strict air regulations, the Secretary should deploy an additional unmanned aerial vehicle (UAV) over the number of such UAVs that are so deployed as of the date of the enactment of this Act, at a southwest border airfield between Department operations located at Fort Huachuca in Sierra Vista, Arizona, and the Naval Air Station (NAS) in Corpus Christi, Texas, in order to reduce the frequent weather-related

lapses in constant surveillance that weaken security along the international borders of the United States and to allow U.S. Customs and Border Protection to work with other Federal departments and agencies, such as the Air National Guard, to operate such missions.

SEC. 621. REPORT ON STATUS OF UNOBLIGATED BALANCES IN U.S. CUSTOMS AND BORDER PROTECTION CUSTOMS USER FEE ACCOUNT.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report regarding the status of $640,000,000 in unobligated balances in the Customs User Fee Account, as reported by the Government Accountability Office in report GAOµ0911µ09318SP. The report required under this section shall include a final determination on the total amount of unobligated balances available.

SEC. 622. OUTBOUND INSPECTIONS.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall ensure that U.S. Customs and Border Protection has instituted an outbound inspections program at land ports of entry.

(b) PROGRAM COMPONENTS.—In executing the outbound inspections program under this section, the Secretary shall leverage existing resources and capabilities within the Department to—

(1) ensure that risk-based outbound inspections are routinely conducted;

(2) provide for such inspections to be conducted in a safe and efficient manner;

(3) direct appropriate resources to areas that demonstrate a higher risk of outbound violations;

(4) include a strategy for mitigating efforts by smuggling organizations to circumvent such inspections; and

(5) collect information concerning aliens exiting the United States, pursuant to section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

(c) WAIT TIMES.—The Secretary shall ensure that outbound inspections carried out under this section do not add significantly to wait times for crossing the border.

SEC. 623. DEPORTING CRIMINAL ALIENS.

There is authorized to be appropriated to U.S. Customs and Immigration Enforcement $1,600,000,000 for each of fiscal years 2012 and 2013 to—

(1) identify aliens who—

(A) have been convicted of a crime; or

(B) may pose a serious risk to public safety or national security; and

(2) remove from the United States any aliens identified under paragraph (1) who may be deportable.

SEC. 624. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) IN GENERAL.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252), as amended by section 611(b), is further amended to read as follows:

"SEC. 442. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

"(a) ESTABLISHMENT.—There is established within the Department an agency to be known as Immigration and Customs Enforcement.

"(b) FUNCTIONS.—The primary functions of the agency are the following:

"(1) To conduct criminal investigations relating to homeland security, particularly investigations relating to border security, customs, immigration, naturalization, trade, travel, and transportation security.

"(2) To enforce Federal immigration and naturalization laws, particularly those laws relating to arrest, detention, removal, employment verification, and fraud.

"(c) DIRECTOR.—

"(1) IN GENERAL.—The head of Immigration and Customs Enforcement shall be the Director of Immigration and Customs Enforcement. The Director shall—

"(A) be appointed by the President, by and with the advice and consent of the Senate;

"(B) exercise the duties and powers described in this section, prescribed by other law, or delegated by the Secretary; and

"(C) report directly to the Secretary.

"(2) COMPENSATION.—The Director shall be compensated at the rate of pay for level III of the Executive Schedule as provided in section 5314 of title 5, United States Code.

"(d) DUTIES AND POWERS OF THE DIRECTOR.—Subject to the supervision of the Secretary, the Director shall be responsible for the direction, management, and admin-

istration of the Immigration and Customs Enforcement, its employees, and its programs.

"(1) CRIMINAL INVESTIGATION.—The Director shall have the power to investigate and, where appropriate, refer for prosecution, any criminal violation of Federal law relating to or involving—

"(A) border control and security (including ports of entry), including the prevention of the entry or residence of terrorists, criminals, and human rights violators;

"(B) customs, trade, import, or export control, including the illicit possession, movement of, or trade in goods, services, property, contraband, arms, items controlled or prohibited from export, pornography, intellectual property, or monetary instruments;

"(C) transnational money laundering or bulk cash smuggling;

"(D) immigration or naturalization;

"(E) alien gangs or criminal syndicates;

"(F) possession of a firearm or explosive by an alien;

"(G) the employment or abuse of an alien, including trafficking and peonage, labor violations, sexual exploitation, pornography, prostitution, and sex tourism;

"(H) identification, travel, or employment documents;

"(I) identity theft or misuse of social security account numbers or information when such theft relates to or affects border security, customs, immigration, naturalization, trade, travel, and transportation security;

"(J) travel and transportation security;

"(K) any other authorities previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security; and

"(L) such other authorities of the Department as the Secretary may prescribe.

"(2) CIVIL IMMIGRATION AND NATURALIZATION ENFORCEMENT.—The Director shall have the power to enforce the civil immigration and naturalization laws of the United States, including the civil and administrative power to—

"(A) investigate, locate, and arrest any alien subject to exclusion, deportation, or removal from the United States;

"(B) remove any alien subject to exclusion, deportation, or removal from the United States through appropriate administrative removal proceedings;

"(C) detain an alien for purposes of exclusion, deportation, or removal, or as otherwise provided by law;

"(D) enforce Federal law relating to the unlawful employment of aliens and to immigration document fraud; and

"(E) exercise such other authorities relating to the enforcement of the immigration and naturalization laws that the Secretary may prescribe.

"(3) ENFORCEMENT POLICY.—The Director shall—

"(A) establish and direct the policies of the Immigration and Customs Enforcement;

"(B) advise the Secretary and other senior officers of the Department on policy matters relating to Immigration and Customs Enforcement and its duties;

"(C) coordinate, on behalf of the Department, with Federal, State, tribal, and foreign agencies to promote the efficient—

"(i) investigation of criminal violations of the border security, customs, immigration, naturalization, trade, travel, and transportation laws of the United States; and

"(ii) civil enforcement of the immigration and naturalization laws of the United States.

"(4) GENERAL ENFORCEMENT POWERS.—The Director may authorize agents and officers of Immigration and Customs Enforcement to—

"(A) execute warrants issued under the laws of the United States;

"(B) carry firearms;

"(C) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

"(D) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or potential violation of those provisions of law which Immigration and Customs Enforcement is authorized to enforce; and

"(E) issue civil detainers for purposes of immigration enforcement.

"(5) ADDITIONAL DUTIES AND POWERS.—

"(A) IN GENERAL.—The Director shall exercise any other powers prescribed by law and such ancillary powers as are necessary to carry out the duties and powers described in this section, including the relevant powers previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security.

"(B) INSPECTION, SEIZURE, AND SEARCH.—In carrying out the duties prescribed in this section, the Director may exercise the inspection, seizure, and search authorities previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security.

"(C) IMMIGRATION ENFORCEMENT.—In carrying out the immigration enforcement duties of this section, the Director shall have the authority to identify aliens in the criminal justice system who have been charged with or convicted of criminal offenses and are subject to removal.

"(D) INTELLECTUAL PROPERTY PROTECTION.—The Director shall establish and administer a National Intellectual Property Rights Coordination Center to promote Federal and international investigation of intellectual property offenses.

"(E) LIMITATION.—Notwithstanding the authority in paragraph (1)(A) relating to terrorists, primary responsibility for investigating acts of terrorism shall rest with the Federal, State, and local law enforcement agencies with jurisdiction over the acts in question.

"(F) VESTING.—All functions of all officers, employees, and organizational units of Immigration and Customs Enforcement are vested in the Director.

"(G) DELEGATION.—Except as otherwise prohibited by law, the Director may delegate any of the Director's duties and powers to any employee or organizational unit of Immigration and Customs Enforcement.

"(6) OVERSEAS OFFICES.—In coordination with the Department of State, the Director shall establish and staff liaison offices in appropriate foreign countries to support the international activities and relationships of Immigration and Customs Enforcement.

"(e) ADDITIONAL AGENCY OFFICERS.—In addition to such officers as the Secretary or Director may provide, Immigration and Customs Enforcement shall have the following officers to assist the Director in the performance of the Director's duties:

"(1) A Deputy Director, who shall assist the Director in the management of Immigration and Customs Enforcement and who shall act for the Director in the Director's absence or disability.

"(2) A Chief Counsel, who shall provide the Director specialized legal advice and represent the Director in all administrative proceedings before the Executive Office for Immigration Review.

"(f) OTHER LAW ENFORCEMENT AGENCIES.—Nothing in this section shall be construed to limit the existing authority of any other Federal law enforcement agency.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 442 and inserting the following:

"Sec. 442. Establishment of Immigration and Customs Enforcement.".

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by inserting "Director of Immigration and Customs Enforcement." as a new item after "Director of the Bureau of Citizenship and Immigration Services.".

(d) TRANSPORTATION.—Section 1344(b)(6) of title 31, United States Code, is amended by striking "the Administrator of the Drug Enforcement Administration," and inserting ", the Administrator of the Drug Enforcement Administration, the Director of Immigration and Customs Enforcement, and the Commissioner of Customs and Border Protection,".

(e) CONTINUATION IN OFFICE.—The individual serving as Assistant Secretary for Immigration and Customs Enforcement in the Department of Homeland Security on the day before the date of the enactment of this Act may continue to serve as the Director of Immigration and Customs Enforcement in the Department of Homeland Security in accordance with section 442 of the Homeland Security Act of 2002 (as amended by subsection (a) of this section) until the earlier of—

(1) the date on which such individual is no longer eligible to serve as Director; or

(2) the date on which a person nominated by the President to be the Director is confirmed by the Senate in accordance with such section 442.

SEC. 625. REPORT ON DRUG CARTELS.

(a) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees a report on the activities of the entities identified in subsection (b) that are—

(1) designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(2) involved in international terrorism (as such term is defined in section 2331 of title 18, United States Code).

(b) IDENTIFICATION.—The entities referred to in subsection (a) are the following:

(1) The Arellano Feliz Organization.

(2) The Los Zetas Cartel.

(3) The Beltran Leyva Organization

(4) La Familia Michoacana.

(5) The Sinaloa Cartel.

(6) The Gulf Cartel/New Federation.

(7) The Juarez Cartel.

SEC. 626. INCREASE IN UNMANNED AERIAL VEHICLES.

(a) IN GENERAL.—The Secretary shall increase by at least two the number of unmanned aerial vehicles for use along the southwest border over the number of such vehicles in existence as of the date of the enactment of this Act.

(b) FUNDING.—To carry out this section, the Secretary shall use amounts appropriated or otherwise made available to U.S. Customs and Border Protection.

SEC. 627. BORDER AREA SECURITY INITIATIVE.

(a) REDESIGNATION.—Operation Stonegarden of the Department is hereby redesignated as the Border Area Security Initiative.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Border Area Security Initiative $54,890,000 for fiscal year 2012.

(c) ALLOCATION.—The Secretary shall ensure that 80.7 percent of the amounts authorized to be appropriated pursuant to subsection (b) are allocated for activities along the southern border.

SEC. 628. FOREIGN TERRORIST ORGANIZATIONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with appropriate members of the intelligence community, shall submit to the appropriate congressional committees a report, including classified and unclassified sections, assessing the presence, activity, capability, and information-sharing between Hezbollah, other Department of State-designated foreign terrorist organizations, and Mexican drug traffic organizations along the southern border of the United States.

SEC. 629. BORDER CONDITION INDEX.

In developing the Border Condition Index, the Secretary shall take into consideration the following:

(1) Flow estimates by Border Patrol sector of aliens who are unlawfully present in the United States.

(2) Interdiction efficiency measuring, with respect to aliens who are unlawfully present in the United States, the difference between apprehensions and known estimates of nonapprehensions.

(3) Recidivism data relating to repeat apprehensions of aliens who are unlawfully present in the United States.

SEC. 630. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Secure Fence Act of 2006 defined operational control as the "prevention of all unlawful entries into the United States" and required the Secretary of Homeland Security to "construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective".

(2) A recent GAO report found that in fiscal year 2011, U.S. Customs and Border Protection had 61,000 personnel, a budget authority of $11.3 billion, and had constructed more than 600 miles of fencing.

(3) A May 2011 poll conducted by Rasmussen Reports found that just 30 percent of likely United States voters believe that the United States border with Mexico is even somewhat secure while 64 percent believe that the border is not secure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should complete at least 700 miles of reinforced fencing along the southwest border where it is geographically feasible to construct the fence.

SEC. 631. ISSUANCE OF VISAS AT DESIGNATED DIPLOMATIC AND CONSULAR POSTS.

(a) IN GENERAL.—Subsection (i) of section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended to read as follows:

"(i) VISA ISSUANCE AT DESIGNATED CONSULAR POSTS AND EMBASSIES.—Notwithstanding any other provision of law, the Secretary—

"(1) shall conduct an on-site review of all visa applications and supporting documentation before adjudication at the 20 highest-risk visa issuing diplomatic and consular posts, as determined by the Secretary; and

"(2) is authorized to assign employees of the Department to each diplomatic and consular post at which visas are issued unless, in the Secretary's sole and unreviewable discretion, the Secretary determines that such an assignment at a particular post would not promote national or homeland security.".

(b) EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT DIPLOMATIC AND CONSULAR POSTS.—The Secretary of State shall accommodate and ensure that—

(1) not later than one year after the date of the enactment of this Act, Department personnel assigned by the Secretary under section 428(i)(1) of the Homeland Security Act (as amended by subsection (a) of this section) have been stationed at a diplomatic or consular post such that the post is fully operational; and

(2) not later than one year after the date on which the Secretary designates an additional diplomatic or consular post for personnel under section 428(i)(2) of the Homeland Security Act (as amended by subsection (a) of this section), Department personnel assigned to such diplomatic or consular post have been stationed at such post such that such post is fully operational.

SEC. 632. PRIVATE-PUBLIC PARTNERSHIP FOR LAND PORT OF ENTRY PROJECT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may enter into a private-public partnership to accept funding or a donation of real or personal property or services from any private sector entity or any State, county, or other municipal entity for the purpose of the construction of a designated project at a designated land border port of entry, to be approved by the Secretary, designed to reduce wait times at such port of entry.

(b) CONSULTATION.—To enter into a partnership described in subsection (a), the Secretary shall consult with the private sector entity or State, county, or other municipal entity referred to in such subsection that is providing the funding or donation at issue and provide such entity with a description of the designated project to be undertaken.

(c) NONTRANSFERRABLE.—Any funding or donation received by the Secretary pursuant to subsection (a) may be used only for the designated project that was subject of the consultation carried out in accordance with subsection (b), unless the private sector entity or State, county, or other municipal entity at issue consents to an alternate use of such funding or donation.

(d) RETURN OF FUNDING.—If the Secretary of Homeland Security does not undertake the designated project described in subsection (a) and the private sector entity or State, county, or other municipal entity that provided the funding or donation for such project does not consent to an alternate use for such funding or donation, the Secretary shall return to such entity such funding or donation.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as modifying the authorities of the Department of Homeland Security.

(f) AUTHORITY TO AGREE TO AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.—Section 545 of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290mμ094) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) change the purposes and functions of the Bank, including changes that would allow the Bank to finance infrastructure projects in the border region that promote growth in trade and commerce between the United States and Mexico, support sustainable economic development, reduce poverty, foster job creation, and promote social development in the region.".

SEC. 633. REPORT TO CONGRESS ON IMMIGRATION ADVISORY PROGRAM.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report regarding—

(1) the top 20 highest-risk foreign airports that are last points of departure to the United States;

(2) the current status of U.S. Customs and Border Protection's Immigration Advisory Program at such airports; and

(3) the number of Immigration Advisory Program personnel required to carry out operations in any location where such personnel are not currently present.

SEC. 634. COAST GUARD DEPLOYABLE SPECIAL FORCES ASSETS.

In order to assure readiness and meet training needs for the Coast Guard's enhanced deployable specialized forces, the Secretary shall establish and maintain at each Maritime Security Response Team location a minimum of one dedicated medium range air responder that is capable of offshore operations and can provide shore-based aviation surveillance capability and transport.

SEC. 635. IMPLEMENTATION OF US-VISIT BIOMETRIC EXIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement, not later than two years after such date of enactment, a biometric exit capability at airports under the US-VISIT program, in accordance with the Enhanced Security and Visa Entry Reform Act of 2002 (Public Law 107µ0973). If the Secretary determines that development of such a system is not feasible, the Secretary shall, not later than 180 days after the date of the enactment of this Act, submit to the appropriate congressional committees a plan for implementing, not later than two years after such date of enactment, an alternative program to provide the same level of security.

SEC. 636. COORDINATION WITH THE TRANSPORTATION SECURITY ADMINISTRATION ON RISK-BASED SCREENING OF AVIATION PASSENGERS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall work with the Assistant Secretary of Homeland Security (Transportation Security Administration) to designate persons enrolled in trusted passengers programs operated by U.S. Customs and Border Protection as trusted passengers in programs established pursuant to section 109(a)(3) of the Aviation Transportation Security Act (Public Law 107µ0971; 115 Stat. 613; 49 U.S.C. 114 note), as long as such passengers meet the standards and requirements set by the Assistant Secretary.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, a report on progress in implementing subsection (a), including—

(1) any obstacles to cross-enrolling U.S. Customs and Border Protection trusted passengers in trusted passenger programs established by the Transportation Security Administration; and

(2) the rate of enrollment of persons enrolled in trusted passengers programs operated by U.S. Customs and Border Protection as trusted passengers in programs operated by the Transportation Security Administration.

SEC. 637. ENHANCED CUSTOMER SERVICE STANDARDS AND PROFESSIONALISM TRAINING.

(a) PLANS REQUIRED.—The Secretary shall ensure that a comprehensive plan for each of the U.S. Customs and Border Protection, the Transportation Security Administration, and U.S. Immigration and Customs Enforcement is developed and implemented to improve, based on publicly communicated metrics, professionalism, and customer service.

(b) PLAN COMPONENT.—The plan for each agency shall include each of the following:

(1) An initial report on the metrics the agency proposes to use to measure customer service.

(2) An initial report on the metrics the agency will use to measure professionalism.

(3) The implementation of a system to improve customer service by soliciting customer comments combining in person, phone, and online solutions.

(4) A requirement that the agency submit to Congress quarterly reports on the agency's performance against the customer service metrics referred to in paragraph (1).

(5) The establishment of customer service best practices based on such metrics.

(6) The establishment of professionalism best practices based on the metrics referred to in paragraph (2).

(c) ANNUAL REPORTS TO CONGRESS.—At least once each year, the Secretary shall submit to Congress a report on each agency for which a plan is required under this section. Each such report shall include—

(1) an assessment of the agency's customer service performance based on the metrics referred to in subsection (b)(1);

(2) detailed description of customer service improvements demanded by customers;

(3) customer service improvements demanded by Department metrics, the costs associated with those improvements;

(4) the security and efficiency benefits derived from such improvements;

(5) an assessment of the agency's professionalism performance based on the metrics referred to in subsection (b)(1);

(6) a description of any improvements in the agency's professionalism;

(7) the costs associated with such improvements; and

(8) the security and efficiency benefits derived from such improvements.

(d) OVERSIGHT.—The Department's Office of Civil Rights and Civil Liberties shall have oversight of—

(1) the customer service and professionalism efforts at each agency for which a plan is required under this section to ensure that comments are collected, analyzed, and responded to in a timely manner; and

(2) the development of monthly reports detailing the number and types of comments submitted by the public, which shall be made available to the public through the Department's Web site.

TITLE VII—SCIENCE AND TECHNOLOGY

Subtitle A—Directorate of Science and Technology

SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY STRATEGIC PLAN.

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

"SEC. 318. STRATEGIC PLAN.

"(a) REQUIREMENT FOR STRATEGY.—The Under Secretary for Science and Technology shall develop, and update as necessary, a strategy to guide the activities of the Directorate of Science and Technology. The strategy shall be risk-based and aligned with other strategic guidance provided by—

"(1) the National Strategy for Homeland Security;

"(2) the Quadrennial Homeland Security Review;

"(3) the Capabilities and Requirements Council established under section 709; and

"(4) other relevant strategic planning documents, as determined by the Under Secretary.

"(b) CONTENTS.—The strategy required by subsection (a) shall be prepared in accordance with applicable Federal requirements and guidelines, and shall include the following:

"(1) Long-term strategic goals, objectives, and metrics of the Directorate.

"(2) Analysis of how the research programs of the Directorate support achievement of those strategic goals and objectives.

"(3) A description of how the activities and programs of the Directorate meet the requirements or homeland security capability gaps identified by customers within and outside of the Department, including the first responder community.

"(4) The role of the Department's risk analysis activities and programs of the Directorate.

"(5) A technology transition strategy for the programs of the Directorate.

"(6) A description of the policies of the Directorate on the management, organization, and personnel of the Directorate.

"(7) Short- and long-term strategic goals, and objectives for significantly increasing the number of designations and certificates issued under subtitle G of title VIII, as well as identification of the specific metrics to be used to determine whether a designation or a certificate will be awarded.

"(c) SUBMISSION OF PLAN TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees the strategy developed under subsection (a) and any update to the strategy.".

(b) DEADLINE.—The Under Secretary for Science and Technology shall develop and submit to the appropriate congressional committees the initial strategy required under the amendment made by subsection (a) by not later than 1 year after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) is amended by adding at the end of the items relating to title III the following new item:

"Sec. 318. Strategic plan.".

SEC. 702. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

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

"SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

"(a) IN GENERAL.—The Under Secretary for Science and Technology shall develop, and revise at least every 5 years, a 5-year research and development plan for the activities of the Directorate of Science and Technology.

"(b) CONTENTS.—The 5-year research and development plan developed under subsection (a) shall—

"(1) define the Directorate's research, development, testing, and evaluation activities, priorities, performance metrics, and key milestones and deliverables for the 5-fiscal-year period from 2013 through 2017, and for each 5-fiscal-year period thereafter;

"(2) link the activities identified in paragraph (1) to the goals and objectives described in the strategic plan developed under section 318, the research requirements established in section 320, and the operational capability needs as determined by the Capabilities and Requirements Council established under section 709;

"(3) describe, for each activity of the strategic plan, the planned annual funding levels for the period covered by the plan; and

"(4) indicate joint investments with other Federal partners where applicable.

"(c) SCOPE OF THE PLAN.—The Under Secretary shall ensure that each plan developed under subsection (a)—

"(1) reflects input from a wide range of stakeholders; and

"(2) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions contributes to the achievement of the priorities identified in the plan, and avoids unnecessary duplication with these efforts.

"(d) REPORTS.—At the time the President submits each annual budget request, the Under Secretary shall provide a report to the appropriate congressional committees on the status and results to date of implementation of the current 5-year research and development plan, including—

"(1) a summary of the research and development activities for the previous fiscal year in each topic area;

"(2) the annual expenditures in each topic area;

"(3) an assessment of progress of the research and development activities based on the performance metrics and milestones set forth in the plan; and

"(4) any changes to the plan.".

(b) DEADLINE.—The Under Secretary for Science and Technology shall develop and submit to the appropriate congressional committees the first 5-year homeland security research and development plan required under subsection (a), for fiscal years 2013 through 2017, by not later than 1 year after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) is further amended by adding at the end of the items relating to title III the following new item:

"Sec. 319. 5-year research and development plan.".

SEC. 703. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

"(a) IN GENERAL.—The Under Secretary for Science and Technology shall establish and implement a process to identify, prioritize, fund, and task the basic and applied homeland security research and development activities of the Directorate of Science and Technology.

"(b) PROCESS.—The process established under subsection (a) shall—

"(1) account for Department-wide priorities as defined by the Capabilities and Requirements Council established under section 709;

"(2) be responsive to near-, mid-, and long-term needs, including unanticipated needs to address emerging threats;

"(3) utilize gap analysis and risk assessment tools where available and applicable;

"(4) include protocols to assess—

"(A) off-the-shelf technology to determine if an identified homeland security capability gap can be addressed through the acquisition process instead of commencing research and development of technology to address that capability gap; and

"(B) research and development activities pursued by other executive agencies, to determine if technology can be leveraged to address an identified homeland security capability gap;

"(5) provide for documented and validated research and development requirements;

"(6) establish roles and responsibilities for the Under Secretary for Science and Technology, the Under Secretary for Policy, the Under Secretary for Management, and the heads of operational components of the Department;

"(7) strengthen first responder participation in identifying and prioritizing homeland security technological gaps, including by—

"(A) soliciting feedback from appropriate national associations and advisory groups representing the first responder community and first responders within the components of the Department; and

"(B) establishing and promoting a publicly accessible portal to allow the first responder community to help the Directorate develop homeland security research and development goals;

"(8) institute a mechanism to publicize the Department's funded and unfunded homeland security technology priorities for the purpose of informing the Federal, State, and local governments, first responders, and the private sector;

"(9) establish considerations to be used by the Directorate in selecting appropriate research entities, including the national laboratories, federally funded research and development centers, university-based centers, and the private sector, to carry out research and development requirements; and

"(10) include any other criteria or measures the Secretary considers necessary for the identification and prioritization of research requirements.".

(b) DEADLINE.—The Under Secretary for Science and Technology shall establish and begin implementing the process required by the amendment made by subsection (a) by not later than 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) is further amended by adding at the end of the items relating to title III the following new item:

"Sec. 320. Identification and prioritization of research and development requirements.".

SEC. 704. RESEARCH AND DEVELOPMENT PROGRESS.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 321. MONITORING PROGRESS.

"(a) IN GENERAL.—The Under Secretary for Science and Technology shall monitor the progress of the research, development, testing, and evaluation activities undertaken by the Directorate of Science and Technology, and shall provide, at a minimum on a biannual basis, regular updates on that progress to relevant customers of those activities.

"(b) REQUIREMENTS OF PROGRESS UPDATES.—In order to provide the progress updates required under subsection (a), the Under Secretary shall develop a system that—

"(1) monitors progress toward project milestones identified by the Under Secretary;

"(2) maps progress toward deliverables identified in the 5-year plan required under section 319;

"(3) generates up-to-date reports to customers that transparently disclose the status and progress of research, development, testing, and evaluation efforts of the Directorate;

"(4) evaluates the extent to which a technology or service produced as a result of the Directorate's programs has addressed homeland security capability gaps and requirements as determined by the Capabilities and Requirements Council established under section 709; and

"(5) allows the Under Secretary to report the number of products and services developed by the Directorate that have been transitioned into acquisition programs and resulted in successfully fielded technologies.

"(c) EVALUATION METHODS.—

"(1) EXTERNAL INPUT, CONSULTATION, AND REVIEW.—The Under Secretary shall implement procedures to engage outside experts in assisting in the evaluation of the progress of research and development programs or activities of the Directorate, including through—

"(A) consultation with experts, including scientists and practitioners, to gather independent expert peer opinion and advice on a project or on specific issues or analyses conducted by the Directorate; and

"(B) periodic, independent, external review to assess the quality and relevance of the Directorate's programs and projects.

"(2) CUSTOMER FEEDBACK.—The Under Secretary shall establish a formal process to collect feedback from customers of the Directorate on the performance of the Directorate, that includes—

"(A) appropriate methodologies through which customers can assess the quality and usefulness of technology and services delivered by the Directorate;

"(B) development of metrics for measuring customer satisfaction and the usefulness of any technology or service provided by the Directorate; and

"(C) standards for high-quality customer service.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is further amended by adding at the end of the items relating to title III the following new item:

"Sec. 321. Monitoring progress.".

SEC. 705. ACQUISITION AND OPERATIONS SUPPORT.

(a) RESPONSIBILITIES AND AUTHORITIES OF THE UNDER SECRETARY.—Section 302 (6 U.S.C. 183) is amended by striking "and" after the semicolon at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting "; and", and by adding at the end the following new paragraph:

"(15) providing science-based, analytic capability and capacity across the Department to—

"(A) support technological assessments of major acquisition programs throughout the acquisition lifecycle;

"(B) help define appropriate technological requirements and perform feasibility analysis;

"(C) assist in evaluating new and emerging technologies against capability gaps;

"(D) support evaluation of alternatives; and

"(E) improve the use of technology Departmentwide.".

(b) TECHNOLOGY READINESS ASSESSMENT PROCESS.—Section 308 (6 U.S.C. 188) is amended by adding at the end the following new subsection:

"(d) TECHNOLOGY READINESS ASSESSMENT PROCESS.—

"(1) IN GENERAL.—The Under Secretary for Science and Technology shall establish a formal, systematic, metrics-based process to comprehensively evaluate technology maturity and reduce technical risks, that includes—

"(A) an independent assessment of the performance, maturity, suitability, and supportability of a technology and associated risks;

"(B) technology readiness evaluations to establish technology readiness levels as a measure of the maturity of the technology; and

"(C) provision of a report containing the findings and conclusions of each assessment conducted under the process provided, to the appropriate customers and personnel of the Department.

"(2) APPLICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the process shall be applied to—

"(i) technology developed by the Directorate; and

"(ii) technology being procured or considered by any component of the Department as part of a major acquisition program.

"(B) LIMITATION.—The Under Secretary shall not apply the process to—

"(i) radiological or nuclear detection and countermeasure technologies developed or procured by the Department; and

"(ii) procurement of information technology.".

SEC. 706. OPERATIONAL TEST AND EVALUATION.

(a) IN GENERAL.—Title VII (6 U.S.C. 341 et seq.) is further amended by adding at the end of the following new section:

"SEC. 713. OPERATIONAL TEST AND EVALUATION.

"(a) ESTABLISHMENT.—There is established within the Department a Director of Operational Test and Evaluation.

"(b) RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—The Director of Operational Test and Evaluation—

"(1) shall advise the Secretary, the Under Secretary for Management, the Under Secretary for Science and Technology, and the heads of other relevant components of the Department regarding all activities related to operational test and evaluation in the Department; and

"(2) shall—

"(A) prescribe operational test and evaluation policies and procedures for the Department, which shall include policies to ensure that operational testing is done at facilities that already have relevant and appropriate safety and material certifications to the extent such facilities are available;

"(B) ensure the effectiveness, reliability, and suitability of operational testing and evaluation activities planned and conducted by or on behalf of

components of the Department in major acquisition programs of the Department;

"(C) review and approve all operational test plans and evaluation procedures for major acquisition programs of the Department;

"(D) provide the Department with independent and objective assessments of the adequacy of operational testing and evaluation activities conducted by or on behalf of the Department for major acquisition programs of the Department; and

"(E) coordinate operational testing conducted jointly by more than one component of the Department.

"(c) ACCESS TO INFORMATION.—The Director of Operational Test and Evaluation—

"(1) shall have prompt and full access to test and evaluation and acquisition documents, data, and test results of the Department that the Director considers necessary in order to carry out the duties under this section; and

"(2) may designate observers to be present during the preparation for and the conducting of any operational test and evaluation within the Department.

"(d) LIMITATION.—The Director is not required to carry out operational testing.".

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

"Sec. 713. Operational test and evaluation.".

SEC. 707. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 322. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

"(a) IN GENERAL.—The Under Secretary for Science and Technology may make available to any person, for an appropriate fee, the services of any testing facility owned by the Federal Government and operated by the Directorate for Science and Technology for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

"(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary shall ensure that the testing at such facilities of materials, equipment, models, computer software, or other items not owned by the Federal Government do not cause personnel or other resources of the Federal Government to be diverted from scheduled Federal Government tests or otherwise interfere with Federal Government mission requirements.

"(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed by a person with services made available under subsection (a) and any associated data provided by the person for the conduct of the tests—

"(1) are trade secrets and commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code; and

"(2) may not be disclosed outside the Federal Government without the consent of the person for which the tests are performed.

"(d) FEES.—The fee for using the services of a facility under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel, that are incurred by the Federal Government to provide for the testing.

"(e) USE OF FEES.—Any fee collected under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology and shall be used to directly support the research and development activities of the Department.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is further amended by adding at the end of the items relating to title III the following new item:

"Sec. 322. Availability of testing facilities and equipment.".

SEC. 708. BIOFORENSICS CAPABILITIES.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 323. BIOFORENSICS CAPABILITIES.

"(a) BIOFORENSICS ANALYSIS CENTER.—There is authorized in the Department a bioforensics analysis center to provide support for law enforcement and intelligence-related investigations and actions to—

"(1) provide definitive bioforensics analysis in support of the executive agencies with primary responsibilities for preventing, deterring, responding to, attributing, and recovering from biological attacks; and

"(2) undertake other related bioforensics activities.

"(b) PAYMENT FOR SERVICES.—The center shall charge and retain fees to reimburse the cost of any service provided to an executive agency that requested such service.

"(c) DETAILEE PROGRAM.—Subject to the availability of appropriations, the Secretary may implement a program under which executive agencies as considered appropriate by the Secretary provide personnel, on a reimburseable basis, to the center for the purpose of—

"(1) providing training and other educational benefits for such stakeholders to help them to better understand the policies, procedures, and laws governing national bioforensics activities; and

"(2) bolstering the capabilities and information sharing activities of the bioforensics analysis center authorized under subsection (a) with national biosecurity and biodefense stakeholders.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is further amended by adding at the end of the items relating to title III the following new item:

"Sec. 323. Bioforensics capabilities.".

SEC. 709. HOMELAND SECURITY SCIENCE AND TECHNOLOGY FELLOWS PROGRAM.

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

"SEC. 324. HOMELAND SECURITY SCIENCE AND TECHNOLOGY FELLOWS PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a fellows program, to be known as the Homeland Security Science and Technology Fellows Program, under which the Under Secretary shall facilitate the temporary placement of scientists in relevant scientific or technological fields for up to 2 years in components of the Department with a need for scientific and technological expertise.

"(b) UTILIZATION OF FELLOWS.—

"(1) IN GENERAL.—Under the Program, the Under Secretary may employ fellows—

"(A) for the use of the Directorate of Science and Technology; or

"(B) for the use of a Department component outside such Directorate, under an agreement with the head of such a component under which the component will reimburse the Directorate for the costs of such employment.

"(2) RESPONSIBILITIES.—Under such an agreement—

"(A) the Under Secretary shall—

"(i) solicit and accept applications from individuals who are currently enrolled in or who are graduates of postgraduate programs in scientific and engineering fields related to the promotion of securing the homeland, including—

"(I) biological, chemical, physical, behavioral, social, health, medical, and computational sciences;

"(II) geosciences;

"(III) all fields of engineering; and

"(IV) such other disciplines as are determined relevant by the Secretary;

"(ii) screen applicant candidates and interview them as appropriate to ensure that they possess the appropriate level of scientific and engineering expertise and qualifications;

"(iii) provide a list of qualified applicants to the heads of Department components seeking to utilize qualified fellows;

"(iv) subject to the availability of appropriations, pay financial compensation to such fellows;

"(v) coordinate with the Chief Security Officer to facilitate and expedite provision of security clearances to fellows, as appropriate; and

"(vi) otherwise administer all aspects of the employment of fellows with the Department; and

"(B) the head of the component utilizing a fellow shall—

"(i) select the fellow from the list of qualified applicants provided by the Under Secretary;

"(ii) reimburse the Under Secretary for the costs of employing the fellow selected, including administrative costs; and

"(iii) be responsible for the day-to-day management of the fellow.

"(c) APPLICATIONS FROM NONPROFIT ORGANIZATIONS.—The Under Secretary may accept an application under subsection (b)(2)(A) that is submitted by a nonprofit organization on behalf of individuals whom such nonprofit organization has determined may be qualified applicants under the program.".

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

"Sec. 324. Homeland Security Science and Technology Fellows Program.".

SEC. 710. HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

Section 311 of the Homeland Security Act of 2002 (6 U.S.C. 191) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—There is established within the Directorate of Science and Technology a Science and Technology Advisory Committee (in this section referred to as the 'Advisory Committee'). The Advisory Committee shall meet no fewer than 2 times each year and make recommendations with respect to the activities of the Under Secretary for Science and Technology, including—

"(1) identifying research and development areas of potential importance to the security of the Nation; and

"(2) providing advice in developing and updating the strategic plan under section 318 and the 5-year homeland security research and development plan under section 319."; and

(2) in subsection (j), by striking "December 31, 2008" and inserting "7 years after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012".

SEC. 711. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

Section 305 (6 U.S.C. 184) is amended—

(1) by inserting "(a) ESTABLISHMENT.—" before the first sentence; and

(2) by adding at the end the following new subsections:

"(b) CONFLICTS OF INTEREST.—The Secretary shall review and revise, as appropriate, the policies of the Department relating to personnel conflicts of interest to ensure that such policies specifically address employees of federally funded research and development centers established under this section who are in a position to make or materially influence research findings or agency decisionmaking.

"(c) ANNUAL REPORTS.—Each federally funded research and development center established under this section shall transmit to the Secretary and appropriate congressional committees an annual report describing the activities of the center in support of the Department.".

SEC. 712. CRITERIA FOR DESIGNATION AS A UNIVERSITY-BASED CENTER FOR HOMELAND SECURITY.

Section 308(b)(2)(B) (6 U.S.C. 188(b)(2)(B)) is amended—

(1) in the matter preceding clause (i), by striking "in—" and inserting "in one or more of the following:";

(2) in clause (iii), by inserting before the period at the end the following: ", including medical readiness training and research, and community resiliency for public health and healthcare critical infrastructure"; and

(3) in clause (iv), by striking "and nuclear" and inserting "nuclear, and explosive".

SEC. 713. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) IN GENERAL.—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is further amended by adding at the end the following:

"SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

"(a) IN GENERAL.—To the extent necessary to ensure that the Department has the personnel required to carry out the mission of the Science and Technology Directorate, the Secretary may—

"(1) make appointments to scientific or engineering positions within such Directorate that require an advanced degree without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, other than sections 3303 and 3328 of such title; and

"(2) fix the pay of any personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) LIMITATION.—

"(1) IN GENERAL.—Not more than 5 percent of the occupied positions within the Directorate of Science and Technology may at any time consist of positions occupied by personnel appointed under this section.

"(2) COUNTING RULE.—For purposes of applying the limitation set forth in paragraph (1), determinations under this subsection shall be made on a full-time equivalent basis.

"(c) TERMINATION.—The authority to make appointments under this section shall cease to be available after January 1, 2017.".

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

"Sec. 847. Authority for flexible personnel management at the Science and Technology Directorate.".

SEC. 714. INDEPENDENT TESTING AND EVALUATION OF HOMELAND SECURITY DETECTION TECHNOLOGIES.

Section 308 (6 U.S.C. 188) is further amended by adding at the end the following new subsection:

"(e) TEST AND EVALUATION PROGRAM FOR COMMERCIALLY AVAILABLE CHEMICAL AND BIOLOGICAL DETECTION EQUIPMENT.—

"(1) IN GENERAL.—The Secretary shall implement a test and evaluation program for commercially available chemical and biological detection equipment.

"(2) FUNCTIONS.—The program established under paragraph (1) shall—

"(A) evaluate, against national consensus standards and homeland security specific technical capability standards or performance metrics adopted by the Department to the greatest extent practicable, the capability of commercially available chemical and biological detection equipment to detect high risk biological agents and toxins and chemical agents and meet homeland security mission requirements;

"(B) facilitate the accreditation or Department acceptance of laboratories to be used for the testing and evaluation under subparagraph (A);

"(C) standardize test and reporting protocols and procedures to be used by the laboratories under accredited under subparagraph (B);

"(D) provide for cost-sharing with technology manufacturers whereby manufacturers may pay for the testing and evaluation under subparagraph (A) by the laboratories accredited under subparagraph (B);

"(E) inform and enable expedited consideration of compliant technology for designation or certification under subtitle G of title VIII;

"(F) inform Federal, State, local, tribal, and territorial government procurement and grant decisions, including detection equipment placed on the authorized equipment list; and

"(G) provide, with permission from the manufacturer, results of the testing and evaluation under subparagraph (A) and operationally relevant technical information on detection equipment to Department components, and other Federal, State, local, tribal, and territorial governments and first responders, including unclassified information through the Responder Knowledge Base.".

SEC. 715. NORTHERN BORDER UNMANNED AERIAL VEHICLE PILOT PROJECT.

(a) RESEARCH AND DEVELOPMENT.—The Under Secretary for Science and Technology, in conjunction with the Commissioner of U.S. Customs and Border Protection, shall research and develop technologies to allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of security-related surveillance or of safety for all national airspace system users.

(b) PILOT PROJECT.—No later than 180 days after the date of enactment of this Act, the Secretary shall commence a pilot project in segregated airspace along the northern border to conduct experiments and collect data in order to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

Subtitle B—Domestic Nuclear Detection Office

SEC. 721. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new sections:

"SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

"In carrying out radiological and nuclear research, development, testing and evaluation activities required under section 1902, the Director for the Domestic Nuclear Detection Office shall—

"(1) have authorities and carry out responsibilities consistent with those established under sections 302, 305, 308, 309, 320, and 321 for all radiological and

nuclear research, development, testing, and evaluation programs of the Department; and

"(2) utilize an appropriate iterative combination of physical tests and computer modeling to provide an analytical basis for assessing detector performance of major radiological and nuclear detection acquisition programs of the Department.

"SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) IN GENERAL.—In carrying out the responsibilities under paragraphs (3), (5), (8), and (9) of section 1902(a), the Director shall maintain awareness of the Global Nuclear Detection Architecture (in this section referred to as 'GNDA') and its assets, including availability of equipment and trained personnel, types of equipment, equipment detection events and data, relevant intelligence information, and other information as needed.

"(b) DATA EXCHANGE.—To support the activities under subsection (a), the Director and heads of agencies in the GNDA shall ensure that widely accepted, consensus-based data exchange standards are applied to detection and communications systems incorporated into the GNDA, to the extent practicable.".

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

"Sec. 1908. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.
"Sec. 1909. Awareness of the Global Nuclear Detection Architecture.".

SEC. 722. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is further amended by adding at the end the following:

"SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) IN GENERAL.—In carrying out the responsibilities of the office under section 1902(a)(4)(A), the Director shall provide support for planning, organization and sustainment, equipment, training, exercises, and operational assessments, to State, local, and tribal entities to assist in implementing preventive radiological and nuclear detection capabilities.

"(b) DOMESTIC INTERIOR PROGRAMS.—

"(1) SECURING THE CITIES.—The Director for Domestic Nuclear Detection shall establish and maintain a program to enhance, through State, local, tribal, and private entities, the Nation's ability to detect and prevent a radiological or nuclear attack in high-risk United States cities, as determined by the Secretary.

"(2) SURGE CAPABILITIES.—The Director shall coordinate development of a surge capability for radiological and nuclear detection systems that can be deployed within the United States rapidly in response to intelligence or warnings that includes procurement of appropriate technology, training, exercises, operational assessments, maintenance, and support.

"(3) INTEGRATION.—The programs under subsections (a) and (b) shall be integrated into the global nuclear detection architecture and inform architecture studies, technology gaps, and research activities of the Domestic Nuclear Detection Office.".

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

"Sec. 1910. Domestic implementation of the global nuclear detection architecture.".

SEC. 723. RADIATION PORTAL MONITOR ALTERNATIVES.

The Director of the Domestic Nuclear Detection Office shall analyze and report to the appropriate congressional committees by not later than 90 days after the date of enactment of this Act on existing and developmental alternatives that could provide an enhanced capability to currently deployed radiation portal monitors, the criteria to measure the operational effectiveness of those alternatives, and the expected timeframe and costs to fully develop and deploy those alternatives.

SEC. 724. CONTRACTING AND GRANTMAKING AUTHORITIES.

Section 1906 of the Homeland Security Act of 2002 (6 U.S.C. 596) is amended by striking "paragraphs (6) and (7) of" each place it appears.

SEC. 725. DOMESTIC NUCLEAR DETECTION IMPLEMENTATION PLAN.

(a) IN GENERAL.—The Secretary shall develop a 5-year plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture.

(b) CONTENTS.—The 5-year plan developed under subsection (a) shall—

(1) define the roles and responsibilities of each component of the Department in support of the domestic detection architecture, including any existing or planned programs to prescreen cargo or conveyances overseas;

(2) identify and describe the specific investments being made or planned by the Department components for the 5-year fiscal period to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to address known vulnerabilities and gaps, including associated costs and timeframes;

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for the 5-year fiscal period; and

(5) explain the process used to define, analyze, and enhance the future domestic component of the global nuclear detection architecture.

(c) DEADLINE.—The Secretary shall submit to the appropriate congressional committees the plan required under subsection (a) by not later than 180 days after the date of enactment of this Act.

SEC. 726. SCIENCE AND TECHNOLOGY FELLOWS PROGRAM OUTREACH.

Within 90 days of enactment of this Act, the Secretary of Homeland Security shall implement outreach to enhance awareness and increase participation of qualified students at institutes of higher education, including minority serving institutions such as historically black colleges and universities, hispanic serving institutions, and tribal colleges and universities, in the Department of Homeland Security's Science and Technology Directorate Fellows program.

SEC. 727. BUY AMERICAN REQUIREMENT FOR INFORMATION TECHNOLOGY.

The Secretary shall contract for procurement of information technology products or services only with a United States-owned corporation or other entity, unless within 15 days after entering into a contract with a non-United States-owned corporation or other entity the Secretary provides to the Committee on Homeland Security of the House of Representatives—

(1) notification of the contract, including the name of the corporation or entity, the value of the contract, the nature of the product or services to be procured, and information regarding contract provisions that will be used to ensure security of United States data; and

(2) certification that no comparable product or service was available from a United States-owned corporation or other entity at a comparable cost.

SEC. 728. UNIVERSITY-BASED CENTERS.

There is authorized to be appropriated $36,600,000 for fiscal year 2012 to the Secretary to carry out the university-based centers program of the Department.

SEC. 729. REVIEW OF UNIVERSITY-BASED CENTERS.

(a) GAO STUDY OF UNIVERSITY-BASED CENTERS.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study to assess the university-based centers for homeland security program authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)), and provide recommendations to the appropriate congressional committees for appropriate improvements.

(b) SUBJECT MATTERS.—The study under subsection (a) shall include the following:

(1) A review of the Department's efforts to identify key areas of study needed to support the homeland security mission, and criteria that the Department utilized to determine those key areas for which the Department should maintain, establish, or eliminate university-based centers.

(2) A review of the method by which university-based centers, federally funded research and development centers, and Department of Energy national laboratories receive tasking from the Department, including a review of how university-based research is identified, prioritized, and funded.

(3) A review of selection criteria for designating university-based centers and a weighting of such criteria.

(4) An examination of best practices from other agencies efforts to organize and use university-based research to support their missions.

(5) A review of the Department's criteria and metrics to measure demonstrable progress achieved by university-based centers in fulfilling Department taskings, and mechanisms for delivering and disseminating the research results of designated university-based centers within the Department and to other Federal, State, and local agencies.

(6) An examination of the means by which academic institutions that are not designated or associated with the designated university-based centers can optimally contribute to the research mission of the Directorate.

(7) An assessment of the interrelationship between the different university-based centers.

(8) A review of any other essential elements of the programs determined in the conduct of the study.

(c) MORATORIUM ON NEW UNIVERSITY-BASED CENTERS.—The Secretary may not designate any new university-based centers to research new areas in homeland security prior to the completion of the Comptroller General's review.

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

SEC. 801. SHORT TITLE.

This title may be cited as the "See Something, Say Something Act of 2011".

SEC. 802. AMENDMENT TO THE HOMELAND SECURITY ACT OF 2002.

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

"SEC. 890C. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

"(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.—

"(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

"(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that the person made that report.

"(b) IMMUNITY FOR RESPONSE.—

"(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by section (d)(1)(A) not entitled to assert the defense of qualified immunity shall nonetheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

"(2) SAVINGS CLAUSE.—Nothing in this subsection shall—

"(A) affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available; and

"(B) be construed as affecting any such defense, privilege, or immunity.

"(c) ATTORNEY FEES AND COSTS.—Any authorized official or other person found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

"(d) DEFINITIONS.—In this section:

"(1) AUTHORIZED OFFICIAL.—The term 'authorized official' means—

"(A) any officer, employee, or agent of the Federal government with responsibility for preventing, protecting against, disrupting, or responding to a 'covered activity;' or

"(B) any Federal, State, or local law enforcement officer.

"(2) COVERED ACTIVITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'covered activity' means any suspicious transaction, activity, or occurrence indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

"(B) MARITIME-RELATED ACTS.—The term includes any act of terrorism directed against a vessel, facility (as that term is defined in section 70101 of title 46, United States Code), port, or waterway, whether or not a passenger is threatened, indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—

"(i) a threat to a vessel, facility (as so defined), port, or waterway; or

"(ii) an act of terrorism against a vessel, facility (as so defined), port, or waterway.".

(b) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 890C. Immunity for reports of suspected terrorist activity or suspicious behavior and response.".

TITLE IX—MISCELLANEOUS

SEC. 901. REDESIGNATION AND MOVEMENT OF MISCELLANEOUS PROVISIONS.

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

(1) by redesignating subtitle H of title VIII (relating to miscellaneous provisions) as title XXIII of such Act;

(2) by transferring such title to appear at the end of the Act;

(3) by amending the heading for such title to read as follows:

"TITLE XXIII—MISCELLANEOUS PROVISIONS"; and

(4) by striking sections 889 and 890 (consisting of amendments to existing law, which have executed), and redesignating the other sections of such title as section 2301 through 2321, respectively.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 506(b) (6 U.S.C. 316(b)), by striking "Section 872" and inserting "Section 2302";

(2) in section 508(a) (6 U.S.C. 318(a)), by striking "section 871" and inserting "section 2301";

(3) in section 508(d)(1) (6 U.S.C. 318(d)), by striking "section 871(a)" and inserting "section 2301(a)";

(4) in section 702(b)(2) (6 U.S.C. 432(b)(2)), by striking "section 874(b)(2)" each place it appears and inserting "section 2304(b)(2)";

(5) in section 702(b)(2)(E) (6 U.S.C. 432(b)(2)), by striking "section 874" and inserting "section 2304";

(6) in section 702(b)(4)(A) (6 U.S.C. 432(b)(4)(A)), by striking "section 872(a)" and inserting "section 2302(a)";

(7) in section 702(b)(4)(B) (6 U.S.C. 432(b)(4)(B)), by striking "Section 872(b)" and inserting "Section 2302(b)";

(8) in section 707(a)(4) (6 U.S.C. 347(a)(4)), by striking "section 874" and inserting "section 2304"; and

(9) in section 843(b)(1)(B)(i) (6 U.S.C. 413(b)(1)(B)(i)), by striking "section 878" and inserting "section 2308".

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the items relating to subtitle H of title VIII; and

(2) by adding at the end the following new items:

"TITLE XXIII—MISCELLANEOUS PROVISIONS

"Sec. 2301. Advisory committees.
"Sec. 2302. Reorganization.
"Sec. 2303. Use of appropriated funds.
"Sec. 2304. Future-years homeland security program.
"Sec. 2305. Miscellaneous authorities.
"Sec. 2306. Military activities.
"Sec. 2307. Regulatory authority and preemption.
"Sec. 2308. Office of Counternarcotics Enforcement.
"Sec. 2309. Office of International Affairs.
"Sec. 2310. Prohibition of the Terrorism Information and Prevention System.
"Sec. 2311. Review of pay and benefit plans.
"Sec. 2312. Office for National Capital Region Coordination.
"Sec. 2313. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections.
"Sec. 2314. Federal Law Enforcement Training Center.
"Sec. 2315. Joint Interagency Task Force.
"Sec. 2316. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.
"Sec. 2317. Coordination with the Department of Health and Human Services under the Public Health Service Act.
"Sec. 2318. Preserving Coast Guard mission performance.
"Sec. 2319. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.

"Sec. 2320. Buy American requirement; exceptions.
"Sec. 2321. Immunity for reports of suspected terrorist activity or suspicious behavior and response.".

SEC. 902. GUIDANCE TO AND COORDINATION WITH LOCAL EDUCATIONAL AND SCHOOL DISTRICTS.

To enhance domestic preparedness for and collective response to terrorism, natural disasters, and public health emergencies, the Secretary shall provide guidance to and coordinate with local educational and school districts that are at a high risk of acts of terrorism, natural disasters, or public heath emergencies.

SEC. 903. FEDERAL LAW ENFORCEMENT TRAINING OPPORTUNITIES FOR LOCAL LAW ENFORCEMENT PERSONNEL WITH RESPONSIBILITIES FOR SECURING PORTS.

The Secretary shall endeavor to make available Federal law enforcement training opportunities, including through the Federal Law Enforcement Training Center, to local law enforcement personnel with responsibilities for securing ports.

SEC. 904. SECURITY GAPS AT DRINKING WATER AND WASTEWATER TREATMENT FACILITIES.

(a) IN GENERAL.—To enhance domestic preparedness for an act of terrorism, the Secretary shall enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency to establish a plan to address security gaps at drinking water treatment facilities and wastewater treatment facilities.

(b) CONTENTS.—The memorandum shall include a plan to provide to operators of such facilities—

(1) guidance that is substantially similar to the Chemical Facility Anti-Terrorism Standards Interim Final Rule issued by the Department (6 C.F.R. Part 27), as amended by the appendix to such standards published by the Department (72 Fed. Reg. 65396); and

(2) technical assistance to enhance security at such facilities in accordance with such guidance.

SEC. 905. GUIDANCE AND COORDINATION FOR OUTREACH TO PEOPLE WITH DISABILITIES DURING EMERGENCIES.

To enhance domestic preparedness for and collective response to terrorism, natural disasters, and public health emergencies, the Secretary shall provide guidance to and coordinate with appropriate individuals, officials, and organizations in implementing plans for outreach to people with disabilities during emergencies.

SEC. 906. TWIC PROCESS REFORM.

(a) SENSE OF CONGRESS.—To avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is the sense of Congress that it is urgent that the Transportation Worker Identification Credential (TWIC) application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs.

(b) TWIC APPLICATION REFORM.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall reform the process for the enrollment, activation, issuance, and renewal of a TWIC to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 907. REPORT ON PROGRESS TOWARD CONDUCTING SECURITY VULNERABILITY ASSESSMENTS AT AIRPORTS IN THE UNITED STATES.

(a) FINDINGS.—The Congress finds the following:

(1) According to a July 2011 interview with the Government Accountability Office, the Transportation Security Authority (TSA) admitted to not having conducted security vulnerability assessments at 83 percent of airports in the United States. This figure increased from 87 percent in 2009, but shows little progress on the matter and leaves airport perimeters throughout the United States vulnerable to security breaches.

(2) TSA identified security vulnerability assessments, along with professional judgment, as TSA's primary mechanism for assessing airport security vulnerabilities in accordance with National Infrastructure Protection Plan requirements.

(3) The Federal Government reports that between 1996 and November 2010, there have been 86 stowaways involving 76 flights, of which 68 were fatal and 18 survived.

(4) In November 2011, Delvonte Tisdale stowed away on a commercial jet at the Charlotte-Douglas International Airport in Charlotte, North Carolina, and fell out of the aircraft as it neared Boston's Logan Airport. To this day, no comprehensive reasoning has been provided as to how Mr. Tisdale was able to stow away in the wheel well of the aircraft.

(b) REPORT.—

(1) No later than 180 days after the date of enactment of this Act, the Secretary shall issue a report to Congress and the appropriate congressional committees, detailing TSA's progress toward conducting security vulnerability assessments at 100 percent of airports in the United States. The report shall detail the reasoning behind why TSA has currently conducted these assessments at only 17 percent of airports nationwide and how it will bring this figure up to 100 percent in the next two years.

(2) The report shall include steps taken to increase perimeter security since the incident involving Delvonte Tisdale in November 2010.

(3) The report shall include a thorough explanation of the conclusions reached by TSA during the Tisdale investigation.

SEC. 908. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

Section 899B (6 U.S.C. 488a) is amended—

(1) in subsection (a), by inserting "of ownership rights" after "sale and transfer" and inserting "and transfer of possession to entities that provide application services for ammonium nitrate" after "ammonium nitrate facility";

(2) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

"(f) EXEMPTION FOR TRANSPORTATION PROVIDERS.—The Secretary shall exempt from this subtitle persons engaged in transportation activities covered by chapter 51 or section 114(d) of title 49, United States Code, who, in the determination of the Secretary, do no pose a security threat to homeland security based on existing security programs.".

SEC. 909. SENSE OF CONGRESS ON INCLUSION OF THE WESTERN HEMISPHERE IN THE 2012 NATIONAL STRATEGY FOR COUNTERTERRORISM'S "AREA OF FOCUS".

(a) FINDINGS.—Congress finds the following:

(1) A 2009 Department of State Country Report on Terrorism found that Hezbollah is the most technically capable terrorist group in the world with thousands of supporters, several thousand members, and a few hundred terrorist operatives.

(2) Officials from the Iranian Islamic Revolutionary Guard Corps' (IRGC) Qods Force have been working in concert with Iran's chief global terrorist proxy, Lebanese Hezbollah, since the 1990s, and they have developed networks in the Western Hemisphere that encompass more than 80 operatives in at least 12 countries throughout the region.

(3) Hezbollah's chief sponsors, Iran and Syria, have been forging relationships with the governments in Latin America to achieve state cover and effective immunity for their activities, and Hezbollah has established a working relationship with the Revolutionary Armed Forces of Colombia (FARC) in arms and drug trafficking.

(4) Hezbollah has demonstrated its ability to cooperate with Mexican drug cartels to utilize smuggling techniques and routes in order to bring drugs and people into the United States. Sophisticated narco-tunneling resembling the types used by Hezbollah in Lebanon have been found along the United States-Mexican border, and arrested Mexican gang members entering the United States with Farsi tattoos also support a Hezbollah influence.

(b) SENSE OF CONGRESS.—It is the sense of Congress there exists a significant cause for concern and for further investigation of potential counterterrorism threats to the United States from Iran's growing presence and influence in the Western Hemisphere. The Secretary of Homeland Security, in coordination with other related agencies, should include the Western Hemisphere in the 2012 National Strategy for Counterterrorism's "Area of Focus", with specific attention on the counterterrorism threat to the homeland emanating from Iran's growing presence and influence in the Western Hemisphere.

PURPOSE AND SUMMARY

As reported by the Committee on the Homeland Security, the purpose of H.R. 3116, the Department of Homeland Security Authorization Act for Fiscal Year 2012, is to authorize certain programs of the Department of Homeland Security, eliminate waste and redundancy and encourage efficiencies within the Department, and maximize the security benefits of the Department's programs.

BACKGROUND AND NEED FOR LEGISLATION

Pursuant to the Homeland Security Act of 2002 (HSA) (Pub. L. 107–296) the Department of Homeland Security (Department or DHS) was charged with the mission of preventing terrorist attacks within the United States; reducing vulnerability; minimize resulting damages and assisting in the recovery from domestic terrorist attacks. The HSA also specified major responsibilities for the Department, including coordinating the protection of critical infrastructure; coordinating efforts to develop countermeasures against chemical, biological, radiological, and nuclear terrorist threats; and securing the borders and transportation systems.

To address these critical missions, the Department combined 22 diverse agencies, which presented an enormous challenge for the organization and has evolved through a slow maturation. Moreover, as the Department notes in its Quadrennial Homeland Security Review, the Department's homeland security missions are enterprise-wide, and not limited to the Department of Homeland Security, requiring coordination among hundreds of thousands of people from across the Federal Government, State, local, tribal, and territorial governments, the private sector, and other nongovernmental organizations. Moreover, since its creation in March 2003, DHS has experienced tremendous growth in its size, budget and capabilities in order to secure our Nation from terrorist attacks.

The Committee recognizes the progress that the Department has achieved in establishing, operating, and coordinating essential security programs. However, the Committee acknowledges that the growth of the Department has at times resulted in wasteful spending, insufficient focusing of resources and redundancies. The Committee believes that these concerns, added to the criticality of the Department's security missions, underscore the need for the Committee to enact authorizing legislation in order to address the vital issues of the Department.

H.R. 3116 authorizes several existing components and positions of the Department to strengthen and provide metrics for critical work accomplished by the Department. In addition, H.R. 3116 clarifies authorities among various operating officers and policy offices in order to promote greater coordination among DHS programs.

H.R. 3116 also proposes several measures that would strengthen the Department by improving fiscal discipline. For example, H.R. 3116 requires Department-wide cost and efficiency reviews to improve existing expenditures. When making purchases, the Department will be required to analyze the need of each purchase across its many components, rather than proceed in a piecemeal approach. Further, H.R. 3116 provides for third-party validations and reporting to Congress on major acquisitions undertaken by the Department.

H.R. 3116 provides extensive direction and metrics carried out in the fields of border security, information sharing, preparedness and response to terrorist attacks and natural disasters and science and technology research and development.

Moreover, H.R. 3116 authorizes pragmatic improvements for security, including providing liability protections for citizens who make good faith reports of suspected terrorist activity and estab-

lishing a commission to reevaluate the causes of the September 11, 2001 attacks and the Federal Government's ability to carry out the resulting recommendations.

The Committee believes that in the ten years following the attacks of September 11, 2001, our Nation has made great progress toward improving its vigilance and preparation for all forms of terrorist attacks, including those of al Qaeda and the related organizations or sympathizers who identify with its Islamist-extremist ideology. Nevertheless, crucial work remains, and it must be carried out with finite resources. The Committee supports the Department in its endeavors to preserve homeland security and believes that H.R. 3116 is one important step in building a partnership with the Department to achieve those goals.

HEARINGS

No hearings were held on H.R. 3116. However, the Committee held oversight hearings relating to programs contained within H.R. 3116, these hearings are listed below.

Full Committee

On February 9, 2011, the Committee held a hearing entitled "Understanding the Homeland Threat Landscape Considerations for the 112th Congress." The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security; and Hon. Michael E. Leiter, Director, National Counterterrorism Center.

On March 3, 2011, the Committee held a hearing entitled "The President's Fiscal Year 2012 Budget Request for the Department of Homeland Security." The Committee received testimony from Hon. Janet Napolitano, Secretary, Department of Homeland Security.

On March 10, 2011, the Committee held a hearing entitled "The Extent of Radicalization in the American Muslim Community and That Community's Response." The Committee received testimony from Hon. John D. Dingell, a Representative in Congress from the 15th District of Michigan; Hon. Keith Ellison, a Representative in Congress from the 5th District of Minnesota; Hon. Frank Wolf, a Representative in Congress from the 10th District of Virginia; Dr. M. Zuhdi Jasser, President and Founder, American Islamic Forum for Democracy; Mr. Abdirizak Bihi, Director, Somali Education and Social Advocacy Center; Mr. Melvin Bledsoe, Private Citizen; and Sheriff Leroy Baca, Los Angeles County Sheriff's Department.

On March 30, 2011, the Committee held a hearing entitled "Public Safety Communications: Are the Needs of Our First Responders Being Met?" The Committee received testimony from Mr. William "Bill" D. Carrow, President, The Association of Public-Safety Communications Officials (APCO) International; Sheriff Paul H. Fitzgerald, First Vice President, National Sheriffs' Association; Chief John E. "Jack" Parow (Ret.), President and Chairman of the Board, International Association of Fire Chiefs; and Mr. Gregory L. Simay, At-Large Director, Los Angeles Regional Interoperable Communication System.

On May 4, 2011, the Committee held a hearing entitled "Securing Our Nation's Mass Transit Systems Against a Terrorist Attack." The Committee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, De-

partment of Homeland Security; Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security; Mr. Richard Daddario, Deputy Commissioner for Counterterrorism, New York City Police Department; Mr. Richard L. Rodriguez, President, Chicago Transit Authority; and Mr. Daniel O. Hartwig, Deputy Chief–Operations, BART Police Department, San Francisco Bay Area Rapid Transit (BART).

On July 27, 2011, the Committee held a hearing entitled "Al Shabaab: Recruitment and Radicalization within the Muslim American Community and the Threat to the Homeland." The Committee received testimony from Mr. Ahmed Hussen, Canadian Somali Congress National President; Mr. Thomas Joscelyn, Senior Fellow, Foundation for Defense of Democracies; Mr. William Anders Folk, Former Assistant United States Attorney, District of Minnesota; and Mr. Thomas E. Smith, Chief of Police, Saint Paul, Minnesota.

On September 8, 2011, the Committee held a hearing entitled "The Attacks of September 11th: Where are We Today." The Committee received testimony from Hon. Lee Hamilton, Former Vice-Chairman, The National Commission on Terrorist Attacks Upon the United States; Hon. Tom J. Ridge, Former Secretary of Homeland Security; and Hon. Eugene L. Dodaro, Comptroller General of the United States.

Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies

On February 11, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing entitled "Preventing Chemical Terrorism: Building a Foundation of Security at Our Nation's Chemical Facilities." The Subcommittee received testimony from Hon. Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Mr. Timothy J. Scott, Chief Security Officer, The Dow Chemical Company (testifying on behalf of the American Chemistry Council); Dr. M. Sam Mannan, PhD, PE, CSP, Regents Professor and Director, Mary Kay O'Connor Process Safety Center, Texas A&M University System; and Mr. George S. Hawkins, General Manager, District of Columbia Water and Sewer Authority.

On May 26, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing entitled "Unlocking the SAFETY Act's Potential to Promote Technology and Combat Terrorism." The Subcommittee received testimony from Mr. Paul Benda, Acting Deputy Under Secretary, Science & Technology Directorate, Department of Homeland Security; Mr. Marc Pearl, President and Chief Executive Officer, Homeland Security and Defense Business Counsel; Mr. Brian Finch, Partner, Dickstein Shapiro LLP; Mr. Scott Boylan, Vice President and General Counsel, Morpho Detection, Inc.; and Mr. Craig Harvey, Chief Operations Officer and Executive Vice President, NVision Solutions, Inc.

On June 23, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications held a joint hearing on H.R. __, the "WMD Prevention and Preparedness Act of 2011." The Subcommittees received testimony from Hon. William J. Pascrell, Jr. a Representative in Con-

gress from the 8th District of New Jersey; Senator Jim Talent, Vice Chairman, The Bipartisan WMD Center; Dr. Robert P. Kadlec, Former Special Assistant to the President for Biodefense; and Mr. Richard H. Berdnik, Sheriff, Passaic County, New Jersey.

Subcommittee on Transportation Security

On February 10, 2011, the Subcommittee on Transportation Security held a hearing entitled "Terrorism and Transportation Security." The Subcommittee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security.

On June 2, 2011, the Subcommittee on Transportation Security held a hearing entitled "Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013." The Subcommittee received testimony from Hon. John S. Pistole.

On July 12, 2011, the Subcommittee on Transportation Security held a hearing entitled "Industry Perspectives: Authorizing the Transportation Security Administration for FY 2012 and 2013." The Subcommittee received testimony from Mr. Tom Farmer, Assistant Vice President, Security Safety & Operations, American Association of Railroads; Mr. Martin Rojas, Vice President, Security & Operations, American Trucking Association; Ms. Wanda Dunham, Chief of Police and Emergency Management, Metropolitan Atlanta Rapid Transit Authority, MARTA Police Headquarters; Mr. Raymond Reese, Corporate Health, Safety and Security Leader, Colonial Pipeline Company; Mr. John Risch, Alternate National Legislative Director, United Transportation Union; Mr. Peter J. Bunce, President and Chief Executive Officer, General Aviation Manufacturers Association; Mr. Nicholas E. Calio, President & Chief Executive Officer, Air Transport Association; Mr. Steve Alterman, President, Cargo Airline Association; and Mr. Christopher Witkowski, Director, Air Safety, Health and Security, Association of Flight Attendants—CWA.

Subcommittee on Oversight, Investigations, and Management

On July 7, 2011, the Subcommittee on Oversight, Investigations, and Management held a hearing entitled "Homeland Security Investigations: Examining DHS's Efforts to Protect American Jobs and Secure the Homeland." The Subcommittee received testimony from Mr. Brian Toohey, President, Semiconductor Industry Association; Mr. Michael Russo, Director of Global Security and Product Protection, Eli Lilly and Company; Mr. Mario Mancuso, Partner, Fried, Frank, Harris, Shriver & Jacobson, LLP; and Ms. Jena Baker-McNeill, Private Citizen.

On July 15, 2011, the Subcommittee on Oversight, Investigations, and Management held a hearing entitled "Homeland Security Contracting: Does the Department Effectively Leverage Emerging Technologies?" The Subcommittee received testimony from Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; Mr. David Maurer, Director, Homeland Security and Justice Team, Government Accountability Office; Mr. Rafael Borras, Under Secretary for Management and Chief Acquisition Officer, Department of Homeland Security; Dr. Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; Mr. Jim Williams, Vice Chair,

Homeland Security Committee, TechAmerica; Mr. Marc Pearl, President and CEO, Homeland Security & Defense Business Council; and Mr. Scott Amey, General Counsel, Project On Government Oversight.

Subcommittee on Emergency Preparedness, Response, and Communications

On March 9, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled "Ensuring Effective Preparedness and Response–An Assessment of the Fiscal Year 2012 Budget Request for the Federal Emergency Management Agency." The Subcommittee received testimony from Hon. W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security.

On March 17, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled "Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security." The Subcommittee received testimony from Dr. Alexander G. Garza, MD, MPH, Assistant Secretary for Health Affairs, Chief Medical Officer, Department of Homeland Security.

On April 13, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled "Taking Measure of Countermeasures: A Review of Government and Industry Efforts to Protect the Homeland Through Accelerated Research, Development, and Acquisition of Chemical, Biological, Radiological, and Nuclear Medical Countermeasures." The Subcommittee received testimony from Ms. Cynthia Bascetta, Managing Director, Health Care, Government Accountability Office; Dr. Segaran P. Pillai, Chief Medical and Science Advisor, Chemical and Biological Division, Science and Technology Directorate, Department of Homeland Security; Dr. Richard J. Hatchett, Chief Medical Officer and Deputy Director, Strategic Sciences and Management, Department of Health and Human Services; Dr. Gerald W. Parker, Deputy Assistant to the Secretary of Defense, Chemical and Biological Defense, Department of Defense; Ms. Phyllis Arthur, Senior Director, Vaccines, Immunotherapeutics, and Diagnostics Policy, Biotechnology Industry Organization; Mr. John M. Clerici, Principal, Tiber Creek Partners LLC; and Dr. Daniel Fagbuyi, Medical Director, Disaster Preparedness and Emergency Management, Children's National Medical Center.

On May 12, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled "Taking Measure of Countermeasures: A Review of Efforts to Protect the Homeland Through Distribution and Dispensing of CBRN Medical Countermeasures." The Subcommittee received testimony from Dr. Alexander Garza, Assistant Secretary for Health Affairs and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security; Rear Admiral Ali Khan, Director, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services; Mr. Mike McHargue, Director of Emergency Operations, Division of Emergency Medical Operations; Florida Department of Health; Mr. David Starr, Director, Countermeasures Response Unit; New York City Department of Health and Mental Hygiene;

Chief Lawrence E. Tan, Emergency Medical Services Division, New Castle County, Delaware (testifying on behalf of the Emergency Services Sector Coalition on Medical Countermeasures); and Dr. Jeffrey Levi, Executive Director, Trust for America's Health.

On June 23, 2011, the Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications held a joint hearing on H.R. __, the "WMD Prevention and Preparedness Act of 2011." The Subcommittees received testimony from Hon. William J. Pascrell Jr. a Representative in Congress from the 8th District of New Jersey; Senator Jim Talent, Vice Chairman, The Bipartisan WMD Center; Dr. Robert P. Kadlec, Former Special Assistant to the President for Biodefense; and Mr. Richard H. Berdnik, Sheriff, Passaic County, New Jersey.

On July 8, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled "Communicating With the Public During Emergencies: An Update on Federal Alert and Warnings." The Subcommittee received testimony from Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; RADM James A. Barnett, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mr. Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA—The Wireless Association; Ms. Suzanne D. Goucher, President and CEO, Maine Association of Broadcasters, *testifying on behalf of the National Alliance of State Broadcasting Associations;* and Mr. Allen W. Kniphfer, Emergency Coordinator, Jefferson County, Alabama.

Subcommittee on Border and Maritime Security

On February 15, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled "Securing Our Borders—Operational Control and the Path Forward." The Subcommittee received testimony from Mr. Michael J. Fisher, Chief, the Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office; and Hon. Raul G. Salinas, Mayor, City of Laredo, Texas.

On March 15, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled "Strengthening the Border—Finding the Right Mix of Personnel, Infrastructure, and Technology." The Subcommittee received testimony from Mr. Michael J. Fisher, Chief, the Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Mark Borkowski, Assistant Commissioner, Office of Technology Innovation and Acquisition, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Michael C. Kostelnik, (Maj. Gen. Ret.) Assistant Commissioner, Office of CBP Air & Marine, U.S. Customs and Border Protection, Department of Homeland Security; Major General Hugo E. Salazar, Adjutant General, Arizona National Guard; and Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office.

On April 5, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled "Using Resources Effectively to Secure Our Border at Ports of Entry—Stopping the Illicit Flow of

Money, Guns, and Drugs." The Subcommittee received testimony from Mr. Thomas Winkowski, Assistant Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Stan Korosec, Vice President, Operations, Blue Water Bridge Canada; Mr. Timothy J. Koerner, Vice President & Chief Security Officer, Canadian National Railway Company; and Hon. Richard F. Cortez, Mayor, City of McAllen, Texas.

On May 3, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled "Border Security and Enforcement—Department of Homeland Security's Cooperation with State and Local Law Enforcement Stakeholders." The Subcommittee received testimony from Mr. Kumar Kibble, Deputy Director, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Ronald Vitiello, Deputy Chief, U.S. Customs and Border Protection, Department of Homeland Security; Sheriff Larry Dever, Cochise County Sheriff's Office, Arizona; Sheriff Todd Entrekin, Etowah County Sheriff's Office, Alabama; and Mr. Gomecindo Lopez, Commander, Special Operations Bureau, El Paso County Sheriff's Office, Texas.

On September 13, 2011, the Subcommittee on Border and Maritime Security held a hearing entitled "Ten Years after 9/11: Can Terrorists Still Exploit our Visa System?" The Subcommittee received testimony from Mr. Thomas Winkowski, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Mr. Edward Ramotowski, Acting Deputy Assistant Secretary, Bureau of Consular Affairs, U.S. Department of State; Mr. John Cohen, Deputy Counter-Terrorism Coordinator, Department of Homeland Security; Mr. Peter T. Edge, Deputy Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and Mr. Richard M. Stana, Director, Homeland Security and Justice, Government Accountability Office.

Subcommittee on Counterterrorism and Intelligence

On March 2, 2011, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled "Terrorist Threat to the U.S. Homeland–al Qaeda in the Arabian Peninsula (AQAP)." The Subcommittee received testimony from Dr. Jarret Brachman, Managing Director, Cronus Global; Dr. Christopher Boucek, Associate, Carnegie Endowment for International Peace; and Mr. Barak Barfi, Research Fellow, New America Foundation. The Subcommittee hearing was followed by a classified Member-only briefing from the National Counterterrorism Center, the Department of Homeland Security, and the Federal Bureau of Investigation.

On June 1, 2011, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled "The DHS Intelligence Enterprise—Past, Present, and Future." The Subcommittee received testimony from the Honorable Caryn Wagner, Under Secretary for the Office of Intelligence and Analysis, Department of Homeland Security; Rear Admiral Thomas Atkin, Assistant Commandant for Intelligence and Criminal investigation, U.S. Coast Guard; Mr. Daniel Johnson, Assistant Administrator for Intelligence, U.S. Transportation Security Administration; Mr. James Chaparro, Assistant Director for Intelligence, U.S. Immigration and Customs Enforcement; and Ms. Susan Mitchell, Deputy Assistant Commis-

sioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection.

On July 7, 2011, the Subcommittee on Counterterrorism and Intelligence held a hearing entitled "Hezbollah in Latin America—Implications for U.S. Homeland Security." The Subcommittee received testimony from Hon. Roger F. Noriega, Visiting Fellow, The American Enterprise Institute; Mr. Douglas Farah, Senior Fellow, The International Assessment and Strategy Center; Mr. Ilan Berman, Vice President, American Foreign Policy Council; and Dr. Melani Cammett, Director, Middle East Studies Program, Brown University.

COMMITTEE CONSIDERATION

The Committee met on October 12 and 13, 2011, to consider H.R. 3116, and ordered the measure to be reported to the House with a favorable recommendation, amended, by a recorded vote of 20 yeas and 12 nays (Roll Call Vote No. 37).

The Committee adopted H.R. 3116, as amended, by a recorded vote of 19 yeas and 13 nays. (Roll Call Vote No. 36).

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. KING (#1) was AGREED TO, as amended, by a recorded vote of 18 yeas and 14 nays (Roll Call Vote No. 35).

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1A) was NOT AGREED TO by a recorded vote of 13 yeas and 19 nays (Roll Call Vote No. 13).

After section 4 insert a new section entitled "Sec. __. Authorization of Appropriations."

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE (#1B) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 14).

Strike section 102.

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1C) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 15).

Before section 101 insert the new section entitled "Sec. __. Counterterrorism Coordination." and make appropriate conforming changes.

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE OF NEW YORK (#1D) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 16).

Before section 101 insert a new section and make conforming changes "Sec. 101. Directorate of Infrastructure Protection and Cybersecurity."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DAVIS (#1E) was NOT AGREED TO by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 17).

At the appropriate place in title I, insert a new section entitled "Sec. __. Oversight of Department of Homeland Security."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR (#1F) was AGREED TO, by a recorded vote of 33 yeas and 0 nays (Roll Call Vote No. 18).

At the appropriate place in title I, insert a new section entitled "Sec. 1__. Danger Pay Allowances for Employees of the Department of Homeland Security."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR (#1G) was WITHDRAWN by unanimous consent.

At the end of title I, add a new section entitled "Sec. 1__. U.S. Immigration and Customs Enforcement Special Agents."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DUNCAN (#1H) was AGREED TO by voice vote.

At the end of title I add a new section entitled "Sec. __. FLETC Reporting Requirements on Counter-violent Extremism Training."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DUNCAN (#1I) was AGREED TO by voice vote.

At the end of title I add a new section entitled "Sec. __. Future-years Homeland Security Program."

A unanimous consent request by MR. DUNCAN to have MR. CLARKE OF MICHIGAN added as a co-sponsor of the amendment, was not objected to.

An amendment to the Amendment in the Nature of a Substitute offered by MR. LUNGREN (#1J) was AGREED TO by voice vote.

In section 201(a), in the quoted section 708, after subsection (d) insert the following (and redesignate the subsequent section accordingly): "(d) SAFETY Act."

An amendment to the Amendment in the Nature of a Substitute offered by MS. HOCHUL (#1K) was AGREED TO, by a recorded vote of 32 yeas and 0 nays (Roll Call Vote No. 19).

At the appropriate place in title II, insert a new section entitled "Sec. 2__. Buy American Requirements Imposed on Department of Homeland Security; Exceptions."

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1L) was AGREED TO by voice vote.

At the end of title II add a new section entitled "Sec. __. Strategic Sourcing for Marine and Aviation Assets.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1M) was AGREED TO by voice vote.

At the end of title II add a new section entitled "Sec. __. Strategic Sourcing for Detection and Screening Technology.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. LONG (#1N) was AGREED TO by voice vote.

At the end of title II insert a new section entitled "Sec. 2__. Special Emergency Procurement Authority for Domestic Emergency Operations."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CLARKE OF MICHIGAN (#1O) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 20).

At the end of title II, add a new section entitled "Sec. __. Preference for Vendors in Enterprise Zones, HUB Zones, and High Unemployment Areas."

An amendment to the Amendment in the Nature of a Substitute offered by MR. WALSH (#1P) was AGREED TO by voice vote.

At the end of title II add a new section entitled "Sec. __. Software Licensing."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR (#1Q) was WITHDRAWN by unanimous consent.

In section 301(a)(1)(B); 301(a)(1)C); 301(a)(1)C); 301(a)(1)(D); 301(a)(1)(F); and 301(a)(1)(G) relating to major urban area fusion centers, and border fusion centers in high-risk areas."

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1R) was NOT AGREED TO by voice vote.

Page 59, line 11, strike "domestic" and insert "homegrown violent".
Page 59, strike lines 15 though 20.
Page 59, line 21, strike "(4)" and insert "(3)".
Page 60. Line 1, strike section 404 and insert a new section 404 entitled "Composition of the 9/11 Commission."

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE OF NEW YORK (#1S) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 21).

At the appropriate place in title III, insert a new section entitled "Sec. 3__. Cybersecurity Training Pilot Program."

An amendment to the Amendment in the Nature of a Substitute offered by MR. LUNGREN (#1T) was AGREED TO by voice vote.

In section 505, in the quoted section 2105(b), strike "and" after the semicolon at the end of paragraph (3), and insert after paragraph (3) the following (and redesignate the subsequent paragraph accordingly):

"(4) prior to obligating funds to acquire biodetection systems for purposes of operational testing and evaluation, require—

"(A) a determination of the sensitivity and specificity of the currently deployed biodetection system;

"(B) an assessment of the sensitivity and specificity of the next generation biodetection system or systems under consideration for acquisition and whether it meets established operational requirements;

"(C) provision of all raw data to the Science and Technology Directorate to enable the Under Secretary to—

"(I) conduct a trade-off study comparing the results of subparagraphs (A) and (B); and

"(ii) perform a technical readiness assessment in accordance with section 308(b); and

"(D) that the findings under subparagraph C) inform the cost-benefit analysis under paragraph (5)(A) and any acquisition decision made by the Acquisition Review Board under section 708C) of the biodetection system or systems under consideration; and

In section 505, in the quoted section 2105(b)(5) (as so redesignated), strike "and" after the semicolon at the end of subparagraph (B), strike the period at the end of subparagraph C) and insert "; and", and after subparagraph C) add a new paragraph "(D)"

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON (#1U) was WITHDRAWN by unanimous consent.

In section 507, in the quoted section 527(a)(1)(B)(i), strike "and tribal authorities" and insert "tribal, and port authorities".

An amendment to the Amendment in the Nature of a Substitute offered by MR. RICHMOND (#1V) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 22).

At the end of title IX add a new section entitled "Sec. __. Prohibition of Requirement of Budgetary Offsets for Emergency Disaster Assistance During 2011 and 2012."

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1W) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 23).

Strike section 521 and insert a new section entitled "Sec. 521. Sense of Congress Regarding Homeland Security Grant Funding."

An amendment to the Amendment in the Nature of a Substitute offered by MR. HIGGINS (#1X) was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 24).

In title V, at the end of subtitle B add the following new sections:

"Sec. __. Assistance to Firefighters Grant Program Reauthorization.";

"Sec. __. Expansion of Pre-September 11, 2001, Fire Grant Program Reauthorization."; and

"Sec. __. Study and Report."

An amendment to the Amendment in the Nature of a Substitute offered by MR. HIGGINS (#1Y) was NOT AGREED TO, by a recorded vote of 12 yeas and 17 nays (Roll Call Vote No. 25).

In title V, at the end of subtitle B add a new section entitled "Sec. __. Preservation of Urban Area Security Initiative Security Gains."

An en bloc amendment to the Amendment in the Nature of a Substitute offered by MR. LUNGREN (#1Z) was AGREED TO by unanimous consent. The en bloc amendment consisted of the following:

An amendment to the Amendment in the Nature of a Substitute offered by MR. KEATING;

Strike and replace section 104 a new section entitled "Sec. 104. Department of Homeland Security International Affairs Office.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. KEATING;

At the appropriate place in title I, insert a new section entitled "Sec. __. Cost of Submissions to Congress.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. KEATING;

At the appropriate place in title I, insert a new section entitled "Sec. __. Protection of Name, Initials, Insignia, and Seal.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. KEATING;

At the appropriate place in title I, insert a new section entitled "Sec. __. Office of Policy.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. DAVIS;

At the appropriate place in title I, insert a new section entitled "Sec. __. Federal Vacancy Compliance.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. HAHN;

At the appropriate place in title I, insert a new section entitled Sec. __. Electronic Submissions.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE;

Section 18, line 17, insert a new paragraph entitled "(d) Submittal of Notification to Congress.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. LUNGREN;

At the end of title I add a new section entitled "Sec. __. Chief Information Officer.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. MEEHAN;

At the end of title I add a new section entitled "Sec. __. Cost Savings and Efficiency Reviews.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON;

At the appropriate place in title II, insert a new section entitled "Sec. 3.__ Support and Oversight of Fusion Centers.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. SPEIER;

At the appropriate place in title III, insert a new section entitled "Sec. 2.__ Audit on Privacy and Civil Liberties and Update on Privacy and Civil Liberties Impact Assessments.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

In section 504, on page 77, line 15, after "materials" and before "against" and insert ", including those that cause mass fatalities.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

At the end of title IX add a new section entitled "Sec. __. Guidance to and Coordination with Local Educational and School Districts.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. RICHMOND;

At the appropriate place in the bill, insert a new section entitled "Sec. __. Certification that Disaster Fund Recipients Subject to Recoupment Receive a Notice of Debt and Opportunity to Appeal Before Debt is Forwarded to Department of Treasury.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. DAVIS;

Page 113, beginning on line 22, strike subsection (b) and insert a new subsection entitled "(b) Uses of Funds.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. BILIRAKIS;

In title V, at the end of subtitle B add a new section entitled "Sec. __. Prioritization.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ;

At the appropriate place in the bill, insert a new section entitled "Sec. __. Transportation Security Grant Program Study.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

In title V, at the end of subtitle B add a new section entitled "Sec. __. Interagency Grants Working Group.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

In title V, at the end of subtitle C add a new section entitled "Sec. __. Integrated Public Alert and Warning System Modernization.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. ROGERS;

Page 120, after line 15, insert a new paragraph (1) (and renumber the subsequent paragraphs accordingly.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. BILIRAKIS;

In title V, at the end of subtitle D add a new section entitled "Sec. __. Conforming Amendment.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

In title V, at the end of subtitle D add a new section entitled "Sec. __. Delegation of Authorities to the Regional Offices Review.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

In title V, at the end of subtitle D add a new section entitled "Sec. __. Lessons Learned for National Level Exercises.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. HAHN;

In section 612(b), insert before the period at the end the following ", including NEXUS, SENTRI, and Global Entry". In section 612(C), insert before the period at the end the following: ", including NEXUS, SENTRI, and Global Entry". At the end of title VI, insert a new section entitled "Sec. 6__. Border crossing Documentation.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. HAHN;

At the end of title VI add a new section entitled "Sec. __. Internal Review of Adequacy of U.S. Customs and Border Protection in Busiest International Airports.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. HAHN;

At the end of title VI add a new section entitled "Sec. __. Port Security Grant Program.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. HAHN;

At the end of title IX add a new section entitled "Sec. __. Federal Law Enforcement Training opportunities for State and Local Law Enforcement Personnel with Responsibilities for Securing Ports.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

At the end of title VI, add a new section entitled "Sec. __. Port Security Grant Funding for Mandated Security Personnel.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ;

At the end of title VI add a new section entitled "Sec, __. Securing the TWIC Against use by Unauthorized Aliens.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ;

At the end of title VI add a new section entitled "Sec. __. Small Vessel Threat Analysis.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ;

At the appropriate place in the bill, insert a new section entitled "Sec. __. Customs and Border Protection Professionalism and Transparency.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. RICHMOND;

Within 90 days of enactment of this Act, the Secretary of Homeland Security shall implement outreach to enhance awareness and increase participation of qualified students at Institutes of Higher Education, including Minority Serving Institutions such as Historically Black Colleges and Univer-

sities, Hispanic Serving Institutions, and Tribal Colleges and Universities, in the Department of Homeland Security's Science and Technology Directorate Fellows program.;

An amendment to the Amendment in the Nature of a Substitute offered by MR. CLARKE OF MICHIGAN;

At the end of title IX add a new section entitled "Sec. __. Security Gaps at Drinking Water and Wastewater Treatment Facilities.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

At the end of title IX add a new section entitled "Sec. __. Guidance and Coordination for Outreach to People with Disabilities During Emergencies.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON;

In title V, redesignate subtitle D as subtitle E, redesignate the section of such subtitle as section 581 through 585, and before such subtitle insert a new Subtitle S entitled "Subtitle D-Broadband for First Responders."; were AGREED TO by unanimous consent.

An amendment to the Amendment in the Nature of a Substitute offered by MR. MARINO (#1AA) was AGREED TO by voice vote.

In title V, at the end of subtitle D add a new section entitled "Sec. __. System Assessment and Validation for Emergency Responders."

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1BB) was AGREED TO by voice vote.

In section 602(a), insert at the end the following: (8) The feasibility of using existing Tethered Aerostat Radar Systems for use along the southwest border.

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1CC) was AGREED TO, as amended, by voice vote.

In section 604, add at the end a new subsection entitled "(f) Authorization of Appropriations."

A unanimous consent request by MR. MCCAUL to modify the amendment so as to read "The $15.4 million in funds utilized to fund ICE's border enforcement security task force, better known as "BEST Teams", will be taken from the cancellation of the Department's Advanced Spectroscopic Portal Program, or ASP."; was not objected to.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR; (#1DD) was AGREED TO by unanimous consent. The en bloc amendment consisted of the following:

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

In section 602, add at the end a new subsection entitled "(f) Priority.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

In section 607(b)(5), insert "at and" after "entries".;

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

In section 603, add a new subsection entitled "C) Deployment.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

At the end of title VI, add a new section entitled "Sec. 6__. Sense of Congress Regarding Deployment of Additional UAV.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

At the end of title VI add a new section entitled "Sec. 6__. Report on Status of Unobligated Balances in U.S. Customs and Border Protection Customs User Fee Account.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

At the end of title VI add a new section entitled "Sec. 6__. Outbound Inspections.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

At the end of title VI add a new section entitled "Sec. 6__. Deporting Criminal Aliens.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR;

At the end of title VI, add a new section entitled "Sec. 6__. Establishment of Immigration and Customs Enforcement."

An amendment to the Amendment in the Nature of a Substitute offered by MR. QUAYLE (#1EE) was AGREED TO by voice vote.

Strike section 606 and insert a new section entitled "Sec. 606. Prohibition on Impeding Certain Activities of U.S. Customs and Border Protection Related to Border Security."

An amendment to the Amendment in the Nature of a Substitute offered by MR. LONG (#1FF) was AGREED TO, by voice vote.

At the end of section 607 add at the end a new subsection entitled "(d) Off-the-shelf Technology."

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1GG) was AGREED TO by voice vote.

At the end of title VI, insert a new section entitled "Sec. 6__. Report on Drug Cartels."

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1HH) was AGREED TO by voice vote.

At the end of title VI, insert a new section entitled "Sec 6__. Increase in Unmanned Aerial Vehicles.";

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1II) was AGREED TO by voice vote.

At the end of title VI, insert a new section entitled "Sec. 6__. Border Area Security Initiative."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CLARKE OF MICHIGAN (#1JJ) was WITHDRAWN by unanimous consent.

At the end of title VI add a new section entitled "Sec. __. Northern Border Security Test Bed."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DUNCAN (#1KK) was AGREED TO by voice vote.

At the end of title VI, insert a new section entitled "Sec. 6__. Foreign Terrorist Organizations."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DUNCAN (#1LL) was AGREED TO by voice vote.

At the end of title VI, insert a new section entitled "Sec. 6__. Border Condition Index."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DUNCAN (#1MM) was AGREED TO by voice vote.

At the end of title VI, add new section entitled "Sec. 6__. Sense of Congress."

An amendment to the Amendment in the Nature of a Substitute offered by MR. RIGELL (#1NN) was WITHDRAWN by unanimous consent.

At the end to title VI, insert a new section entitled "Sec. 6__. GAO Review of Costs and Deployment of VISA Security Program Operations and Personnel."

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1OO) was AGREED TO by voice vote.

At the end of title VI add a new section entitled "Sec. 6__. Issuance of Visas at Designated Diplomatic and Consular Posts."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CRAVAACK (#1PP) was AGREED TO by voice vote.

In section 609, add at the end a new subsection entitled "(e) Rule of Construction."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CRAVAACK (#1QQ) was AGREED TO, as amended, by voice vote.

At the end of title VI, insert a new section entitled "Sec. 6__. Private-Public Partnership for Land Port of Entry Project."

An amendment offered by MR. CUELLAR to the amendment offered by MR. CRAVAACK to the Amendment in the Nature of a Substitute (#1QQ1) was AGREED TO by voice vote.

Page 2, after line 18, insert a new subsection entitled "(f) Authority to Agree to Amendment to the Border Environment Cooperation Agreement."

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1RR) was AGREED TO, by a recorded vote of 31 yeas and 0 nays (Roll Call Vote No. 26).

At the end of title VI, add a new section entitled "Sec. __. Report to Congress on Immigration Advisory Program."

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1SS) was NOT AGREED TO, by a recorded vote of 14 yeas and 17 nays (Roll Call Vote No. 27).

Insert at the appropriate place a new section entitled "Sec. __. Increased Border Patrol Staffing."

An amendment to the Amendment in the Nature of a Substitute offered by MR. KEATING (#1TT) was AGREED TO, as amended, by voice vote.

At the end of title VI add a new section entitled "Sec. __. Coast Guard Deployable Special Forces Assets."

A unanimous consent request by MR. KEATING to amend his amendment by striking on line 6 "Safety and" and inserting after "Security", "Response"; was not objected to.

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1UU) was NOT AGREED TO, by a recorded vote of 14 yeas and 17 nays (Roll Call Vote No. 28).

At the end of title VI add a new section entitled "Sec. __. Expiration of Certain Transportation Worker Identification Credentials."

An amendment to the Amendment in the Nature of a Substitute offered by MR. RICHMOND (#1VV) was AGREED TO by voice vote.

At the end of title IX add a new section entitled "Sec. __. TWIC Process Reform."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1WW) was AGREED TO, by a recorded vote of 31 yeas and 0 nays (Roll Call Vote No. 29).

At the end of title VI, add a new section entitled "Sec. 6__. Implementation of US-VISIT Biometric Exit."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1XX) was WITHDRAWN by unanimous consent.

At the appropriate place in the bill, insert a new section entitled "Sec. __. Pilot Program on Security Screening of Passengers on Commercial Flights Originating Outside the United States."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1YY) was AGREED TO by voice vote.

At the appropriate place in the bill, insert a new section entitled "Sec. __. Coordination with the Transportation Security Administration on Risk-Based Screening of Aviation Passengers."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1ZZ) was WITHDRAWN by unanimous consent.

At the appropriate place in the bill, insert a new section entitled "Sec. __. Pilot Program on Border Connectivity."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1AAA) was NOT AGREED TO, by a recorded vote of 15 yeas and 16 nays (Roll Call Vote No. 30).

At the appropriate place in the bill, insert a new section entitled "Sec. __. Border Security Searches of Electronic Devices."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1BBB) was AGREED TO by voice vote.

At the appropriate place in the bill, insert a new section entitled "Sec. __. Enhanced Customer Service Standards and Professionalism Training."

An amendment to the Amendment in the Nature of a Substitute offered by MS. SPEIER (#1CCC) was NOT AGREED TO, by a recorded vote of 14 yeas and 17 nays (Roll Call Vote No. 31).

Page 42, line 25, strike "or".
Page 43, line 2, after the semicolon, insert "or" and
Page 43, after line 2, insert a new subparagraph (iii) Page 43, line 7, strike "and".
Page 43, line 12, strike the period and insert "; and".
Page 43, after line 12, insert a new paragraph (5).

An amendment to the Amendment in the Nature of a Substitute offered by MS. SPEIER (#1DDD) was AGREED TO by voice vote.

At the end of title II, insert a new section entitled "Sec. 2__. Financial Management."

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR (#1EEE) was WITHDRAWN by unanimous consent.

At the end of title VI add a new section entitled "Sec. 6__. Customs and Border Protection Officers."

An amendment to the Amendment in the Nature of a Substitute offered by MR. LUNGREN (#1FFF) was AGREED TO by voice vote.

In section 701(a), in the quoted section 318(b), add at the end a new paragraph (7).

An amendment to the Amendment in the Nature of a Substitute offered by MR. DAVIS (#1GGG) was NOT AGREED TO, by a recorded vote of 14 yeas and 18 nays (Roll Call Vote No. 32).

At the end of title VII add a new section entitled "Sec. __. Office of Public-Private Partnerships."

An amendment to the Amendment in the Nature of a Substitute offered by MR. RIGELL (#1HHH) was AGREED TO by voice vote.

In section 802, in the quoted section 890B(d)(2), strike "The term" and insert a new paragraph entitled "(A) In General."
In section 802, in the quoted section 890(d)(2), add at the end a new paragraph entitled "(B) Maritime-Related Acts."

An amendment to the Amendment in the Nature of a Substitute offered by MR. TURNER (#1III) was AGREED TO by voice vote.

In title VII, at the end of subtitle A add a new section entitled "Sec. __. Independent Testing and Evaluation of Homeland Security Detection Technologies."

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE OF NEW YORK (#1JJJ) was AGREED TO by voice vote.

At the end of title VII add a new section entitled "Sec. __. Buy American Requirement for Information Technology."

An amendment to the Amendment in the Nature of a Substitute offered by MR. KEATING (#1KKK) was AGREED TO by voice vote.

At the end of title IX add a new section entitled "Sec. __. Report on Progress Toward Conducting Security Vulnerability Assessments at airports in the United States."

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1LLL) was AGREED TO, as amended, by voice vote.

At the end of title VII add a new sections entitled "Sec. __. University-Based Centers."; "Sec. __. Review of University-Based Centers."

A unanimous consent request by MR. THOMPSON to strike "$41,200,000" on line 3 and insert "$36,600,000"; was not objected to.

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1MMM) was NOT AGREED TO, by a recorded vote of 14 yeas and 18 nays (Roll Call Vote No. 33).

Page 17, after line 6, insert a new subsection entitled "(e) Rule of Construction."

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1NNN) was NOT AGREED TO by voice vote.

In section 526, strike subsection (a).

An amendment to the Amendment in the Nature of a Substitute offered by MR. CLARKE OF MICHIGAN (#1OOO) was AGREED TO by voice vote.

At the end of title VII add a new section entitled "Sec. __. Northern Border Unmanned Aerial Vehicle Pilot Project."

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1PPP) was NOT AGREED TO, by a recorded vote of 14 yeas and 18 nays (Roll Call Vote No. 34).

At the appropriate place in title IX, insert a new subtitle entitled "Subtitle __-Federal Protective Service."

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1QQQ) was AGREED TO by voice vote.

At the appropriate place in title IX, insert a new section entitled "Sec. __. Regulation of the Sale and Transfer of Ammonium Nitrate."

An amendment to the Amendment in the Nature of a Substitute offered by MR. DUNCAN (#1RRR) was AGREED TO by voice vote.

At the appropriate place insert a new section entitled "Sec. __. Sense of Congress on Inclusion of the Western Hemisphere in the 2012 National Strategy for Counterterrorism's "Area of Focus".

An amendment to the Amendment in the Nature of a Substitute offered by MR. CLARKE OF MICHIGAN (#1SSS) was NOT AGREED TO by voice vote.

In title V, at the end of subtitle B insert a new section entitled "Sec. __. Treatment of Detroit Urban Area as Tier I Area."

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1TTT) was AGREED TO by voice vote.

At the end of subtitle D of title V insert a new section entitled "Sec. 5__. National Transportation Security Center of Excellence.";

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1UUU) was AGREED TO by voice vote.

At the end of subtitle D of Title V, insert a new section entitled "Sec. 5__. Mental Health Counseling for Disaster Victims.

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1VVV) was AGREED TO by voice vote.

At the end of subtitle D of title V, insert a new section entitled "Sec. __. Effectiveness of Certain Disaster Preparation."

A unanimous consent request by MR. THOMPSON that, prior to the vote on the Amendment in the Nature of a Substitute, that there be inserted a new title "Port and Maritime Security"; and to integrate all port and maritime security sections into the title; was objected to.

A unanimous consent request by MR. THOMPSON that, the Committee postpone the vote on reporting H.R. 3116 to the House until after the Committee has received a score of the measure by the Congressional Budget Office; was objected to.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

The Committee on Homeland Security considered H.R. 3116 on October 12 and 13, 2011, and took the following recorded votes:

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1A); After section 4 insert a new section entitled "Sec. __. Authorization of Appropriations."; was NOT AGREED TO by a recorded vote of 13 yeas and 19 nays (Roll Call Vote No. 13). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. DANIEL E. LUNGREN
MR. HENRY CUELLAR	MR. MIKE ROGERS
MS. YVETTE D. CLARKE	MR. MICHAEL T. MCCAUL
MS. LAURA RICHARDSON	MR. GUS M. BILIRAKIS
MR. DANNY K. DAVIS	MR. PAUL C. BROUN
MR. BRIAN HIGGINS	MRS. CANDICE S. MILLER
MR. CEDRIC L. RICHMOND	MR. TIM WALBERG
MR. HANSEN CLARKE	MR. CHIP CRAVAACK
MR. WILLIAM R. KEATING	MR. JOE WALSH
MS. KATHLEEN C. HOCHUL	MR. PATRICK MEEHAN
MS. JANICE HAHN	MR. BENJAMIN QUAYLE
	MR. E. SCOTT RIGELL
	MR. BILLY LONG
	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE (#1B); Strike section 102.; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 14). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING

MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

MR. LAMAR SMITH
MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1C); Before section 101 insert the new section entitled "Sec. __. Counterterrorism Coordination." and make appropriate conforming changes.; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 15). The vote was as follows:

YEAS

MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

NAYS

MR. PETER T. KING
MR. LAMAR SMITH
MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE OF NEW YORK (#1D); Before section 101 insert a new section and make conforming changes "Sec. 101. Directorate of Infrastructure Protection and Cybersecurity."; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 16). The vote was as follows:

YEAS

MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ

NAYS

MR. PETER T. KING
MR. LAMAR SMITH

MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. DAVIS (#1E); At the appropriate place in title I, insert a new section entitled "Sec. __. Oversight of Department of Homeland Security."; was NOT AGREED TO by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 17). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. DANIEL E. LUNGREN
MR. HENRY CUELLAR	MR. MIKE ROGERS
MS. YVETTE D. CLARKE	MR. MICHAEL T. MCCAUL
MS. LAURA RICHARDSON	MR. GUS M. BILIRAKIS
MR. DANNY K. DAVIS	MR. PAUL C. BROUN
MR. BRIAN HIGGINS	MRS. CANDICE S. MILLER
MS. JACKIE SPEIER	MR. TIM WALBERG
MR. CEDRIC L. RICHMOND	MR. CHIP CRAVAACK
MR. HANSEN CLARKE	MR. JOE WALSH
MR. WILLIAM R. KEATING	MR. PATRICK MEEHAN
MS. KATHLEEN C. HOCHUL	MR. BENJAMIN QUAYLE
MS. JANICE HAHN	MR. E. SCOTT RIGELL
	MR. BILLY LONG
	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. CUELLAR (#1F); At the appropriate place in title I, insert a new section entitled "Sec. 1__. Danger Pay Allowances for Employees of the Department of Homeland Security."; was AGREED TO, by a recorded vote of 33 yeas and 0 nays (Roll Call Vote No. 18). The vote was as follows:

YEAS	NAYS
MR. PETER T. KING	
MR. LAMAR SMITH	
MR. DANIEL E. LUNGREN	
MR. MIKE ROGERS	
MR. MICHAEL T. MCCAUL	
MR. GUS M. BILIRAKIS	
MR. PAUL C. BROUN	
MRS. CANDICE S. MILLER	
MR. TIM WALBERG	
MR. CHIP CRAVAACK	
MR. JOE WALSH	
MR. PATRICK MEEHAN	
MR. BENJAMIN QUAYLE	
MR. E. SCOTT RIGELL	
MR. BILLY LONG	
MR. JEFF DUNCAN	
MR. TOM MARINO	
MR. BLAKE FARENTHOLD	
MR. ROBERT L. TURNER	
MR. BENNIE G. THOMPSON	
MS. LORETTA SANCHEZ	
MS. SHEILA JACKSON LEE	
MR. HENRY CUELLAR	
MS. YVETTE D. CLARKE	
MS. LAURA RICHARDSON	
MR. DANNY K. DAVIS	
MR. BRIAN HIGGINS	
MS. JACKIE SPEIER	
MR. CEDRIC L. RICHMOND	
MR. HANSEN CLARKE	
MR. WILLIAM R. KEATING	
MS. KATHLEEN C. HOCHUL	
MS. JANICE HAHN	

An amendment to the Amendment in the Nature of a Substitute offered by MS. HOCHUL (#1K); At the appropriate place in title II, insert a new section entitled "Sec. 2__. Buy American Requirements Imposed on Department of Homeland Security; Exceptions."; was AGREED TO, by a recorded vote of 32 yeas and 0 nays (Roll Call Vote No. 19). The vote was as follows:

YEAS	NAYS
MR. PETER T. KING	
MR. LAMAR SMITH	
MR. MIKE ROGERS	
MR. MICHAEL T. MCCAUL	
MR. GUS M. BILIRAKIS	
MR. PAUL C. BROUN	
MRS. CANDICE S. MILLER	
MR. TIM WALBERG	
MR. CHIP CRAVAACK	
MR. JOE WALSH	
MR. PATRICK MEEHAN	
MR. BENJAMIN QUAYLE	
MR. E. SCOTT RIGELL	

MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER
MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

An amendment to the Amendment in the Nature of a Substitute offered by MR. CLARKE OF MICHIGAN (#1O); At the end of title II, add a new section entitled "Sec. __. Preference for Vendors in Enterprise Zones, HUB Zones, and High Unemployment Areas."; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 20). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. DANIEL E. LUNGREN
MR. HENRY CUELLAR	MR. MIKE ROGERS
MS. YVETTE D. CLARKE	MR. MICHAEL T. MCCAUL
MS. LAURA RICHARDSON	MR. GUS M. BILIRAKIS
MR. DANNY K. DAVIS	MR. PAUL C. BROUN
MR. BRIAN HIGGINS	MRS. CANDICE S. MILLER
MS. JACKIE SPEIER	MR. TIM WALBERG
MR. CEDRIC L. RICHMOND	MR. CHIP CRAVAACK
MR. HANSEN CLARKE	MR. JOE WALSH
MR. WILLIAM R. KEATING	MR. PATRICK MEEHAN
MS. KATHLEEN C. HOCHUL	MR. BENJAMIN QUAYLE
MS. JANICE HAHN	MR. E. SCOTT RIGELL
	MR. BILLY LONG
	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MS. CLARKE OF NEW YORK (#1S); At the appropriate place in title III, insert a new section entitled "Sec. 3__. Cybersecurity Training Pilot Program."; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 21). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING

MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

MR. LAMAR SMITH
MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. RICHMOND (#1V); At the end of title IX add a new section entitled "Sec. __. Prohibition of Requirement of Budgetary Offsets for Emergency Disaster Assistance During 2011 and 2012."; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 22). The vote was as follows:

YEAS

MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

NAYS

MR. PETER T. KING
MR. LAMAR SMITH
MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1W); Strike section 521 and insert a new section entitled "Sec. 521. Sense of Congress Regarding Homeland Security Grant Funding."; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 23). The vote was as follows:

YEAS

MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ

NAYS

MR. PETER T. KING
MR. LAMAR SMITH

MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. HIGGINS (#1X); In title V, at the end of subtitle B add the following new sections: "Sec. __. Assistance to Firefighters Grant Program Reauthorization."; Sec. __. Expansion of Pre-September 11, 2001, Fire Grant Program Reauthorization."; and "Sec. __. Study and Report."; was NOT AGREED TO, by a recorded vote of 14 yeas and 19 nays (Roll Call Vote No. 24). The vote was as follows:

YEAS

MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

NAYS

MR. PETER T. KING
MR. LAMAR SMITH
MR. DANIEL E. LUNGREN
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. JOE WALSH
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. HIGGINS (#1Y); In title V, at the end of subtitle B add a new section entitled "Sec. __. Preservation of Urban Area Security Initiative Security Gains."; was NOT AGREED TO, by a recorded vote of 12 yeas and 17 nays (Roll Call Vote No. 25). The vote was as follows:

YEAS

MR. BENNIE G. THOMPSON

NAYS

MR. PETER T. KING

MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

MR. LAMAR SMITH
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER
MS. LAURA RICHARDSON

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1RR); At the end of title VI, add a new section entitled "Sec. __. Report to Congress on Immigration Advisory Program."; was AGREED TO, by a recorded vote of 31 yeas and 0 nays (Roll Call Vote No. 26). The vote was as follows:

YEAS

MR. PETER T. KING
MR. LAMAR SMITH
MR. MIKE ROGERS
MR. MICHAEL T. MCCAUL
MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER
MR. BENNIE G. THOMPSON
MS. LORETTA SANCHEZ
MS. SHEILA JACKSON LEE
MR. HENRY CUELLAR
MS. YVETTE D. CLARKE
MS. LAURA RICHARDSON
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL
MS. JANICE HAHN

NAYS

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1SS); Insert at the appropriate place a new section entitled "Sec. __. Increased Border Patrol Staffing."; was NOT AGREED TO, by a recorded vote of 14 yeas and 17 nays (Roll Call Vote No. 27). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. MIKE ROGERS
MR. HENRY CUELLAR	MR. MICHAEL T. MCCAUL
MS. YVETTE D. CLARKE	MR. GUS M. BILIRAKIS
MS. LAURA RICHARDSON	MR. PAUL C. BROUN
MR. DANNY K. DAVIS	MRS. CANDICE S. MILLER
MR. BRIAN HIGGINS	MR. TIM WALBERG
MS. JACKIE SPEIER	MR. CHIP CRAVAACK
MR. CEDRIC L. RICHMOND	MR. PATRICK MEEHAN
MR. HANSEN CLARKE	MR. BENJAMIN QUAYLE
MR. WILLIAM R. KEATING	MR. E. SCOTT RIGELL
MS. KATHLEEN C. HOCHUL	MR. BILLY LONG
MS. JANICE HAHN	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1UU); At the end of title VI add a new section entitled "Sec. __. Expiration of Certain Transportation Worker Identification Credentials."; was NOT AGREED TO, by a recorded vote of 14 yeas and 17 nays (Roll Call Vote No. 28). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. MIKE ROGERS
MR. HENRY CUELLAR	MR. MICHAEL T. MCCAUL
MS. YVETTE D. CLARKE	MR. GUS M. BILIRAKIS
MS. LAURA RICHARDSON	MR. PAUL C. BROUN
MR. DANNY K. DAVIS	MRS. CANDICE S. MILLER
MR. BRIAN HIGGINS	MR. TIM WALBERG
MS. JACKIE SPEIER	MR. CHIP CRAVAACK
MR. CEDRIC L. RICHMOND	MR. PATRICK MEEHAN
MR. HANSEN CLARKE	MR. BENJAMIN QUAYLE
MR. WILLIAM R. KEATING	MR. E. SCOTT RIGELL
MS. KATHLEEN C. HOCHUL	MR. BILLY LONG
MS. JANICE HAHN	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1WW); At the end of title VI, add a new section entitled "Sec. 6__. Implementation of US-VISIT Biometric Exit."; was AGREED TO, by a recorded vote of 31 yeas and 0 nays (Roll Call Vote No. 29). The vote was as follows:

YEAS	NAYS
MR. PETER T. KING	
MR. LAMAR SMITH	
MR. MIKE ROGERS	
MR. MICHAEL T. MCCAUL	
MR. GUS M. BILIRAKIS	
MR. PAUL C. BROUN	
MRS. CANDICE S. MILLER	
MR. TIM WALBERG	
MR. CHIP CRAVAACK	
MR. PATRICK MEEHAN	
MR. BENJAMIN QUAYLE	
MR. E. SCOTT RIGELL	
MR. BILLY LONG	
MR. JEFF DUNCAN	
MR. TOM MARINO	
MR. BLAKE FARENTHOLD	
MR. ROBERT L. TURNER	
MR. BENNIE G. THOMPSON	
MS. LORETTA SANCHEZ	
MS. SHEILA JACKSON LEE	
MR. HENRY CUELLAR	
MS. YVETTE D. CLARKE	
MS. LAURA RICHARDSON	
MR. DANNY K. DAVIS	
MR. BRIAN HIGGINS	
MS. JACKIE SPEIER	
MR. CEDRIC L. RICHMOND	
MR. HANSEN CLARKE	
MR. WILLIAM R. KEATING	
MS. KATHLEEN C. HOCHUL	
MS. JANICE HAHN	

An amendment to the Amendment in the Nature of a Substitute offered by MS. SANCHEZ (#1AAA); At the appropriate place in the bill, insert a new section entitled "Sec. __. Border Security Searches of Electronic Devices."; was NOT AGREED TO, by a recorded vote of 15 yeas and 16 nays (Roll Call Vote No. 30). The vote was as follows:

YEAS	NAYS
MR. BLAKE FARENTHOLD	MR. PETER T. KING
MR. BENNIE G. THOMPSON	MR. LAMAR SMITH
MS. LORETTA SANCHEZ	MR. MIKE ROGERS
MS. SHEILA JACKSON LEE	MR. MICHAEL T. MCCAUL
MR. HENRY CUELLAR	MR. GUS M. BILIRAKIS
MS. YVETTE D. CLARKE	MR. PAUL C. BROUN
MS. LAURA RICHARDSON	MRS. CANDICE S. MILLER
MR. DANNY K. DAVIS	MR. TIM WALBERG
MR. BRIAN HIGGINS	MR. CHIP CRAVAACK
MS. JACKIE SPEIER	MR. PATRICK MEEHAN
MR. CEDRIC L. RICHMOND	MR. BENJAMIN QUAYLE
MR. HANSEN CLARKE	MR. E. SCOTT RIGELL
MR. WILLIAM R. KEATING	MR. BILLY LONG
MS. KATHLEEN C. HOCHUL	MR. JEFF DUNCAN

MS. JANICE HAHN	MR. TOM MARINO
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MS. SPEIER (#1CCC); Page 42, line 25, strike "or".

Page 43, line 2, after the semicolon, insert "or" and

Page 43, after line 2, insert a new subparagraph (iii) Page 43, line 7, strike "and".

Page 43, line 12, strike the period and insert "; and".

Page 43, after line 12, insert a new paragraph (5).; was NOT AGREED TO, by a recorded vote of 14 yeas and 17 nays (Roll Call Vote No. 31). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. MIKE ROGERS
MR. HENRY CUELLAR	MR. MICHAEL T. MCCAUL
MS. YVETTE D. CLARKE	MR. GUS M. BILIRAKIS
MS. LAURA RICHARDSON	MR. PAUL C. BROUN
MR. DANNY K. DAVIS	MRS. CANDICE S. MILLER
MR. BRIAN HIGGINS	MR. TIM WALBERG
MS. JACKIE SPEIER	MR. CHIP CRAVAACK
MR. CEDRIC L. RICHMOND	MR. PATRICK MEEHAN
MR. HANSEN CLARKE	MR. BENJAMIN QUAYLE
MR. WILLIAM R. KEATING	MR. E. SCOTT RIGELL
MS. KATHLEEN C. HOCHUL	MR. BILLY LONG
MS. JANICE HAHN	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. DAVIS (#1GGG); At the end of title VII add a new section entitled "Sec. __. Office of Public-Private Partnerships."; was NOT AGREED TO, by a recorded vote of 14 yeas and 18 nays (Roll Call Vote No. 32). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. DANIEL E. LUNGREN
MR. HENRY CUELLAR	MR. MIKE ROGERS
MS. YVETTE D. CLARKE	MR. MICHAEL T. MCCAUL
MS. LAURA RICHARDSON	MR. GUS M. BILIRAKIS
MR. DANNY K. DAVIS	MR. PAUL C. BROUN
MR. BRIAN HIGGINS	MRS. CANDICE S. MILLER
MS. JACKIE SPEIER	MR. TIM WALBERG
MR. CEDRIC L. RICHMOND	MR. CHIP CRAVAACK
MR. HANSEN CLARKE	MR. PATRICK MEEHAN
MR. WILLIAM R. KEATING	MR. BENJAMIN QUAYLE
MS. KATHLEEN C. HOCHUL	MR. E. SCOTT RIGELL
MS. JANICE HAHN	MR. BILLY LONG
	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1MMM) Page 17, after line 6, insert a new subsection entitled "(e) Rule of Construction."; was NOT AGREED TO, by a recorded vote of 14 yeas and 18 nays (Roll Call Vote No. 33). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. DANIEL E. LUNGREN
MR. HENRY CUELLAR	MR. MIKE ROGERS
MS. YVETTE D. CLARKE	MR. MICHAEL T. MCCAUL
MS. LAURA RICHARDSON	MR. GUS M. BILIRAKIS
MR. DANNY K. DAVIS	MR. PAUL C. BROUN
MR. BRIAN HIGGINS	MRS. CANDICE S. MILLER
MS. JACKIE SPEIER	MR. TIM WALBERG
MR. CEDRIC L. RICHMOND	MR. CHIP CRAVAACK
MR. HANSEN CLARKE	MR. PATRICK MEEHAN
MR. WILLIAM R. KEATING	MR. BENJAMIN QUAYLE
MS. KATHLEEN C. HOCHUL	MR. E. SCOTT RIGELL
MS. JANICE HAHN	MR. BILLY LONG
	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1PPP); At the appropriate place in title IX, insert a new subtitle entitled "Subtitle __-Federal Protective Service."; was NOT AGREED TO, by a recorded vote of 14 yeas and 18 nays (Roll Call Vote No. 34). The vote was as follows:

YEAS	NAYS
MR. BENNIE G. THOMPSON	MR. PETER T. KING
MS. LORETTA SANCHEZ	MR. LAMAR SMITH
MS. SHEILA JACKSON LEE	MR. DANIEL E. LUNGREN
MR. HENRY CUELLAR	MR. MIKE ROGERS
MS. YVETTE D. CLARKE	MR. MICHAEL T. MCCAUL
MS. LAURA RICHARDSON	MR. GUS M. BILIRAKIS
MR. DANNY K. DAVIS	MR. PAUL C. BROUN
MR. BRIAN HIGGINS	MRS. CANDICE S. MILLER
MS. JACKIE SPEIER	MR. TIM WALBERG
MR. CEDRIC L. RICHMOND	MR. CHIP CRAVAACK
MR. HANSEN CLARKE	MR. PATRICK MEEHAN
MR. WILLIAM R. KEATING	MR. BENJAMIN QUAYLE
MS. KATHLEEN C. HOCHUL	MR. E. SCOTT RIGELL
MS. JANICE HAHN	MR. BILLY LONG
	MR. JEFF DUNCAN
	MR. TOM MARINO
	MR. BLAKE FARENTHOLD
	MR. ROBERT L. TURNER

An Amendment in the Nature of a Substitute offered by MR. KING (#1) was AGREED TO, as amended, by a recorded vote of 18 yeas and 14 nays (Roll Call Vote No. 35). The vote was as follows:

YEAS	NAYS
MR. PETER T. KING	MR. BENNIE G. THOMPSON
MR. LAMAR SMITH	MS. LORETTA SANCHEZ
MR. DANIEL E. LUNGREN	MS. SHEILA JACKSON LEE
MR. MIKE ROGERS	MR. HENRY CUELLAR
MR. MICHAEL T. MCCAUL	MS. YVETTE D. CLARKE
MR. GUS M. BILIRAKIS	MS. LAURA RICHARDSON
MR. PAUL C. BROUN	MR. DANNY K. DAVIS
MRS. CANDICE S. MILLER	MR. BRIAN HIGGINS
MR. TIM WALBERG	MS. JACKIE SPEIER
MR. CHIP CRAVAACK	MR. CEDRIC L. RICHMOND
MR. PATRICK MEEHAN	MR. HANSEN CLARKE
MR. BENJAMIN QUAYLE	MR. WILLIAM R. KEATING
MR. E. SCOTT RIGELL	MS. KATHLEEN C. HOCHUL
MR. BILLY LONG	MS. JANICE HAHN
MR. JEFF DUNCAN	
MR. TOM MARINO	
MR. BLAKE FARENTHOLD	
MR. ROBERT L. TURNER	

The Committee adopted H.R. 3116, as amended, by a recorded vote of 19 yeas and 13 nays. (Roll Call Vote No. 36). The vote was as follows:

YEAS	NAYS
MR. PETER T. KING	MR. BENNIE G. THOMPSON
MR. LAMAR SMITH	MS. LORETTA SANCHEZ
MR. DANIEL E. LUNGREN	MS. SHEILA JACKSON LEE
MR. MIKE ROGERS	MS. YVETTE D. CLARKE
MR. MICHAEL T. MCCAUL	MS. LAURA RICHARDSON
MR. GUS M. BILIRAKIS	MR. DANNY K. DAVIS
MR. PAUL C. BROUN	MR. BRIAN HIGGINS
MRS. CANDICE S. MILLER	MS. JACKIE SPEIER
MR. TIM WALBERG	MR. CEDRIC L. RICHMOND
MR. CHIP CRAVAACK	MR. HANSEN CLARKE
MR. PATRICK MEEHAN	MR. WILLIAM R. KEATING
MR. BENJAMIN QUAYLE	MS. KATHLEEN C. HOCHUL
MR. E. SCOTT RIGELL	
MR. BILLY LONG	
MR. JEFF DUNCAN	
MR. TOM MARINO	
MR. BLAKE FARENTHOLD	
MR. ROBERT L. TURNER	
MR. HENRY CUELLAR	

H.R. 3116, to authorize certain programs of the Department of Homeland Security, and for other purposes.; was ordered to be reported to the House with a favorable recommendation, amended, by a recorded vote of 20 yeas and 12 nays (Roll Call Vote No. 37). The vote was as follows:

YEAS	NAYS
MR. PETER T. KING	MR. BENNIE G. THOMPSON
MR. LAMAR SMITH	MS. LORETTA SANCHEZ
MR. DANIEL E. LUNGREN	MS. SHEILA JACKSON LEE
MR. MIKE ROGERS	MS. YVETTE D. CLARKE
MR. MICHAEL T. MCCAUL	MS. LAURA RICHARDSON

MR. GUS M. BILIRAKIS
MR. PAUL C. BROUN
MRS. CANDICE S. MILLER
MR. TIM WALBERG
MR. CHIP CRAVAACK
MR. PATRICK MEEHAN
MR. BENJAMIN QUAYLE
MR. E. SCOTT RIGELL
MR. BILLY LONG
MR. JEFF DUNCAN
MR. TOM MARINO
MR. BLAKE FARENTHOLD
MR. ROBERT L. TURNER
MR. HENRY CUELLAR
MS. JANICE HAHN
MR. DANNY K. DAVIS
MR. BRIAN HIGGINS
MS. JACKIE SPEIER
MR. CEDRIC L. RICHMOND
MR. HANSEN CLARKE
MR. WILLIAM R. KEATING
MS. KATHLEEN C. HOCHUL

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3116, the Department of Homeland Security Authorization Act for Fiscal Year 2012, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3116 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

The purpose of H.R. 3116, the Department of Homeland Security Authorization Act for Fiscal Year 2012, is to improve coordination in the programs of the Department of Homeland Security, eliminate waste and redundancy and encourage efficiencies within the Department, and maximize the security benefits of the Department's programs.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3116 does not preempt any State, local, or Tribal law.

ADVISORY COMMITTEE STATEMENT

In compliance with section 5(b) of the Federal Advisory Committee Act, requiring the report of any Committee establishing, or authorizing the establishment of any advisory committee to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The Committee finds:

Section 201 requires the Secretary of Homeland Security to establish the DHS Acquisition Review Board (ARB) to perform a quarterly review of the Department's proposed acquisitions and procurements to strengthen oversight and improve resource management and steer major investments for the Department.

Section 202 requires the Department of Homeland Security to create a Capabilities and Requirements Council of currently-serving DHS personnel that would advise the Acquisition Review Board and the Under Secretary for Management on capabilities needed by end-users, which in turn would inform the Department's budget decisions for major investments.

Section 529 establishes the Interagency Grants Working Group to better coordinate Federal preparedness grants.

Section 710 establishes a Science and Technology Advisory Committee within the Department of Homeland Security's Directorate of Science and Technology to identify research and development areas of potential importance to the security of the Nation and make recommendations to the Under Secretary for Science and Technology.

In the determination of the Committee, H.R. 3116 sufficiently specifies the purpose and membership of each advisory committee,

each of which would fulfill a need of the Department of Homeland Security that is not being addressed by another agency or advisory committee.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title.

This section provides that this act shall be cited as the "Department of Homeland Security Authorization Act for Fiscal Year 2012."

Sec. 2. Table of contents.

This section provides a table of contents for the Department of Homeland Security Authorization Act for Fiscal Year 2012.

Sec. 3. Definitions.

This section defines certain terms to be used for the Department of Homeland Security Authorization Act for Fiscal Year 2012.

Sec. 4. Amendment references.

This section provides that unless as otherwise specifically provided, references to amendment or repeal of a provision shall be considered to be made to a provision of the Homeland Security Act of 2002 (6 U.S.C. 101 *et seq.*).

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

Sec. 101. Under Secretary for Policy.

Section 101 authorizes the Under Secretary of Policy for the Department of Homeland Security (DHS or Department). The section directs the Under Secretary of Policy to lead the Department's efforts for developing and maintaining policy making to ensure effective budgetary and strategic planning. In addition, the Under Secretary for Policy would coordinate the policy development of the Department's component agencies and offices. Since the formation of the Department, these responsibilities have been carried out primarily by offices led by individuals nominated by the President and confirmed by the Senate for the positions of Assistant Secretary for Border and Transportation Security Policy and Planning and then Assistant Secretary for Policy.

The Committee believes that the redesignation and elevation of the lead policy making official from an assistant secretary position to an under secretary position reflects two important considerations. First, the coordination for policy making of the Department, including oversight for policy of 27 difference offices and agencies, is a complex and critical tasking that requires persistent supervision and guidance. The official leading those efforts should be afforded a ranking within the Department that acknowledges the

gravity of his or her responsibilities. Second, the responsibilities of the Under Secretary of Policy contribute equally to the successes and failures of the Department to those undertaken by the Under Secretaries for Management, Science and Technology and Intelligence and Analysis. Accordingly, the title of Under Secretary for Policy confers the parity of importance for the missions of those officers.

Sec. 102. Countering homegrown radicalization and violent Islamist extremism.

Section 102 requires the Secretary of Homeland Security to designate an official of the Department to coordinate efforts to counter homegrown violent Islamist extremism, including the violent ideology of al Qaeda and its affiliated groups, in the United States. Consequently, section 102 requires the official to submit to the appropriate Congressional committees a report detailing (1) the strategy and activities of the Department to counter homegrown violent Islamist extremism; (2) the division of responsibilities within the Department for countering homegrown violent Islamist extremism, including the violent ideology of al Qaeda and its affiliated groups; (3) the strategy of the Department to monitor open source messaging that incite violence, including Internet websites that disseminate videos, graphics, text calling for violent activities, and to provide counter-messaging; (4) the number of employees of the Department, and the amount of funding dedicated by the Department, to countering homegrown violent Islamist extremism, including the violent ideology of al Qaeda and its affiliated groups; (5) the type of Department-sponsored activities and training provided to State and local governments, including products and activities associated with State and major urban area fusion centers, for countering homegrown violent Islamist extremism; and (6) the metrics used to measure the effectiveness of programs or activities of the Department aimed to counter homegrown violent Islamist extremism, including the violent ideology of al Qaeda and its affiliated groups.

The threat from homegrown violent Islamist extremism (including the violent ideology of al Qaeda and its affiliated groups) currently presents the most critical danger to the security of American citizens. According to the Congressional Research Service, there have been 43 homegrown jihadist terrorist plots and attacks since September 11, 2001, including 22 plots or attacks since May 2009 and that number has continued to grow in recent months.

Due to the gravity of the threat, the Committee believes that it is critical for DHS to execute a comprehensive strategy to counter homegrown violent Islamist extremism. Consistent with that view, the Department has advised that it approaches counter violent extremism (CVE) by working with "a broad range of partners to gain a better understanding of the behaviors, tactics, and other indicators that could point to potential terrorist activity within the United States, and the best ways to mitigate or prevent that activity." The Committee believes that to achieve effective CVE strategy, there must be a lead official who implements clearly defined objectives.

Sec. 103. Direct line authority for Chief Operating Officers.

This section confers authority to the Chief Financial Officer, the Chief Procurement Officer, the Chief Information Officer, the Chief Human Capital Officer, the Chief Administrative Officer, and the Chief Security Officer, referred to here as the Department's Chief Operating Officers, over their counterparts in the Department of Homeland Security's components to ensure that planning, operations, and training, as well as personnel and budgetary activities, remain consistent with Department-wide policies and plans. This section requires the Chief Operating Officers to coordinate with the heads of the component agencies when executing authorities conferred by this provision. The Committee believes that the authority conveyed pursuant to this section will promote further integration within the still evolving Department and will result in better planning for procurements and operations.

Sec. 104. Department of Homeland Security International Affairs Office.

Section 104 authorizes the Department of Homeland Security's Office of International Affairs (OIA), as well as the position of Assistant Secretary for International Affairs, who is responsible for coordinating the international activities for the various offices and components of the Department. This section mandates the Department components to advise the Assistant Secretary of their international negotiations and travel of senior officers, and for providing an inventory of their assets and personnel deployed overseas. In addition, this section requires the Office of International Affairs to develop a strategy for overseas activity, including international cooperation for immigration policy, visa security, aviation security, border security and training, law enforcement, and cargo security. The Committee believes that these requirements comport with the recommendations made by the Department's Inspector General to address challenges OIA, which has called for greater controls and metrics for the Department's overall international activities carried out by the various components. Recognizing that the homeland security of the United States relies on close cooperation with our allies globally, the Committee believes that the requirements of this section will ensure that integration of the Department's international efforts is given sufficient priority.

Sec. 105. Assistant Secretary for Health Affairs.

This section authorizes the Department of Homeland Security's Assistant Secretary for Health Affairs as the Chief Medical Officer of the Department. It also establishes that this individual shall: (1) ensure that science-based policy is used to protect the Department workforce; (2) provide medical expertise to Department components for medical and public health matters; and (3) work within the Department and with other Federal agencies to develop preparedness guidance for catastrophic health events with human, animal, and agricultural health consequences.

The Committee recognizes that health security is a critical mission area in homeland security. Because the health and economic consequences could be severe if terrorists targeted the public health, agriculture, and food critical infrastructure sectors, an official at the level of Assistant Secretary must have responsibility and

authority for coordinating these issues. A single individual at the Department has always served as the Chief Medical Officer and as the Assistant Secretary for Health Affairs. However, existing statute codifies only the position of Chief Medical Officer. This section aligns the statute with existing practice, while also establishing additional statutory responsibilities with the Chief Medical Officer to ensure that they are adequately addressed.

Sec. 106. Department of Homeland Security reorganization authority.

Section 106 limits the Department of Homeland Security's ability to reorganize in a manner that would contradict a structure mandated by the U.S. Code. The limitation will not apply when the President determines that the reorganization is necessitated by an imminent threat. The Committee does not intend for this limitation to prevent the Department from carrying out routine or small reallocations of personnel or functions within its components. However, the Committee believes that any large-scale reorganization of the Department should be statutorily authorized after proper congressional oversight in order to assure that the Department is effectively deploying its resources and not expanding unnecessarily.

Sec. 107. Repeal of Office of Domestic Preparedness.

This section modifies the Homeland Security Act of 2002 (Pub. L. 107–296) to more accurately reflect the current structure of the Department by eliminating the statutory authorization for the now defunct Office of Domestic Preparedness.

Sec. 108. Quadrennial homeland security review.

Section 108 modifies the requirements of the quadrennial homeland security review to require the Department of Homeland Security to examine more broadly the scope of the Department's homeland security functions and capabilities, identify priorities, integrate planning and reduce waste. With the revised requirements, the Committee intends that the Department will use this strategic document to focus the use of its finite resources more effectively.

Sec. 109. Development of explosives detection canine standards.

This section requires that the Secretary of Homeland Security develop and implement standards for explosives detection canine teams owned or funded by the Department. Specifically, it requires the Secretary to issue mission-specific accreditation and minimum certification standards for all explosives detection canines and their handlers that are used or funded by the Department. This section ensures that these teams are trained by persons who have met and utilize those standards which are to be developed by a Department panel of experts, along with representatives from the private sector and academia, and shall be reviewed no less frequently than every two years.

Many DHS components (including the U.S. Coast Guard, U.S. Customs and Border Protection, the Federal Protective Service, the Transportation Security Administration, and the U.S. Secret Service) employ explosives detection canine teams as critical assets in the interdiction of explosives as well as other items. Department-wide baseline standards that are flexible enough to meet the mis-

sion needs will ensure that DHS canine teams have the capacity to detect explosives to a required level for any Department component for which they are acquired.

Sec. 110. Development of a balanced workforce.

According to the Department of Homeland Security's FY2011 Budget Request, the Department has undertaken a Department-wide Efficiency Review Initiative to ensure that resources were being optimally expended. In part, the review includes a Balanced Workforce Strategy, which seeks to convert contractor positions to Federal jobs, thereby realizing more than $100 million in savings. The Committee supports the Department's objective for achieving the greatest efficient use of resources, however, the Committee continues to be concerned about the resulting increases in Federal positions. Accordingly, this section directs the Department's components, in coordination with the Chief Human Capital Officer, to develop a 5-year workforce strategy for reaching an optimum balance of Federal employees and contractors for supporting the Department's mission. By providing this level of detail and subjecting the Department's personnel planning to congressional oversight, the Committee remains hopeful that the Department will better optimize planning for the expenditure of its finite funding.

Sec. 111. Danger pay allowances for employees of the Department of Homeland Security.

Section 111 amends existing law to preclude the Secretary of State from denying a request for danger pay allowance for Department of Homeland Security (DHS) personnel who serve in a foreign area under conditions that threaten physical harm or imminent danger to the health or well being of the employee. This section provides equal status to DHS personnel with similarly situated counterparts in the Federal Bureau of Investigation and the Drug Enforcement Agency.

Sec. 112. FLETC reporting requirements on counter-violent extremism training.

Section 112 addresses the Department of Homeland Security's development of a law enforcement curriculum designed to counter violent extremism. In testimony before the Committee in February 2011, Secretary Napolitano described the curriculum as designed to counter violent extremism, which will ultimately be disseminated and taught at Federal Law Enforcement Training Center (FLETC). Secretary Napolitano testified that the Department's program developed for FLETC would seek "to counter violent extremism here at home by helping law enforcement use many of the same techniques and strategies that have proven successful in combating violence in American communities."

This section requires that the Department, prior to the implementation of any such program, provide to the Committee materials related to the curriculum, including the classified case-study information that the Department utilized to analyze the radicalization process; a detailed description of the training that DHS intends to implement as part of the program; a listing of the executive agencies that participated in its development; and descriptions of the qualifications required for instructors.

Sec. 113. Future-years homeland security program.

As shrinking Federal resources exacerbate funding challenges, the Committee believes that the Department of Homeland Security must prioritize long-term budgetary planning in coordination with private sector stakeholders to most effectively channel scarce research, development, testing and evaluation resources. Section 113 directs the Department to include a five-year budget estimate, to be updated annually in conjunction with its annual Congressional budget justification, beginning with its FY 2013 submission. This process mimics a similar planning tool already utilized by the Department of Defense and is designed to instill discipline in developing the Department of Homeland Security projections.

Currently, the Department provides the Future Years Homeland Security Program and Performance Budget Overview to the Committee. However, numerous homeland security industry stakeholders have reported to the Committee that the Department's projections lack adequate detail for efficient private sector research and development planning and contain unclear assumptions about future fiscal years. The overall lack of clarity and planning discipline detrimentally affects stakeholders by allowing for wholesale changes in acquisition plans after substantial investment decisions have been made. This can, and does, discourage private sector stakeholders from making educated research and development investment decisions. The Committee recognizes that the Department's future needs and resource allocation estimates may change as circumstances and assumptions evolve. However, a more disciplined and detailed process of providing a five-year estimate should allow the Department to devote greater attention to providing guidance to industry stakeholders in budget forecasts, and should be accompanied by greater stakeholder engagement earlier in the planning process.

Sec. 114. Cost of submissions to Congress.

Section 114 requires the Department of Homeland Security to include along with any plan, report, strategy, or other material submitted to Congress, a summary of the cost and personnel for producing the material. With the Department facing an increasingly complex mission and using finite resources, the Committee remains aware that excessive reporting requirements will drain resources away from the Department. The Committee intends to avoid excessive reporting and provide greater awareness of the reporting demands placed upon the Department. This section allows for flexibility in instances where the Secretary deems it not practical to comply with the reporting requirement.

Sec. 115. Protection of name, initials, insignia, and seal.

This section protects against the unauthorized use of the intellectually property of the Department of Homeland Security and its components, including the use of its name, initials, insignia and seal.

Sec. 116. Office of Policy.

The section establishes within the Department of Homeland Security an Office of Policy, headed by the Under Secretary of Policy referenced in Section 101. The Office of Policy is designed to lead

the Department in the development of programs and engagement in strategic planning. The Office of Policy's mission encompasses a broad spectrum of homeland security issues, including customs and immigration, cybersecurity, visa security, aviation security, border security and training, law enforcement, and cargo security.

The Committee supports the Office of Policy mission to coordinate Department-wide policies, programs and planning, which fosters integrated operational readiness among DHS components and eliminate duplication of effort. Moreover, the Committee believes that the Office of Policy should increasingly serve as a single point of contact for external stakeholders. Under the leadership of the Under Secretary for Policy authorized in Section 101, the Office of Policy should seek to integrate strategic, Department-wide priorities with the policies of its components, as well as with State and local officials and international partners, in order to better allocate finite resources.

Sec. 117. Federal vacancy compliance.

This section requires the Secretary of Homeland Security to notify the Committee about, and provide certain information regarding, any position that is subject to the Federal Vacancies Reform Act of 1998 (Pub. L. 105–277) that is held by an individual on a temporary or acting basis for 210 days.

Sec. 118. Electronic submissions.

Section 118 requires the Secretary of Homeland Security, to the greatest extent practicable, to distribute Congressionally mandated materials in an electronic format.

Sec. 119. Chief information officer.

Section 119 authorizes the Chief Information Officer of the Department of Homeland Security to assist and advise the Secretary and other officers of the Department on all activities relating to the information technology functions of the Department. The Chief Information Officer shall establish, prioritize, and coordinate the information technology policies, processes, and standards of the Department. The Chief Information Officer shall be responsible for information technology capital planning and investment and in coordination with the Chief Procurement Officer assume responsibility for information technology acquisition, development and integration across the Department, including reviewing all information technology acquisitions over a threshold level determined by the Secretary.

Sec. 120. Cost savings and efficiency reviews.

Section 120 requires the Secretary of Homeland Security to conduct an efficiency review of the Department's managerial, administrative, and operational programs for potential cost savings. The Department must comprehensively address its overall spending, especially to identify overlap between the components in management of common assets, such as fleets of vehicles, office supplies, building services, and scores of other costs. The Committee recognizes that, in light of the enormous National deficit we face, Congress and the Executive Branch share a common responsibility to

reduce costs, prevent waste, and spend the Nation's assets efficiently.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION POLICY

Sec. 201. Department of Homeland Security acquisitions and procurement review.

Section 201 requires the Secretary of Homeland Security to perform a quarterly review of the Department's proposed acquisitions and procurements to strengthen oversight and improve resource management. Additionally, this section authorizes the Department of Homeland Security Acquisition Review Board (ARB) to guide this process, which will steer major investments for the Department and report to Congress. The Committee believes that this structure is needed in light of the Department's struggles and mishandling of several major investments, including the aborted Transformation and Systems Consolidation program, for which the Department provided consistent assurances.

Moreover, Section 201 adds requirements for the ARB proactively integrate the SAFETY Act (Support Anti-terrorism by Fostering Effective Technologies Act of 2002; Sec. 861 of Pub. L. 107–296) into procurements managed by the Department. The Committee recognizes that while there has been some use of the SAFETY Act prequalification and block processes, such implementation has been inconsistent across the Department and insufficiently emphasized. The Committee expects the ARB not only to identify acquisitions for implementing SAFETY Act prequalification and block approvals, but also to work closely with the acquiring entity to ensure that such processes are regularly implemented.

Sec. 202. Capabilities and Requirements Council.

Section 202 requires the Department of Homeland Security (DHS) to create a Council of currently-serving DHS personnel to advise the Acquisition Review Board established under Section 201 and the Under Secretary for Management on capabilities needed by end-users, which in turn would inform the Department's budget decisions. Since the termination of the Joint Requirements Council in 2006, many major programs received funding without Department-level reviews to validate mission needs and requirements. By instituting the Capabilities and Requirements Council, the Committee intends to instill the proper oversight and rigor to the acquisition review process to better inform DHS's annual budget process for funding major programs. The Committee intends for this Council to identify crosscutting opportunities and overlapping or common requirements and inform how DHS would best utilize its resources. With the ability to intervene early, and throughout the acquisition process, the Committee expects that the Council will ensure projects remain responsive to homeland security needs before funding decisions are made.

Sec. 203. Acquisition authorities for the Under Secretary for Management.

Section 203 codifies the Department of Homeland Security's Under Secretary for Management as the official responsible for di-

recting the Department's acquisition programs. The section requires the Under Secretary to support the mission of the Department through a risk-based acquisition strategy. The Committee recognizes that since the Department was established in 2003, its acquisitions have grown increasingly complex—growing to approximately $20 billion. Accordingly, the Committee supports the establishment of the Under Secretary for Management as the lead officer at the Department for acquisition programs, who will be responsible for oversight of the acquisitions of all components.

Sec. 204. Acquisition Professional Career Program.

The Committee agrees with the Department of Homeland Security's efforts to create a trained acquisition workforce, which will be critical in avoiding expensive failures that result from a lack of adequate planning. Section 204 authorizes the Department's career program for training for acquisition professionals and requires that they rotate through various components of the Department in order to integrate the Department's procurement functions.

Sec. 205. Strategic plan for acquisition workforce.

Section 205 requires the Department of Homeland Security to project what staffing will be required to be commensurate with the increasing complexity and scope of the Department's procurements.

Sec. 206. Notification to Congress of major awards.

Section 206 requires the Department of Homeland Security to notify Congress three days prior to awarding a contract valued in excess of $10 million, unless the Secretary determines that the notification would create a delay that would threaten homeland security. The Committee believes that greater disclosure of its major contracting awards will further inform the Congress and improve the Committee's ability to monitor the Department's progress with prior Department of Homeland Security Acquisition Review Board decisions and the milestones, schedules, budgets, or requirements set forth by the Department.

Sec. 207. Independent verification and validation.

Section 207 requires the Department of Homeland Security's Under Secretary of Management to create a transparent acquisition process that provides guidance on Departmental criteria for independently evaluating its acquisition contracts. The Independent Verification and Validation (IV&V) process would utilize independent subject matter experts to endure that unbiased reviews of acquisitions occur. The Committee believes that the IV&V process will ensure the integrity and quality of major acquisitions, and strengthen its capacity for large-scale procurements.

Sec. 208. Other transaction authority.

Section 208 extends, until 2016, the Secretary of Homeland Security's authority to initiate research and development projects using "other transaction authority" (OTA), which enables the Department to expedite the Federal procurement process in instances where a need exists to introduce innovative technology without delay. OTA is a useful and necessary tool in acquiring cutting-edge technologies from private sector entities that traditionally have de-

clined to do business with the Government—typically high-technology firms. In this fiscally constrained environment, the Committee intends for the Department to be creative in attracting private-sector entities with the requisite expertise and technologies, and promoting the business of homeland security by using such acquisition tools as OTA judiciously. The Committee expects the Department to adhere to management policies and provide training to ensure that agency officials adequately assess the utility of other acquisition vehicles—such as the Federal Acquisition Regulation, contracts, grants, or cooperative agreements, prior to using the OTA authority for research.

Sec. 209. Report on competition.

Section 209 requires the Inspector General of the Department of Homeland Security to report on the total number of contracts awarded by the Department without full and open competition or that were awarded under open competition but received only one offer, and to provide analysis of the instances where open competition was not used. The Committee commends the Department for its improvement of the competitive process and supports continuing the progress.

Sec. 210. Buy American requirement imposed on Department of Homeland Security; exceptions.

Section 210 precludes the Secretary of Homeland Security from procuring certain goods, including clothing or textile items from specified fabrics, unless they are "grown, reprocessed, reused, or produced in the United States." With this provision, the Committee intends to express its continued support for American manufacturing. However, given the realization of a global economy, Section 210 also provides flexibility for the Department. For example, the item being procured must be "directly related to the homeland security interests of the United States" for this requirement to apply. Furthermore, the requirement will not apply if the Secretary determines that it would result in an unsatisfactory quality or sufficient quantity of any such procurement. The requirement cannot be applied in any manner that would contradict any bilateral trade agreements or other similar obligation. Section 210 provides exceptions for emergency purchases, purchases by vessels in foreign waters, or purchases that are less than a specified acquisition threshold. By including those limitations, the Committee intends to provide the Secretary with the necessary leeway to maintain acquisition policies that remain in the best interests of the security of the Nation.

Sec. 211. Strategic sourcing for marine and aviation assets.

While strategic sourcing principals will typically apply to purchases of items like office supplies, firearms, and ammunition, the Committee believes that it can be more expansively practiced. Aviation and marine assets, which are extremely expensive and used by several components, are rarely strategically sourced, which may lead to inefficient purchasing among the individual components. Section 211 directs the Department of Homeland Security to give consideration to strategic sourcing principles for the purchase

of these assets, primarily for the U.S. Coast Guard and the U.S. Customs and Border Protection's Air and Marine Operations.

Sec. 212. Strategic sourcing for detection and screening technology.

Section 212 requires the Department of Homeland Security to coordinate with those components that purchase detection or screening technology to ensure that the purchases are made efficiently. This requirement responds to the recommendations by the Department's Inspector General (DHS IG), who found that approximately $170 million worth of small x-ray machines, metal detectors, and personal and hand-held radiation detectors could be acquired through strategic sourcing. The DHS IG concluded that standardizing equipment purchases would result in greater buying power and streamline the acquisition process.

Sec. 213. Special emergency procurement authority for domestic emergency operations.

Currently, Federal rules restrict the Federal Emergency Management Agency (FEMA) to a $3,000 "micro-purchase" limit that requires FEMA to seek approval from a designated contract officer for purchases that exceed the limit. Purchases exceeding $3,000 may require a competitive bid, purchases from businesses registered to do business with the Government, and a contracting officer's approval. During emergency response, the first 48 hours of a disaster are extremely critical. Recognizing the need for quick purchasing power, FEMA maintains numerous contracts for many emergency items, such as tarps, bottled water and generic medicines. Unpredictable contingencies inevitably arise where purchases exceed $3,000, but do not warrant a nationwide pre-approved contract. Accordingly, Section 213 provides the Secretary of Homeland Security the authority to raise the $3,000 limit to $15,000 during emergency operations.

Sec. 214. Software licensing.

Section 214 requires the Chief Information Officer of the Department of Homeland Security (DHS), authorized under Section 119, to conduct a Department-wide inventory of all existing software licenses—including utilized and un-utilized licenses—and assess the needs of Department components for software licenses for the upcoming two fiscal years. The Committee believes that, like many large organizations, DHS potentially does not optimize its software purchases and fails to track its usability once it has been procured. Accordingly, this section requires procurement officials and Chief Information Officers to take an "enterprise wide" view of software purchases to achieve continual software license optimization and to realize true economies of scale.

Sec. 215. Financial management.

Section 215 directs the Department of Homeland Security to submit to the Congress a financial management strategy that would integrate the financial operations of all Department components. The strategy would leverage best practices from the components' legacy systems that meet expected performance, and implement specific processes to minimize the project risk associated with integration, including reliable auditing of financial reporting. This sec-

tion requires the Comptroller General of the United States to review the Department's financial strategy and provide recommendations for any actions necessary to address existing financial internal control weaknesses and achieve financial management integration.

TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

Sec. 301. Department of Homeland Security National Network of Fusion Centers Initiative.

The Committee intends for fusion centers to fulfill an essential role in sharing intelligence with State, local, Tribal, and regional authorities. Section 301 reflects that policy by requiring the Department of Homeland Security to coordinate and support Federal efforts for the National Network of Fusion Centers Initiative; serve as the primary Federal contact for the Network; and provide training and grant guidance. The Secretary of Homeland Security shall, to the extent practicable, assign personnel from the U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, the U.S. Coast Guard, and experts in mass transit security to fusion centers. In addition, Under Secretary for Intelligence and Analysis would assist the Federal Emergency Management Agency with guidance on fusion center grants. The Committee believes that fusion centers will play an important role for coordinating the Department's border security efforts and believes the Department should give consideration to the benefits of including fusion centers located at high-risk areas on the Northern or Southern borders within the Department's National Network of Fusion Centers Initiative.

Sec. 302. Homeland security information sharing networks development.

The Committee remains concerned that redundant information-sharing mechanisms create confusion for stakeholders and result in unnecessary duplication. Section 302 requires the Secretary of Homeland Security to develop a strategy for coordinating the development of unclassified, sensitive but unclassified, and classified information sharing computer networks of the Department. These systems incorporate the current operations of the Homeland Security Information Network; the Homeland Secure Data Network; and the Homeland Top Secret Network. The strategy would address cost estimates, acquisition schedules, and systems requirements.

Sec. 303. Authority for flexible personnel management at the Department of Homeland Security Intelligence elements.

Section 303 provides the Department of Homeland Security's Office of Intelligence and Analysis (I&A) with greater flexibility to hire personnel pertaining to the intelligence functions in the Department. The Committee supports this hiring flexibility as necessary for making the Department as competitive as its counterparts within the civilian Intelligence Community, which already hold comparable hiring authority. The Committee's goal is to make the I&A equivalent to its counterparts in hiring skilled analysts.

Sec. 304. Support and oversight of fusion centers.

Section 304 requires the Inspector General (IG) for the Department of Homeland Security to submit to the Committee an audit of fusion center grant funding. In conducting the study, the IG must assess the Department's capabilities for tracking the effectiveness of grant funding expenditures—including the degree of coordination among Departmental components and consideration of privacy and civil liberties; and provide recommendations for measuring the effectiveness of grant funding.

Sec. 305. Audit on privacy and civil liberties and update on privacy and civil liberties impact assessments.

Section 305 requires the Inspector General of the Department of Homeland Security to submit a report to the appropriate Congressional committees on what measures the Department undertakes to assure that State and local fusion centers take the appropriate measures to protect privacy and civil liberties.

TITLE IV—9/11 REVIEW COMMISSION

Title IV, which was previously introduced as H.R. 2623, authorizes a 9/11 Review Commission to re-examine the findings of the National Commission on Terrorist Attacks Against the United States (the 9/11 Commission) and review the challenges in fulfilling its recommendations. Additionally, the 9/11 Review Commission would investigate whether additional factors contributed to the terrorist attacks of September 11, 2001, and what those factors may be.

Sec. 401. Short title.

Title IV may be referred to as the "9/11 Commission Review Act".

Sec. 402. Establishment.

Section 402 establishes the 9/11 Review Commission.

Sec. 403. Purposes of the 9/11 Review Commission.

Section 403 sets out the statutory mandate of the 9/11 Review Commission, which includes a comprehensive review of the progress realized and challenges confronted in carrying the recommendations of the 9/11 Review Commission. Additionally, the 9/11 Review Commission will examine how radicalization within the United States has spawned terrorist attacks since 9/11. According to the Congressional Research Service, there have been 43 "homegrown jihadist terrorist plots and attacks since September 11, 2001," including 22 plots or attacks since May 2009 and that number has continued to grow in recent months. The 9/11 Review Commission will examine whether, in retrospect, any actors not considered by the 9/11 Commission contributed to the facilitation and execution of the attacks of September 11, 2001.

Sec. 404. Composition of the 9/11 Review Commission.

Section 404 provides that the 9/11 Review Commission will include one appointed from the Senate and one appointed from the House of Representatives.

Sec. 405. Authority of 9/11 Review Commission.

Section 405 provides for authorities of the 9/11 Review Commission to carry out its mandate, including the authority to hold hearings, take testimony and receive evidence, issue and enforce subpoenas, solicit assistance from other Federal agencies and establish advisory panels.

Sec. 406. Compensation.

Section 406 establishes parameters for appropriate compensation of the 9/11 Review Commission's chairman and vice-chairman.

Sec. 407. Appointment of staff.

Section 407 authorizes the 9/11 Review Commission to retain staff and detailees.

Sec. 408. Security clearances for Commission members and staff.

Section 408 pertains to the security clearances provided to staff.

Sec. 409. Nonapplicability of Federal Advisory Committee Act.

Section 409 requires the 9/11 Review Commission to hold public hearings and release public reports.

Sec. 410. Reports of 9/11 Review Commission.

Section 410 provides for the 9/11 Review Commission to issue interim and final reports.

Sec. 411. Funding.

Section 411 authorizes $1 million to fund the 9/11 Review Commission.

TITLE V—PREPAREDNESS AND RESPONSE

SUBTITLE A—WMD PREPAREDNESS AND RESPONSE

Sec. 501. Homeland Security Biodefense Strategy.

Despite significant expenditures in biodefense, the Department of Homeland Security does not have a dedicated strategy or implementation plan for its biodefense investments. The Committee seeks assurances that the Department's investments are prioritized (and risk-based) so that the greatest needs are being met with the current funds available. Section 501 requires the Secretary to issue to the Committee—at least once every four years—a Department-wide biodefense strategy that contains an implementation plan. The strategy will clarify the responsibilities of the Department, catalogue its capabilities and assets, and be used to prioritize Department investments in biodefense. This section requires the Secretary to conduct an annual review of the plan and identify continuing gaps in the Department's biodefense posture and makes recommendations on refining the Department's investments.

All ongoing and planned activities, including those biodefense activities called for in H.R. 3116, shall be taken into consideration for the strategy. The Committee also intends that in developing the strategy, the Department will assess existing strategic documents

from elsewhere within the Federal Government and coordinate its own strategy with them, to the extent appropriate.

Sec. 502. Weapons of mass destruction intelligence and information sharing.

Section 502 requires the Department of Homeland Security's Office of Intelligence and Analysis (I&A) to conduct chemical, biological, radiological, and nuclear (CBRN) intelligence and information sharing activities. Such activities will support homeland security-focused intelligence analysis of terrorist actors and plots to conduct attacks involving CBRN materials, as well as global infectious disease in the human and animal health sectors. These activities will provide information for Departmental risk assessments; tailored analytical support to State, local and Tribal partners; and leverage existing and emerging homeland security capabilities such as fusion centers.

Section 502 also requires the Department to maintain adequate expertise in its intelligence division to analyze CBRN intelligence and information, which can be highly technical, and to effectively disseminate that analysis to partners. The Committee notes that information sharing has long been one of the greatest challenges in homeland security, and, therefore, Section 502 emphasizes that effective sharing remains a priority. The Committee expects that I&A will work to ensure that all entities with the need for this information participate in an open discussion about the appropriate framework for this type of collaboration. The Committee intends that I&A will work to the greatest extent possible with other Department components, headquarters elements, and State, local, and Tribal authorities to advance the Department's counter-WMD (weapons of mass destruction) activities. State, local, and tribal participation, in particular, should include officials from high threat areas. The Committee does not intend for this unit to duplicate the activities already conducted by the National Counterterrorism Center, the Federal Bureau of Investigation, or other members of the Intelligence Community. The Committee believes that strict adherence to relevant National intelligence strategies will ensure clarity of mission.

Sec. 503. Risk assessments.

The Committee believes that risk assessments are critical for the Department of Homeland Security to determine the greatest risks and most appropriate responses for investment of its finite budget resources. Such assessments must be used to inform Departmental priorities, investments, and activities, as well as other Governmental chemical, biological, radiological, and nuclear (CBRN) activities, such as development of medical countermeasures.

Section 503 requires the Secretary, acting through the Under Secretary for Science and Technology and in coordination with other appropriate Federal departments and agencies, to produce and periodically update a terrorism risk assessment for CBRN threats, as well as an integrated risk assessment that assesses all of the above threats and compares them against one another according to their relative risk. Each assessment shall describe the methodologies used, and an interagency task force shall assess the adequacy of the methodologies. The Secretary shall conduct sensi-

tivity analyses on each assessment and consider the threat from an intelligent adversary. The assessments shall be used to inform and guide DHS material threat assessments and determinations; prioritization of medical countermeasure research, development, acquisition, and distribution and other National strategic biodefense research; and other homeland security activities. In developing the assessments, the Secretary shall seek input from Federal, State, local and Tribal stakeholders, and share the final assessments with those partners with appropriate clearances and a need for the information in a classified version. Unclassified formats shall be made available to partners without appropriate clearances—to the extent practicable.

Sec. 504. Individual and community preparedness.

Section 504 requires the Administrator of the Federal Emergency Management Agency (FEMA) to assist State, local, and Tribal governments in improving and promoting individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear (CBRN) materials by developing, disseminating, and updating guidance and checklists of recommended actions for individual and community prevention and preparedness efforts; providing information and training materials for such actions; and conducting individual and community preparedness outreach efforts.

Preparedness is not solely a Federal responsibility. States, localities and individuals must participate to ensure adequate preparation for terrorist events and disasters. Section 504 requires FEMA to provide guidance to ensure that all relevant parties have the information they need to establish their own measures of preparedness. The Committee is aware that FEMA has undertaken efforts to build a toolkit that includes checklists, good practices, and outreach efforts for government at all levels to engage the whole community in all-hazards preparedness, including CBRN attacks. The Committee also recognizes that FEMA is undertaking activities in association with Presidential Preparedness Directive-8 and the National Preparedness Goal that are relevant to the directives in this section. The Committee recommends that these efforts be coordinated and consolidated in a way that clearly defines the roles and responsibilities of individuals and communities, in the "whole of community" context, and contains all necessary guidelines, checklists, training, and other tools for CBRN preparedness and response.

Sec. 505. Detection of biological threats.

Section 505 requires the Secretary of Homeland Security to conduct a program to detect biological attacks or other such events that threaten homeland security. Detection capabilities shall be deployed, in a risk-based manner, to indicate the presence of biological agents and to provide advanced planning tools, concepts of operation, training exercises and technical assistance to jurisdictions hosting the program. This section also directs the Secretary to: (1) enter into memoranda of agreement with the Centers for Disease Control and Prevention and the Environmental Protection Agency, and other Federal departments and agencies, to set forth roles and

responsibilities; (2) establish criteria to determine whether coverage is sufficient; and (3) implement an assay equivalency program. Section 505 allows for the Secretary to contract with participating laboratories to provide services on a fee-for-service basis or on a prepayment or other similar basis, and for administrative and costs related to hosting program personnel and equipment. This section also requires that, prior to any obligation of funds to acquire a new system beyond that which is already deployed, the Secretary shall determine the sensitivity and specificity of the current system and the new system(s) under consideration, provide the data to the Science and Technology Directorate to develop a tradeoff study, and complete a cost-benefit analysis based on this information. Section 505 also requires the development of concepts of operations for alarm resolution.

While an early warning detection system is not the sole means to detect a bioterror event, the Committee believes that the Nation should have an early detection capability. The detection system called for in this section could currently be met via the BioWatch system, although its mandates could be met through other solutions as threats evolve over time. The Department must work with its Federal partners to ensure consensus on matters such as assay selection and standards. The Committee recognizes that the success of the BioWatch program depends on effective interaction with host State and local public health laboratories. Finally, any efforts to improve detection technologies must be balanced with cost, and to do this, a cost-benefit analysis is required. The fiscal costs of developing a new system may be too great if no or minimal increase in system sensitivity is achieved; alternatively, if an increase in capability along with a decrease in cost per data point can be accomplished, this might be a good investment. Thorough analysis of the capabilities of the existing system must be undertaken prior to obligation of funds for a new system.

Sec. 506. Rapid biological threat detection and identification at ports of entry.

Section 506 requires the Under Secretary for Science and Technology (S&T) of the Department of Homeland Security to assess whether to undertake the development of technological screening capabilities for biological agents, pandemic influenza, and other infectious diseases in support of entry and exit screening at ports of entry. If the Under Secretary determines such a capability would be of value, the Secretary of Homeland Security is directed to initiate the development of safe and effective methods to rapidly screen incoming persons at ports of entry.

When the 2009 H1N1 influenza pandemic originated in the United Mexican States and crossed over the U.S. border, it surprised U.S. officials who had expected that the next pandemic would emanate from Asia. The border remained open and thousands continued to cross every day with no system for border officials to determine who was infected. That experience demonstrated that international borders offer very little protection from the spread of infectious disease due to the inability to quickly and effectively screen travelers. Section 506 requires the Department to determine if a rapid screening capability could be deployed at ports of entry for infectious diseases and could be operationally feasible

and useful in controlling the spread of disease or the trafficking of biological weapons. If the Department believes that such screening tools are necessary, the Committee intends for the S&T Directorate to develop these screening capabilities.

Sec. 507. Communications planning.

Section 507 requires the Administrator of the Federal Emergency Management Agency (FEMA) to develop a communications plan for providing information to the public related to preventing, preparing for, responding to, and recovering from chemical, biological, radiological, and nuclear (CBRN) attacks. The Administrator shall develop and disseminate pre-scripted messages and message templates to State, local, and Tribal officials so that the messages can be incorporated into emergency plans, and quickly disseminate critical information to the public and emergency responders in anticipation of or in the immediate aftermath of CBRN attacks. The Administrator shall incorporate such message templates into exercises, including those conducted under the National Exercise Program. This section directs the Secretary of Homeland Security, in consultation with the heads of appropriate Federal departments and agencies, to ensure that homeland security information concerning terrorist threats is provided, as appropriate, to State, local, and Tribal authorities, and to the general public, and establish a process to optimize opportunities for qualified heads of State, local, and Tribal governments to obtain appropriate security clearances for access to classified threat information. This section also requires the Secretary to prepare unclassified CBRN threat bulletins in a timely manner. Using the risk assessments mandated under Section 503 and other sources, the Secretary shall provide guidance to State, local and Tribal authorities as to why certain communities are identified as being at heightened risk of exploitation and how to best communicate terrorism-related threats and risks to the public within their jurisdiction.

FEMA must disseminate as much information as possible in advance of a CBRN event. This practice will minimize the amount of work and information sharing that must occur post-incident. Prescripted messages and templates will allow State, local, and Tribal authorities to exercise their own plans in advance for sharing information with the public. Unclassified threat bulletins will ensure that the public has sufficient knowledge of the nature of a CBRN attack that has occurred, without compromising classified information and on-going investigations. Messaging that provides strong guidance on the responsibility of individuals in the early stages of an attack, and the most appropriate actions they should take to help themselves and those around them, must be part of this planning. The Integrated Public Alerts and Warning System (IPAWS) should be leveraged in these efforts. The Committee recognizes that FEMA is already undertaking work in this area, such as in its pre-event improvised nuclear device communications planning, and expects this work to continue under the guidance of this section.

Sec. 508. Response guidelines concerning weapons of mass destruction.

Section 508 requires the Secretary of Homeland Security to develop voluntary, risk-based guidance, in consultation with the

heads of other executive agencies, for emergency and public health personnel for responding to a release of chemical, biological, radiological, and nuclear (CBRN) material, and to make such guidance available to State, local, and Tribal governments, nongovernmental organizations and the private sector. This guidance shall contain protective actions for ensuring the security, health, and safety of emergency response providers and their families and household contacts; specific information regarding the effects of the CBRN agent on those exposed; and best practices for emergency response providers to effectively diagnose, handle, and otherwise manage individuals affected by an incident involving such an agent. In carrying out the requirements of this section, the Secretary shall enable the first responder and first provider community to submit recommendations for areas for which guidance could be developed.

Stakeholders have advised the Committee that current guidance is disparate, can be difficult to follow, and applies to normal response environments rather than an emergency CBRN situation. The Committee believes it is necessary that a resource be developed to serve as a comprehensive emergency response standard, which addresses the full range of hazards or concerns currently facing emergency responders. The Committee furthermore intends that the Department will standardize a process that will involve appropriate individuals from the emergency responder communities to participate in the reviews and provide material that is quickly accessible and easily up-datable. The Committee hopes that the inclusion of the community in the process will result in universal guidance of considerable utility. The Committee intends that the Department will review relevant existing Federal, non-Federal, international, academic, and nongovernmental materials when developing the guidance. The Committee believes that guidance promulgated under this section should be integrated into curricula for first responder training provided by the Center for Domestic Preparedness and other such accredited facilities to enhance weapons of mass destruction (WMD) capabilities among our Nation's first responders. The Committee recognizes the importance of aligning response throughout the chain of leadership in response to a WMD attack or incident.

The Committee expects the Department to work closely with other Executive departments and agencies, such as the Department of Labor, the Department of Health and Human Services, and the Environmental Protection Agency, on the development and dissemination of this guidance. The Committee recognizes that reaching "perfect" standards may be impossible. The Committee expects, however, that the Department will inventory existing standards and will reconcile those standards using the best available science to provide better guidance and a framework that enhances safety to the greatest extent possible in an area of considerable risk.

Sec. 509. Plume modeling.

Section 509 requires the Secretary of Homeland Security to develop and disseminate integrated plume models to enable rapid response activities following a chemical, biological, radiological, or nuclear (CBRN) release. The Secretary shall identify Federal, State, local, and tribal needs regarding plume models; establish mechanisms for dissemination of these models to nongovernmental

organizations and the public to enable appropriate collective response activities; ensure that guidance and training for the use of such models are provided; and ensure that lessons learned from assessing the development and dissemination of integrated plume models during exercises are put into the lessons learned information sharing system.

The Committee believes plume models must be integrated with protective action guidelines and other appropriate information so they present a comprehensive picture of how to respond to a CBRN event. The Committee recognizes the considerable work already underway for plume modeling for assisting government at all levels, including the Federal Emergency Management Agency's work with National laboratories and academia to support local government planning needs. The Committee also recognizes that agencies other than the Department of Homeland Security (such as the Department of Energy and the Department of Defense) have produced many plume models for a variety of theoretical and real-world events. The Committee does not intend for the Department of Homeland Security to duplicate this work. Instead, the Committee intends for the Department of Homeland Security to acquire plume models from these agencies, work with them to integrate protective action guidelines and other appropriate information, and subsequently use and disseminate them.

Sec. 510. Disaster recovery.

Section 510 establishes three new provisions to the Homeland Security Act of 2002 (Pub. L. 107–296) to enhance disaster recovery:

SEC. 2108. IDENTIFYING AND ADDRESSING GAPS IN RECOVERY CAPABILITIES.

This section requires the Secretary of Homeland Security to conduct risk assessments to inform prioritization of recovery activities for chemical, biological, radiological, and nuclear (CBRN) incidents. The results of the assessments shall inform Federal research to address the capability gaps uncovered by each assessment. The ability to recover from a CBRN event is as critical as other activities, such as response. If we cannot resume commerce and provide a safe and secure environment for living, basic standards of living grind to a halt. The Department has undertaken some work in this area, but not enough. The Committee intends that these risk assessments be conducted in coordination with the heads of appropriate departments and agencies, such as the Department of Health and Human Services and the Environmental Protection Agency. The results shall inform recovery research and the development of recovery guidelines by the Environmental Protection Agency.

SEC. 2109. RECOVERY FROM CBRN ATTACKS AND INCIDENTS.

This provision requires the Secretary of Homeland Security, in consultation with the heads of other Executive departments and agencies, to develop guidance for restoring areas that have been affected by a chemical, biological, ra-

diological, and nuclear (CBRN) attack or incident. The guidance shall clarify Federal roles and responsibilities for assisting State, local, and tribal authorities, and shall include risk-based recommendations for matters such as standards for effective decontamination and means for developing health and safety plans to address first responder health risks. In carrying out the guidance development, existing guidance shall be inventoried, and the public shall be invited to submit recommendations. The guidance should be prioritized based on the risk assessments performed pursuant to Section 503.

The bill authorizes this already existing activity within the Science and Technology Directorate and adds additional requirements to address clean-up and restoration of pseudo-internal/outdoor areas, such as subways; produce a decision framework for local officials to determine how much of an organism growing in specimens taken from places that have been cleaned is acceptable; establish effective clean-up standards; and establish standards for safe occupancy of affected sites. The guidance should be straightforward and sufficiently detailed to help local officials restore their communities and ensure that affected areas are appropriately sampled, assessed, characterized, and cleaned. The guidance developed under this section should be consistent with existing and planned efforts in other Federal departments and agencies, such as decontamination and disposal requirements being developed by the Department of Agriculture, and interagency work on the National Disaster Recovery Framework. The Committee recognizes that the Department is not the sole Federal authority in recovery, but views it as the best-suited agency to coordinate the efforts of other agencies in developing much needed guidance. The Department should, through this process, help to clarify roles and responsibilities among Federal departments and agencies, as well as with the States.

SEC. 2110. EXERCISES.

This provision requires the Secretary of Homeland Security to develop exercises in consultation with State, local, and tribal authorities to facilitate recovery from a chemical, biological, radiological, and nuclear (CBRN) attack or incident. The goal of this section is to ensure that the guidance developed and promulgated under Section 2109 is sufficiently exercised by State and local stakeholders. Exercises may be conducted in coordination with the National Exercise Program.

SUBTITLE B—GRANTS

Sec. 521. Sense of Congress.

Section 521 expresses the Sense of Congress that continued support of homeland security grant programs is necessary to ensure that State and local governments build and sustain necessary capabilities to prevent, prepare for, and respond to terrorist attacks.

This section expresses the Committee's continued support of terrorism preparedness grants at their authorized levels. Grant recipients have used these funds to establish and staff fusion centers, purchase equipment, enhance preparedness and response plans, conduct training and exercises, and enhance first responder training and exercises. These Federal assistance programs are necessary to maintain the increased preparedness and response capabilities developed since the attacks of September 11, 2001 and assist States and localities in addressing continually evolving threats, including those from domestic radicalization and lone wolf extremists.

Sec. 522. Use of grant funds for projects conducted in conjunction with a National laboratory or research facility.

Section 522 permits recipients of grant funds under the State Homeland Security Grant Program and Urban Area Security Initiative to use those funds to work with a National laboratory when designing, conducting, and evaluating training and exercises. Limitations imposed by the Federal Emergency Management Agency on funds under these programs have prevented State and local grant recipients from using Federal grant money to pay for training and technical assistance from National laboratories and Federally funded research facilities. In this fiscal environment, State and local governments need access to training and assistance programs that can leverage limited Federal dollars. National laboratories and Federal facilities can offer those high-quality programs.

Sec. 523. Notification of homeland security grant awards.

Section 523 requires the Federal Emergency Management Agency to provide notification to the Committee on grant funding awards not less than 3 days prior to public announcement of those grants.

Sec. 524. Transparency in homeland security grant funding.

Section 524 requires the Federal Emergency Management Agency (FEMA) to designate an Authorization Liaison Officer who must provide regular reporting to the Committee on grant funding. It also requires the Assistant Administrator of FEMA to report on FEMA's efforts to develop measures and metrics for grant programs. This provision will enhance the transparency of grant programs administered by the Department of Homeland Security and enhance the Committee's ability to conduct oversight by ensuring the regular and prompt provision of information on grant programs to the Committee. In addition, the provision requires FEMA to regularly update the Committee on its efforts to develop measures and metrics for grant programs, an issue on which the Committee has been conducting oversight for some time.

Sec. 525. Metropolitan Medical Response System.

This section authorizes the Metropolitan Medical Response System Program (MMRS), which assists State, local and tribal governments in preparing for and responding to public health and mass casualty incidents resulting from acts of terrorism and natural disasters. The Secretary of Homeland Security is authorized to provide grants through the Administrator of the Federal Emergency

Management Agency to State, local, and tribal governments to strengthen medical surge capacity; strengthen mass prophylaxis capabilities; enhance detection capabilities; develop mass triage plans; support information sharing and collaboration; conduct training and exercises; and strengthen decontamination capabilities. Jurisdictions that received funding in Fiscal Year 2010 are eligible for continued funding. After Fiscal Year 2012, a jurisdiction shall not be eligible unless the Secretary determines that the jurisdiction maintains a sufficient measured degree of capability in accordance with outlined performance measures. The provision also requires a review of the program to provide recommendations going forward. For each of fiscal years 2012 through 2016, $42 million is authorized.

The Committee believes that MMRS is an important grant program for the first responder community. Authorizing it at appropriate levels will ensure that it remains a stand-alone program with dedicated funding, thereby providing localities with the resources they require to meet critical medical preparedness needs. Activities for which MMRS provides resources include response training, equipment purchases, dispensing of medical countermeasures, and overall coordination for catastrophic incident response. These activities are resource intensive and require continual equipment maintenance, exercises, and other resources.

Sec. 526. Transit security grant program.

Section 526 authorizes funding for the Transit Security Grant Program (TSGP) and allows those law enforcement agencies with the primary responsibility for securing a transit system to apply directly for TSGP funds. The section also permits grant recipients to use 50 percent of TSGP funds for operational expenses. Under current law, only transit agencies may apply for TSGP funding. Section 526 would permit a law enforcement agency that has entered into an agreement, such as a memorandum of understanding, with a transit agency to provide security for transit systems to apply for those funds directly; thus removing the bureaucratic step of having to apply through the eligible transit system and wait for funding to be passed through that system. This provision will eliminate bureaucracy and reduce the amount of time it takes to get grant funding into the hands of those providing security for transit systems. Moreover, the increased percentage provided for operational expenses will enhance security by permitting greater use of funds for canine teams, exercises, and the deployment of counterterrorism teams.

Sec. 527. Prioritization.

This provision clarifies the factors that the Federal Emergency Management Agency (FEMA) must consider in its risk formula when allocating grants under the State Homeland Security Grant Program (SHSGP) and Urban Area Security Initiative (UASI), specifically requiring DHS to count cruise ship passengers when considering an area's tourist population and air and maritime entries when considering border crossings. The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act; Pub. L. 110–53) authorized SHSGP and UASI and set forth the factors that FEMA must consider in allocating funds to States and high-

risk urban areas under those programs. The Administrator of FEMA is currently required to consider an area's population, including military, tourist, and commuter populations. However, when considering tourist populations, FEMA does not include passengers of cruise ships. This decision is contrary to Congressional intent. Congress intended the 9/11 Act to include all tourists, not just tourists staying in stationary hotels. FEMA also considers the number of lawful border entries as one of the factors. However, it only considers the number of entries at land ports of entry—to the exclusion of air and maritime ports of entry. With this provision, the Committee clarified that when FEMA is considering tourist populations and border crossings of a jurisdiction, it is considering all the facts.

Sec. 528. Transportation security grant program study.

This section requires the Comptroller General of the United States to conduct a study and report to the Committee on the Homeland Security in the House of Representatives on the impacts of the Transit Security Grant Program on western States.

Sec. 529. Interagency grants working group.

This section requires the Secretary of Homeland Security, in coordination with relevant departments and agencies, to establish an interagency working group to coordinate Federal preparedness grants. This section further requires the Secretary to report to the Committee on the activities of the working group within one year from the date of enactment of this Act.

SUBTITLE C—COMMUNICATIONS

Sec. 541. Sense of Congress regarding interoperability.

This section calls for improvement of public safety communications and the construction of a first responder interoperable communications network.

Sec. 542. Roles and responsibilities with respect to policy and guidance for communications-related expenditures with grant funds.

This section requires the Administrator of the Federal Emergency Management Agency (FEMA) to execute a memorandum of understanding (MOU) with the Director of the Office of Emergency Communications (OEC) in the National Protection and Programs Directorate of the Department of Homeland Security to delineate the roles and responsibilities of each party with respect to the development of policy and guidance for communications related expenditures using grant funds. The Committee intends this requirement to help to ensure that FEMA leverages OEC's communications policy expertise during the development of grant guidance.

Sec. 543. Integrated public alert and warning system modernization.

This section requires the Secretary to establish a National, integrated public alert and warning system (IPAWS) within one year of the date of enactment of this Act.

SUBTITLE D—BROADBAND FOR FIRST RESPONDERS

Subtitle D was derives from H.R. 607, the "Broadband for First Responders Act." The Committee believes this legislation comprehensively accounts for the three major issues surrounding public safety interoperable communications: (1) spectrum, (2) funding, and (3) governance. Subtitle D allocates the paired electromagnetic spectrum bands of 758–763 MHz and 788–793 MHz, otherwise known as the 'D Block', for public safety broadband communications.

The Committee intends for allocation of the D Block to public safety to provide our Nation's first responders with sufficient spectrum to develop a wireless broadband network. Moreover, Subtitle D authorizes funding for the construction of a National interoperable public safety wireless broadband network and a governance component for the said network. This section allocates to public safety agencies an adequate amount of contiguous broadband spectrum—specifically the D Block, which reserves 10Mhz for public safety use—to provide the highest speed and quality for transmitting mission-critical voice, video, and data services. This section establishes two grant programs to fund the capital and operational expenses of a National interoperable public safety wireless broadband network. The Department of Homeland Security would administer both grant programs, which would be funded by the auction of Federally occupied spectrum. The Committee supports the mission of first responders and public safety officials, who must have access to new interoperable technologies to perform increasingly complex duties. Moreover, the Committee believes that these technologies will require dedicated spectrum that is managed and controlled by public safety to ensure that the technologies will be more secure and reliable than those in commercial systems.

Sec. 561. Allocation and assignment of public safety licenses.

This section requires the Federal Communications Commission to license the paired electromagnetic spectrum bands of 758-763 MHz and 788-793 MHz, otherwise known as 'D Block', to public safety for broadband communications within 60 days of enactment.

Sec. 562. Standards.

This section requires the FCC, in consultation with other departments, to develop a public safety agency state of requirements that enables nationwide interoperability and roaming across any communications system using public safety broadband spectrum.

Sec. 563. Rule of construction.

This section provides a governance structure to the single public safety broadband licensee.

Sec. 564. Funding.

This section establishes two grant programs: the first providing up to $5.5 billion for a construction fund to assist in the cost of local agencies constructing networks. The second, up to $5.5 billion for an operation and maintenance fund to assist in the ongoing operation of such networks. Both grant programs would be administered by the Department of Homeland Security.

Sec. 565. Public safety interoperable broadband network construction.

This section establishes the projects, matching requirements, rules, and technical assistance guidelines by which funds from the construction fund can be used.

Sec. 566. Public safety interoperable broadband maintenance and operation.

This section establishes a maintenance and operation reimbursement program and provides rules on the expenses attributable to the maintenance and operation of the network.

Sec. 567. Audits.

This section requires the Government Accountability Office to audit the grant programs every three years.

Sec. 568. Auction of spectrum to fund the interoperable broadband network construction fund and the operation and maintenance fund.

This section requires the auction of the electromagnetic spectrum bands at 1755–1780 megahertz and 2155–2180 megahertz.

Sec. 569. Extension of auction authority and assurance of open auctions.

This section extends the Federal Communications Commission's auction authority until 2020.

Sec. 570. Definitions.

This section provides definitions for all terms and title used in Subtitle D.

SUBTITLE E—MISCELLANEOUS PROVISIONS

Sec. 581. Audit of the National Level Exercise.

This section directs the Department of Homeland Security's Inspector General to conduct an audit of the expenses associated with National Level Exercises and the Federal Emergency Management Agency's application of lessons learned from those exercises.

Sec. 582. FEMA report to Congress on sourcing and distribution of disaster response goods and services.

This section requires the Federal Emergency Management Agency (FEMA) to report on how it has reduced waste and sought efficiencies for purchasing disaster goods and services. In August 2009, the Inspector General (IG) of the Department of Homeland Security released a report regarding FEMA's sourcing for disaster response goods and services. The IG found that FEMA's sourcing is stove-piped and limits FEMA's ability to implement an overarching sourcing strategy, minimize redundancy and provide transparency over the entire resource ordering process. The IG recommended that FEMA adopt a single-point ordering concept, which is coordinated through the Logistics Section, consistent with the requirements of the National Incident Management System (NIMS). The IG has further recommended that FEMA invest in information technology systems to support single-point ordering and provide

greater transparency. FEMA concurred with both recommendations and is in the process of implementing them, which may take five years. FEMA has established a Single Point Ordering Working Group and a single point ordering training course at the Emergency Management Institute. Single point ordering requirements will also be included in the update to the Logistics Supply Chain Management System. This provision requires FEMA to report to the Committee on this and other efforts to create efficiencies and eliminate waste in purchasing disaster goods and services.

Sec. 583. Rural resilience initiative.

Section 583 requires the Under Secretary for Science and Technology (S&T) of the Department of Homeland Security to conduct research to assist State, local, and tribal leaders and the private sector in developing tools and methods to enhance rural preparation for, and response and resilience to, terrorist attacks and other incidents. Activities include outreach with rural communities, examination of how rural communities employ resilience capabilities and response assets; development of a community resilience baseline template; and plans to educate communities and address community needs in this area. The Committee believes that the ongoing work by the S&T Directorate in this area is critical to ensuring that rural communities are capable of rebounding from disastrous events, including chemical, biological, radiological, or nuclear incidents. The results of the research should be used to promote resilience capabilities in rural communities across the Nation.

Sec. 584. National Domestic Preparedness Consortium.

This section authorizes the current activities of the National Domestic Preparedness Consortium (NDPC). The NDPC, made up of university partners, provides education and training to first responders for explosive and incendiary attacks; incident management; and radiological and nuclear attacks. Since its establishment in 1998, the NDPC has trained more than 1.6 million participants from areas throughout the United States. The Committee supports the efforts of the NDPC to train first responders and urges the NDPC to develop medical readiness training as part of the curriculum, including through the addition of new consortium partners as necessary.

Sec. 585. Technical correction.

This section authorizes the Administrator of the Federal Emergency Management Agency to accept donations of real property on behalf of the Center for Domestic Preparedness for its use in training programs.

Sec. 586. Certification that disaster fund recipients subject to recoupment receive a notice of debt and opportunity to appeal before debt is forwarded to Department of the Treasury.

This section requires the Administrator of the Federal Emergency Management Agency to certify to the Department of the Treasury that individuals subject to the recoupment of previously issued disaster assistance receive a notice of debt letter and opportunity to appeal before the debt is forwarded to the Department of the Treasury for collection.

Sec. 587. Conforming amendment.

This section repeals the authorization of the National Biosurveillance Integration Center (NBIC). The Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–53) required the Secretary of Homeland Security to establish and operate the NBIC to rapidly identify and track a biological event of National concern. While a variety of systems exist at the Federal, State, and local levels to retrieve some of this information, none actually integrates all of the data from all sectors—human, animal, plant, food, and the environment. This lack of integration has prevented the Government from quickly discovering an agent—such as anthrax—that might hit two sectors at once, or that is detected in two States which use different databases.

Unfortunately, the Department has been unable to achieve its mandate. While reasons for this shortcoming have included technological difficulties and poor management, the Committee believes that the most important failing was refusal by other agencies to share their data in the absence of a legal mandate. The Committee believes that until there is a clear legal mandate to share data, the $7 million annual cost of the program is wasted taxpayer dollars. The Committee recognizes that the President is currently working on a new strategy for biosurveillance. The Committee looks forward to receiving this plan, and hopes that it harnesses the authority of the President to require the dozen agencies with this kind of data to share the needed information. Although the Department must play a coordinating role, it has not succeeded in being the prime integrator. The Committee believes that the anticipated approach is necessary.

Sec. 588. Delegation of authorities to the regional offices review.

This section requires the Inspector General of the Department of Homeland Security to review how the Federal Emergency Management Agency's (FEMA) 10 regional offices are implementing the delegated authorities pursuant to the Post Katrina Emergency Management Reform Act of 2006 (Title VI of Pub. L. 109–295) and the FEMA Administrator's July 2009 memorandum.

Sec. 589. Lessons learned for National Level Exercises.

Section 589 requires the Administrator of the Federal Emergency Management Agency to provide reports electronically on lessons learned from the National Level Exercises. The report should be provided to exercise participants and be tailored to convey information that could enhance preparedness and response capabilities. This section further requires the Administrator to share the lessons learned reports to the Committee on Homeland Security in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate.

Sec. 590. System assessment and validation for emergency responders.

Section 590 directs the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology (S&T), to assess and validate commercial emergency responder equipment and systems (including hand-held detectors for chemical, biological, radiological, and nuclear agents); provide results to the emergency

response provider community in an operationally useful form; provide information about equipment on the departmental authorized equipment list; enable decision-makers and responders to better select, procure, use, and maintain emergency responder equipment; and share this information nationally with the emergency response provider community.

This section authorizes ongoing activity within the S&T Directorate. The Committee is concerned that some equipment and systems that are commercially available for first responders have not been operationally tested, and manufacturer claims may provide insufficient information to assure that the equipment will perform reliably in the field. The Committee supports the System Assessment and Validation for Emergency Responders (SAVER) program because it objectively validates the reliability of these systems and equipment and provides first responders with the information necessary for better purchasing decisions. The Committee urges the SAVER program to consult with the Federal Bureau of Investigation and other Federal agencies that have conducted evaluations of such equipment and systems for other purposes for their relevant input, and intends that SAVER will undertake coordination with other Federal efforts to develop minimum standards of detection.

Sec. 591. National Transportation Security Center of Excellence.

This section authorizes funding for the National Transportation Security Center of Excellence (Center). The Committee recognizes the Center as an elite group of seven diverse institutions providing critical research and development for technologies, tools, and methods to defend, protect and increase the resilience of our Nation's various transportation systems. These institutions are a vital partner in our efforts to encourage collaboration and innovation, by drawing on skilled experts from across the country, in order to enhance transportation security.

Sec. 592. Mental health counseling for disaster victims.

This section requires the Secretary of Homeland Security to conduct a review of the Department's mental health counseling activities for disaster victims.

Sec. 593. Effectiveness of certain disaster preparation.

This section directs the Comptroller General of the United States to evaluate the effectiveness of Federal disaster housing programs and the collaboration and coordination between the Federal Emergency Management Agency and the Department of Housing and Urban Development on these programs.

TITLE VI—BORDER SECURITY PROVISIONS

Sec. 601. Definitions.

Section 601 defines certain terms used in Title VI, including "operational control."

Sec. 602. Strategy to achieve operational control of the border.

The Committee remains extremely concerned about the status of our Nation's borders. Notably, a recent Government Accountability Office report indicated that only 44 percent of the Southwest Bor-

der was under operational control; an earlier report indicated that only 32 of the nearly 4,000 Northern border miles in Fiscal Year 2010 had reached an acceptable level of security. Congress has devoted billions of dollars to secure the border through investments in personnel, technology and infrastructure. However, at times the Department has realized only partial successes in securing the border. In the FY2012 Budget Justification, DHS indicated it had no plan to gain additional miles of operational control during FY 2011 or 2012. Accordingly, Section 602, derives from H.R. 1299, the "Secure Border Act of 2011," which was reported out of the Full Committee on September 21, 2011. This section directs the Secretary of Homeland Security to submit to the Committee a comprehensive strategy for gaining operational control of the Nation's borders and ports of entry within five years. This reflects the Committee's belief that the Department should produce a comprehensive and coherent plan to gain and maintain operational control, as defined by the Secure Fence Act of 2006 (Pub. L. 109–367), and to guide future investments for the Nation's border security efforts.

Sec. 603. Maintaining Border Patrol staffing.

This section authorizes the current staffing level of 21,700 Border Patrol agents to continue for the next two years to continue to deter, detect, and respond to illegal entries. The Committee supports the Border Patrol's efforts to maintain a force of highly trained Agents, especially in light of the cancellation of SBI*net*. Since 2002, Congress has provided funding to increase the Border Patrol with an additional 10,000 Agents.

Sec. 604. Jaime Zapata Border Enforcement Security Task Force.

Section 604 derives from H.R. 916, "The Jaime Zapata Border Enforcement Security Task Force Act." This section would establish a Border Enforcement Security Task Force (BEST) program to reduce drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across U.S. borders by creating task-force units of several Federal, State, local and international law enforcement agencies. This section authorizes task forces created by U.S. Immigration and Customs Enforcement (ICE) with Federal, State, local, and foreign law enforcement counterparts, to identify, disrupt, and dismantle criminal organizations posing significant threats to border security. BEST teams incorporate personnel from ICE; U.S. Customs and Border Protection; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Investigation; the U.S. Coast Guard; and the U.S. Attorney's Office along with other key Federal, State, local, and foreign law enforcement agencies.

Sec. 605. Cost-effective training for Border Patrol agents.

Section 605 requires a review of the training curricula for Border Patrol Agents with regard to effectiveness and efficiency. In light of the Border Patrol's significant growth over the last decade, the Committee remains cognizant of the training costs that must be dedicated to maintaining a professional force. Accordingly, this section directs the Government Accountability Office to review the

cost effectiveness and efficiency of the basic training provided to Border Patrol Agents.

Sec. 606. Prohibition on impeding certain activities of U.S. Customs and Border Protection related to border security.

Section 606 authorizes the U.S. Customs and Border Protection to enter Federal lands for security activities, including routine motorized patrols, the deployment of temporary tactical infrastructure, and to provide recommendations for reducing the cost of training. Currently, the Border Patrol must obtain permission from the Department of the Interior and the Department of Agriculture before its agents may undertake certain activities on Federal border lands—such as maintaining roads and installing surveillance infrastructure. To address these delays, the Department of Homeland Security signed a Memorandum of Understanding (MOU) with the Departments of the Interior and Agriculture in 2006. The MOU is designed to set a framework for access to Federal lands. However, the Committee believes that the interagency application of that MOU remains uncertain for various types of patrols. Accordingly, the Committee intends for Section 606 to clarify the parameters under which the U.S. Border Patrol may gain access to Federal lands for routine vehicle patrols, construction and maintenance of roads, and deployment of infrastructure.

Sec. 607. Border security infrastructure and technology.

Section 607 directs the Commissioner of the U.S. Customs and Border Protection to collaborate with the Science and Technology Directorate of the Department of Homeland Security to identify equipment that would detect tunnels; the use of unauthorized vehicles; low-flying aircraft; unmanned vehicles; and unlawful entries between the ports of entry. The Commissioner must also consult with the Assistant Secretary of Defense for Research and Engineering to leverage existing research and development of relevant equipment and technologies. The requirements within this section reflect the Committee's view that cooperation among Department components and with the various Executive agencies is vital to producing solutions for the Department's multiple homeland security missions.

Sec. 608. Northern border canine teams.

Section 608 requires the Department of Homeland Security to deploy canine enforcement teams to at least five ports of entry for not less than one year after the date of enactment. Studies estimate that an overwhelming percentage of drugs and other contraband are trafficked through ports of entry. The Committee believes that canines trained to detect narcotics and concealed humans are one of the more effective solutions for addressing smuggling. Accordingly, Section 608 authorizes further use of canine units along the Northern border, which regularly receives only a fraction of resources devoted to border security.

Sec. 609. Unmanned vehicles pilot program.

This section directs the Commissioner of the U.S. Customs and Border Protection, in coordination with the Science and Technology Directorate, to test the effectiveness of autonomous unmanned ve-

hicles patrolling the maritime and land environments of the Northern and Southern borders.

Sec. 610. Report on unmanned aerial vehicles.

This section requires the Government Accountability Office to submit a report to analyze various costs and missions of aviation assets, including unmanned aerial vehicles (UAV), used by the U.S. Customs and Border Protection and the U.S. Coast Guard. The Committee recognizes that in the near future, the Department of Homeland Security may be operating as many as 10 UAVs along the Northern, Southern and coastal borders, with plans to perhaps more than double that number. With a growing reliance on UAV technology, the Committee will continue oversight over the Department's UAV program.

Sec. 611. Student visa security improvement.

Section 611 directs the Secretary of Homeland Security to review applications and conduct in-person interviews, where appropriate, of the student and exchange program visa applicants to determine whether an applicant is inadmissible due to terrorist-related activities. Participating schools in the Student and Exchange Visitor Program must ensure that each covered student or exchange visitor is an active program participant and is reported to the Department if the student transfers institutions or changes academic majors. This provision also introduces reforms to the Student and Exchange Visitor Information System.

Sec. 612. Asia-Pacific Economic Cooperation Business Travel Cards.

This section provides the Department of Homeland Security with the legal authority to issue Asia-Pacific Economic Cooperation (APEC) business travel cards, which would provide fee-based frequent traveler cards for travelers to and from certain nations. The Committee endorses the use of APEC cards to expedite screening for these travelers; to reduce wait times; and enhance security. Accordingly, the Committee urges the Department, acting through the U.S. Customs and Border Protection, to commence the APEC business travel card program as soon as possible and, as indicated by Section 613, to integrate that program with similar programs conducted by the U.S. Customs and Border Protection, such as Global Entry, NEXUS, or SENTRI, to the greatest extent possible.

Sec. 613. Border crossing documentation.

This section directs the Commissioner of the U.S. Customs and Border Protection to carry out the NEXUS, SENTRI, Global Entry and Asia-Pacific Economic Cooperation (APEC) business travel card programs.

Sec. 614. Internal review of adequacy of U.S. Customs and Border Protection in busiest international airports.

This section directs the Secretary of Homeland Security, acting through the U.S. Customs and Border Protection, to conduct an internal staffing review for each of the 10 international airports located in the United States with the largest volume of international travelers.

Sec. 615. Port security grant program.

This section extends the authorization of the Port Security Grant program at a level of $400,000,000 per year through Fiscal Year 2014.

Sec. 616. Port security grant funding for mandated security personnel.

This section allows Port Security Grant funding to be utilized to fund overtime and backfill costs for personnel in support of Port Security Grant program expenditures, so long as these costs do not exceed 50 percent of the total grant funding a grantee receives in one fiscal year.

Sec. 617. Securing the TWIC against use by unauthorized aliens.

This section directs the Secretary of Homeland Security to modify the Transportation Worker Identification Credential (TWIC) enrollment and distribution process to prevent unauthorized aliens from being able to acquire a TWIC by requiring an applicant to present proof of U.S. citizenship or authorization to work in the U.S. when applying for a TWIC. Furthermore, the Secretary shall modify the TWIC enrollment process so that a TWIC card would expire upon the same date that a TWIC holder's work authorization or visa will expire, whichever comes sooner, so long as the work authorization or visa is set to expire within five years of the TWIC application.

Sec. 618. Small vessel threat analysis.

This section directs the Secretary of Homeland Security to analyze and submit a report on the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel against United States registered vessels, ports, or maritime interests.

Sec. 619. Customs and Border Protection professionalism and transparency.

To further efforts to enhance transparency and enhance the oversight of the Department of Homeland Security, Section 619 requires the U.S. Customs and Border Protection to report, and make readily available, information on wait times at each international air port of entry.

Sec. 620. Sense of Congress regarding deployment of additional UAV.

This section provides for a sense of Congress reaffirming its commitment to securing the Southern border by expressing support for the Secretary of Homeland Security to deploy an additional unmanned aerial vehicle (UAV) that could compensate for surveillance lapses by current UAVs created by frequently changing weather conditions and to facilitate the ability of the U.S. Customs and Border Protection to collaborate with the U.S. Air National Guard.

Sec. 621. Report on status of unobligated balances in U.S. Customs and Border Protection Customs User Fee Account.

This section directs the Secretary of Homeland Security to report on the status of unobligated funds in its Customs User Fee Ac-

count, which was the subject of a prior report from the Government Accountability Office. Based on the outcome of the Secretary's report, the Committee will endeavor to determine whether that funding should be rededicated to fund additional measures to support border security, including the potential of adding of as many as 500 of U.S. Customs and Border Protection officers per year in FY 2012 and FY 2013.

Sec. 622. Outbound inspections.

This section directs the Secretary of Homeland Security to ensure that the U.S. Customs and Border Protection (CBP) has instituted a program to perform inspections at ports of entry on the Nation's Northern and Southern land borders. According to the Department, CBP officers currently perform a limited number of outbound inspections. The Committee supports those efforts and encourages their further expansion, using its already allocated level of appropriations, to increase CBP's ability to interdict firearms and other contraband.

Sec. 623. Deporting criminal aliens.

Section 623 authorizes appropriations for the U.S. Immigrations and Customs Enforcement in the amount of $1.6 billion for each of Fiscal Year 2012 and 2013 for the purpose of deporting aliens found to be deportable for either conviction of a crime; or being found to pose a serious risk to public safety or National security. The Committee supports the implementation of a comprehensive plan to secure the Nation's borders, incorporating the necessary staffing, fencing, and technology to address the illegal aliens currently within the Nation as priorities.

Sec. 624. Establishment of Immigration and Customs Enforcement.

Pursuant to Section 402 of the Homeland Security Act of 2002 (Pub. L. 107–296), the Department of Homeland Security assumed the legal authorities and became responsible for the mission of immigration enforcement. Thereafter, in March 2003, the Department designated U.S. Immigration and Customs Enforcement (ICE) to carry out those functions. Today, ICE is the largest law enforcement component of the Department and is responsible for enforcing immigration and customs laws. In furtherance of the Committee's continuing support for the law enforcement mission of ICE and the devoted personnel who carry out that mission, Section 624 codifies the authorization for ICE. The Director of ICE is responsible for overseeing ICE's criminal investigations and enforcement of Federal law, particularly those relating to immigration and customs law, and for the deportation of illegal aliens who are eligible for deportation or removal. The Director is also responsible for developing and determining policy for ICE, subject to the approval of the Secretary of Homeland Security.

Sec. 625. Report on drug cartels.

Section 625 requires the Secretary of Homeland Security to submit a report to the Committee regarding the terrorist activities of specific drug cartels that are active along the Southern border of the United States.

Sec. 626. Increase in unmanned aerial vehicles.

Section 626 provides for greater security along the Southern border by directing the Secretary of Homeland Security to deploy two additional unmanned aerial vehicles, which shall be paid for out of current funding appropriated to the U.S. Customs and Border Protection.

Sec. 627. Border Area Security Initiative.

Section 627 renames 'Operation Stonegarden' as the 'Border Area Security Initiative' and authorizes funding at the Fiscal Year 2011 level of $54,890,000. The Committee intends no affect on the function of the program, which pursuant to Fiscal Year 2011 grant guidance is to provide "funding to enhance cooperation and coordination among local, tribal, territorial, State, and Federal law enforcement agencies in a joint mission to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering the United Mexican States and Canada, as well as states and territories with international water borders." However, this also codifies the approximate current ratio for allocating grant funding by providing that 80.7 percent of such funding be allocated for activities along the Southern border.

Sec. 628. Foreign terrorist organizations.

Section 628 requires the Secretary of Homeland Security to submit a report to the Committee on the presence of Hezbollah, or other foreign terrorist organizations, along the Southern border.

Sec. 629. Border Condition Index.

In May 2011, the Department of Homeland Security advised that it was developing an index to comprehensively measure security along the Southern border, which would replace the current metrics used to measure security including the metric of "operational control." In the Secure Fence Act of 2006 (Pub. L. 109–367), Congress set forth the mandate that the Department achieve operation control over the entire international land and maritime borders of the United States. In doing so, Congress defined "operational control" as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband." The Committee remains supportive of the current mandate that requires the Department to achieve operational control over our Nation's international borders and urges the Department to remain cognizant of that mandate in developing any further metric, including the Border Condition Index. Accordingly, Section 629 directs that in developing the Border Condition Index, the Secretary must consider: the flow estimates of aliens who are unlawfully present in the United States; the ratio comparing the number of apprehensions of unlawful aliens versus the estimated number of unlawful aliens that are not apprehended; and the percentage of apprehended unlawful aliens who are recidivists in their illegal entry into the United States.

Sec. 630. Sense of Congress.

Section 630 expresses the sense of Congress that the Department of Homeland Security should complete at least 700 miles of reinforced fencing along the Southwest border, as mandated by the Secure Fence Act of 2006 (Pub. L. 109–367), where construction would be geographically feasible.

Sec. 631. Issuance of visas at designated diplomatic and consular posts.

Section 631 mandates inspection of all visa applications and supporting documentation by the Department of Homeland Security before the adjudication of that application at the 20 highest-risk visa issuing posts, as determined by the Secretary, and authorizes the Secretary to assign employees to those diplomatic and consular posts.

Sec. 632. Private-public partnership for land port of entry project.

Section 632 authorizes the U.S. Customs and Border Protection (CBP) to enter into partnerships wherein CBP could work with investors on projects to improve infrastructure at the ports of entry. Following the attacks of September 11, 2001, the Federal Government carried out several crucial measures that bolstered security at our Nation's borders. However, the Committee recognizes that increases in border wait times, which can result from a thickened border, creates negative economic impacts. Accordingly, it is critical to expedite the flow of legitimate traffic through the ports of entry. The extensive trade that the United States carries out with Canada, our largest trade partner, and the United Mexican States affirms that conclusion. The Committee intends for this measure to expedite commerce at the ports of entry, which facilitates trade and creates jobs.

Sec. 633. Report to Congress on Immigration Advisory Program.

Section 633 requires the Secretary of Homeland Security to submit a report to the Committee regarding the Immigration Advisory Program (IAP) as it pertains to the top 20 highest-risk foreign airports that are last points of departure to the United States. The IAP posts U.S. Customs and Border Protection (CBP) officers at foreign airports to screen passengers bound for the United States and make "no board" recommendations for high-risk individuals who may have connections to terrorism or crime, or are otherwise inadmissible into the United States. The Committee intends the Department's analysis to include a cost-benefit analysis that compares the value derived from a CBP officer deployed abroad pursuant to the IAP, with a CBP officer deployed domestically.

Sec. 634. Coast Guard deployable special forces assets.

This section directs the Secretary of Homeland Security to procure two new HH-60 Jayhawk medium-range helicopters for the U.S. Coast Guard. These two new helicopters are to be stationed with the enhanced deployable teams required under Section 804 of the U.S. Coast Guard Authorization Act of 2010 (Pub. L. 111–281) and utilized to meet readiness and training requirements for these teams.

Sec. 635. Implementation of US-VISIT biometric exit.

Section 635 requires the Secretary of Homeland Security to develop a plan for the implementation of a system to record biometric records of non-U.S. citizens prior to departing the United States from airports, in accordance with the Enhanced Security and Visa Entry Reform Act of 2002 (Pub. L. 107–173). If the Secretary determines that the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) biometric exit program is not feasible, then the Secretary will be required to propose an alternative program that provides the same level of security. The Committee recognizes that biometrics can be used to provide greater security at the border. As the use of biometric technologies expands among Federal, State, and local operators, the Department should develop standard training and operations for their use to assure consistency in collection and retention of biometric data. Where practicable, the Department should leverage ongoing work at Federal and private sector research facilities, Centers of Excellence or universities to carry out this work. Moreover, the use of biometrics should be developed in coordination with State and local stakeholders and the private sector.

Sec. 636. Coordination with the Transportation Security Administration on Risk-Based Screening of Aviation Passengers.

Section 636 requires the Commissioner of the U.S. Customs and Border Protection to coordinate with the Administrator of the Transportation Security Administration to cross-designate passengers from one another's trusted-traveler programs, to the greatest extent practicable, and to report to the Committee on their progress. The Committee believes that trusted traveler programs effectively expedite legitimate travelers while also enhancing security. Accordingly, those programs should be operated in a manner that encourages participation by travelers.

Sec. 637. Enhanced customer service standards and professionalism training.

Section 637 directs the Secretary of Homeland Security to develop a comprehensive plan that measures the effectiveness of customer service programs conducted by Immigration and Customs Enforcement, the U.S. Customs and Border Protection, and the Transportation Security Administration.

TITLE VII—SCIENCE AND TECHNOLOGY

SUBTITLE A—DIRECTORATE OF SCIENCE AND TECHNOLOGY

Sec. 701. Directorate of Science and Technology strategic plan.

Section 701 requires the Department of Homeland Security's Under Secretary of Science and Technology (S&T) to submit to the Committee, and update annually, a strategic plan. The strategic plan will include S&T's long-term strategic goals, objectives and metrics; a list of programs that support these goals; S&T's response to homeland security capability gaps identified by customers; risk analysis conducted for S&T programs; a technology transition strategy; a description of policies on management, organization,

and personnel; and goals, objectives and metrics for the SAFETY Act (Support Anti-terrorism by Fostering Effective Technologies Act of 2002; Sec. 861 of Pub. L. 107–296) program. The Committee believes strategic planning is a necessary management tool that will enable the Under Secretary of S&T to make more informed decisions and will be especially useful in navigating the challenges that come with unpredictable environments. The Committee recommends that S&T prepare the strategic plan in accordance with other applicable Federal requirements and in alignment with other applicable strategic guidance. The Committee intends for S&T to use this planning process as the basis for making future strategic decisions, including finding efficiencies in its operations to support cost-savings.

The Committee is encouraged by the progress being made in implementing the SAFETY Act and urges the Under Secretary to continue improving this program to award Designations and Certifications to applicants and to promote more broadly the use of the SAFETY Act in solicitations and private sector programs administered by the Department, including, for example: Project Einstein and the Chemical Facility Anti-Terrorism Standards. The Committee intends for the Under Secretary to specifically identify the criteria used to determine whether an award is granted and the mechanisms established to ensure that no additional criteria or metrics could be imposed to deny an award without the specific approval of the Under Secretary.

Sec. 702. 5-year research and development plan.

Section 702 requires the Department of Homeland Security's Under Secretary for Science and Technology (S&T) to develop, and revise at least every five years, a research and development (R&D) plan for S&T. This section requires the S&T Directorate to report to the Committee on its progress toward implementing the plan when the President submits his annual budget request. The Committee intends for S&T's five-year R&D Plan to build upon the Strategic Plan in section 701 and serve as the blueprint for its investment portfolio, outlining S&T's research and development priorities, programs, and key milestones for the next five years. The Committee believes this five-year R&D plan will yield significant benefits for S&T ranging from a clear focus, established priorities, consensus on high-impact homeland security programs, a basis for measuring progress and impact, and cost-savings. The Committee also expects the plan to facilitate Congressional oversight by enhancing S&T's transparency and accountability, which has been lacking in recent years. While S&T must contend with difficult challenges—including evolving threats, technologies, and fiscal pressures—the Committee believes a disciplined planning process will be vital in such a changing environment to prepare for the uncertainties ahead and enable S&T to make informed choices.

Sec. 703. Identification and prioritization of research and development requirements.

Section 703 requires the Department of Homeland Security's Under Secretary for Science and Technology (S&T) to implement a process, within 180 days of enactment, for identifying priorities in homeland research and development (R&D), allocating funding,

and tasking requirements. The Committee believes S&T needs an improved process to better focus S&T's activities on high priority needs of its customers. While S&T has improved its relationship with its customers and taken steps toward a customer-driven technology development process by establishing the Capstone Integrated Product Teams (IPTs), the Committee finds this process to be insular, not equipped to address DHS-wide priorities, nor flexible to meet changing Department priorities. This section would address this deficiency by requiring S&T's research priorities to be driven by Department-wide priorities as identified by the Capabilities and Requirements Council in section 202 and informed by risk assessments, intelligence reports on emerging threats and National strategic guidance documents. The Committee expects S&T to evaluate Department-wide priorities and needs to determine which ones could be met with technological solutions, either through commercially available technology, technology adapted from another Federal agency or international partner, or through pursuit of a R&D program. This section also strengthens the participation of technology end-users, such as first responders. The Committee believes for S&T to be successful in promoting technology development it must identify, update, and disseminate technology priorities to provide invaluable visibility to Federal, State, local, first responder, and private sector partners.

Sec. 704. Research and development progress.

Section 704 requires the Department of Homeland Security's Under Secretary for Science and Technology (S&T) to monitor the progress of its research, development, testing, and evaluation activities by establishing a method that accounts for project milestones and deliverables, keeps customers updated on progress, collaborates with outside experts to evaluate progress, and collects feedback from customers on the quality and utility of products delivered by S&T.

The Committee believes that increased engagement of S&T with its customers throughout the development lifecycle will deter unforeseen problems at an earlier stage and will focus S&T's programs toward meeting customer needs. The Committee also notes that S&T has not consistently applied expert peer review practices. By requiring greater input from external experts in decisions about S&T's programs, the Committee believes greater accountability at S&T will be created. The Committee expects customer feedback and input from outside experts will increase S&T's likelihood of transitioning technologies that are successfully fielded.

Sec. 705. Acquisition and operations support.

Section 705 requires the Department of Homeland Security's Under Secretary for Science and Technology (S&T) to provide science-based, analytic capabilities across the Department to examine major technology acquisition programs, define technological requirements, and support evaluation of alternatives. The Committee believes S&T needs to be an integral part at every stage of the Acquisition Review Board's deliberations regarding the Department's major technology investments.

This section further requires the Under Secretary to assess technology readiness to determine whether technologies are sufficiently

mature to proceed through the acquisition process. The Committee encourages S&T to use and modify, if necessary, Technology Readiness Assessment models successfully developed and routinely used by other Departments and agencies, such as the Department of Defense. The Committee believes implementation of such a process will avoid repeating some of the costly failures in the past few years related to acquisition of flawed or insufficiently mature technology. For radiological and nuclear detection technologies, the Committee intends for the Domestic Nuclear Detection Office to undertake any technology assessments, not S&T. Section 705 does not apply to information technology that is being acquired for use on internal DHS networks.

Sec. 706. Operational Test and Evaluation.

This section establishes a Director of Operational Test and Evaluation (OT&E) within the Department of Homeland Security. The Director would prescribe OT&E policies for the Department and review and approve all operational test plans for major acquisition programs. OT&E is a critical stage in the acquisition lifecycle presenting an opportunity to detect problems with technology, before DHS makes substantial investments in full-scale procurement. Because of this criticality, the Committee believes an independent agent must validate whether OT&E for major DHS acquisition programs is sufficient to confirm operational effectiveness and suitability of the Department's technologies. The difficulties experienced by the Department with the Advanced Spectroscopic Portal, SBI*net*, and the Deepwater programs underscore the need for an independent agent to oversee operational testing.

The Committee recognizes that this function currently resides within the DHS S&T. Just as the Committee believes a single entity should not be responsible for procurement and operational testing due to potential conflicts, the Committee also cautions DHS regarding any potential conflicts that could arise between the Directorate of Science and Technology's research and development mission and its OT&E function. The Committee expects the independent and objective nature of the Director of OT&E to be maintained, free from influence by either the procurement entity or the developmental entity.

Sec. 707. Availability of testing facilities and equipment.

Section 707 authorizes the Department of Homeland Security's Under Secretary of Science and Technology (S&T) to make available, for a fee, Federally owned testing facilities operated by the S&T Directorate for the testing of materials, equipment, models, computer software, and other items designed to advance homeland security. The Committee recognizes S&T has unique laboratory testing capabilities that the private sector can only access through established collaborative partnerships with the Government. In certain cases, vendors may not be able to test their systems to validate whether they meet DHS requirements or other applicable standards unless such expertise, material, and equipment are made available to them.

The Committee believes S&T should provide the needed access and services through a fee-for-service approach, as long as such

testing will not interfere with Federal Government mission requirements.

Sec. 708. Bioforensics capabilities.

Section 708 authorizes a bioforensics analysis center within the Department of Homeland Security's Science and Technology Directorate that supports law enforcement and intelligence-related investigations via bioforensics analysis. This mandate could be met by the National Bioforensics and Analysis Center (NBFAC). Such analysis is intended to support the executive agencies responsible for preventing, deterring, responding to, attributing and recovering from biological attacks. A detailee program is also authorized for the purposes of training and information sharing.

The Committee supports funding a strong bioforensics capability that enables law enforcement to investigate and attribute attacks and respond appropriately. Section 708 authorizes ongoing activities, but also requires that executive agencies pay for the forensic analysis and capability, exclusive of overhead, rather than having the Department bear all of the costs. The Committee expects that the implementation of a user fee-based system will cover the costs of running casework and foster greater oversight by the executive agencies that are NFBAC customers.

Sec. 709. Homeland Security Science and Technology Fellows Program.

Section 709 authorizes a fellowship program within the Department of Homeland Security's Science and Technology (S&T) Directorate that would place scientists within S&T and other components of the Department for up to two years. Program participants must be currently enrolled in or be graduates of post-graduate scientific or engineering programs. The Under Secretary of S&T is directed to coordinate with the Chief Security Officer of the Department to facilitate and expedite the provision of security clearances to fellows, as appropriate.

The Committee notes that science and engineering challenges to homeland security are becoming increasingly complex. At the same time, the Committee is concerned that American students are falling behind in the essential subjects of math and science, putting our Nation's position in the global economy at further risk. The Committee believes a decline in levels of expertise in science and technology would have a detrimental impact on homeland security capabilities. DHS needs the best available scientific and technical information to develop best policies and practices.

The Committee intends for this Fellows program to support placement, development, and advancement of American scientists and engineers within the field of homeland security. The Committee believes this program will provide a pipeline into the Department of scientists and engineers with cutting edge knowledge who can provide the Department with the most credible and objective scientific information upon which to base decisions.

Sec. 710. Homeland Security Science and Technology Advisory Committee.

Section 710 extends the authority for a Homeland Security Science and Technology Advisory Committee within the Depart-

ment of Homeland Security's Science and Technology (S&T) Directorate for seven years. Within S&T, the Advisory Committee make recommendations regarding R&D areas of potential importance to homeland security, as well provide input to S&T's strategic and 5-year R&D plans. The Committee recognizes the Advisory Committee as a source of independent expert advice that should be utilized by the Under Secretary of S&T when considering new developments in systems engineering, cybersecurity, knowledge management and how best to leverage related technologies funded by other Federal agencies and by the private sector. The Committee also expects the Under Secretary to seek the Advisory Committee's input on policies, management processes, and organizational constructs to help optimize the functioning of the Directorate.

Sec. 711. Federally funded research and development centers.

Section 711 requires the Secretary of Homeland Security to ensure that the Department's conflict of interest policies address employees of Federally funded R&D centers who could materially influence research findings or agency decision-making. This section also requires each of these centers to submit an annual report to the Department and to the Congress on activities conducted in support of the Department.

Sec. 712. Criteria for designation as a university-based center for homeland security.

Section 712 expands the criteria for colleges and universities to be designated as Department of Homeland Security Centers of Excellence to include: those with expertise in medical readiness training and research, community resiliency for public health, and healthcare critical infrastructure. Additionally, this section broadens the field of eligible expertise to include explosives detection.

Sec. 713. Authority for flexible personnel management at the Science and Technology Directorate.

Section 713 provides the Department of Homeland Security's Science and Technology (S&T) Directorate with the authority to expedite hiring of personnel into positions that require advanced scientific degrees, but limited to 5 percent of the overall scientific workforce in S&T. Similar authority has been used successfully across government, including at: the Department of Defense, the Department of Health and Human Services, the National Institute of Standards and Technology, and within the Department of Homeland Security at the Domestic Nuclear Detection Office, to recruit and hire skilled personnel to mission-critical scientific and technology positions. The Committee is concerned that the vacancies in S&T have gone unfilled leaving the existing staff wearing multiple hats, impeding S&T's ability to achieve its mission. These positions are for scientific and technical experts who, despite the current climate, have job choices. The Committee believes the hiring authority provided in this section will allow S&T to compete more effectively with other scientifically oriented organizations to attract a skilled and high-quality workforce into these hard-to-fill positions.

Sec. 714. Independent testing and evaluation of homeland security detection technologies.

Section 714 directs the Secretary of Homeland Security to implement a test program that would evaluate the capabilities of commercially available chemical and biological detection equipment designed to detect high risk biological agents and toxins and chemical agents, and also facilitate accreditation of the laboratories used to test such equipment, standardize test and reporting protocols and procedures to be used by those laboratories under accredited under subparagraph and provide for cost-sharing of the testing with technology manufacturers. The results of the testing would be used to inform grant and procurement decisions. The Committee intends for the Science and Technology Directorate to focus resources on this type of testing and evaluation as rigorously as possible to determine the value of existing technologies. This program should be coordinated with the activities of the System Assessment and Validation for Emergency Responders (SAVER) program, and also with the Stakeholder Panel on Agent Detection Assays and other standards work.

The Committee intends that test results are confidential and shall not be disclosed outside of the Federal Government without the consent of the persons or companies for whom the tests are performed.

Sec. 715. Northern border unmanned aerial vehicle pilot project.

Section 715 directs the Department of Homeland Security's Under Secretary for Science and Technology, in conjunction with the U.S. Customs and Border Protection, to research and develop technologies that allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the National airspace for border and maritime security missions to improve security-related surveillance of the border. The section mandates the Department conduct a pilot project along the northern border to collect data to accelerate integration of medium-sized unmanned aircraft systems into the National Airspace System.

SUBTITLE B—DOMESTIC NUCLEAR DETECTION OFFICE

Sec. 721. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.

This section adds two new provisions to the Homeland Security Act of 2002 (Pub. L. 107–296):

> SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.
>
> This provision reaffirms that the Director of the Domestic Nuclear Detection Office (DNDO) has the authority and responsibility for all radiological and nuclear research, development, testing and evaluation consistent with the authorities of the Department of Homeland Security's Science and Technology Directorate for non-radiological/nuclear activities. This section requires the DNDO to identify,

prioritize, and evaluate its research and development activities. Congress codified the DNDO in the SAFE Port Act of 2006 (Security and Accountability For Every Port Act of 2006; Pub. L. 109–347) as the single focal point in the Department for all radiological and nuclear activities. The Committee has supported the creation of DNDO based on the catastrophic nature of radiological and nuclear threats and the previously ineffective fragmented approach of the Department in addressing these threats. The Committee notes that these threats continue to evolve and, thus, a concerted, unified effort to detect and prevent a radiological or nuclear terrorist attack against the U.S. should remain a priority of the Department. Finally, this provision requires that the DNDO utilize an appropriate iterative combination of physical tests and computer modeling to provide an analytical basis for assessing detector performance when carrying out the development and testing of radiological and nuclear detection systems, consistent with a recommendation from the National Academies of Science.

SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

This section requires the Director of the Domestic Nuclear Detection Office to maintain situational awareness of the Global Nuclear Detection Architecture (GNDA) and clarifies that this "awareness" extends beyond detection events and data to include availability of equipment and trained personnel, types of equipment, and relevant intelligence. The Committee expects the integration of this information to yield a more comprehensive picture of the GNDA from which gaps can be more readily identified and addressed. This section also requires the heads of agencies participating in the GNDA to adopt consensus-based data exchange standards for detection and communications systems incorporated into the GNDA. The Committee intends for standardized reporting formats to facilitate information sharing across the participating agencies.

Sec. 722. Domestic implementation of the global nuclear detection architecture.

This section authorizes the Securing the Cities (STC) program to detect and prevent a radiological or nuclear attack in high-risk United States cities. The Director of the Domestic Nuclear Detection Office (DNDO) is also instructed to focus efforts on coordinating the development of surge capabilities for radiological and nuclear detection systems that can be deployed within the United States rapidly in response to intelligence or warnings. This includes support to State and local entities with equipment, training and exercises. The Committee has supported the Securing the Cities Initiative in a bipartisan manner since its inception. The detonation of an improvised nuclear device or a radiological dispersal device in a metropolitan area of the United States would have devastating consequences due to loss of life, destruction of property, and economic repercussions that ripple across the Nation. Recent

events continue to demonstrate that New York City, New York, remains a top terrorist target. The Committee finds that STC has substantially increased preventive radiological and nuclear detection awareness and capabilities in the New York area and is an effective strategy for addressing the domestic layer of the Global Nuclear Detection Architecture.

The Committee believes STC should be recognized as a National capability with sustained Federal funding. The Committee supports STC because this vital program has fostered unprecedented collaboration and coordination among its many Federal, State, and local partners. Law enforcement agencies in New York, New Jersey, and Connecticut have all benefited from this collaboration. The Committee believes the experience in New York City should be used as a template for expanding the program to other high-risk cities that are part of the Urban Area Security Initiative and that the program's record of success will yield benefits for the security of urban areas against radiological and other types of threats. The Committee commends DNDO for its development and oversight of this unified strategy. The Securing the Cities Initiative is the only DHS program dedicated specifically to reducing the risk of radiological and nuclear terrorism through targeted detection.

The Committee also intends for DNDO to complement its STC work with the ability to surge Federal, State, and local radiological and nuclear detection capabilities in a coordinated fashion in response to suspected threats. The Committee believes the combination of both fixed and agile detection components into a flexible architecture is the most cost-effective, risk-based strategy for the domestic prevention of radiological and nuclear terrorism.

Sec. 723. Radiation portal monitor alternatives.

This section requires a report to the Committee on alternatives to the recently terminated Advanced Spectroscopic Portal (ASP) monitor program and the expected timeframes and costs to develop and deploy such alternatives. Despite the five years and millions of dollars lost to the ASP program, the Committee is pleased to see the Domestic Nuclear Detection Office (DNDO) reach a decision and articulate plans to move on from this beleaguered program and examine other technologies that have since matured since the ASP program was initiated. While the Committee encourages enhancements to the currently deployed portal monitors, as well as deployment of improved hand-held detectors, the Committee is concerned these capabilities are not the optimal, long-term solution and will not be as effective as a spectroscopic system. The Committee expects DNDO to pursue long-term solutions to minimize time-consuming secondary inspections in order to determine whether a material is dangerous. Further, the Committee directs DNDO to learn from the ASP experience and utilize a robust and reliable testing regimen to evaluate performance of any future systems.

Sec. 724. Contracting and grantmaking authorities.

This section expands the Secretary's ability to enter into grants, contracts, cooperative agreements, and other transactions for purposes beyond radiological and nuclear research, development, testing, and evaluation (RDT&E). Section 1806 of the SAFE Port Act

(Pub. L. 109–347; 6 U.S.C. 596), Contracting and Grant Making Authorities, provides the Domestic Nuclear Detection Office (DNDO) with the authority to enter into these types of arrangements when carrying out its RDT&E responsibilities, specifically, under paragraphs (6) and (7) of section 1802. The Committee recognizes that the DNDO has other mission-related activities such as maintaining the global nuclear detection architecture and conducting exercises and training. The Committee believes the DNDO contracting and grant-making authorities should not be narrowly construed to limit the types of assistance the DNDO may provide to State, local, and tribal governments, and the private sector to enhance and coordinate their nuclear detection efforts. This section thus broadens the DNDO's assistance authority to apply to the DNDO's entire mission, without limiting it to RDT&E, which the Committee expects will better position the DNDO to achieve its mission-related goals in partnership with its stakeholders.

Sec. 725. Domestic nuclear detection implementation plan.

This section calls for a five-year plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the Global Nuclear Detection Architecture (GNDA). Under the SAFE Port Act (Security and Accountability For Every Port Act of 2006; Pub. L. 109–347), the Domestic Nuclear Detection Office (DNDO) was given the responsibility to implement the domestic portion of the GNDA. The Committee commends the DNDO for the long-awaited delivery of the GNDA Strategic Plan in December 2010 and the subsequent improvements made to the GNDA Joint Annual Interagency Review 2011. However, the Committee is concerned that neither the strategic plan nor the annual report addressed key elements needed to guide development and implementation of the GNDA. For example, neither document identified the funding needed to achieve the GNDA's objectives or metrics or monitoring mechanisms to determine programmatic progress and identify needed improvements. The Committee intends for the Implementation Plan called for in this section to address these missing elements and outline programs, technologies, execution, and timelines in greater detail with respect to Department-wide activities in support of the domestic portion of the GNDA. The Committee expects other Departments who are partners in the GNDA to follow suit and also develop implementation plans for their respective responsibilities under the GNDA.

Sec. 726. Science and technology fellows program outreach.

Section 726 requires the Secretary of Homeland Security to provide outreach to institutes of higher education to enhance awareness and increase participation of qualified individuals in the Fellows program authorized in section 709. The Committee recognizes the Science and Technology Directorate has existing mechanisms to conduct such outreach and encourages the Department to maximize use of these mechanisms to satisfy this requirement.

Sec. 727. Buy American requirement for information technology.

Section 727 requires the Department of Homeland Security to procure only information technology products only from U.S.-owned corporations, unless the Secretary provides notice to the Committee of any purchase from a non-U.S. company, together with a certification that no comparable product was available from a U.S. owned corporations.

Sec. 728. University-based centers.

This section authorizes $36,600,000 for the university-based centers program for Fiscal Year 2012, equal to the Fiscal Year 2011 appropriated amount.

Sec. 729. Review of university-based centers.

Section 729 requires the Comptroller General of the United States (CG) to initiate, not later than 120 days after enactment, a study of the university-based centers for homeland security program and provide recommendations for improvements. Topics to be addressed by the CG include: the method of tasking university centers (compared to the method by which the Department of Homeland Security tasks federally funded research and development centers and National Laboratories); key areas of study for centers; the selection criteria for designating centers; optimal organization and role of the centers; and metrics for measuring center successes.

This section places a moratorium on the creation of new university-based centers until completion of this CG review. The Committee has a strong interest in realizing more effective utilization of the institutions that participate in the university-based centers program by the Science and Technology Directorate (S&T) to meet homeland security needs. The Committee is concerned that S&T still has not maximized the potential of the Centers of Excellence as a resource that should be more closely linked and responsive to S&T's customers. The Committee intends, upon review of the findings of this study, to work with S&T to put the program on a path to realizing its full potential.

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

Sec. 801. Short title.

Title VIII may be referred to as the "See Something, Say Something Act of 2011."

Sec. 802. Amendment to the Homeland Security Act of 2002.

Section 802 provides immunity from lawsuits to individuals who, acting in good faith, report terrorist threats to law enforcement. The need for this protection was realized in 2007 after six Imams who were removed from a U.S. Airways flight filed lawsuits against passengers who reported the Imams' suspicious behavior. Congress responded to those lawsuits in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–53), which included an immunity provision that was limited in its scope to re-

ports pertaining to transportation systems. Recognizing that terrorist threats exist well beyond the transportation sector, Section 801 extends the scope of immunity to cover all 'good faith' reporting related to terrorist activity. Notably, the Department of Homeland Security regularly promotes its 'See Something, Say Something' awareness campaign throughout the Nation to encourage individuals to report suspicious behavior. The Committee believes that the next logical step is to protect those citizens who show continued vigilance and report suspicious activity.

TITLE IX—MISCELLANEOUS

Sec. 901. Redesignation and movement of miscellaneous provisions.

This section reorganizes the structure of the Homeland Security Act of 2002 (Pub. L. 107–296) to provide a section for miscellaneous provisions.

Sec. 902. Guidance to and coordination with local educational and school districts.

Section 902 directs the Secretary of Homeland Security to provide guidance to local educational and school districts that are at a high risk of terrorism, natural disasters, and public health emergencies.

Sec. 903. Federal law enforcement training opportunities for local law enforcement personnel with responsibilities for securing ports.

Section 903 requires the Secretary of Homeland Security to make Federal law enforcement training opportunities available to local law enforcement entities whose responsibilities include security at a port facility.

Sec. 904. Security gaps at drinking water and wastewater treatment facilities.

Section 904 requires the Secretary of Homeland Security to enter into an agreement with the Administrator of the Environmental Protection Agency (EPA) to develop a plan to address security gaps at drinking water and wastewater treatment facilities and to provide guidance and technical assistance. The Committee recognizes that the water sector is prioritized among the Nation's critical infrastructures—so vital that damage to, or destruction of, drinking water or wastewater treatment utilities could have a debilitating effect on homeland security and public health. The Department of Homeland Security's (DHS) engagement with the water sector has grown along with its responsibilities to secure the Nation's critical infrastructure under Homeland Security Presidential Directive-7. Nevertheless, the EPA remains the lead Federal agency for the protection of drinking water and wastewater utility systems. However, with respect to chemical security, neither DHS nor the EPA has the sole authority to mandate security standards such as the Chemical Facility Anti-Terrorism Standards (CFATS) for the protection of the water sector. Through the continued examination of

chemical security gaps, including those at drinking water and wastewater treatment facilities, the Committee aims to identify solutions that improve security and minimize risks to homeland security, public health, and the economy, while reducing duplication and regulatory burdens. The Committee intends to examine the plan that is required by this section to determine whether it meets these criteria.

Sec. 905. Guidance and coordination for outreach to people with disabilities during emergencies.

Section 905 directs the Secretary of Homeland Security to provide guidance and coordinate planning for performing outreach to persons with disabilities during emergencies—including terrorist attacks, public health emergencies and natural disasters.

Sec. 906. TWIC process reform.

Section 906 directs the Secretary of Homeland Security to reform the process for enrollment, activation, issuance and renewal of the Transportation Worker Identification Credential (TWIC) so that in order to receive a TWIC, a person shall be required to conduct one in-person visit to a TWIC enrollment center, unless there are extenuating circumstances. The Secretary is further directed to ensure that the costs for this process reform shall only be borne by those TWIC applicants who chose to visit a TWIC enrollment center once. Thus the cost for a TWIC for an applicant who chooses to visit a TWIC enrollment twice, as is currently done, shall not change as a result of this process reform.

Sec. 907. Report on progress toward conducting security vulnerability assessments at airports in the United States.

Section 907 requires the Secretary of Homeland Security to issue a report that details the Transportation Security Administration's progress in conducting security vulnerability assessments at U.S. airports, in accordance with National Infrastructure Protection Plan requirements. The report shall include TSA's plans for having 100 percent of U.S. airports assessed, and shall include detail on airport perimeter security.

Sec. 908. Regulation of the sale and transfer of ammonium nitrate.

Section 908 clarifies a crucial provision being developed by the Department of Homeland Security for the ammonium nitrate regulations mandated by Subtitle J of the Homeland Security Act of 2002 (Pub. L. 107–296; 6 U.S.C. 488). Section 908 specifies that the regulations shall apply to instances involving the transfer of ownership of ammonium nitrate, but not simply to taking possession, unless that transfer is to any that provides application services. Section 908 exempts from the regulations any transportation provider who is already subject to a security program that the Secretary determines to be sufficient. The Committee is concerned that the Department could overreach the Committee's intent if it were to regulate a broader community and regulate the entire chain of custody of ammonium nitrate. Instead, the Committee intended to regulate

transactions of ammonium nitrate at the point of sale where it is most vulnerable to misappropriation by potential terrorists.

The Committee recognizes that alternative regulations and security programs often exist to address additional portions of the supply chain, such as transportation. Thus, the Committee believes that broader regulations could result in duplicative programs that are unnecessarily burdensome and costly. In developing the final rule, Committee urges the Department to examine approaches that would narrow the scope of the regulations and would not impose security requirements on stakeholders that will yield no additional security benefit.

Sec. 909. Sense of Congress on inclusion of the Western Hemisphere in the 2012 National Strategy for Counterterrorism's "Area of Focus".

This section includes the Sense of Congress to include the Western Hemisphere in the 2012 National Strategy for Counterterrorism's "Area of Focus".

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

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

* * * * * * *

TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

SUBTITLE A—INFORMATION AND ANALYSIS AND INFRASTRUCTURE PROTECTION; ACCESS TO INFORMATION

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[Sec. 210A. Department of Homeland Security State, Local, and Regional Information Fusion Center Initiative.]

Sec. 210A. Department of Homeland Security National Network of Fusion Centers Initiative.

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

TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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[Sec. 316. National Biosurveillance Integration Center.]

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Sec. 318. Strategic plan.

Sec. 319. 5-year research and development plan.

Sec. 320. Identification and prioritization of research and development requirements.

Sec. 321. Monitoring progress.

Sec. 322. Availability of testing facilities and equipment.

Sec. 323. Bioforensics capabilities.
Sec. 324. Homeland Security Science and Technology Fellows Program.

TITLE IV—DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY

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Subtitle C—Miscellaneous Provisions

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[Sec. 430. Office for Domestic Preparedness.]

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Subtitle D—Immigration Enforcement Functions

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[Sec. 442. Establishment of Bureau of Border Security.]
Sec. 442. Establishment of Immigration and Customs Enforcement.

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TITLE V—NATIONAL EMERGENCY MANAGEMENT

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Sec. 526. Special emergency procurement authority for domestic emergency operations.
Sec. 527. Individual and community preparedness.
Sec. 528. Communications planning.
Sec. 529. Metropolitan Medical Response System Program.
Sec. 530. National integrated public alert and warning system modernization.

[TITLE VI—TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS

[Sec. 601. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.]

TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

Sec. 601. Under Secretary for Policy.
Sec. 602. Direct line authority for Chief Operating Officers.
Sec. 603. Office of Policy.

TITLE VII—MANAGEMENT

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[Sec. 707. Quadrennial Homeland Security Review.]
Sec. 707. Quadrennial homeland security review.
Sec. 708. Department acquisitions and procurement review.
Sec. 709. Capabilities and Requirements Council.
Sec. 710. Acquisition Professional Career Program.
Sec. 711. Notification to Congress of major procurement awards.
Sec. 712. Independent verification and validation.
Sec. 713. Operational test and evaluation.
Sec. 714. Strategic sourcing for marine and aviation assets.
Sec. 715. Strategic sourcing for detection and screening technology.

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

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SUBTITLE E—HUMAN RESOURCES MANAGEMENT

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Sec. 846. Authority to establish excepted service positions within the intelligence components of the Department of Homeland Security.
Sec. 847. Authority for flexible personnel management at the Science and Technology Directorate.

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[SUBTITLE H—MISCELLANEOUS PROVISIONS

[Sec. 871. Advisory committees.

[Sec. 872. Reorganization.
[Sec. 873. Use of appropriated funds.
[Sec. 874. Future Year Homeland Security Program.
[Sec. 875. Miscellaneous authorities.
[Sec. 876. Military activities.
[Sec. 877. Regulatory authority and preemption.
[Sec. 878. Counternarcotics officer.
[Sec. 879. Office of International Affairs.
[Sec. 880. Prohibition of the Terrorism Information and Prevention System.
[Sec. 881. Review of pay and benefit plans.
[Sec. 882. Office for National Capital Region Coordination.
[Sec. 883. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections.
[Sec. 884. Federal Law Enforcement Training Center.
[Sec. 885. Joint Interagency Task Force.
[Sec. 886. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.
[Sec. 887. Coordination with the Department of Health and Human Services under the Public Health Service Act.
[Sec. 888. Preserving Coast Guard mission performance.
[Sec. 889. Homeland security funding analysis in President's budget.
[Sec. 890. Air Transportation Safety and System Stabilization Act.]

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TITLE XVIII—EMERGENCY COMMUNICATIONS

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Sec. 1811. Memorandum of understanding on emergency communications.

TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

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Sec. 1908. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.
Sec. 1909. Awareness of the Global Nuclear Detection Architecture.
Sec. 1910. Domestic implementation of the global nuclear detection architecture.

TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle B—Grants Administration

Sec. 2021. Administration and coordination.

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Sec. 2024. Transparency in homeland security grant funding.

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TITLE XXI—WEAPONS OF MASS DESTRUCTION

Sec. 2101. Biodefense strategy.
Sec. 2102. Submissions to Congress.
Sec. 2103. Weapons of mass destruction intelligence and information sharing.
Sec. 2104. Risk assessments.
Sec. 2105. Detection of biological attacks.
Sec. 2106. Rapid biological threat detection and identification at ports of entry.
Sec. 2107. Plume modeling.
Sec. 2108. Identifying and addressing gaps in recovery capabilities.
Sec. 2109. Recovery from chemical, biological, radiological, and nuclear attacks or incidents.
Sec. 2110. Exercises.
Sec. 2111. Rural resilience initiative.

TITLE XXIII—MISCELLANEOUS PROVISIONS

Sec. 2301. Advisory committees.
Sec. 2302. Reorganization.
Sec. 2303. Use of appropriated funds.
Sec. 2304. Future-years homeland security program.
Sec. 2305. Miscellaneous authorities.
Sec. 2306. Military activities.

Sec. 2307. Regulatory authority and preemption.
Sec. 2308. Office of Counternarcotics Enforcement.
Sec. 2309. Office of International Affairs.
Sec. 2310. Prohibition of the Terrorism Information and Prevention System.
Sec. 2311. Review of pay and benefit plans.
Sec. 2312. Office for National Capital Region Coordination.
Sec. 2313. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections.
Sec. 2314. Federal Law Enforcement Training Center.
Sec. 2315. Joint Interagency Task Force.
Sec. 2316. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.
Sec. 2317. Coordination with the Department of Health and Human Services under the Public Health Service Act.
Sec. 2318. Preserving Coast Guard mission performance.
Sec. 2319. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.
Sec. 2320. Buy American requirement; exceptions.
Sec. 2321. Immunity for reports of suspected terrorist activity or suspicious behavior and response.

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TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

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[SEC. 210A. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.]

SEC. 210A. DEPARTMENT OF HOMELAND SECURITY NATIONAL NETWORK OF FUSION CENTERS INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall establish [a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers] *a Department of Homeland Security National Network of Fusion Centers Initiative to establish partnerships with State and major urban area fusion centers*.

[(b) DEPARTMENT SUPPORT AND COORDINATION.—Through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative, and in coordination with the principal officials of participating State, local, or regional fusion centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

[(1) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

[(2) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

[(3) conduct tabletop and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

[(4) coordinate with other relevant Federal entities engaged in homeland security-related activities;

[(5) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

[(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by State, local, and regional fusion centers, and to incorporate such information, as appropriate, into the Department's own such information;

[(7) provide management assistance to State, local, and regional fusion centers;

[(8) serve as a point of contact to ensure the dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

[(9) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

[(10) provide State, local, and regional fusion centers with expertise on Department resources and operations;

[(11) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorism threat-related exercises conducted by the Department; and

[(12) carry out such other duties as the Secretary determines are appropriate.]

(b) INTERAGENCY SUPPORT AND COORDINATION.—Through the Department of Homeland Security National Network of Fusion Centers Initiative, principal officials of participating State and major urban area fusion centers, and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

(1) coordinate with other Federal departments and agencies to provide operational and intelligence advice and assistance to the National Network of Fusion Centers;

(2) support the integration of State and major urban area fusion centers into the information sharing environment and the National Prevention Framework as required by Presidential Policy Directive 8;

(3) oversee the maturation and sustainment of the National Network of Fusion Centers, including the development of a fusion center performance management program and exercises to assess the capability of individual fusion centers, the statewide fusion process, and the national network;

(4) reduce inefficiencies and maximize the effectiveness of Federal resource support;

(5) develop criteria for designating fusion centers that enables the most effective allocation of Federal resources and aligns

with priorities of the Department as determined by the Secretary;

(6) coordinate with the Nationwide Suspicious Activity Reporting Initiative to ensure information within the scope of the information sharing environment created under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) gathered by the National Network of Fusion Centers is incorporated into the Department's information resources;

(7) provide management guidance and assistance to the National Network of Fusion Centers;

(8) serve as a point of contact for and effective dissemination of information within the scope of such information sharing environment to the National Network of Fusion Centers;

(9) serve as the single point of contact to ensure the close communication and coordination between the National Network of Fusion Centers and the Department;

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

(11) coordinate the provision of training and technical assistance to the National Network of Fusion Centers and encourage fusion centers in such Network to participate in terrorism threat-related exercises conducted by the Department;

(12) ensure, to the greatest extent practicable, that support to fusion centers in such network is reflected as a national priority in all applicable grant guidance;

(13) ensure that each fusion center in such network has a privacy policy approved by the Chief Privacy Officer of the Department; and

(14) carry out such other duties as the Secretary determines are appropriate.

[(c) PERSONNEL ASSIGNMENT.—

[(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to participating State, local, and regional fusion centers.

[(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to participating fusion centers under this subsection may be assigned from the following Department components, in coordination with the respective component head and in consultation with the principal officials of participating fusion centers:

[(A) Office of Intelligence and Analysis.

[(B) Office of Infrastructure Protection.

[(C) Transportation Security Administration.

[(D) United States Customs and Border Protection.

[(E) United States Immigration and Customs Enforcement.

[(F) United States Coast Guard.

[(G) Other components of the Department, as determined by the Secretary.

[(3) QUALIFYING CRITERIA.—

[(A) IN GENERAL.—The Secretary shall develop qualifying criteria for a fusion center to participate in the as-

signing of Department officers or intelligence analysts under this section.]

(c) RESOURCE ALLOCATION.—

(1) RESPONSIBILITIES OF UNDER SECRETARY.—

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

(i) lead Department efforts to ensure fusion centers in the Network are the primary focal points for the sharing of terrorism-related information with State and local entities; and

(ii) ensure that, as appropriate, operational, programmatic, and administrative resources, including intelligence officers, intelligence analysts, reporting officers, and other liaisons from components of the Department are provided to qualifying State and major urban area fusion centers.

(B) GRANT GUIDANCE.—The Under Secretary for Intelligence and Analysis shall provide guidance on fusion centers to the Administrator of the Federal Emergency Management Agency in accordance with the memorandum of understanding required under section 210F.

(2) SOURCES OF SUPPORT.—

(A) IN GENERAL.—Resources allocated under this subsection to fusion centers in the Network shall be provided by the following Department components and offices, in coordination with the respective component head and in consultation with the principal officials of fusion centers in the Network:

(i) The Office of Intelligence and Analysis.

(ii) The Office of Infrastructure Protection.

(iii) The Transportation Security Administration.

(iv) U.S. Customs and Border Protection.

(v) U.S. Immigration and Customs Enforcement.

(vi) The Coast Guard.

(vii) The Privacy Office of the Department.

(viii) The Office for Civil Rights and Civil Liberties of the Department.

(ix) Other components or offices of the Department, as determined by the Secretary.

(B) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Under Secretary for Intelligence and Analysis shall coordinate with appropriate officials throughout the Federal government to ensure the relevant deployment of representatives of other Federal departments and agencies.

(3) RESOURCE ALLOCATION CRITERIA.—

(A) IN GENERAL.—The Secretary shall make available criteria for allocating resources referred to in paragraph (1)(A)(ii) to any fusion center in the Network.

(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

(i) * * *

* * * * * * *

(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; [and]

(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts[.]*; and*

(vi) whether the fusion center has privacy protections in place that are determined to be at least as comprehensive as the Federal information sharing environment privacy guidelines in effect on the date of the enactment.

* * * * * * *

(e) BORDER INTELLIGENCE PRIORITY.—

[(1) IN GENERAL.—The Secretary shall make it a priority to assign officers and intelligence analysts under this section from United States Customs and Border Protection, United States Immigration and Customs Enforcement, and the Coast Guard to participating State, local, and regional fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.]

(1) IN GENERAL.—The Secretary shall make it a priority to allocate resources, including deployed personnel, under this section from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to participating State and major urban area fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.

(2) BORDER INTELLIGENCE PRODUCTS.—When performing the responsibilities described in subsection (d), officers and intelligence analysts assigned to [participating State, local, and regional fusion centers] *participating State and major urban area fusion centers* under this section shall have, as a primary responsibility, the creation of border intelligence products that—

(A) * * *

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(f) MASS TRANSIT INTELLIGENCE PRIORITY.—

(1) IN GENERAL.—To the greatest extent practicable, the Secretary shall, under this section, assign personnel with expertise in security of mass transit systems to participating State and major urban area fusion centers located in high-risk jurisdictions with mass transit systems.

(2) MASS TRANSIT INTELLIGENCE PRODUCTS.—In performing the responsibilities under subsection (d), officers and intelligence analysts assigned to fusion centers in the Network shall, as a primary responsibility, create mass transit intelligence products that—

(A) assist State, local, and tribal law enforcement agencies in detecting and interdicting terrorists, weapons of

mass destruction, and related contraband traveling on mass transit systems or targeting mass transit systems;

(B) promote consistent and timely sharing of mass transit security-relevant information among jurisdictions with mass transit systems; and

(C) enhance the Department's situational awareness of the threat of acts of terrorism at or involving mass transit systems.

(3) DECONFLICTION.—In performing the responsibilities under subsection (d), officers and intelligence analysts assigned to fusion centers in the Network shall assist Federal, State, local, and tribal law enforcement authorities overseeing the security of mass transit systems with resolving conflicting threat information provided by Federal Government sources.

[(f)**]** *(g)* DATABASE ACCESS.—In order to fulfill the objectives described under subsection (d), each officer or intelligence analyst assigned to a fusion center under this section shall have appropriate access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

[(g)**]** *(h)* CONSUMER FEEDBACK.—

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[(h)**]** *(i)* RULE OF CONSTRUCTION.—

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[(i) GUIDELINES.—The Secretary, in consultation with the Attorney General, shall establish guidelines for fusion centers created and operated by State and local governments, to include standards that any such fusion center shall—

[(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

[(2) create a representative governance structure that includes law enforcement officers and other emergency response providers and, as appropriate, the private sector;

[(3) create a collaborative environment for the sharing of intelligence and information among Federal, State, local, and tribal government agencies (including law enforcement officers and other emergency response providers), the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

[(4) leverage the databases, systems, and networks available from public and private sector entities, in accordance with all applicable laws, to maximize information sharing;

[(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

[(6) provide, in coordination with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, appropriate privacy and civil liberties

training for all State, local, tribal, and private sector representatives at the fusion center;

[(7) ensure appropriate security measures are in place for the facility, data, and personnel;

[(8) select and train personnel based on the needs, mission, goals, and functions of that fusion center;

[(9) offer a variety of intelligence and information services and products to recipients of fusion center intelligence and information; and

[(10) incorporate law enforcement officers, other emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process, consistent with the mission statement developed under paragraph (1), either through full time representatives or liaison relationships with the fusion center to enable the receipt and sharing of information and intelligence.]

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

(1) ensure the consistent application of guidance for identifying baseline capabilities and operational standards that must be achieved by a fusion center to participate in the Network; and

(2) ensure that such guidance aligns with and is mutually supportive of the role of fusion centers in the National Prevention Framework.

[(j)] *(k)* DEFINITIONS.—In this section—

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[(k)] *(l)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, except for [subsection (i)] *subsection (j)*, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.

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SEC. 210G. MEMORANDUM OF UNDERSTANDING ON FUSION CENTERS.

The Administrator of the Federal Emergency Management Agency shall enter into a memorandum of understanding with the Under Secretary for Intelligence and Analysis that delineates the roles and responsibilities of their respective organizations with respect to policy and guidance for fusion center-related expenditures with grant funds.

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TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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SEC. 302. RESPONSIBILITIES AND AUTHORITIES OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.

The Secretary, acting through the Under Secretary for Science and Technology, shall have the responsibility for—

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(13) coordinating with other appropriate executive agencies in developing and carrying out the science and technology agenda of the Department to reduce duplication and identify unmet needs; [and]

(14) developing and overseeing the administration of guidelines for merit review of research and development projects throughout the Department, and for the dissemination of research conducted or sponsored by the Department[.]*; and*

(15) providing science-based, analytic capability and capacity across the Department to—

(A) support technological assessments of major acquisition programs throughout the acquisition lifecycle;

(B) help define appropriate technological requirements and perform feasibility analysis;

(C) assist in evaluating new and emerging technologies against capability gaps;

(D) support evaluation of alternatives; and

(E) improve the use of technology Departmentwide.

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SEC. 305. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues, or to carry out other responsibilities under this Act, including coordinating and integrating both the extramural and intramural programs described in section 308.

(b) CONFLICTS OF INTEREST.—The Secretary shall review and revise, as appropriate, the policies of the Department relating to personnel conflicts of interest to ensure that such policies specifically address employees of federally funded research and development centers established under this section who are in a position to make or materially influence research findings or agency decisionmaking.

(c) ANNUAL REPORTS.—Each federally funded research and development center established under this section shall transmit to the Secretary and appropriate congressional committees an annual report describing the activities of the center in support of the Department.

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SEC. 308. CONDUCT OF RESEARCH, DEVELOPMENT, DEMONSTRATION, TESTING AND EVALUATION.

(a) * * *

(b) EXTRAMURAL PROGRAMS.—

(1) * * *

(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

(A) * * *

(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated expertise [in—] *in one or more of the following:*

(i) * * *

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(iii) Emergency and diagnostic medical services*, including medical readiness training and research, and community resiliency for public health and healthcare critical infrastructure*.

(iv) Chemical, biological, radiological, [and nuclear] *nuclear, and explosive* countermeasures or detection.

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(d) TECHNOLOGY READINESS ASSESSMENT PROCESS.—

(1) IN GENERAL.—The Under Secretary for Science and Technology shall establish a formal, systematic, metrics-based process to comprehensively evaluate technology maturity and reduce technical risks, that includes—

(A) an independent assessment of the performance, maturity, suitability, and supportability of a technology and associated risks;

(B) technology readiness evaluations to establish technology readiness levels as a measure of the maturity of the technology; and

(C) provision of a report containing the findings and conclusions of each assessment conducted under the process provided, to the appropriate customers and personnel of the Department.

(2) APPLICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the process shall be applied to—

(i) technology developed by the Directorate; and

(ii) technology being procured or considered by any component of the Department as part of a major acquisition program.

(B) LIMITATION.—The Under Secretary shall not apply the process to—

(i) radiological or nuclear detection and countermeasure technologies developed or procured by the Department; and

(ii) procurement of information technology.

(e) TEST AND EVALUATION PROGRAM FOR COMMERCIALLY AVAILABLE CHEMICAL AND BIOLOGICAL DETECTION EQUIPMENT.—

(1) IN GENERAL.—The Secretary shall implement a test and evaluation program for commercially available chemical and biological detection equipment.

(2) FUNCTIONS.—The program established under paragraph (1) shall—

(A) evaluate, against national consensus standards and homeland security specific technical capability standards or performance metrics adopted by the Department to the greatest extent practicable, the capability of commercially available chemical and biological detection equipment to detect high risk biological agents and toxins and chemical agents and meet homeland security mission requirements;

(B) facilitate the accreditation or Department acceptance of laboratories to be used for the testing and evaluation under subparagraph (A);

(C) standardize test and reporting protocols and procedures to be used by the laboratories under accredited under subparagraph (B);

(D) provide for cost-sharing with technology manufacturers whereby manufacturers may pay for the testing and evaluation under subparagraph (A) by the laboratories accredited under subparagraph (B);

(E) inform and enable expedited consideration of compliant technology for designation or certification under subtitle G of title VIII;

(F) inform Federal, State, local, tribal, and territorial government procurement and grant decisions, including detection equipment placed on the authorized equipment list; and

(G) provide, with permission from the manufacturer, results of the testing and evaluation under subparagraph (A) and operationally relevant technical information on detection equipment to Department components, and other Federal, State, local, tribal, and territorial governments and first responders, including unclassified information through the Responder Knowledge Base.

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SEC. 311. HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

[(a) ESTABLISHMENT.—There is established within the Department a Homeland Security Science and Technology Advisory Committee (in this section referred to as the "Advisory Committee"). The Advisory Committee shall make recommendations with respect to the activities of the Under Secretary for Science and Technology, including identifying research areas of potential importance to the security of the Nation.]

(a) ESTABLISHMENT.—There is established within the Directorate of Science and Technology a Science and Technology Advisory Committee (in this section referred to as the "Advisory Committee"). The Advisory Committee shall meet no fewer than 2 times each year and make recommendations with respect to the activities of the Under Secretary for Science and Technology, including—

(1) identifying research and development areas of potential importance to the security of the Nation; and

(2) providing advice in developing and updating the strategic plan under section 318 and the 5-year homeland security research and development plan under section 319.

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(j) TERMINATION.—The Department of Homeland Security Science and Technology Advisory Committee shall terminate on [December 31, 2008] *7 years after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012.*

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[SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

[(a) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center (referred to in this section as the "NBIC"), which shall be headed by

a Directing Officer, under an office or directorate of the Department that is in existence as of the date of the enactment of this section.

[(b) PRIMARY MISSION.—The primary mission of the NBIC is to—

[(1) enhance the capability of the Federal Government to—

[(A) rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international); and

[(B) disseminate alerts and other information to Member Agencies and, in coordination with (and where possible through) Member Agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national concern; and

[(2) oversee development and operation of the National Biosurveillance Integration System.

[(c) REQUIREMENTS.—The NBIC shall detect, as early as possible, a biological event of national concern that presents a risk to the United States or the infrastructure or key assets of the United States, including by—

[(1) consolidating data from all relevant surveillance systems maintained by Member Agencies to detect biological events of national concern across human, animal, and plant species;

[(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

[(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national concern in as close to real-time as is practicable;

[(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

[(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

[(6) alerting Member Agencies and, in coordination with (and where possible through) Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national concern.

[(d) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

[(1) IN GENERAL.—The Directing Officer of the NBIC shall—

[(A) on an ongoing basis, monitor the availability and appropriateness of surveillance systems used by the NBIC and those systems that could enhance biological situational awareness or the overall performance of the NBIC;

[(B) on an ongoing basis, review and seek to improve the statistical and other analytical methods used by the NBIC;

[(C) receive and consider other relevant homeland security information, as appropriate; and

[(D) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIC.

[(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

[(A) on an ongoing basis, evaluate available data for evidence of a biological event of national concern; and

[(B) integrate homeland security information with NBIC data to provide overall situational awareness and determine whether a biological event of national concern has occurred.

[(3) INFORMATION SHARING.—

[(A) IN GENERAL.—The Directing Officer of the NBIC shall—

[(i) establish a method of real-time communication with the National Operations Center;

[(ii) in the event that a biological event of national concern is detected, notify the Secretary and disseminate results of NBIC assessments relating to that biological event of national concern to appropriate Federal response entities and, in coordination with relevant Member Agencies, regional, State, local, and tribal governmental response entities in a timely manner;

[(iii) provide any report on NBIC assessments to Member Agencies and, in coordination with relevant Member Agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national concern; and

[(iv) share NBIC incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established under that section.

[(B) CONSULTATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) consistent with the policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in consultation with the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

[(e) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

[(1) IN GENERAL.—Each Member Agency shall—

[(A) use its best efforts to integrate biosurveillance information into the NBIC, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national concern;

[(B) provide timely information to assist the NBIC in maintaining biological situational awareness for accurate detection and response purposes;

[(C) enable the NBIC to receive and use biosurveillance information from member agencies to carry out its requirements under subsection (c);

[(D) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually agreed protocols that are consistent with subsection (c)(5);

[(E) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing;

[(F) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC; and

[(G) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable.

[(f) ADMINISTRATIVE AUTHORITIES.—

[(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIC.

[(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

[(g) NBIC INTERAGENCY WORKING GROUP.—The Directing Officer of the NBIC shall—

[(1) establish an interagency working group to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

[(2) invite Member Agencies to serve on that working group.

[(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

[(j) DEFINITIONS.—In this section:

[(1) The terms "biological agent" and "toxin" have the meanings given those terms in section 178 of title 18, United States Code.

[(2) The term "biological event of national concern" means—

[(A) an act of terrorism involving a biological agent or toxin; or

[(B) a naturally occurring outbreak of an infectious disease that may result in a national epidemic.

[(3) The term "homeland security information" has the meaning given that term in section 892.

[(4) The term "Member Agency" means any Federal department or agency that, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC.

[(5) The term "Privacy Officer" means the Privacy Officer appointed under section 222.]

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SEC. 318. STRATEGIC PLAN.

(a) REQUIREMENT FOR STRATEGY.—The Under Secretary for Science and Technology shall develop, and update as necessary, a strategy to guide the activities of the Directorate of Science and Technology. The strategy shall be risk-based and aligned with other strategic guidance provided by—

(1) the National Strategy for Homeland Security;

(2) the Quadrennial Homeland Security Review;

(3) the Capabilities and Requirements Council established under section 709; and

(4) other relevant strategic planning documents, as determined by the Under Secretary.

(b) CONTENTS.—The strategy required by subsection (a) shall be prepared in accordance with applicable Federal requirements and guidelines, and shall include the following:

(1) Long-term strategic goals, objectives, and metrics of the Directorate.

(2) Analysis of how the research programs of the Directorate support achievement of those strategic goals and objectives.

(3) A description of how the activities and programs of the Directorate meet the requirements or homeland security capability gaps identified by customers within and outside of the Department, including the first responder community.

(4) The role of the Department's risk analysis activities and programs of the Directorate.

(5) A technology transition strategy for the programs of the Directorate.

(6) A description of the policies of the Directorate on the management, organization, and personnel of the Directorate.

(7) Short- and long-term strategic goals, and objectives for significantly increasing the number of designations and certificates issued under subtitle G of title VIII, as well as identification of the specific metrics to be used to determine whether a designation or a certificate will be awarded.

(c) SUBMISSION OF PLAN TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees the strategy developed under subsection (a) and any update to the strategy.

SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

(a) IN GENERAL.—The Under Secretary for Science and Technology shall develop, and revise at least every 5 years, a 5-year re-

search and development plan for the activities of the Directorate of Science and Technology.

(b) CONTENTS.—The 5-year research and development plan developed under subsection (a) shall—

(1) define the Directorate's research, development, testing, and evaluation activities, priorities, performance metrics, and key milestones and deliverables for the 5-fiscal-year period from 2013 through 2017, and for each 5-fiscal-year period thereafter;

(2) link the activities identified in paragraph (1) to the goals and objectives described in the strategic plan developed under section 318, the research requirements established in section 320, and the operational capability needs as determined by the Capabilities and Requirements Council established under section 709;

(3) describe, for each activity of the strategic plan, the planned annual funding levels for the period covered by the plan; and

(4) indicate joint investments with other Federal partners where applicable.

(c) SCOPE OF THE PLAN.—The Under Secretary shall ensure that each plan developed under subsection (a)—

(1) reflects input from a wide range of stakeholders; and

(2) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions contributes to the achievement of the priorities identified in the plan, and avoids unnecessary duplication with these efforts.

(d) REPORTS.—At the time the President submits each annual budget request, the Under Secretary shall provide a report to the appropriate congressional committees on the status and results to date of implementation of the current 5-year research and development plan, including—

(1) a summary of the research and development activities for the previous fiscal year in each topic area;

(2) the annual expenditures in each topic area;

(3) an assessment of progress of the research and development activities based on the performance metrics and milestones set forth in the plan; and

(4) any changes to the plan.

SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

(a) IN GENERAL.—The Under Secretary for Science and Technology shall establish and implement a process to identify, prioritize, fund, and task the basic and applied homeland security research and development activities of the Directorate of Science and Technology.

(b) PROCESS.—The process established under subsection (a) shall—

(1) account for Departmentwide priorities as defined by the Capabilities and Requirements Council established under section 709;

(2) be responsive to near-, mid-, and long-term needs, including unanticipated needs to address emerging threats;

(3) utilize gap analysis and risk assessment tools where available and applicable;

(4) include protocols to assess—

(A) off-the-shelf technology to determine if an identified homeland security capability gap can be addressed through the acquisition process instead of commencing research and development of technology to address that capability gap; and

(B) research and development activities pursued by other executive agencies, to determine if technology can be leveraged to address an identified homeland security capability gap;

(5) provide for documented and validated research and development requirements;

(6) establish roles and responsibilities for the Under Secretary for Science and Technology, the Under Secretary for Policy, the Under Secretary for Management, and the heads of operational components of the Department;

(7) strengthen first responder participation in identifying and prioritizing homeland security technological gaps, including by—

(A) soliciting feedback from appropriate national associations and advisory groups representing the first responder community and first responders within the components of the Department; and

(B) establishing and promoting a publicly accessible portal to allow the first responder community to help the Directorate develop homeland security research and development goals;

(8) institute a mechanism to publicize the Department's funded and unfunded homeland security technology priorities for the purpose of informing the Federal, State, and local governments, first responders, and the private sector;

(9) establish considerations to be used by the Directorate in selecting appropriate research entities, including the national laboratories, federally funded research and development centers, university-based centers, and the private sector, to carry out research and development requirements; and

(10) include any other criteria or measures the Secretary considers necessary for the identification and prioritization of research requirements.

SEC. 321. MONITORING PROGRESS.

(a) IN GENERAL.—The Under Secretary for Science and Technology shall monitor the progress of the research, development, testing, and evaluation activities undertaken by the Directorate of Science and Technology, and shall provide, at a minimum on a biannual basis, regular updates on that progress to relevant customers of those activities.

(b) REQUIREMENTS OF PROGRESS UPDATES.—In order to provide the progress updates required under subsection (a), the Under Secretary shall develop a system that—

(1) monitors progress toward project milestones identified by the Under Secretary;

(2) maps progress toward deliverables identified in the 5-year plan required under section 319;

(3) generates up-to-date reports to customers that transparently disclose the status and progress of research, development, testing, and evaluation efforts of the Directorate;

(4) evaluates the extent to which a technology or service produced as a result of the Directorate's programs has addressed homeland security capability gaps and requirements as determined by the Capabilities and Requirements Council established under section 709; and

(5) allows the Under Secretary to report the number of products and services developed by the Directorate that have been transitioned into acquisition programs and resulted in successfully fielded technologies.

(c) EVALUATION METHODS.—

(1) EXTERNAL INPUT, CONSULTATION, AND REVIEW.—The Under Secretary shall implement procedures to engage outside experts in assisting in the evaluation of the progress of research and development programs or activities of the Directorate, including through—

(A) consultation with experts, including scientists and practitioners, to gather independent expert peer opinion and advice on a project or on specific issues or analyses conducted by the Directorate; and

(B) periodic, independent, external review to assess the quality and relevance of the Directorate's programs and projects.

(2) CUSTOMER FEEDBACK.—The Under Secretary shall establish a formal process to collect feedback from customers of the Directorate on the performance of the Directorate, that includes—

(A) appropriate methodologies through which customers can assess the quality and usefulness of technology and services delivered by the Directorate;

(B) development of metrics for measuring customer satisfaction and the usefulness of any technology or service provided by the Directorate; and

(C) standards for high-quality customer service.

SEC. 322. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—The Under Secretary for Science and Technology may make available to any person, for an appropriate fee, the services of any testing facility owned by the Federal Government and operated by the Directorate for Science and Technology for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary shall ensure that the testing at such facilities of materials, equipment, models, computer software, or other items not owned by the Federal Government do not cause personnel or other resources of the Federal Government to be diverted from scheduled Federal Government tests or otherwise interfere with Federal Government mission requirements.

(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed by a person with services made available under subsection (a) and any associated data provided by the person for the conduct of the tests—

(1) are trade secrets and commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code; and

(2) may not be disclosed outside the Federal Government without the consent of the person for which the tests are performed.

(d) FEES.—The fee for using the services of a facility under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel, that are incurred by the Federal Government to provide for the testing.

(e) USE OF FEES.—Any fee collected under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology and shall be used to directly support the research and development activities of the Department.

SEC. 323. BIOFORENSICS CAPABILITIES.

(a) BIOFORENSICS ANALYSIS CENTER.—There is authorized in the Department a bioforensics analysis center to provide support for law enforcement and intelligence-related investigations and actions to—

(1) provide definitive bioforensics analysis in support of the executive agencies with primary responsibilities for preventing, deterring, responding to, attributing, and recovering from biological attacks; and

(2) undertake other related bioforensics activities.

(b) PAYMENT FOR SERVICES.—The center shall charge and retain fees to reimburse the cost of any service provided to an executive agency that requested such service.

(c) DETAILEE PROGRAM.—Subject to the availability of appropriations, the Secretary may implement a program under which executive agencies as considered appropriate by the Secretary provide personnel, on a reimburseable basis, to the center for the purpose of—

(1) providing training and other educational benefits for such stakeholders to help them to better understand the policies, procedures, and laws governing national bioforensics activities; and

(2) bolstering the capabilities and information sharing activities of the bioforensics analysis center authorized under subsection (a) with national biosecurity and biodefense stakeholders.

SEC. 324. HOMELAND SECURITY SCIENCE AND TECHNOLOGY FELLOWS PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a fellows program, to be known as the Homeland Security Science and Technology Fellows Program, under which the Under Secretary shall facilitate the temporary placement of scientists in relevant scientific or technological fields for up to 2 years in components of the Department with a need for scientific and technological expertise.

(b) UTILIZATION OF FELLOWS.—

(1) IN GENERAL.—Under the Program, the Under Secretary may employ fellows—

(A) for the use of the Directorate of Science and Technology; or

(B) for the use of a Department component outside such Directorate, under an agreement with the head of such a component under which the component will reimburse the Directorate for the costs of such employment.

(2) RESPONSIBILITIES.—Under such an agreement—

(A) the Under Secretary shall—

(i) solicit and accept applications from individuals who are currently enrolled in or who are graduates of postgraduate programs in scientific and engineering fields related to the promotion of securing the homeland, including—

(I) biological, chemical, physical, behavioral, social, health, medical, and computational sciences;

(II) geosciences;

(III) all fields of engineering; and

(IV) such other disciplines as are determined relevant by the Secretary;

(ii) screen applicant candidates and interview them as appropriate to ensure that they possess the appropriate level of scientific and engineering expertise and qualifications;

(iii) provide a list of qualified applicants to the heads of Department components seeking to utilize qualified fellows;

(iv) subject to the availability of appropriations, pay financial compensation to such fellows;

(v) coordinate with the Chief Security Officer to facilitate and expedite provision of security clearances to fellows, as appropriate; and

(vi) otherwise administer all aspects of the employment of fellows with the Department; and

(B) the head of the component utilizing a fellow shall—

(i) select the fellow from the list of qualified applicants provided by the Under Secretary;

(ii) reimburse the Under Secretary for the costs of employing the fellow selected, including administrative costs; and

(iii) be responsible for the day-to-day management of the fellow.

(c) APPLICATIONS FROM NONPROFIT ORGANIZATIONS.—The Under Secretary may accept an application under subsection (b)(2)(A) that is submitted by a nonprofit organization on behalf of individuals whom such nonprofit organization has determined may be qualified applicants under the program.

TITLE IV—DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY

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Subtitle C—Miscellaneous Provisions

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SEC. 428. VISA ISSUANCE.

(a) * * *

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(e) ASSIGNMENT OF HOMELAND SECURITY EMPLOYEES TO DIPLOMATIC AND CONSULAR POSTS.—

(1) * * *

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(9) STUDENT VISAS.—In administering the program under this subsection, the Secretary, not later than 180 days after the date of the enactment of the Student Visa Security Improvement Act, shall—

(A) prescribe regulations to require employees assigned under paragraph (1) to review the applications of all applicants recommended by Department of State personnel for visas under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and conduct in-person interviews where appropriate, prior to final adjudication, with special emphasis on determining whether applicants are inadmissible under section 212(a)(3)(B) of such Act (8 U.S.C. 1182(a)(3)(B)) (relating to terrorist activities);

(B) ensure that employees assigned under paragraph (1) conduct on-site reviews of any applications and supporting documentation for visas under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) that they deem appropriate prior to final adjudication; and

(C) update, in consultation with the Secretary of State, the memorandum of understanding between the Department of Homeland Security and the Department of State regarding implementation of this section to clarify the roles and responsibilities of employees assigned under paragraph (1) specifically with regard to the duties prescribed by this paragraph.

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[(i) VISA ISSUANCE PROGRAM FOR SAUDI ARABIA.—Notwithstanding any other provision of law, after the date of the enactment of this Act all third party screening programs in Saudi Arabia shall be terminated. On-site personnel of the Department of Homeland Security shall review all visa applications prior to adjudication.]

(i) VISA ISSUANCE AT DESIGNATED CONSULAR POSTS AND EMBASSIES.—Notwithstanding any other provision of law, the Secretary—

(1) shall conduct an on-site review of all visa applications and supporting documentation before adjudication at the 20 highest-risk visa issuing diplomatic and consular posts, as determined by the Secretary; and

(2) is authorized to assign employees of the Department to each diplomatic and consular post at which visas are issued unless, in the Secretary's sole and unreviewable discretion, the Secretary determines that such an assignment at a particular post would not promote national or homeland security.

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[SEC. 430. OFFICE FOR DOMESTIC PREPAREDNESS.

[(a) IN GENERAL.—The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.

[(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Border and Transportation Security.

[(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

[(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

[(2) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

[(3) directing and supervising terrorism preparedness grant programs of the Federal Government (other than those programs administered by the Department of Health and Human Services) for all emergency response providers;

[(4) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

[(5) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

[(6) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

[(7) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities of State, local, and tribal governments consistent with the mission and functions of the Directorate;

[(8) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section; and

[(9) helping to ensure the acquisition of interoperable communication technology by State and local governments and emergency response providers.

[(d) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.]

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Subtitle D—Immigration Enforcement Functions

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[SEC. 442. ESTABLISHMENT OF BUREAU OF BORDER SECURITY.

[(a) ESTABLISHMENT OF BUREAU.—

[(1) IN GENERAL.—There shall be in the Department of Homeland Security a bureau to be known as the "Bureau of Border Security".

[(2) ASSISTANT SECRETARY.—The head of the Bureau of Border Security shall be the Assistant Secretary of the Bureau of Border Security, who—

[(A) shall report directly to the Under Secretary for Border and Transportation Security; and

[(B) shall have a minimum of 5 years professional experience in law enforcement, and a minimum of 5 years of management experience.

[(3) FUNCTIONS.—The Assistant Secretary of the Bureau of Border Security—

[(A) shall establish the policies for performing such functions as are—

[(i) transferred to the Under Secretary for Border and Transportation Security by section 441 and delegated to the Assistant Secretary by the Under Secretary for Border and Transportation Security; or

[(ii) otherwise vested in the Assistant Secretary by law;

[(B) shall oversee the administration of such policies; and

[(C) shall advise the Under Secretary for Border and Transportation Security with respect to any policy or operation of the Bureau of Border Security that may affect the Bureau of Citizenship and Immigration Services established under subtitle E, including potentially conflicting policies or operations.

[(4) PROGRAM TO COLLECT INFORMATION RELATING TO FOREIGN STUDENTS.—The Assistant Secretary of the Bureau of Border Security shall be responsible for administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and shall use such information to carry out the enforcement functions of the Bureau.

[(5) MANAGERIAL ROTATION PROGRAM.—

[(A) IN GENERAL.—Not later than 1 year after the date on which the transfer of functions specified under section 441 takes effect, the Assistant Secretary of the Bureau of Border Security shall design and implement a managerial rotation program under which employees of such bureau holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, United States Code, as a GS–14 or above, shall—

[(i) gain some experience in all the major functions performed by such bureau; and

[(ii) work in at least one local office of such bureau.

[(B) REPORT.—Not later than 2 years after the date on which the transfer of functions specified under section 441 takes effect, the Secretary shall submit a report to the Congress on the implementation of such program.

[(b) CHIEF OF POLICY AND STRATEGY.—

[(1) IN GENERAL.—There shall be a position of Chief of Policy and Strategy for the Bureau of Border Security.

[(2) FUNCTIONS.—In consultation with Bureau of Border Security personnel in local offices, the Chief of Policy and Strategy shall be responsible for—

[(A) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

[(B) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

[(c) LEGAL ADVISOR.—There shall be a principal legal advisor to the Assistant Secretary of the Bureau of Border Security. The legal advisor shall provide specialized legal advice to the Assistant Secretary of the Bureau of Border Security and shall represent the bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.]

SEC. 442. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) ESTABLISHMENT.—There is established within the Department an agency to be known as Immigration and Customs Enforcement.

(b) FUNCTIONS.—The primary functions of the agency are the following:

(1) To conduct criminal investigations relating to homeland security, particularly investigations relating to border security, customs, immigration, naturalization, trade, travel, and transportation security.

(2) To enforce Federal immigration and naturalization laws, particularly those laws relating to arrest, detention, removal, employment verification, and fraud.

(c) DIRECTOR.—

(1) IN GENERAL.—The head of Immigration and Customs Enforcement shall be the Director of Immigration and Customs Enforcement. The Director shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) exercise the duties and powers described in this section, prescribed by other law, or delegated by the Secretary; and

(C) report directly to the Secretary.

(2) COMPENSATION.—The Director shall be compensated at the rate of pay for level III of the Executive Schedule as provided in section 5314 of title 5, United States Code.

(d) DUTIES AND POWERS OF THE DIRECTOR.—Subject to the supervision of the Secretary, the Director shall be responsible for the di-

rection, management, and administration of the Immigration and Customs Enforcement, its employees, and its programs.

(1) CRIMINAL INVESTIGATION.—The Director shall have the power to investigate and, where appropriate, refer for prosecution, any criminal violation of Federal law relating to or involving—

(A) border control and security (including ports of entry), including the prevention of the entry or residence of terrorists, criminals, and human rights violators;

(B) customs, trade, import, or export control, including the illicit possession, movement of, or trade in goods, services, property, contraband, arms, items controlled or prohibited from export, pornography, intellectual property, or monetary instruments;

(C) transnational money laundering or bulk cash smuggling;

(D) immigration or naturalization;

(E) alien gangs or criminal syndicates;

(F) possession of a firearm or explosive by an alien;

(G) the employment or abuse of an alien, including trafficking and peonage, labor violations, sexual exploitation, pornography, prostitution, and sex tourism;

(H) identification, travel, or employment documents;

(I) identity theft or misuse of social security account numbers or information when such theft relates to or affects border security, customs, immigration, naturalization, trade, travel, and transportation security;

(J) travel and transportation security;

(K) any other authorities previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security; and

(L) such other authorities of the Department as the Secretary may prescribe.

(2) CIVIL IMMIGRATION AND NATURALIZATION ENFORCEMENT.—The Director shall have the power to enforce the civil immigration and naturalization laws of the United States, including the civil and administrative power to—

(A) investigate, locate, and arrest any alien subject to exclusion, deportation, or removal from the United States;

(B) remove any alien subject to exclusion, deportation, or removal from the United States through appropriate administrative removal proceedings;

(C) detain an alien for purposes of exclusion, deportation, or removal, or as otherwise provided by law;

(D) enforce Federal law relating to the unlawful employment of aliens and to immigration document fraud; and

(E) exercise such other authorities relating to the enforcement of the immigration and naturalization laws that the Secretary may prescribe.

(3) ENFORCEMENT POLICY.—The Director shall—

(A) establish and direct the policies of the Immigration and Customs Enforcement;

(B) advise the Secretary and other senior officers of the Department on policy matters relating to Immigration and Customs Enforcement and its duties;

(C) coordinate, on behalf of the Department, with Federal, State, tribal, and foreign agencies to promote the efficient—

(i) investigation of criminal violations of the border security, customs, immigration, naturalization, trade, travel, and transportation laws of the United States; and

(ii) civil enforcement of the immigration and naturalization laws of the United States.

(4) GENERAL ENFORCEMENT POWERS.—The Director may authorize agents and officers of Immigration and Customs Enforcement to—

(A) execute warrants issued under the laws of the United States;

(B) carry firearms;

(C) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

(D) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or potential violation of those provisions of law which Immigration and Customs Enforcement is authorized to enforce; and

(E) issue civil detainers for purposes of immigration enforcement.

(5) ADDITIONAL DUTIES AND POWERS.—

(A) IN GENERAL.—The Director shall exercise any other powers prescribed by law and such ancillary powers as are necessary to carry out the duties and powers described in this section, including the relevant powers previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security.

(B) INSPECTION, SEIZURE, AND SEARCH.—In carrying out the duties prescribed in this section, the Director may exercise the inspection, seizure, and search authorities previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security.

(C) IMMIGRATION ENFORCEMENT.—In carrying out the immigration enforcement duties of this section, the Director shall have the authority to identify aliens in the criminal justice system who have been charged with or convicted of criminal offenses and are subject to removal.

(D) INTELLECTUAL PROPERTY PROTECTION.—The Director shall establish and administer a National Intellectual Property Rights Coordination Center to promote Federal and international investigation of intellectual property offenses.

(E) LIMITATION.—Notwithstanding the authority in paragraph (1)(A) relating to terrorists, primary responsibility for investigating acts of terrorism shall rest with the Federal, State, and local law enforcement agencies with jurisdiction over the acts in question.

(F) VESTING.—All functions of all officers, employees, and organizational units of Immigration and Customs Enforcement are vested in the Director.

(G) DELEGATION.—Except as otherwise prohibited by law, the Director may delegate any of the Director's duties and powers to any employee or organizational unit of Immigration and Customs Enforcement.

(6) OVERSEAS OFFICES.—In coordination with the Department of State, the Director shall establish and staff liaison offices in appropriate foreign countries to support the international activities and relationships of Immigration and Customs Enforcement.

(e) ADDITIONAL AGENCY OFFICERS.—In addition to such officers as the Secretary or Director may provide, Immigration and Customs Enforcement shall have the following officers to assist the Director in the performance of the Director's duties:

(1) A Deputy Director, who shall assist the Director in the management of Immigration and Customs Enforcement and who shall act for the Director in the Director's absence or disability.

(2) A Chief Counsel, who shall provide the Director specialized legal advice and represent the Director in all administrative proceedings before the Executive Office for Immigration Review.

(f) OTHER LAW ENFORCEMENT AGENCIES.—Nothing in this section shall be construed to limit the existing authority of any other Federal law enforcement agency.

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TITLE V—NATIONAL EMERGENCY MANAGEMENT

* * * * * * *

SEC. 506. PRESERVING THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) * * *

(b) REORGANIZATION.—Section [872] *2302* shall not apply to the Agency, including any function or organizational unit of the Agency.

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SEC. 508. NATIONAL ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006, the Secretary shall establish an advisory body under section [871] *2301*(a) to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation

for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

* * * * * * *

(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Notwithstanding [section 871(a)] *section 2301(a)* and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the National Advisory Council.

* * * * * * *

SEC. 516. CHIEF MEDICAL OFFICER.

(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate[.]*, and who shall also have the title of Assistant Secretary for Health Affairs.*

* * * * * * *

(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

(1) * * *

* * * * * * *

(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; [and]

(7) ensuring that the workforce of the Department has science-based policy, standards, requirements, and metrics for occupational safety and health;

(8) providing medical expertise for the components of the Department with respect to prevention, preparedness, protection, response, and recovery for medical and public health matters;

(9) working in conjunction with appropriate entities of the Department and other appropriate Federal agencies to develop guidance for prevention, preparedness, protection, response, and recovery from catastrophic events with human, animal, and agricultural health consequences; and

[(7)] *(10)* performing such other duties relating to such responsibilities as the Secretary may require.

* * * * * * *

SEC. 525. ACCEPTANCE OF GIFTS.

(a) AUTHORITY.—The Secretary*, acting through the Administrator,* may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Preparedness that are related to efforts to prevent, prepare for, protect against, or respond to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

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SEC. 526. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to permit a class deviation to the Federal Acquisition Regulation with respect to the micropurchase threshold and may do so in such official's sole discretion to support domestic emergency operations and response activities related to acts of terrorism.

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

(c) LIMITATION.—In any class deviation under subsection (a), the micropurchase threshold may not exceed $15,000.

(d) DOMESTIC EMERGENCY OPERATION DEFINED.—In this section, the term "domestic emergency operation" means assistance activities carried out in support of or in response to—

(1) an emergency or major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(2) any occasion or instance for which the Secretary determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States;

(3) any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby; or

(4) any act of terrorism, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

SEC. 527. INDIVIDUAL AND COMMUNITY PREPAREDNESS

(a) IN GENERAL.—The Administrator shall assist State, local, and tribal authorities in improving and promoting individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear materials, including those that cause mass fatalities, against the United States, by—

(1) developing guidance and checklists of recommended actions for individual and community prevention and preparedness efforts and disseminating such guidance and checklists to communities and individuals;

(2) updating new and existing guidance and checklists as appropriate;

(3) disseminating the guidance developed under section 510 to communities and individuals, as appropriate;

(4) providing information and training materials in support of individual and community preparedness efforts;

(5) conducting individual and community preparedness outreach efforts; and

(6) such other actions as the Secretary determines appropriate.

(b) COORDINATION.—Where appropriate, the Secretary shall coordinate with private sector and nongovernmental organizations to promote individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear materials against the United States.

(c) BEST PRACTICES.—In compiling guidance for individual and community preparedness in order to carry out subsection (a)(4), the Secretary shall give due regard to best practices based on the experience of other agencies and countries and the expertise of academic institutions and nongovernmental organizations.

SEC. 528. COMMUNICATIONS PLANNING.

(a) COMMUNICATIONS PLAN.—

(1) IN GENERAL.—The Administrator shall develop a communications plan designed to provide information to the public related to preventing, protecting against, responding to, and recovering from chemical, biological, radiological, and nuclear attacks;

(2) PRE-SCRIPTED MESSAGES AND MESSAGE TEMPLATES.—

(A) IN GENERAL.—The Administrator shall develop and disseminate, through the Federal Emergency Management Agency, a public alerts and warnings system, and prescripted messages and message templates to be provided to State, local, and tribal authorities so that those authorities can quickly and rapidly disseminate critical information to the public in anticipation of, during, or in the immediate aftermath of a chemical, biological, radiological, or nuclear attack, and to be included in the Department of Homeland Security's lessons learned information sharing system.

(B) DEVELOPMENT AND DESIGN.—The pre-scripted messages or message templates shall—

(i) be developed in consultation with State, local, and tribal authorities and in coordination with other appropriate Federal departments and agencies;

(ii) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by an incident, including information regarding an evacuation, sheltering in place, hospital surge operations, health, and safety;

(iii) be designed to provide accurate, essential, and appropriate information and instructions to emergency response providers and medical personnel responding to an incident; and

(iv) include direction for the coordination of Federal, State, local, and tribal communications teams.

(C) COMMUNICATIONS FORMATS.—The Administrator shall develop pre-scripted messages or message templates

under this paragraph in multiple formats to ensure delivery—

(i) in cases where the usual communications infrastructure is unusable; and

(ii) to individuals with disabilities or other special needs and individuals with limited English proficiency.

(D) DISSEMINATION AND TECHNICAL ASSISTANCE.—The Administrator shall ensure that all pre-scripted messages and message templates developed under this paragraph are made available to State, local, and tribal authorities so that those authorities may incorporate them, as appropriate, into their emergency plans. The Administrator shall also make available relevant technical assistance to those authorities to support communications planning.

(E) EXERCISES.—To ensure that the pre-scripted messages or message templates developed under this paragraph can be effectively utilized in a disaster or incident, the Administrator shall incorporate Federal, State, local, and tribal communications teams that deliver such pre-scripted messages or message templates into exercises, including those conducted under the National Exercise Program.

(b) TERRORISM THREAT AWARENESS.—

(1) TERRORISM THREAT AWARENESS.—The Secretary, in consultation with the heads of appropriate Federal departments and agencies, shall for purposes of preparedness and collective response to terrorism and for other purposes—

(A) ensure that homeland security information concerning terrorist threats is provided to State, local, and tribal authorities and the public within the United States, as appropriate; and

(B) establish a process to optimize opportunities for qualified heads of State, local, and tribal government entities to obtain appropriate security clearances so that they may receive classified threat information when appropriate.

(2) THREAT BULLETINS.—

(A) IN GENERAL.—Consistent with the requirements of paragraph (1), the Secretary shall, on a timely basis, prepare unclassified threat bulletins on chemical, biological, radiological, and nuclear threats.

(B) REQUIREMENTS.—Each assessment required under subparagraph (A) shall—

(i) include guidance to the public for preventing and responding to acts of terrorism arising from such threats; and

(ii) be made available on the Internet Web site of the Department and other publicly accessible Internet Web sites, communication systems, and information networks.

(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL AUTHORITIES.—The Secretary, using information provided by the terrorism risk assessments required under section 2104 and other threat assessments available to the Department—

(A) shall provide to State, local, and tribal authorities written guidance on communicating terrorism-related

threats and risks to the public within their jurisdictions; and

(B) shall identify the governmental rationale for identifying particular communities as being at heightened risk of exploitation.

SEC. 529. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a Metropolitan Medical Response System Program, that shall assist State and local governments in preparing for and responding to public health and mass casualty incidents resulting from acts of terrorism and natural disasters.

(b) FINANCIAL ASSISTANCE.—

(1) AUTHORIZATION OF GRANTS.—

(A) IN GENERAL.—The Secretary, through the Administrator, may make grants under this section to State and local governments to assist in preparing for and responding to mass casualty incidents resulting from acts of terrorism and natural disasters.

(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Assistant Secretary for Health Affairs of the Department.

(2) USE OF FUNDS.—A grant made under this section may be used to support the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard, including—

(A) to strengthen medical surge capacity;

(B) to strengthen mass prophylaxis capabilities including development and maintenance of an initial pharmaceutical stockpile sufficient to protect first responders, their families, and immediate victims from a chemical or biological event;

(C) to strengthen chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities;

(D) to develop and maintain mass triage and pre-hospital treatment plans and capabilities;

(E) for planning;

(F) to support efforts to strengthen information sharing and collaboration capabilities of regional, State, and urban areas in support of public health and medical preparedness;

(G) for medical supplies management and distribution;

(H) for training and exercises;

(I) for integration and coordination of the activities and capabilities of public health personnel and medical care providers with those of other emergency response providers as well as other Federal agencies, the private sector, and nonprofit organizations, for the forward movement of patients; and

(J) for such other activities as the Administrator provides.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any jurisdiction that received funds through the Metro-

politan Medical Response System Program in fiscal year 2010 shall be eligible to receive a grant under this section.

(B) PERFORMANCE REQUIREMENT AFTER FISCAL YEAR 2012.—A jurisdiction shall not be eligible for a grant under this subsection from funds available after fiscal year 2012 unless the Secretary determines that the jurisdiction maintains a sufficient measured degree of capability in accordance with the performance measures issued under subsection (c).

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Administrator shall distribute grant funds under this section to the State in which the jurisdiction receiving a grant under this section is located.

(B) PASS THROUGH.—Subject to subparagraph (C), not later than 45 days after the date on which a State receives grant funds under subparagraph (A), the State shall provide the jurisdiction receiving the grant 100 percent of the grant funds, and not later than 45 days after the State releases the funds, all fiscal agents shall make the grant funds available for expenditure.

(C) EXCEPTION.—The Administrator may permit a State to provide to a jurisdiction receiving a grant under this section 97 percent of the grant funds awarded if doing so would not result in any jurisdiction eligible for a grant under paragraph (3)(A) receiving less funding than such jurisdiction received in fiscal year 2009.

(5) REGIONAL COORDINATION.—The Administrator shall ensure that each jurisdiction that receives a grant under this section, as a condition of receiving such grant, is actively coordinating its preparedness efforts with surrounding jurisdictions, with the official with primary responsibility for homeland security (other than the Governor) of the government of the State in which the jurisdiction is located, and with emergency response providers from all relevant disciplines, as determined by the Administrator, to effectively enhance regional preparedness.

(c) PERFORMANCE MEASURES.—The Administrator, in coordination with the Assistant Secretary for Health Affairs, and the National Metropolitan Medical Response System Working Group, shall issue performance measures within one year after the date of enactment of this section that enable objective evaluation of the performance and effective use of funds provided under this section in any jurisdiction.

(d) METROPOLITAN MEDICAL RESPONSE SYSTEM WORKING GROUP DEFINED.—In this section, the term "National Metropolitan Medical Response System Working Group" means—

(1) 10 Metropolitan Medical Response System Program grant managers, who shall—

(A) include one such grant manager from each region of the Agency;

(B) comprise a population-based cross section of jurisdictions that are receiving grant funds under the Metropolitan Medical Response System Program; and

(C) include—

(i) 3 selected by the Administrator; and

(ii) 3 selected by the Chief Medical Officer of the Department; and

(2) 3 State officials who are responsible for administration of State programs that are carried out with grants under this section, who shall be selected by the Administrator.

(e) AUTHORIZATION OF APPROPRIATIONS.—From the total amount authorized to be appropriated under this Act, $42,000,000 shall be authorized for appropriations to carry out the program for each of fiscal years 2012 through 2016.

SEC. 530. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION

(a) IN GENERAL.—In order to provide timely and effective warnings and disseminate homeland security and other information, the Secretary shall—

(1) establish a national integrated public alert and warning system (in this section referred to as "the system") not later than one year after the date of the enactment of this section; and

(2) designate an agency within the Department to receive, aggregate, validate, and authenticate homeland security and other information originated by authorized Federal, State, local, and tribal governments to facilitate the transmission of the Personalized Localized Alerting Network.

(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) establish, as appropriate, common alerting and warning protocols, standards of performance, and terminology for the system established under subsection (a)(1) by adopting, where appropriate, mechanisms that integrate various approaches developed by key stakeholders;

(2) include in the system the capability to adapt the dissemination of homeland security and other information and the content of communications on the basis of geographic location, risks, or user preferences, as appropriate;

(3) include in the system the capability to alert and warn individuals with disabilities and access and functional needs;

(4) ensure that the system is incorporated into the training and exercise programs of the Department; and

(5) coordinate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal governments, and other key stakeholders to leverage existing alert and warning capabilities.

(c) SYSTEM REQUIREMENTS.—The Secretary shall ensure that the system—

(1) incorporates redundant and diverse modes to disseminate homeland security and other information in warning messages to the public so as to reach the greatest number of individuals;

(2) can be adapted to incorporate future technologies;

(3) is resilient, secure, and can withstand acts of terrorism and other external attacks;

(4) delivers alerts to populations in remote areas; and

(5) promotes State, local, tribal, and regional partnerships to enhance coordination.

(d) REPORT.—Not later than one year after the date on which the system established under subsection (a) is fully functional and every six months thereafter, the Secretary shall report to the Committee

on Homeland Security of the House of Representatives and the Homeland Security and Governmental Affairs Committee of the Senate on the functionality and performance of the integrated public alert and warning system, including—

(1) an assessment of the accomplishments and deficiencies of the system;

(2) recommendations for improvements to the system; and

(3) information on the feasibility and effectiveness of disseminating homeland security and other information, notices, and alerts prior to and following an incident requiring use of the system.

TITLE VI—[TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS] *POLICY, PLANNING, AND OPERATIONS COORDINATION*

SEC. 601. UNDER SECRETARY FOR POLICY.

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

(b) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Under Secretary for Policy shall—

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

(2) supervise policy development for the programs, offices, and activities of the Department;

(3) establish and direct a formal policymaking process for the Department;

(4) ensure that the budget of the Department can fulfill the Department's statutory and regulatory responsibilities and implement strategic plans and policies established by the Secretary in a risk-based manner;

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

(6) coordinate policy development undertaken by the component agencies and offices of the Department; and

(7) carry out such other functions as the Secretary determines are appropriate, consistent with this section.

SEC. 602. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

(a) IN GENERAL.—The Department's Chief Operating Officers shall include—

(1) the Chief Financial Officer;

(2) the Chief Procurement Officer;

(3) the Chief Information Officer;

(4) the Chief Human Capital Officer;

(5) the Chief Administrative Officer; and

(6) the Chief Security Officer.

(b) DELEGATION.—Subject to the direction and control of the Secretary, the Chief Operating Officers shall have direct authority over

their respective counterparts in the components of the Department to ensure that the components comply with the laws, rules, regulations, and departmental policies the Chief Operating Officers are responsible for implementing. In coordination with the head of the relevant component, such authorities shall include, with respect to the Officer's counterparts within components of the Department, direction of—

(1) the activities of personnel;

(2) planning, operations, and training; and

(3) the budget and other financial resources.

(c) COORDINATION WITH HEADS OF AGENCIES.—The chief operating officers of components of the Department shall coordinate with the heads of their respective agencies while fulfilling their responsibilities under subsection (b) to report directly to the Chief Operating Officers.

SEC. 603. OFFICE OF POLICY.

(a) ESTABLISHMENT.—There is established in the Department the Office of Policy, to be headed by the Under Secretary for Policy as authorized under the Department of Homeland Security Authorization Act for Fiscal Year 2012.

(b) FUNCTIONS OF THE OFFICE OF POLICY.—The Office of Policy shall—

(1) develop Department policies, programs, and planning, consistent with the quadrennial homeland security review, to promote and ensure quality, consistency, and integration for the programs, offices, and activities of the Department across all homeland security missions;

(2) develop and articulate the long-term strategic view of the Department and translate the Secretary's strategic priorities into capstone planning products that drive increased operational effectiveness through integration, prioritization, and resource allocation;

(3) lead Departmental international engagement and activities;

(4) represent the Department position to other Federal Agencies and the President; and

(5) coordinate with policy officials in Departmental components to ensure the effective and efficient implementation of policy.

TITLE VII—MANAGEMENT

SEC. 701. UNDER SECRETARY FOR MANAGEMENT.

(a) IN GENERAL.—The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs. The Secretary, acting through the Under Secretary for Management, shall be responsible for the management and administration of the Department, including the following:

(1) * * *

(2) [Procurement] *Acquisition, as provided in subsection (d).*

* * * * * * *

(d) ACQUISITION AND RELATED RESPONSIBILITIES.—

(1) IN GENERAL.—The Under Secretary for Management shall act as the senior acquisition officer for the Department and shall administer functions relating to acquisition, including—

(A) supervising the management of Department acquisition activities and acquisition programs, evaluating the performance of those activities and programs, and advising the Secretary regarding the appropriate risk-based acquisition strategy to achieve the mission of the Department;

(B) directing all of the Department's components with regard to the Under Secretary's responsibility under this subsection;

(C) establishing policies for acquisition that implement a risk-based approach, as appropriate, including investment review, program management, procurement of goods and services, research and development, and contract administration, for all components of the Department;

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

(E) ensuring the procurement activities of the Department's components consider the applicability of the SAFETY Act in accordance with the procedures in the Federal Acquisition Regulations Subpart 50.205; and

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

(2) UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—Nothing in this subsection shall diminish or otherwise affect the authority granted to the Under Secretary for Science and Technology under this Act. The Under Secretary for Management and the Under Secretary for Science and Technology shall cooperate in matters of mutual interest related to the subjects addressed by this subsection.

SEC. 702. CHIEF FINANCIAL OFFICER.

(a) * * *

(b) PROGRAM ANALYSIS AND EVALUATION FUNCTION.—

(1) * * *

(2) RESPONSIBILITIES.—The Office shall perform the following functions:

(A) Analyze and evaluate plans, programs, and budgets of the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to [section 874(b)(2)] *section 2304(b)(2).*

(B) Develop and perform analyses and evaluations of alternative plans, programs, personnel levels, and budget submissions for the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy

developed pursuant to [section 874(b)(2)] *section 2304(b)(2)*.

* * * * * * *

(E) Provide guidance for, and oversee the development of, the Future Years Homeland Security Program of the Department, as specified under [section 874] *section 2304*.

* * * * * * *

(4) REORGANIZATION.—

(A) IN GENERAL.—The Secretary may allocate or reallocate the functions of the Office, or discontinue the Office, in accordance with [section 872(a)] *section 2302(a)*.

(B) EXEMPTION FROM LIMITATIONS.—[Section 872(b)] *Section 2302(b)* shall not apply to any action by the Secretary under this paragraph.

* * * * * * *

SEC. 703. CHIEF INFORMATION OFFICER.

(a) * * *

(b) RESPONSIBILITIES.—The Chief Information Officer shall—

(1) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the programs and operations of the information technology functions of the Department;

(2) establish the information technology priorities, policies, processes, standards, guidelines, and procedures of the Department;

(3) coordinate and ensure implementation of information technology priorities, policies, processes, standards, guidelines, and procedures within the Department;

(4) be responsible for information technology capital planning and investment management in accordance with sections 11312 and 11313 of title 40, United States Code;

(5) in coordination with the Chief Procurement Officer of the Department, assume responsibility for information systems acquisition, development, and integration as required by section 11312 of title 40, United States Code;

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

(7) in coordination with relevant officials of the Department, ensure that information technology systems meet the standards established under the information sharing environment, as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

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

(9) perform such other responsibilities as the Secretary may prescribe.

[(b)] *(c)* GEOSPATIAL INFORMATION FUNCTIONS.—

(1) * * *

* * * * * * *

SEC. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) REQUIREMENT.—

(1) QUADRENNIAL REVIEWS REQUIRED.—In [fiscal year 2009] *calendar year 2013*, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a "quadrennial homeland security review").

* * * * * * *

(3) CONSULTATION.—[The Secretary shall conduct each quadrennial homeland security review under this subsection] *In order to ensure that each quadrennial homeland security review conducted under this section is coordinated with the quadrennial defense review conducted by the Secretary of Defense under section 118 of title 10, United States Code, and any other major strategic review relating to diplomacy, intelligence, or other national security issues, the Secretary shall conduct each quadrennial homeland security review* in consultation with—

(A) * * *

* * * * * * *

(4) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under [section 874] *section 2304*.

[(b) CONTENTS OF REVIEW.—In each quadrennial homeland security review, the Secretary shall—

[(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

[(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation;

[(3) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

[(4) identify the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

[(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2); and

[(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security re-

view into an acquisition strategy and expenditure plan within the Department.

[(c) REPORTING.—

[(1) IN GENERAL.—Not later than December 31 of the year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

[(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

[(A) the results of the quadrennial homeland security review;

[(B) a description of the threats to the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review;

[(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation;

[(D) a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

[(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

[(F) a discussion of the status of cooperation among Federal agencies in the effort to promote national homeland security;

[(G) a discussion of the status of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats to national homeland security;

[(H) an explanation of any underlying assumptions used in conducting the review; and

[(I) any other matter the Secretary considers appropriate.

[(3) PUBLIC AVAILABILITY.—The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.]

(b) SCOPE OF REVIEW AND REPORT.—

(1) IN GENERAL.—In each quadrennial homeland security review, the Secretary shall—

(A) examine the homeland security aspects of the security environment of the Nation, including existing and potential homeland security threats and challenges, and the effect of laws, Presidential directives, national strategies, and other relevant guidance documents in meeting existing and potential homeland security threats and challenges;

(B) review the capabilities and capacities across the homeland security enterprise, and the roles of executive agencies, States, local governments, Indian tribes, and private entities in providing those capabilities and capacities;

(C) evaluate and prioritize the homeland security mission areas of the Nation and associated goals and objectives, and recommend any necessary revisions to the mission areas, goals, and objectives as appropriate;

(D) examine whether the capabilities and capacities across the homeland security enterprise should be adjusted based on any proposed modifications to the mission areas, goals, or objectives;

(E) identify additional capabilities and capacities that may be needed across the homeland security enterprise in response to potential homeland security threats and challenges, and the resources required to provide the capabilities and capacities;

(F) identify redundant, wasteful, or unnecessary capabilities and capacities where resources can be redirected to support capabilities and capacities identified under subparagraph (E);

(G) evaluate the organization, organizational structure, governance structure, and business processes (including acquisition processes) of the Department, as they relate to the ability of the Department to meet the responsibilities of the Department; and

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

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

(A) submit to the appropriate congressional committees a report—

(i) describing the process used in conducting the quadrennial homeland security review and explaining any underlying assumptions used in conducting the quadrennial homeland security review;

(ii) describing the findings and conclusions of the review, including findings and conclusions relating to each issue addressed under subparagraphs (A) through (H) of paragraph (1);

(iii) detailing any proposed revisions to the national homeland security strategy, including any proposed revisions to the homeland security missions, capabilities and capacities, goals, or objectives of the Nation;

(iv) detailing how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian tribes, and private entities, and of individuals, families, and communities;

(v) providing proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department in order to better fulfill the responsibilities of the Department; and

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

(B) consistent with the protection of national security and other sensitive matters, make the report required under subparagraph (A) publicly available on the website of the Department; and

(C) where appropriate, the Secretary may include as an annex to the report materials prepared pursuant to section 306 of title 5, relating to the preparation of an agency strategic plan, to satisfy, in whole or in part, the reporting requirements of this paragraph.

SEC. 708. DEPARTMENT ACQUISITIONS AND PROCUREMENT REVIEW.

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

(b) PURPOSE.—The review under subsection (a) shall inform the Department's investment decisions, evaluate lifecycles of procurements, strengthen acquisition oversight, and improve resource management in a risk-based manner.

(c) ACQUISITION REVIEW BOARD.—

(1) ESTABLISHMENT.—The Secretary shall establish an Acquisition Review Board for the purpose of carrying out the review of proposed acquisitions and procurements required under subsection (a).

(2) MEMBERSHIP.—The Secretary shall designate appropriate officers from throughout the Department to serve on the Acquisition Review Board, including an appointee to serve as chair of the Board.

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

(d) INVESTMENT THRESHOLDS.—The Secretary may establish materiality thresholds for the review of investments by the Acquisition Review Board or any subordinate board or council.

(e) SAFETY ACT.—The Acquisition Review Board shall identify proposed investments and acquisitions across the Department that should utilize the pre-qualification designation notice, the block designation, or the block certification processes available under subtitle G of title VIII, and provide its findings to the Under Secretary for Management, the Under Secretary for Science and Technology, and the relevant acquisition authority for implementation.

(f) REPORTING REQUIREMENT.—The Secretary shall submit to the appropriate congressional committees an annual report, broken down on a quarterly basis, on the activities of the Acquisition Review Board, including detailed descriptions of and statistics on programs and activities reviewed by the Acquisition Review Board.

SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.

(a) ESTABLISHMENT.—There is established a Capabilities and Requirements Council in the Department.

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

(1) Identifying, assessing, and approving homeland security investments and acquisition requirements, including investments in and requirements for existing programs, systems, and equipment, to meet homeland security strategic goals and objectives.

(2) Harmonizing common investments and requirements across Department organizational elements.

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

(4) Reviewing major investments across the Department to ensure consistency with homeland security strategic goals and objectives.

(5) Ensuring the use of cost-benefit analyses, giving consideration to factors such as cost, schedule, performance, risk, and operational efficiency, in order to determine the most viable homeland security investments or acquisition requirements identified under paragraph (1).

(6) Establishing and assigning priority levels for the homeland security investments and requirements identified under paragraph (1), in consultation with advisors to the Council engaged under subsection (d).

(7) Reviewing the estimated level of resources required to fulfill the homeland security requirements identified under paragraph (1) and to ensure that such resource level is consistent with the level of priority assigned to such requirement.

(8) Proposing schedules for delivery of the operational capability needed to meet each homeland security requirement identified under paragraph (1).

(9) Identifying alternatives to any acquisition program that meet homeland security requirements identified under paragraph (1).

(10) Providing recommendations to the Acquisition Review Board established under section 708.

(11) Performing any other duties established by the Secretary.

(c) COMPOSITION.—The Capabilities and Requirements Council is composed of—

(1) the Under Secretary for Management of the Department, who shall act as the Chairman of the Council; and

(2) appropriate representatives from the components and organizational elements of the Department, as determined by the Secretary.

(d) ADVISORS.—The Council shall seek and consider input from members of Federal, State, local, and tribal governments, and the private sector, as appropriate, on matters within their authority and expertise in carrying out its mission under subsection (b).

SEC. 710. ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) ESTABLISHMENT.—The Secretary may establish at the Department an Acquisition Professional Career Program for the recruit-

ment, training, and retention of acquisition professionals for the Department.

(b) PROGRAM.—The program established under subsection (a) shall rotate participants through various headquarters and component acquisition and program offices to assure that participants receive broad experience and developmental training throughout the Department.

(c) ACQUISITION PROFESSIONAL.—An acquisition professional shall include, but is not limited to, an individual employed by the Department as a contract specialist, program manager, or technical representative of a contracting office.

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

SEC. 711. NOTIFICATION TO CONGRESS OF MAJOR PROCUREMENT AWARDS.

(a) REPORTING OF SIGNIFICANT CONTRACTS.—The Secretary shall notify the appropriate congressional committees at least 3 business days prior to—

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

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

(b) EXCEPTION.—If the Secretary determines that compliance with this section would pose a substantial risk to homeland security, an award may be made without the notification required by subsection (a) if the Secretary notifies the appropriate congressional committees by not later than 5 business days after such award is made.

SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.

(a) IN GENERAL.—The Under Secretary for Management shall establish a process to provide for the evaluation of the integrity and quality of major acquisitions, to be conducted independently by personnel with no involvement or interest in the underlying acquisitions.

(b) REQUIREMENT FOR GUIDANCE.—The Under Secretary for Management shall create a transparent acquisition process by making available to the public written guidance that provides the following:

(1) Criteria for applying and planning independent verification and validation, including appropriate thresholds above which acquisitions may not proceed without independent verification and validation unless authorized to do so by the Acquisition Review Board established under section 708.

(2) Procedures for ensuring the managerial, financial, and technical independence of providers of independent verification and validation.

(3) Methods for integrating independent verification and validation results into program management.

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

(1) identify any acquisition that is granted initial approval to proceed by the Acquisition Review Board without undergoing the process to establish independent verification and validation required under this section; and

(2) provide an explanation of the decision not to employ independent verification and validation.

SEC. 713. OPERATIONAL TEST AND EVALUATION.

(a) ESTABLISHMENT.—There is established within the Department a Director of Operational Test and Evaluation.

(b) RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—The Director of Operational Test and Evaluation—

(1) shall advise the Secretary, the Under Secretary for Management, the Under Secretary for Science and Technology, and the heads of other relevant components of the Department regarding all activities related to operational test and evaluation in the Department; and

(2) shall—

(A) prescribe operational test and evaluation policies and procedures for the Department, which shall include policies to ensure that operational testing is done at facilities that already have relevant and appropriate safety and material certifications to the extent such facilities are available;

(B) ensure the effectiveness, reliability, and suitability of operational testing and evaluation activities planned and conducted by or on behalf of components of the Department in major acquisition programs of the Department;

(C) review and approve all operational test plans and evaluation procedures for major acquisition programs of the Department;

(D) provide the Department with independent and objective assessments of the adequacy of operational testing and evaluation activities conducted by or on behalf of the Department for major acquisition programs of the Department; and

(E) coordinate operational testing conducted jointly by more than one component of the Department.

(c) ACCESS TO INFORMATION.—The Director of Operational Test and Evaluation—

(1) shall have prompt and full access to test and evaluation and acquisition documents, data, and test results of the Department that the Director considers necessary in order to carry out the duties under this section; and

(2) may designate observers to be present during the preparation for and the conducting of any operational test and evaluation within the Department.

(d) LIMITATION.—The Director is not required to carry out operational testing.

SEC. 714. STRATEGIC SOURCING FOR MARINE AND AVIATION ASSETS.

Before the development and procurement by the Department of any marine or aviation asset or equipment, the Chief Procurement Officer for the Department shall coordinate with the chief procurement officers of the Department's components, as appropriate—

(1) to identify common mission requirements; and

(2) to the extent practicable, to standardize equipment purchases, streamline the acquisition process, improve efficiencies, and conduct best practices for strategic sourcing that would unify purchasing, address procurement issues, and improve control and oversight of asset purchases.

SEC. 715. STRATEGIC SOURCING FOR DETECTION AND SCREENING TECHNOLOGY.

(a) IN GENERAL.—Before the development and procurement by the Department of any detection or screening technology, the Chief Procurement Officer for the Department shall coordinate with the chief procurement officers of the Department's components, as appropriate—

(1) to identify common mission requirements; and

(2) to the extent practicable, to standardize equipment purchases, streamline the acquisition of security screening technologies, improve efficiencies, and conduct best practices for strategic sourcing that would unify purchasing, address procurement issues, and improve control and oversight of technology assets.

(b) DETECTION OR SCREENING TECHNOLOGY DEFINED.—In this section the term "detection or screening technology" includes x-ray equipment, metal detectors, and radiation detectors.

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

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Subtitle D—Acquisitions

SEC. 831. RESEARCH AND DEVELOPMENT PROJECTS.

(a) AUTHORITY.—[Until September 30, 2011] *Until September 30, 2016*, and subject to subsection (d), the Secretary may carry out a pilot program under which the Secretary may exercise the following authorities:

(1) * * *

* * * * * * *

(b) REPORT.—[Not later than 2 years after the effective date of this Act, and annually thereafter] *Not later than September 30, 2015*, the Comptroller General shall report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate on—

(1) * * *

* * * * * * *

(d) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The authority of the Secretary under this section shall terminate [September 30, 2011] *September 30, 2016*, unless before that date the Secretary—

(A) * * *

* * * * * * *

Subtitle E—Human Resources Management

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SEC. 843. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.

(a) * * *

(b) DEFINITIONS.—For purposes of this section—

(1) the term "National Drug Control Program Agency" means—

(A) * * *

(B) any subdivision of the Department that has a significant counternarcotics responsibility, as determined by—

(i) the counternarcotics officer, appointed under [section 878] *section 2308*; or

* * * * * * *

SEC. 846. AUTHORITY TO ESTABLISH EXCEPTED SERVICE POSITIONS WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) AUTHORITY.—The Secretary of Homeland Security may convert both unencumbered and encumbered competitive service positions, and the incumbents of any such positions, within the elements of the intelligence community within the Department of Homeland Security, to excepted service positions as the Secretary determines necessary to carry out the intelligence functions of the Department.

(b) INCUMBENTS.—Any incumbent currently occupying a position selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) IN GENERAL.—To the extent necessary to ensure that the Department has the personnel required to carry out the mission of the Science and Technology Directorate, the Secretary may—

(1) make appointments to scientific or engineering positions within such Directorate that require an advanced degree without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, other than sections 3303 and 3328 of such title; and

(2) fix the pay of any personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) LIMITATION.—

(1) IN GENERAL.—Not more than 5 percent of the occupied positions within the Directorate of Science and Technology may at any time consist of positions occupied by personnel appointed under this section.

(2) COUNTING RULE.—For purposes of applying the limitation set forth in paragraph (1), determinations under this subsection shall be made on a full-time equivalent basis.

(c) TERMINATION.—The authority to make appointments under this section shall cease to be available after January 1, 2017.

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[Subtitle H—Miscellaneous Provisions]

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[For former sections 874 and 879, as amended and redesignated by H.R. 3116 (as reported), see sections 2304 and 2309, respectively, below.]

[SEC. 874. FUTURE YEAR HOMELAND SECURITY PROGRAM.

[(a) IN GENERAL.—Each budget request submitted to Congress for the Department under section 1105 of title 31, United States Code, shall, at or about the same time, be accompanied by a Future Years Homeland Security Program.

[(b) CONTENTS.—The Future Years Homeland Security Program under subsection (a) shall—

[(1) include the same type of information, organizational structure, and level of detail as the future years defense program submitted to Congress by the Secretary of Defense under section 221 of title 10, United States Code;

[(2) set forth the homeland security strategy of the Department, which shall be developed and updated as appropriate annually by the Secretary, that was used to develop program planning guidance for the Future Years Homeland Security Program; and

[(3) include an explanation of how the resource allocations included in the Future Years Homeland Security Program correlate to the homeland security strategy set forth under paragraph (2).

[(c) EFFECTIVE DATE.—This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and for any subsequent fiscal year, except that the first Future Years Homeland Security Program shall be submitted not later than 90 days after the Department's fiscal year 2005 budget request is submitted to Congress.]

* * * * * * *

[SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

[(a) ESTABLISHMENT.—There is established within the Office of the Secretary an Office of International Affairs. The Office shall be headed by a Director, who shall be a senior official appointed by the Secretary.

[(b) DUTIES OF THE DIRECTOR.—The Director shall have the following duties:

[(1) To promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security. Such exchange shall include the following:

[(A) Exchange of information on research and development on homeland security technologies.

[(B) Joint training exercises of first responders.

[(C) Exchange of expertise on terrorism prevention, response, and crisis management.

[(2) To identify areas for homeland security information and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

[(3) To plan and undertake international conferences, exchange programs, and training activities.

[(4) To manage international activities within the Department in coordination with other Federal officials with responsibility for counter-terrorism matters.]

* * * * * * *

[SEC. 889. HOMELAND SECURITY FUNDING ANALYSIS IN PRESIDENT'S BUDGET.

[(a) IN GENERAL.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

["(33)(A)(i) a detailed, separate analysis, by budget function, by agency, and by initiative area (as determined by the administration) for the prior fiscal year, the current fiscal year, the fiscal years for which the budget is submitted, and the ensuing fiscal year identifying the amounts of gross and net appropriations or obligational authority and outlays that contribute to homeland security, with separate displays for mandatory and discretionary amounts, including—

["(I) summaries of the total amount of such appropriations or new obligational authority and outlays requested for homeland security;

["(II) an estimate of the current service levels of homeland security spending;

["(III) the most recent risk assessment and summary of homeland security needs in each initiative area (as determined by the administration); and

["(IV) an estimate of user fees collected by the Federal Government on behalf of homeland security activities;

["(ii) with respect to subclauses (I) through (IV) of clause (i), amounts shall be provided by account for each program, project and activity; and

["(iii) an estimate of expenditures for homeland security activities by State and local governments and the private sector for the prior fiscal year and the current fiscal year.

["(B) In this paragraph, consistent with the Office of Management and Budget's June 2002 'Annual Report to Congress on Combatting Terrorism', the term 'homeland security' refers to those activities that detect, deter, protect against, and respond to terrorist attacks occurring within the United States and its territories.

["(C) In implementing this paragraph, including determining what Federal activities or accounts constitute homeland security for purposes of budgetary classification, the Office of Management and Budget is directed to consult periodically, but at least annually, with the House and Senate Budget Committees, the House and Senate Appropriations Committees, and the Congressional Budget Office.".

[(b) REPEAL OF DUPLICATIVE REPORTS.—The following sections are repealed:

[(1) Section 1051 of Public Law 105–85.

[(2) Section 1403 of Public Law 105–261.

[(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply beginning with respect to the fiscal year 2005 budget submission.

[SEC. 890. AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

[The Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

[(1) in section 408 by striking the last sentence of subsection (c); and

[(2) in section 402 by striking paragraph (1) and inserting the following:

["(1) AIR CARRIER.—The term 'air carrier' means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents (including persons engaged in the business of providing air transportation security and their affiliates) of such citizen. For purposes of the preceding sentence, the term 'agent', as applied to persons engaged in the business of providing air transportation security, shall only include persons that have contracted directly with the Federal Aviation Administration on or after and commenced services no later than February 17, 2002, to provide such security, and had not been or are not debarred for any period within 6 months from that date.".]

* * * * * * *

Subtitle J—Secure Handling of Ammonium Nitrate

* * * * * * *

SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

(a) IN GENERAL.—The Secretary shall regulate the sale and transfer *of ownership rights* of ammonium nitrate by an ammonium nitrate facility *and transfer of possession to entities that provide application services for ammonium nitrate* in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

* * * * * * *

(f) EXEMPTION FOR TRANSPORTATION PROVIDERS.—The Secretary shall exempt from this subtitle persons engaged in transportation activities covered by chapter 51 or section 114(d) of title 49, United States Code, who, in the determination of the Secretary, do no pose a security threat to homeland security based on existing security programs.

[(f)] *(g)* EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license or permit issued under chapter 40 of title 18, United States Code.

[(g)] *(h)* CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and

appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

[(h)] *(i)* DATA CONFIDENTIALITY.—

(1) * * *

* * * * * * *

[(i)] *(j)* REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

(1) * * *

* * * * * * *

TITLE XVIII—EMERGENCY COMMUNICATIONS

SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.

(a) * * *

* * * * * * *

(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

(1) * * *

* * * * * * *

(14) perform such other duties of the Department necessary to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; [and]

(15) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities[.]*; and*

(16) provide guidance on interoperable emergency communications to the Administrator of the Federal Emergency Management Agency in accordance with the memorandum of understanding required under section 1811.

* * * * * * *

SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMERGENCY COMMUNICATIONS.

The Administrator of the Federal Emergency Management Agency shall execute a memorandum of understanding with the Director of the Office of Emergency Communications delineating the roles and responsibilities of each office with respect to policy and guidance for communications-related expenditures with grant funds.

TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

* * * * * * *

SEC. 1906. CONTRACTING AND GRANT MAKING AUTHORITIES.

The Secretary, acting through the Director for Domestic Nuclear Detection, in carrying out the responsibilities under [paragraphs (6) and (7) of] section 1902(a), shall—

(1) * * *

(2) ensure that activities under [paragraphs (6) and (7) of] section 1902(a) include investigations of radiation detection equipment in configurations suitable for deployment at seaports, which may include underwater or water surface detection equipment and detection equipment that can be mounted on cranes and straddle cars used to move shipping containers; and

* * * * * * *

SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

In carrying out radiological and nuclear research, development, testing and evaluation activities required under section 1902, the Director for the Domestic Nuclear Detection Office shall—

(1) have authorities and carry out responsibilities consistent with those established under sections 302, 305, 308, 309, 320, and 321 for all radiological and nuclear research, development, testing, and evaluation programs of the Department; and

(2) utilize an appropriate iterative combination of physical tests and computer modeling to provide an analytical basis for assessing detector performance of major radiological and nuclear detection acquisition programs of the Department.

SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

(a) IN GENERAL.—In carrying out the responsibilities under paragraphs (3), (5), (8), and (9) of section 1902(a), the Director shall maintain awareness of the Global Nuclear Detection Architecture (in this section referred to as "GNDA") and its assets, including availability of equipment and trained personnel, types of equipment, equipment detection events and data, relevant intelligence information, and other information as needed.

(b) DATA EXCHANGE.—To support the activities under subsection (a), the Director and heads of agencies in the GNDA shall ensure that widely accepted, consensus-based data exchange standards are applied to detection and communications systems incorporated into the GNDA, to the extent practicable.

SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

(a) IN GENERAL.—In carrying out the responsibilities of the office under section 1902(a)(4)(A), the Director shall provide support for planning, organization and sustainment, equipment, training, exercises, and operational assessments, to State, local, and tribal entities to assist in implementing preventive radiological and nuclear detection capabilities.

(b) DOMESTIC INTERIOR PROGRAMS.—

(1) SECURING THE CITIES.—The Director for Domestic Nuclear Detection shall establish and maintain a program to enhance, through State, local, tribal, and private entities, the Nation's ability to detect and prevent a radiological or nuclear attack in high-risk United States cities, as determined by the Secretary.

(2) SURGE CAPABILITIES.—The Director shall coordinate development of a surge capability for radiological and nuclear detection systems that can be deployed within the United States rapidly in response to intelligence or warnings that includes

procurement of appropriate technology, training, exercises, operational assessments, maintenance, and support.

(3) INTEGRATION.—The programs under subsections (a) and (b) shall be integrated into the global nuclear detection architecture and inform architecture studies, technology gaps, and research activities of the Domestic Nuclear Detection Office.

TITLE XX—HOMELAND SECURITY GRANTS

* * * * * * *

Subtitle A—Grants to States and High-Risk Urban Areas

SEC. 2002. HOMELAND SECURITY GRANT PROGRAMS.

(a) * * *

* * * * * * *

(d) NOTIFICATION.—The Administrator of the Federal Emergency Management Agency shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not less than three business days in advance of announcing publicly an allocation or award made pursuant to section 2003 or 2004.

SEC. 2003. URBAN AREA SECURITY INITIATIVE.

(a) * * *

(b) ASSESSMENT AND DESIGNATION OF HIGH-RISK URBAN AREAS.—

(1) * * *

(2) INITIAL ASSESSMENT.—

(A) IN GENERAL.—For each fiscal year, the Administrator shall conduct an initial assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

(i) the factors set forth in subparagraphs (A) through ❚(H) and (K)❚ *(I) and (L)* of section 2007(a)(1); and

* * * * * * *

SEC. 2007. PRIORITIZATION.

(a) IN GENERAL.—In allocating funds among States and high-risk urban areas applying for grants under section 2003 or 2004, the Administrator shall consider, for each State or high-risk urban area—

(1) its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of—

(A) its population, including appropriate consideration of military, tourist *(including cruise ship passengers)*, and commuter populations;

* * * * * * *

(H) the number of border crossings at land, air, and maritime ports of entry;

[(H)] *(I)* its likely need to respond to acts of terrorism occurring in nearby jurisdictions;

[(I)] *(J)* the extent to which it has unmet target capabilities;

[(J)] *(K)* in the case of a high-risk urban area, the extent to which that high-risk urban area includes—

(i) * * *

* * * * * * *

[(K)] *(L)* such other factors as are specified in writing by the Administrator; and

* * * * * * *

SEC. 2008. USE OF FUNDS.

(a) PERMITTED USES.—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through—

(1) * * *

(2) designing, conducting, and evaluating training and exercises, including *training conducted in conjunction with a national laboratory or research facility and* training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

* * * * * * *

(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; [and]

(13) improving public alert and warning capabilities; and

[(13)] *(14)* any other appropriate activity, as determined by the Administrator.

* * * * * * *

Subtitle B—Grants Administration

* * * * * * *

SEC. 2024. TRANSPARENCY IN HOMELAND SECURITY GRANT FUNDING.

(a) IN GENERAL.—The Assistant Administrator of the Grant Programs Directorate, or an official otherwise designated by the Administrator, shall serve as the Authorization Liaison Officer within the Federal Emergency Management Agency.

(b) REPORTING TO CONGRESS.—The Authorization Liaison Officer shall provide timely information on all grants administered by the Federal Emergency Management Agency upon request to the appropriate congressional committees.

(c) SEMIANNUAL REPORTING.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall submit a written report to the appropriate congressional committees, on not less than a semiannual basis, that provides a full accounting of funds awarded by the Department under all homeland security grant programs administered by the Federal Emergency Management Agency for the previous five fiscal years, ending with the year in which the report is provided.

(2) SCOPE OF REPORTS.—The Authorization Liaison Officer shall ensure, to the greatest extent practicable, that each report under this subsection includes a full accounting of funds awarded by the Department under all homeland security grant programs administered by the Federal Emergency Management Agency for the previous five fiscal years, ending with the year in which the report is provided, including—

(A) the number and type of projects approved, by grantee;

(B) the amount of funds awarded for each project;

(C) the amount of funds available for each project;

(D) the date on which those funds were made available;

(E) the amount of funds not yet released by the Department, by project; and

(F) the reasons funds have not been released, by project.

(d) MEASURES AND METRICS.—

(1) QUARTERLY PROVISION OF INFORMATION TO CONGRESS.—The Assistant Administrator of the Grant Programs Directorate shall provide information quarterly to the appropriate congressional committees on its efforts to develop performance measures and metrics for the Homeland Security Grant Program pursuant to section 2023 of the Homeland Security Act of 2002 (6 U.S.C. 613), until the development and implementation of such performance measures and metrics.

(2) BIANNUAL BRIEFINGS.—After the development and implementation of such performance measures and metrics, the Assistant Administrator shall provide biannual briefings to the appropriate congressional committees on the expenditure of grant funds and the Assistant Administrator's findings based on the metrics, including an assessment of the extent which funding under the Homeland Security Grant Program has contributed to building and sustaining State and local preparedness and response capabilities to address terrorism threats and other emergencies.

TITLE XXI—WEAPONS OF MASS DESTRUCTION

SEC. 2101. BIODEFENSE STRATEGY.

(a) IN GENERAL.—The Secretary shall issue, at least once every four years, a biodefense strategy that establishes detailed strategic biodefense objectives for the Department's mission areas.

(b) COMPONENTS.—The strategy shall—

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

(2) include an inventory of the Department's biodefense capabilities and assets;

(3) be sufficiently detailed to guide prioritization of Department investments in and strategic approach to biodefense-related research, development, planning, and preparedness; and

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

(c) ANNUAL REVIEW.—

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

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

(A) identify continuing gaps or vulnerabilities in the Department's biodefense posture;

(B) make recommendations for refining the Department's biodefense investments; and

(C) include a detailed analysis of how well the implementation plan included in the most recent biodefense strategy is allowing the Department to meet the objectives of the biodefense strategy, with special emphasis on unmet objectives and proposed mechanisms to eliminate shortfalls in meeting those objectives, through budgetary, management, or other refinements.

SEC. 2102. SUBMISSIONS TO CONGRESS.

The Secretary shall submit each biodefense strategy and annual biodefense strategy review under this title to the appropriate congressional committees.

SEC. 2103. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

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

(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

(2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

(3) support homeland-security focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2) by providing relevant quantitative and nonquantitative threat information;

(4) leverage existing and emerging homeland security capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities; and

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

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

(1) coordinate with other relevant Department components;

(2) consult with others in the Intelligence Community, including State, local, and tribal authorities, in particular officials from high-threat areas; and

(3) enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how they can provide information to the Department.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this section and annually thereafter, the Secretary shall report to the appropriate congressional committees on—

(A) the intelligence and information sharing activities under subsection (a) and of all relevant entities within the Department to counter the threat from weapons of mass destruction; and

(B) the Department's activities in accordance with relevant intelligence strategies.

(2) ASSESSMENT OF IMPLEMENTATION.—The report shall include—

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

(B) such assessment.

SEC. 2104. RISK ASSESSMENTS.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology and in coordination with relevant Department components and other appropriate Federal departments and agencies, shall—

(1) produce and update periodically a terrorism risk assessment of chemical, biological, radiological, and nuclear threats; and

(2) produce and update periodically an integrated terrorism risk assessment that assesses all of those threats and compares them against one another according to their relative risk.

(b) METHODOLOGY.—

(1) IN GENERAL.—The Secretary shall—

(A) convene an interagency task force of relevant subject matter experts to assess the proposed methodology to be used for assessments required under subsection (a), and to provide recommendations to the Secretary as to the adequacy of such methodology;

(B) conduct sensitivity analysis on each assessment to identify and prioritize research activities to close knowledge gaps; and

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

(2) INCLUSION IN ASSESSMENT.—Each assessment under subsection (a) shall include a description of the methodology used for the assessment.

(c) USAGE.—The assessments required under subsection (a) shall be used to inform and guide risk management decisions, including—

(1) the threat assessments and determinations by the Secretary regarding agents and toxins pursuant to section 319F–2 of the Public Health Service Act;

(2) allocation of resources for research and development for prevention of, protection against, response to, and recovery from a chemical, biological, radiological, or nuclear attack;

(3) prioritization of medical countermeasure research, development, acquisition, and distribution activities and other national strategic biodefense research;

(4) tailored risk assessments and risk mitigation studies, as appropriate, on topics such as radiological materials security or the economic risks of a biological attack; and

(5) other homeland security activities as determined appropriate by the Secretary and the heads of other agencies.

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

(1) seek input from Federal, State, local, and tribal officials involved in efforts to prevent, protect against, respond to, and recover from chemical, biological, radiological, and nuclear threats;

(2) ensure that written procedures are in place to guide the development and review of risk assessments through coordinated efforts of relevant Federal agencies;

(3) share the risk assessments with Federal, State, local and tribal officials with appropriate security clearances and a need for the information in the classified version; and

(4) to the extent practicable, make available an unclassified version for Federal, State, local, and tribal officials involved in prevention and preparedness for chemical, biological, radiological, and nuclear events.

SEC. 2105. DETECTION OF BIOLOGICAL ATTACKS.

(a) PROGRAM.—The Secretary shall carry out a program to detect a biological attack or event that poses a high risk to homeland security. Through such program, the Secretary shall—

(1) deploy detection capabilities to areas, based on risks identified by Department assessments, to indicate the presence of biological agents;

(2) consider multiple deployment strategies including surge capability;

(3) provide information to participating laboratories and programs for their use in monitoring public health, and biological material or other data from those detectors to participating laboratories and programs for testing and evaluation;

(4) regularly communicate with, and provide information about the presence of biological agents to, appropriate Federal, State, and local agencies responsible for public health, law enforcement, and emergency services, in a manner that ensures transparency with the governments served by such personnel;

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

(6) provide technical assistance to jurisdictions hosting the program to improve their ability to respond to a detected pathogen.

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

(1) enter into memoranda of agreement or interagency agreements under the Economy Act of 1933 (31 U.S.C. 1535 et seq.) with the Director of the Centers of Disease Control and Prevention and the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies, setting forth roles and responsibilities, including with respect to validating performance and developing testing protocols for participating laboratories and coordination with appropriate State, local, and tribal agencies;

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

(3) acting through the Under Secretary for Science and Technology, and in consultation with the heads of other relevant departments and agencies, implement a process for establishing assay performance standards and evaluation for equivalency for biological threat assays, that—

(A) evaluates biological threat detection assays, their protocols for use, and their associated response algorithms for confirmation of biological threat agents, taking performance measures and concepts of operation into consideration;

(B) develops peer-reviewed assay performance and equivalency standards based on the findings of the evaluation under subparagraph (A);

(C) requires implementation of the standards developed under subparagraph (B) for all Department biological detection programs;

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

(E) is updated as necessary;

(4) prior to obligating funds to acquire biodetection systems for purposes of operational testing and evaluation, require—

(A) a determination of the sensitivity and specificity of the currently deployed biodetection system;

(B) an assessment of the sensitivity and specificity of the next generation biodetection system or systems under consideration for acquisition and whether it meets established operational requirements;

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

(i) conduct a trade-off study comparing the results of subparagraphs (A) and (B); and

(ii) perform a technical readiness assessment in accordance with section 308(b); and

(D) that the findings under subparagraph (C) inform the cost-benefit analysis under paragraph (5)(A) and any acquisition decision made by the Acquisition Review Board under section 708(c) of the biodetection system or systems under consideration; and

(5) prior to acquiring and deploying biodetection technology, require—

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

(B) operational testing and evaluation;

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

(D) the Department, other relevant executive agencies, and local jurisdictions intended to host the systems to agree on concepts of operations for resolving alarms.

(c) CONTRACT AUTHORITY.—The Secretary may enter into contracts with participating laboratories and programs for—

(1) the provision of laboratory services or other biosurveillance activities as appropriate for purposes of this section on a fee-for-service basis or on a prepayment or other similar basis; and

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

(d) DEFINITIONS.—In this section:

(1) The term "participating laboratory" means a laboratory that has been accepted as a member of the Laboratory Response Network for Bioterrorism that—

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

(B) provides biocontainment and microbiological analysis in support of the Department and relevant law enforcement agencies with responsibilities for investigating biological incidents; and

(C) supports threat agent characterization studies and assay evaluation, research and development.

(2) The term "assay" means any scientific test that is designed to detect the presence of a biological threat agent that is of a type selected under criteria established by the Secretary.

SEC. 2106. RAPID BIOLOGICAL THREAT DETECTION AND IDENTIFICATION AT PORTS OF ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall require the Under Secretary for Science and Technology, in consultation with the heads of other relevant operational components of the Department of Homeland Security, to assess whether the development of technological screening capabilities for biological agents, pandemic influenza, and other infectious diseases should be undertaken by the Science and Technology Directorate to support entry and exit screening at ports of entry and for other homeland security purposes.

(b) DEVELOPMENT OF METHODS.—If the Under Secretary determines that the development of such screening capabilities should be undertaken, the Secretary shall, to the extent possible, initiate development of safe and effective methods to—

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

(2) obtain results of such screening near the point of entry.

SEC. 2107. PLUME MODELING.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall acquire, use, and disseminate the best available integrated plume models to enable rapid response activities following a chemical, biological, nuclear, or radiological attack or event.

(2) SCOPE.—The Secretary shall—

(A) identify Federal, State, and local needs regarding plume models and ensure the rapid development and distribution of integrated plume models that meet those needs to appropriate officials of the Federal Government and State, local, and tribal authorities to enable immediate response to a chemical, biological, or radiological attack or event;

(B) establish mechanisms for dissemination by appropriate emergency response officials of the integrated plume models described in paragraph (1) to nongovernmental organizations and the public to enable appropriate collective response activities;

(C) ensure that guidance and training in how to appropriately use such models are provided; and

(D) ensure that lessons learned from assessing the development and dissemination of integrated plume models during exercises administered by the Department are put into the lessons learned information sharing system maintained by the Department.

(b) DEFINITIONS.—For purposes of this section:

(1) PLUME MODEL.—The term "plume model" means the assessment of the location and prediction of the spread of agents following a chemical, biological, radiological, or nuclear attack or event.

(2) INTEGRATED PLUME MODEL.—The term "integrated plume model" means a plume model that integrates protective action guidance and other information as the Secretary determines appropriate.

SEC. 2108. IDENTIFYING AND ADDRESSING GAPS IN RECOVERY CAPABILITIES.

(a) RISK ASSESSMENT.—

(1) TAILORED RISK ASSESSMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall conduct tailored risk assessments to inform prioritization of national recovery activities for chemical, biological, radiological, and nuclear incidents, to be updated as necessary.

(2) CONSIDERATIONS.—In conducting the risk assessments under paragraph (1), the Secretary shall—

(A) consult with the heads of other relevant Federal departments and agencies;

(B) consider recovery of both indoor areas and outdoor environments; and

(C) consider relevant studies previously prepared by other Federal agencies, or other appropriate stakeholders.

(3) COLLABORATION.—Upon completion of the risk assessments required by this section, the Secretary shall provide the findings to the heads of relevant Federal agencies in order to inform ongoing and future work, including research and guidance development, undertaken by those agencies in recovery and

remediation from chemical, biological, radiological, or nuclear incidents.

(b) RESEARCH.—The results of the risk assessment under this section shall inform appropriate Federal research to address the high-risk capability gaps uncovered by each assessment.

SEC. 2109. RECOVERY FROM CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ATTACKS OR INCIDENTS.

(a) ESTABLISHMENT OF GUIDANCE.—Within 24 months from the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal departments and agencies, shall develop and issue guidance for clean-up and restoration of indoor and outdoor areas, including subways and other mass transportation facilities, that have been exposed to chemical, biological, radiological, or nuclear materials.

(b) CONTENTS.—The guidance developed under subsection (a) shall clarify Federal roles and responsibilities for assisting State, local, and tribal authorities and include risk-based recommendations for—

(1) standards for effective decontamination of affected sites;

(2) standards for safe post-event occupancy of affected sites, including for vulnerable populations such as children and individuals with health concerns;

(3) requirements to ensure that the decontamination procedures for responding organizations do not conflict;

(4) requirements that each responding organization uses a uniform system for tracking costs and performance of clean-up contractors;

(5) maintenance of negative air pressure in buildings;

(6) standards for proper selection and use of personal protective equipment;

(7) air sampling procedures;

(8) development of occupational health and safety plans that are appropriate for the specific risk to responder health; and

(9) waste disposal.

(c) REVIEW AND REVISION OF GUIDANCE.—The Secretary shall—

(1) not less frequently than once every two years, review the guidance developed under subsection (a);

(2) make revisions to the guidance as appropriate; and

(3) make the revised guidance available to the Federal Government, State, local, and tribal authorities, nongovernmental organizations, the private sector, and the public.

(d) PROCEDURES FOR DEVELOPING AND REVISING GUIDANCE.—In carrying out the requirements of this section, the Secretary shall establish procedures to—

(1) prioritize issuance of guidance based on the results of the risk assessment conducted pursuant to section 2108;

(2) inventory existing relevant guidance;

(3) enable the public to submit recommendations of areas in which guidance is needed;

(4) determine which entities should be consulted in developing or revising the guidance;

(5) prioritize, on a regular basis, guidance that should be developed or revised; and

(6) develop and disseminate the guidance in accordance with the prioritization under paragraph (5).

(e) CONSULTATIONS.—The Secretary shall develop and revise the guidance developed under subsection (a), and the procedures required under subsection (d), in consultation with—

(1) the heads of other Federal departments and agencies, as appropriate;

(2) State, local, and tribal authorities; and

(3) nongovernmental organizations and private industry.

SEC. 2110. EXERCISES.

To facilitate environmental recovery from a chemical, biological, radiological, or nuclear attack or other incident involving chemical, biological, radiological, or nuclear materials and to foster collective response to terrorism, the Secretary shall develop exercises in consultation with State, local, and tribal authorities and other appropriate Federal agencies, and, as appropriate, in collaboration with national level exercises, including exercises that address, to the best knowledge available at the time, analysis, indoor environmental cleanup methods, and decontamination standards, including those published in the guidance documents required by section 2109.

SEC. 2111. RURAL RESILIENCE INITIATIVE.

(a) IN GENERAL.—The Under Secretary for Science and Technology of the Department of Homeland Security shall conduct research intended to assist State, local, and tribal leaders and the private sector in developing the tools and methods to enhance rural preparation for, and response and resilience to, terrorist attacks and other incidents.

(b) INCLUDED ACTIVITIES.—Activities under this section may include—

(1) research and implementation through outreach activities with rural communities;

(2) an examination of how communities employ resilience capabilities and response assets;

(3) development and use of a community resilience baseline template for determining the resilience capacity of a rural community;

(4) a plan to address community needs for resilience;

(5) an education program for community leaders and first responders about their resilience capacity and mechanisms for mitigation, including via distance learning; and

(6) a mechanism by which this research can serve as a model for adoption by communities across the Nation.

TITLE XXIII—MISCELLANEOUS PROVISIONS

SEC. [871] *2301*. ADVISORY COMMITTEES.

(a) * * *

* * * * * * *

SEC. [872] *2302*. REORGANIZATION.

(a) REORGANIZATION.—The Secretary may allocate or reallocate functions among the officers of the Department, and may establish, consolidate, alter, or discontinue organizational units within the Department, but [only—

[(1) pursuant to section 1502(b); or

[(2) after] *only after* the expiration of 60 days after providing notice of such action to the appropriate congressional committees, which shall include an explanation of the rationale for the action.

[(b) LIMITATIONS.—

[(1) IN GENERAL.—Authority under subsection (a)(1) does not extend to the abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by this Act.

[(2) ABOLITIONS.—Authority under subsection (a)(2) does not extend to the abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.]

(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

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

(2) EXCEPTION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), if the President determines it to be necessary because of an imminent threat to homeland security, a function, power, or duty vested by law in the Department, or an officer, official, or agency thereof, may be transferred, reassigned, or consolidated within the Department.

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

(C) DURATION.—A transfer, reassignment, or consolidation under subparagraph (A) shall remain in effect only until the President determines that the threat to homeland security has terminated or is no longer imminent.

(c) PUBLICATION.—Not later than 30 days after the date on which the President or the Secretary makes a transfer, allocation, assignment, consolidation, alteration, establishment, or discontinuance under this section, the President or the Secretary shall publish in the Federal Register—

(1) the reasons for the action taken; and

(2) a list of each statutory provision implicated by the action.

(d) SUBMITTAL OF NOTIFICATION TO CONGRESS.—No reorganization, realignment, consolidation, or other significant organizational change to a component, directorate, or agency of the Department, may take effect before the appropriate congressional committees receive information from the Secretary to support the determination that such reorganization, realignment, consolidation, or other significant organizational change will enhance the component, directorate, or office's efficiency, operational capabilities, or capacity, balance the numbers of Federal workers in accordance with the balanced workforce strategy, and result in administrative cost saving.

SEC. [873] *2303*. USE OF APPROPRIATED FUNDS.

(a) * * *

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[Showing former section 874, as amended and redesignated by H.R. 3116 (as reported).]

SEC. 2304. FUTURE-YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Not later than the 30 days following the date of each fiscal year on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees a future-years homeland security program that provides detailed estimates of the projected expenditures and corresponding requests for appropriations included in that budget. The future-years homeland security program shall cover the fiscal year for which the budget is submitted as well as the four succeeding fiscal years.

(b) CONSISTENCY OF BUDGET REQUEST WITH ESTIMATES OF NECESSARY EXPENDITURES AND APPROPRIATIONS.—For each fiscal year, the Secretary shall endeavor to ensure that the projected amounts specified in program and budget information submitted to Congress in support of the President's budget request are consistent with the estimates for expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department included in the budget pursuant to section 1105(a) (5) of title 31, United States Code.

(c) EXPLANATION OF ALIGNMENT WITH STRATEGIES AND PLANS.—Together with the detailed estimates of the projected expenditures and corresponding requests for appropriations submitted for the future years homeland security program, the Secretary shall provide an explanation of how those estimates and requests align with the homeland security strategies and plans developed and updated as appropriate by the Secretary.

(d) PROJECTION OF ACQUISITION ESTIMATES.—Each futures year homeland security funding program shall project acquisition estimates for a period of 5 fiscal years, with specified estimates for each fiscal year, for all technology acquisitions within the Department and each component therein, including refresh and sustainment expenses, as well as the annual deployment schedule of any acquisition with a total cost over the 5-fiscal-year period estimated to exceed $50,000,000.

(e) CONTINGENCY AMOUNTS.—Nothing in this section shall be construed as prohibiting the inclusion in the future-years homeland security program of amounts for management contingencies, subject to the requirements of subsection (b).

(f) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to Congress under this section, except those portions that are deemed to be classified in nature under the parameters of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114).

SEC. [875] *2305*. MISCELLANEOUS AUTHORITIES.

(a) * * *

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(d) PROTECTION OF NAME, INITIALS, INSIGNIA, AND SEAL.—

(1) PROTECTION.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including, but not limited to, film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department of Homeland Security or any organizational element of the Department has approved endorsed, or authorized such use, any of the following (or any colorable imitation thereof):

(A) the words "Department of Homeland Security", the initials "DHS", or the insignia seal of the Department; or

(B) any "DHS visual identities" meaning DHS or DHS Component name, initials, seal, insignia, trade or certification marks of DHS or any DHS Component or any combination, variation, or colorable imitation of indicia alone or in combination with other words to convey the impression of affiliation, connection, approval, or endorsement by DHS or any DHS component; or

(C) the name, initials, insignia, or seal of any organizational element/component (including any former such element/component) of the Department.

(2) CIVIL PROCEEDINGS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (d)(1), the Attorney General may initiate a civil proceeding in a district court of the United State to enjoin such at or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such retraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United State or to any person or class of persons for whose protection the act is brought.

(3) DEFINITION.—For the purpose of this subsection, the term "audiovisual production" means the production of a work that consists of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or taps, in which the work is embodied.

SEC. [876] *2306*. MILITARY ACTIVITIES.

Nothing in this Act shall confer upon the Secretary any authority to engage in warfighting, the military defense of the United States, or other military activities, nor shall anything in this Act limit the existing authority of the Department of Defense or the Armed Forces to engage in warfighting, the military defense of the United States, or other military activities.

SEC. [877] *2307*. REGULATORY AUTHORITY AND PREEMPTION.

(a) * * *

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SEC. [878] *2308*. OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

(a) * * *

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[Showing former section 879, as amended and redesignated by H.R. 3116 (as reported).]

SEC. 2309. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within the Department an Office of International Affairs. The Office shall be headed by the Assistant Secretary for International Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary for International Affairs shall—

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

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

(3) develop, in consultation with the Under Secretary for Management, for selecting, assigning, training, and monitoring overseas deployments of Department personnel, including minimum standards for predeployment training;

(4) develop and update, in coordination with all components of the Department engaged in international activities, a strategic plan for the international activities of the Department and establish a process for managing its implementation and monitor the ability of Department's components to comply with implementation;

(5) develop and distribute guidance on Department policy priorities for overseas functions to personnel deployed overseas that, at a minimum, sets forth the regional and national priorities being advanced by their deployment;

(6) maintain awareness regarding the international travel of senior officers of the Department, as well as their intent to pursue negotiations with foreign government officials and reviewing resulting draft agreements;

(7) develop, in consultation with the components and, where appropriate, with the Science and Technology Directorate, programs to support the overseas programs conducted by the Department, including training, technical assistance, and equipment to ensure that Department personnel deployed abroad have proper resources and receive adequate and timely support;

(8) conduct exchange of homeland security information and best practices relating to homeland security with foreign nations that, in the determination of the Secretary, reciprocate the sharing of such information in a substantially similar manner;

(9) ensure that internationally deployed Department personnel have access to, as appropriate for the requirements of their duties, Department systems with the capability of sending and receiving cables or other messages; and

(10) submit information to the Under Secretary of Policy for oversight and purposes, including preparation of the quadrennial homeland security review, on the status of overseas activities, including training and technical assistance and information exchange activities, and the Department's resources dedicated to these activities.

(c) RESPONSIBILITIES OF THE COMPONENTS OF THE DEPARTMENT.—

(1) NOTICE OF FOREIGN NEGOTIATIONS.—All components of the Department shall coordinate with the Office of International Affairs of the intent of the component to pursue negotiations with foreign governments to ensure consistency with the Department's policy priorities.

(2) NOTICE OF INTERNATIONAL TRAVEL BY SENIOR OFFICERS.—All components of the Departments shall notify the Office of International Affairs about the international travel of senior officers of the Department.

(d) INVENTORY OF ASSETS DEPLOYED ABROAD.—The Office of International Affairs shall provide to the appropriate congressional committees, with the annual budget request for the Department, an annual accounting of all assets of the Department, including personnel, deployed outside the United States on behalf of the Department.

(e) EXCLUSIONS.—This section does not apply to international activities related to the protective mission of the United States Secret Service, or to the Coast Guard when operating under the direct authority of the Secretary of Defense or the Secretary of the Navy.

SEC. [880] *2310*. PROHIBITION OF THE TERRORISM INFORMATION AND PREVENTION SYSTEM.

Any and all activities of the Federal Government to implement the proposed component program of the Citizen Corps known as Operation TIPS (Terrorism Information and Prevention System) are hereby prohibited.

SEC. [881] *2311*. REVIEW OF PAY AND BENEFIT PLANS.

Notwithstanding any other provision of this Act, the Secretary shall, in consultation with the Director of the Office of Personnel Management, review the pay and benefit plans of each agency whose functions are transferred under this Act to the Department and, within 90 days after the date of enactment, submit a plan to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress, for ensuring, to the maximum extent practicable, the elimination of disparities in pay and benefits throughout the Department, especially among law enforcement personnel, that are inconsistent with merit system principles set forth in section 2301 of title 5, United States Code.

SEC. [882] *2312*. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) * * *

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SEC. [883] *2313*. REQUIREMENT TO COMPLY WITH LAWS PROTECTING EQUAL EMPLOYMENT OPPORTUNITY AND PROVIDING WHISTLEBLOWER PROTECTIONS.

Nothing in this Act shall be construed as exempting the Department from requirements applicable with respect to executive agencies—

(1) * * *

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SEC. [884] *2314*. FEDERAL LAW ENFORCEMENT TRAINING CENTER.

(a) * * *

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SEC. [885] *2315*. JOINT INTERAGENCY TASK FORCE.

(a) * * *

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SEC. [886] *2316*. SENSE OF CONGRESS REAFFIRMING THE CONTINUED IMPORTANCE AND APPLICABILITY OF THE POSSE COMITATUS ACT.

(a) * * *

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SEC. [887] *2317*. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) * * *

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SEC. [888] *2318*. PRESERVING COAST GUARD MISSION PERFORMANCE.

(a) * * *

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SEC. [601.] *2319*. TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS.

(a) * * *

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SEC. 2320. BUY AMERICAN REQUIREMENT; EXCEPTIONS.

(a) REQUIREMENT.—Except as provided in subsections (c) through (e), the Secretary may not procure an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) COVERED ITEMS.—

(1) IN GENERAL.—An item referred to in subsection (a) is any item described in paragraph (2), if the item is directly related to the national security interests of the United States.

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

(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(B) tents, tarpaulins, or covers;

(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, syn-

thetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(2) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed.

(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Emergency procurements.

(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

(g) GEOGRAPHIC COVERAGE.—In this section, the term "United States" includes the possessions of the United States.

(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b)(2), if the Secretary applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied.

(i) TRAINING.—

(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training on the requirements of this section and the regulations implementing this section.

(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this section includes comprehensive information on the requirements described in paragraph (1).

(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 2321. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized of-

ficial shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that the person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by section (d)(1)(A) not entitled to assert the defense of qualified immunity shall nonetheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall—

(A) affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available; and

(B) be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any authorized official or other person found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term "authorized official" means—

(A) any officer, employee, or agent of the Federal government with responsibility for preventing, protecting against, disrupting, or responding to a "covered activity;" or

(B) any Federal, State, or local law enforcement officer.

(2) COVERED ACTIVITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "covered activity" means any suspicious transaction, activity, or occurrence indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(B) MARITIME-RELATED ACTS.—The term includes any act of terrorism directed against a vessel, facility (as that term is defined in section 70101 of title 46, United States Code), port, or waterway, whether or not a passenger is threatened, indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—

(i) a threat to a vessel, facility (as so defined), port, or waterway; or

(ii) an act of terrorism against a vessel, facility (as so defined), port, or waterway.

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

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TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

* * * * * * *

SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

(a) * * *

(b) MEMBERS.—Members of the National Domestic Preparedness Consortium shall consist of—

(1) * * *

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(6) [the Transportation Technology Center, Incorporated, in Pueblo, Colorado] *the Railroad Research Foundation*; and

* * * * * * *

(c) DUTIES.—The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training *(including medical readiness training)* to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for the Center for Domestic Preparedness—

(A) * * *

* * * * * * *

(C) $63,000,000 for fiscal year 2010; [and]

* * * * * * *

(E) $62,500,000 for fiscal year 2012; and

(2) for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center, the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

(A) * * *

* * * * * * *

(C) $24,000,000 for fiscal year 2010; [and]

(D) $25,500,000 for fiscal year 2011[.]*; and*

(E) $22,000,000 for fiscal year 2012.

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SEC. 1205. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE

(a) * * *

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(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) * * *

* * * * * * *

(3) $18,000,000 for fiscal year 2010; [and]

(4) $18,000,000 for fiscal year 2011[.]*;*

(5) $18,000,000 for fiscal year 2012;

(6) $18,000,000 for fiscal year 2013; and

(7) $18,000,000 for fiscal year 2014.

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TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

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SEC. 1307. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING PROGRAM.

(a) * * *

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[(c) STANDARDS FOR EXPLOSIVES DETECTION CANINE TEAMS.—

[(1) IN GENERAL.—Based on the feasibility in meeting the ongoing demand for quality explosives detection canine teams, the Secretary shall establish criteria, including canine training curricula, performance standards, and other requirements approved by the Transportation Security Administration necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

[(2) EXPANSION.—In developing and implementing such curriculum, performance standards, and other requirements, the Secretary shall—

[(A) coordinate with key stakeholders, including international, Federal, State, and local officials, and private sector and academic entities to develop best practice guidelines for such a standardized program, as appropriate;

[(B) require that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and

[(C) review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.]

(c) EXPLOSIVES DETECTION CANINE ACCREDITATION AND MINIMUM CERTIFICATION STANDARDS.—

(1) IN GENERAL.—To assist in the Department's counterterrorism mission, the Secretary shall—

(A) issue mission-specific accreditation and minimum certification standards for all explosives detection canines, and their handlers, that are used or funded by the Department; and

(B) ensure that all explosives detection canines used or funded by the Department, and their handlers, are trained by persons who have met those accreditation standards and utilize such minimum certification standards.

(2) INCLUDED CANINES AND HANDLERS.—The canines and handlers referred to in paragraph (1) include—

(A) canines that are not bred by the Department;

(B) canines and handlers that are not trained by the Department; and

(C) canine and handlers that are obtained by the Department by contract, or funded by the Department by grant or otherwise.

(3) RECOMMENDATIONS.—

(A) PANEL.—The Secretary shall convene a panel that will develop recommendations for the accreditation and minimum certification standards under this subsection, which shall consist of canine training subject matter experts, including representatives from the private sector and academia, as designated by the Secretary.

(B) RECOMMENDATIONS.—The recommendations shall consist of a multitier set of standards designed to provide minimum accreditation and certification standards, as well as a higher level of standards based on mission-critical objectives of the components that use explosives detection canines. The standards shall address both initial and recurrent training and certification.

(C) REVIEW AND REVISION.—After provision of the recommendations, the panel shall meet no less than biennially to review and revise the recommendations.

(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection there is authorized to be appropriated $300,000 for fiscal year 2012.

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TITLE XIV—PUBLIC TRANSPORTATION SECURITY

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SEC. 1406. PUBLIC TRANSPORTATION SECURITY ASSISTANCE

(a) SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program for making grants to eligible public transportation *and law enforcement* agencies for security improvements described in subsection (b).

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(3) LAW ENFORCEMENT AGENCY ELIGIBILITY.—A law enforcement agency is eligible for a grant under this section if the agency enters into a memorandum of agreement or other arrangement with a public transportation agency that is eligible for a grant under paragraph (2) to oversee, direct, and com-

mand the security operations of that public transportation agency.

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(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:

(1) Capital uses of funds, including—

(A) * * *

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(J) [evacuation improvements] *consequence management investments, including investments with respect to evacuation improvements, route designation and signage, and public assistance materials*;

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(N) security improvements for stations and other public transportation infrastructure, including stations and other public transportation infrastructure owned by State or local governments; [and]

(O) systems for identity verification for access control, including biometrics; and

[(O)] *(P)* other capital security improvements determined appropriate by the Secretary.

* * * * * * *

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary to make grants under this section—

(A) * * *

* * * * * * *

(D) $900,000,000 for fiscal year 2010, except that not more than 20 percent of such funds may be used for operational costs under subsection (b)(2); [and]

(E) $1,100,000,000 for fiscal year 2011, except that not more than [10 percent] *50 percent* of such funds may be used for operational costs under [subsection (b)(2).] *subsection (b)(2); and*

(F) $400,000,000 for fiscal year 2012, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2).

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SECTION 151 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

SEC. 151. DANGER PAY ALLOWANCE

The Secretary of State may not deny a request by the [Drug Enforcement Administration or Federal Bureau of Investigation] *Drug Enforcement Administration, Federal Bureau of Investigation, or the Department of Homeland Security* to authorize a danger pay allowance (under section 5928 of title 5, United States Code) for any employee of such agency.

SECTION 709 OF TITLE 18, UNITED STATES CODE

§ 709. False advertising or misuse of names to indicate Federal agency

* * * * * * *

Whoever, except with the written permission of the Director of the Federal Bureau of Investigation, knowingly uses the words "Federal Bureau of Investigation" or the initials "F.B.I.", or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the Federal Bureau of Investigation; or

Whoever, except with the written permission of the Secretary of the Department of Homeland Security, knowingly uses the words "Department of Homeland Security," the initials "DHS," or any colorable imitation of such words or initials, or the words, initials, seals, or colorable imitations relating to any subcomponents thereof, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast telecast, or other production, is approved, endorsed, or authorized by the Department of Homeland Security; or

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SECTION 635 OF THE POST-KATRINA MANAGEMENT REFORM ACT OF 2006

[SEC. 635. METROPOLITAN MEDICAL RESPONSE GRANT PROGRAM

(a) IN GENERAL.—There is a Metropolitan Medical Response Program.

(b) PURPOSES.—The program shall include each purpose of the program as it existed on June 1, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional $30,000,000.**]**

COMMUNICATIONS ACT OF 1934

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TITLE III—SPECIAL PROVISIONS RELATING TO RADIO

PART I—GENERAL PROVISIONS

* * * * * * *

SEC. 309. ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS ATTACHED TO LICENSES.

(a) * * *

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(j) USE OF COMPETITIVE BIDDING.—

(1) * * *

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(11) TERMINATION.—The authority of the Commission to grant a license or permit under this subsection shall expire September 30, [2012] *2020*.

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SEC. 337. ALLOCATION AND ASSIGNMENT OF NEW PUBLIC SAFETY SERVICES LICENSES AND COMMERCIAL LICENSES.

(a) IN GENERAL.—Not later than January 1, 1998, the Commission shall allocate the electromagnetic spectrum between 746 megahertz and 806 megahertz, inclusive, as follows:

(1) [24] *34* megahertz of that spectrum for public safety services according to the terms and conditions established by the Commission, in consultation with the Secretary of Commerce and the Attorney General; and

(2) [36] *26* megahertz of that spectrum for commercial use to be assigned by competitive bidding pursuant to section 309(j).

[(b) ASSIGNMENT.—The Commission shall commence assignment of licenses for public safety services created pursuant to subsection (a) no later than September 30, 1998.]

(b) ASSIGNMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012, the Commission shall allocate the paired electromagnetic spectrum bands of 758–763 megahertz and 788–793 megahertz for public safety broadband communications and shall license such paired bands to the public safety broadband licensee.

(2) ESTABLISHMENT OF RULES.—

(A) IN GENERAL.—The Commission shall establish rules to permit the public safety broadband licensee to authorize providers of public safety services to construct and operate a wireless public safety broadband network in the spectrum licensed to the public safety broadband licensee if the public safety broadband licensee determines that such authorization would expedite the deployment of public safety broadband communications.

(B) NETWORK REQUIREMENTS.—The Commission shall require that any such wireless public safety broadband network shall—

(i) be fully interoperable and remain interoperable with, and in conformance with the same broadband technology standards as, all other public safety broadband systems deployed or authorized;

(ii) provide for roaming by local, State, tribal, and Federal governments and other authorized users of the spectrum licensed to the public safety broadband licensee;

(iii) provide priority access to public safety agencies;

(iv) be built to survive most large-scale disasters;

(v) ensure that networks of such systems have the appropriate level of cyber security;

(vi) ensure that authorized users have control over all local network uses consistent with rules established by the Commission; and

(vii) be consistent with the Statewide Interoperable Communications Plans adopted by each State and the National Emergency Communications Plan, as adopted by the Department of Homeland Security.

(C) DEADLINES.—

(i) RULES.—The Commission shall establish rules under this paragraph not later than 9 months after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012.

(ii) REPORT.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012, the public safety broadband licensee shall submit a report to the appropriate committees of Congress on the phased network deployment plan of such spectrum bands.

(II) DEFINITIONS.—For purposes of subclause (I), the term "appropriate committees of Congress" means the Committee on Homeland Security of the House of Representatives and any other committee of the House of Representatives or the Senate having legislative jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.

* * * * * * *

(f) RULEMAKING REQUIRED.—The Commission shall establish regulations to—

(1) authorize the shared use of the public safety broadband spectrum and network infrastructure by entities that are not defined as public safety services in subsection (g)(1), subject to the requirement that public safety services retain priority access to the spectrum, pursuant to procedures adopted by the Commission, so long as the needs of other governmental entities needs are considered before commercial entities; and

(2) allow use of the public safety broadband spectrum by emergency response providers, as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

[(f)**]** *(g)* DEFINITIONS.—For purposes of this section:

(1) PUBLIC SAFETY BROADBAND LICENSEE.—The term "public safety broadband licensee" means a licensee as defined by the Commission in its Second Report and Order adopted July 31, 2007 (FCC 07–132), and selected in the Commission's Order adopted November 19, 2007 (FCC 07–199), by the Commission to be the licensee for spectrum between 763–768 and 793–798 megahertz.

(2) PUBLIC SAFETY BROADBAND SPECTRUM.—The term "public safety broadband spectrum" means the electromagnetic spec-

trum between 758 megahertz and 768 megahertz, inclusive, and 788 megahertz and 798 megahertz, inclusive, and any additional electromagnetic frequencies allocated by the Commission for public safety broadband use.

[(1)] *(3)* PUBLIC SAFETY SERVICES.—The term "public safety services" means services—

(A) * * *

* * * * * * *

[(2)] *(4)* QUALIFYING LOW-POWER TELEVISION STATIONS.—A station is a qualifying low-power television station if, during the 90 days preceding the date of enactment of the Balanced Budget Act of 1997—

(A) * * *

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TITLE 46, UNITED STATES CODE

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Subtitle VII—Security and Drug Enforcement

* * * * * * *

CHAPTER 701—PORT SECURITY

* * * * * * *

SUBCHAPTER I—GENERAL

* * * * * * *

§ 70107. Grants

(a) * * *

(b) ELIGIBLE COSTS.—The following costs of funding the correction of Coast Guard identified vulnerabilities in port security and ensuring compliance with Area Maritime Transportation Security Plans and facility security plans are eligible to be funded:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard mandated security personnel[.]*, including overtime and backfill costs incurred in support of other expenditures authorized under this subsection, except that not more than 50 percent of amounts received by a grantee under this section for a fiscal year may be used under this paragraph.*

* * * * * * *

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through [2013] *2014* to carry out this section.

* * * * * * *

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

* * * * * * *

SUBPART D—PAY AND ALLOWANCES

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

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SEC. 5314. POSITIONS AT LEVEL III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

* * * * * * *

Director of Immigration and Customs Enforcement.

* * * * * * *

TITLE 31, UNITED STATES CODE

* * * * * * *

SUBTITLE II—THE BUDGET PROCESS

* * * * * * *

CHAPTER 13—APPROPRIATIONS

* * * * * * *

SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

* * * * * * *

§ 1344. Passenger carrier use

(a) * * *

(b) A passenger carrier may be used to transport between residence and place of employment the following officers and employees of Federal agencies:

(1) * * *

* * * * * * *

(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives **[**the Administrator of the Drug Enforcement Administration,**]**, *the Administrator of the Drug Enforcement Administration, the Director of Immigration and Customs Enforcement, and the Commis-*

sioner of Customs and Border Protection, and the Administrator of the National Aeronautics and Space Administration;

* * * * * * *

SECTION 545 OF THE NORTH AMERICAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

SEC. 545. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT

The President may agree to amendments to the Cooperation Agreement that—

(1) enable the Bank to make grants and nonmarket rate loans out of its paid-in capital resources with the approval of its Board; **[**and**]**

(2) amend the definition of "border region" to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico**[**.**]***; and*

(3) change the purposes and functions of the Bank, including changes that would allow the Bank to finance infrastructure projects in the border region that promote growth in trade and commerce between the United States and Mexico, support sustainable economic development, reduce poverty, foster job creation, and promote social development in the region.

COMMITTEE CORRESPONDENCE

PETER T. KING, NEW YORK
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

December 14, 2011

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Hastings,

I am writing in regards to the jurisdictional interest of the Committee on Natural Resources over provisions in H.R. 3116, the Department of Homeland Security Authorization Act for Fiscal Year 2012. On October 13, 2011, the Committee on Homeland Security ordered reported, as amended, H.R. 3116, by a vote of 20-12. The bill was referred solely to the Committee on Homeland Security.

In lieu of the importance of advancing this legislation to the House floor in an expeditious manner, the Committee on Homeland Security is asking that the Committee on Natural Resources not assert its jurisdictional claim over this bill by seeking a sequential referral. By forgoing action on this bill, the jurisdictional prerogatives of the Committee on Natural Resources will not be prejudiced in any way, and I would support any effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

Thank you for your consideration of this matter.

Sincerely,

PETER T. KING
Chairman

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
JOHN J. DUNCAN, JR., TN
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
MIKE COFFMAN, CO
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
JEFF DENHAM, CA
DAN BENISHEK, MI
DAVID RIVERA, FL
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAUL R. LABRADOR, ID
KRISTI L. NOEM, SD
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
ANDY HARRIS, MD
JEFFREY M. LANDRY, LA
JON RUNYAN, NJ
BILL JOHNSON, OH
MARK AMODEI, NV

TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

EDWARD J. MARKEY, MA
RANKING DEMOCRATIC MEMBER
DALE E. KILDEE, MI
PETER A. DEFAZIO, OR
ENI F.H. FALEOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH D. HOLT, NJ
RAÚL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
DAN BOREN, OK
GREGORIO KILILI CAMACHO SABLAN, CNMI
MARTIN HEINRICH, NM
BEN RAY LUJÁN, NM
JOHN P. SARBANES, MD
BETTY SUTTON, OH
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
JOHN GARAMENDI, CA
COLLEEN W. HANABUSA, HI

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

December 14, 2011

The Honorable Peter King
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 3116, the Department of Homeland Security Authorization Act for Fiscal Year 2012. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee will not seek a sequential referral of the bill. I believe our Committee's jurisdiction is triggered by Section 606, Prohibition on Impeding Certain Activities of the U.S. Customs and Border Protection Relating to Border Security.

The Committee on Natural Resources takes this action with our mutual understanding that by foregoing consideration of H.R. 3116 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Natural Resources during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the Committee on Homeland Security bill report on H.R. 3116.

Sincerely,

Doc Hastings
Chairman

MINORITY VIEWS

We, the undersigned Committee on Homeland Security (CHS or Committee) Democrats, submit our additional views to H.R. 3116, the "Department of Homeland Security Authorization Act for Fiscal Year 2012," as amended. In general terms, we are pleased that the Committee approved many of the amendments offered by CHS Democrats over this two-day markup. We believe that the bill was significantly improved by the inclusion of Democratic provisions that will foster greater accountability, transparency, and efficiency at the Department and address a broad array of homeland security missions.

We are concerned, however, that H.R. 3116, as amended, does not include a top-line funding level for the Department of Homeland Security's (DHS or Department) activities for Fiscal Year (FY) 2012. As authorizers, we have an obligation to guide the work of the Appropriations Committee by setting spending levels in our authorization bills. Given that the Committee acted after the House approved H.R. 2017, the "Department of Homeland Security Appropriations Act of FY 2012," the failure to authorize a top-line funding level in this legislation is tantamount to rubber-stamping H.R. 2017, which provides funding at 6.9 percent below the amount requested by President Obama and 2.6 percent below FY 2011 enacted levels.

At the markup of H.R. 3116, CHS Democrats supported an amendment offered by Ranking Member Bennie G. Thompson (D–MS) to fund the Department at $43,224,182,000 for FY 2012, the level requested by President Obama and supported in the bipartisan Views and Estimates budget recommendations submitted by the Committee to the House Budget Committee earlier this year. This Thompson amendment was not agreed to by a vote of 13 yeas and 19 nays.

Near the end of the two-day markup, after nearly 80 new provisions were accepted, Ranking Member Thompson made a unanimous consent request to postpone the vote on reporting the measure to the House until the bill could be scored by the Congressional Budget Office (CBO). This request was made in an effort to provide CHS Members with the opportunity to know the potential cost of H.R. 3116, as amended, since there was no specificity as to top-line funding in this massive bill. The request was objected to by the Chairman and the Committee proceeded to vote on the measure.

In the two months since the Committee ordered H.R. 3116, as amended, reported to the House, the Committee has yet to secure a CBO cost estimate for the reported-version of the bill.

Despite the absence of a CBO cost estimate, on December 15, 2011, the Majority informed the Minority that the Committee report for H.R. 3116, as amended, would be filed the next day—December 16, 2011. We have a number of concerns with this ap-

proach. First, the filing of a Committee Report is a statement from the Chairman that the Committee's work is done and the legislation is ripe for consideration by the Full House. In the absence of a CBO or other cost estimate, how are Members of the House of Representatives to know the potential cost of the legislation? Second, this approach inhibits the ability of CHS Members to submit their views, in their entirety, on H.R. 3116, as amended, in this Committee Report. Finally, the failure of the Majority to include a CBO cost estimate in the Committee Report for H.R. 3116, as amended, as required by House rules, stands in stark contrast to the House Majority's pledge to legislate in an open and transparent manner.

We are also troubled that, in addition to the omission of a CBO cost estimate, the Majority has decided to file the Committee report for H.R. 3116, as amended, without the inclusion of an estimate of the Federal mandates contained in the bill, as required under the Unfunded Mandates Reform Act. Specifically, section 423 of the Unfunded Mandates Reform Act requires that each Committee Report contain "an identification and description of any Federal mandates in the bill, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates; a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate would affect the competitive balance between State, local, or tribal governments and the private sector including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector."

The Majority's decision to file the report for H.R. 3116, as amended, without including an assessment of potential costs to the private sector associated with the Federal mandates contained within the bill is particularly troubling. In light of the House Majority's insistence throughout the 112th Congress that government regulations are stifling job creation, it is incredible that the Majority would file the report for this massive authorization bill without a full account of the Federal mandates contained within the bill and their potential costs to the private sector.

Further, we would note that even as the bill avoids including top-level funding, H.R. 3116, as amended, places a multitude of new mandates on DHS—most notably on the two directorates that would experience the largest percentage cuts under H.R. 2017—the Management (Titles I–II) and Science and Technology (S&T) (Title VII) Directorates. In particular, we are concerned that S&T will not have the resources to carry out many of its new responsibilities under H.R. 3116, as amended, since the Committee received testimony from S&T that the directorate would have to cancel scores

of research initiatives and lay off scientists in light of anticipated dramatic budget cuts.[1]

Herein are our views on some of the amendments CHS Democrats offered to each title of the Amendment in the Nature of a Substitute that was considered by the Full Committee.

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

CBS Democrats offered twelve amendments to Title I of the Amendment in the Nature of a Substitute. The following seven amendments were approved as part of an en bloc amendment:

• An amendment, offered by Rep. William R. Keating (D–MA), the Ranking Member of the Subcommittee on Oversight, Investigations and Management (OI&M), to authorize the Office of Policy. The Amendment in the Nature of a Substitute authorizes an Undersecretary for Policy but failed to authorize an office to help the Undersecretary carry out the enumerated missions and responsibilities.

• An amendment, offered by OI&M Subcommittee Ranking Member Keating, to strengthen the Office of International Affairs within the DHS Office of Policy.

• An amendment, offered by OI&M Subcommittee Ranking Member Keating, to report the costs for DHS to prepare each congressionally-mandated plan and report.

• An amendment, offered by OI&M Subcommittee Ranking Member Keating, to protect DHS's seal and insignia from misappropriation.

• An amendment, offered by Rep. Sheila Jackson Lee (D–TX), the Ranking Member of the Subcommittee on Transportation Security (TS), that requires DHS to certify that any proposed component reorganization will result in efficiency and operational improvements before such action is taken.

• An amendment, offered by Rep. Danny K. Davis (D–IL), to require DHS to report on leadership vacancies that could result in violations of the Vacancy Reform Act of 1998.

• An amendment, offered by Rep. Janice Hahn (D–CA), that would make the default format for DHS' written submissions to Congress, an electronic format.

Additionally, an amendment offered by Rep. Henry Cuellar (D–TX), the Ranking Member of the Subcommittee on Border and Maritime Security (BMS), to grant DHS the authority to provide danger pay to DHS personnel that are stationed in dangerous overseas posts, as both the Drug Enforcement Administration and Federal Bureau of Investigation can do. This amendment was unanimously approved by a vote of 33 yeas to 0 nays.

While we are pleased that the amendments discussed above were accepted, we are very troubled that the following critical Democratic amendments were rejected.

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[1]Testimony from S&T Under Secretary Tara O'Toole before the Committee on Homeland Security, Subcommittee on Oversight, Investigation, and Management, "Homeland Security Contracting: Does the Department Effectively Leverage Emerging Technologies?" July 15, 2011. http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20S%26T.pdf;and before the Subcommittee on Cybersecurity, Infrastructure Protection, and Security, "S&T on a Budget: Finding Smarter Approaches to Spur Innovation, Impose Discipline, Drive Job Creation, and Strengthen Homeland Security" November 17, 2011. http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20O%27Toole.pdf.

Authorization of the National Protection and Programs Directorate

Beyond the failure to set a top-line funding level for the Department, the Amendment in the Nature of a Substitute fails to authorize the National Protection and Programs Directorate (NPPD), which is responsible for DHS' cybersecurity, infrastructure protection, emergency communication, biometric entry-exit (U.S. VISIT), and Federal building security operations. NPPD has operated without specific authorization since 2007, when it was established by then-Secretary Michael Chertoff in response to the enactment of the Post-Katrina Emergency Management Reform Act (PKEMRA) (P.L. 109–295). CHS Democrats believe that, as authorizers, we have an obligation to authorize NPPD and communicate what programs and activities should be pursued and what funding should be available to carry them out. In an effort to foster greater accountability, Rep. Yvette Clarke (D–NY), the Ranking Member of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies (CIPS&T), offered an amendment to authorize NPPD, renaming it the "Directorate of Infrastructure Protection and Cybersecurity," to more closely track with the Directorate's core missions. It was defeated along party lines by a vote of 14 yeas to 19 nays.

Striking coordinator to counter Homegrown violent islamist extremism

We believe that attention must be paid to potential violent extremism, whether fueled by the violent ideology of the now-deceased Osama bin Laden or some other ideology. We cannot, however, support the approach taken in Section 102, entitled "Countering homegrown radicalization and violent Islamist extremism." As drafted, it dangerously conflates Islam with terrorism. In doing so, it implies that the risk of terrorism is associated with the practice of Islam. It is irresponsible and inappropriate to make blanket assertions about the 2.6 million Americans that self-identify as Muslim and are, as all Americans, afforded First Amendment protections to freely practice this religion.

Further, this provision, if enacted into law, could undermine the community engagement efforts undertaken by DHS and other Federal partners. We would note that many of the recently foiled terrorist plots were the result of patriotic Americans, some of whom are in the American Muslim Community, raising concerns about suspicious activity with local law enforcement. In fact, it has been reported that individuals in the American Muslim Community helped thwart 2 out of 5 terrorist plots since the 2009 attempted Christmas Day terrorist attack.[2]

CIPS&T Subcommittee Ranking Member Clarke offered an amendment to strike Section 102, arguing that a vote in favor of her amendment was a vote in favor of the thoughtful approach taken by the Obama Administration and against the single-minded and wrongheaded ideology that underpins this section. It was rejected along party lines, by a vote of 14 yeas to 19 nays.

[2] Public Affairs Council, "Post 9/11 Terrorism Database", November 16, 2009. http://www.mpac.org/publications/policy-papers/post-911-terrorism-database.php.

Coordinator for counterterrorism

The attempted bombing of Northwest Flight 253 on Christmas Day 2009 highlighted the need to better align intelligence and law enforcement operations to more effectively combat terrorism. In response, DHS Secretary Janet Napolitano established the position of "Coordinator for Counterterrorism" to: (1) coordinate the efforts of the Department's operational components to combat and prevent terrorism; and (2) better integrate DHS's counterterrorism operations with its intelligence and policy-making arms. Then, in late 2010, with the release of the Secretary's "Bottom Up Review"—which emphasized the need for increased counterterrorism coordination with DHS—Secretary Napolitano created the "Counterterrorism Advisory Board." Today, this Advisory Board, chaired by the Coordinator for Counterterrorism, formally brings DHS's operational components together with the critical support offices. One of the key roles of the Advisory Board is to provide recommendations for the Counterterrorism Coordinator to share with the Secretary regarding the National Terror Advisory System.

The Committee has received testimony that the Counterterrorism Coordinator and Counterterrorism Advisory Board have played an important role in streamlining and maximizing DHS's counterterrorism efforts by aligning the intelligence, operational, and policymaking elements in one body.[3] In particular, the Advisory Board is credited with streamlining the various screening programs within the Department and in the interagency process.

In an effort to support DHS' counterterrorism activities, Ranking Member Thompson offered an amendment to authorize the Counterterrorism Advisory Board and elevate the Coordinator for Counterterrorism position from an Undersecretary to the Deputy Secretary.[4] As the #2 official at the Department, the Deputy Secretary holds no particular allegiance to any directorate or component and, accordingly, can serve as an honest broker during internal policy debates. Further, by designating the Deputy Secretary, the Committee would send a message that counterterrorism is a major DHS focus and strengthen DHS's position in the interagency process. After an active debate, this amendment was rejected along partisan lines, by a vote of 14 yeas to 19 nays.

DHS travel oversight

Last Congress, the Department's Inspector General (OIG) issued a report that examined DHS' spending practices with respect to travel, conferences, and other off-site activities. The OIG found that DHS travel spending data was "unreliable, unverifiable and contained little assurance that components properly tracked or ac-

[3] Testimony from Principal Deputy Coordinator for Counterterrorism United States Department of Homeland Security, John D. Cohen. Committee on Homeland Security, Subcommittee on Border and Maritime Security, "Ten Years After 9/11: Can Terrorists Still Exploit Out Visa System?" September 13, 2011. http://homeland.house.gov/sites/homeland.house.gov/files/Testimonv%20Cohen_0.pdf

[4] Currently, NPPD Under Secretary Rand Beers serves as DHS' counterterrorism coordinator as discussed in the Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies hearing entitled "Preventing Chemical Terrorism: Building A Foundation of Security At Our Nation's Chemical Facilities," held on February 11, 2011.

counted for all conferences and related costs."[5] In particular, the OIG found that DHS lacked records to justify and track travel expenditures. In the end, the OIG issued twelve recommendations to prevent waste, increase accountability, and foster greater transparency. Rep. Davis offered an amendment to authorize a centralized DHS Office of Travel Resources to establish internal controls, travel policies, guidance and informational resources for all Department domestic travel. This Davis amendment was defeated by a vote of 14 yeas and 19 nays.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION POLICY

During consideration of Title II of the Amendment in the Nature of a Substitute, CHS

Democrats offered the following four targeted amendments to improve DHS acquisitions.

Rep. Kathleen C. Hochul (D-NY) offered an amendment to apply to DHS acquisitions the Buy American procurement requirements, known as the Berry Amendment, that have been in place since 1941 at the Department of Defense. Since 1941, the Berry Amendment has helped protect against the foreign misappropriation of U.S. military uniforms by requiring that they be "Made in America." From a security standpoint, extending Berry Amendment protections to DHS would help guard against the improper accessing of Transportation Security Administration and Customs and Border Protection uniforms. The Committee, by a vote of 32–0, approved this amendment that not only would enhance the security of DHS uniforms but could potentially protect and help create U.S. jobs.

Rep. Jackie Speier (D–CA), Ranking Member of the Subcommittee on Counterterrorism and Intelligence (CTI) offered two amendments. Although her first amendment, which would require DHS to report on contracting with Alaska Native Corporations (ANCs), was rejected by a vote of 14–17, her second amendment, to require DHS to prepare a financial management plan, was approved by voice vote.

To help promote the expenditure of DHS procurement dollars to communities in economic need, Rep. Hansen Clarke (D-MI) offered an amendment to create a procurement preference for vendors located in Enterprise Zones, HUB Zones, and areas that have an unemployment rate greater than 10 percent over the last year (High Unemployment Areas). It was rejected by a vote of 14 yeas to 19 nays.

TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

During consideration of Title III of the Amendment in the Nature of a Substitute, CHS Democrats offered the following three amendments to enhance the efficacy, oversight of privacy and civil liberties compliance, and support for State and Major Urban Area Fusion Centers.

[5] Office of Inspector General, OIG Report, 01G–10–19, "DHS Conference Spending Practices and Oversight" November 2009.

Fusion center audits

CTI Subcommittee Ranking Member Speier offered an amendment to require DHS to complete a privacy and civil liberties compliance audit of State and Major Urban Area Fusion Centers. These fusion centers take a collaborative approach to information sharing that promotes better situational awareness to inform decision-making at all levels of government. Even as fusion centers execute their analytical and counterterrorism missions, it is critical that constitutional rights and protections be preserved. Section 511 of the Implementing 9/11 Recommendations Act of 2007 (P.L. 110–53) mandated privacy and civil liberties impact assessments and training Reflecting a continued interest in ensuring that fusion centers operate in a manner that respects privacy and civil liberties protections, the Committee, on a bipartisan basis, approved this Speier amendment.

Ranking Member Thompson offered an amendment directing the OIG to audit fusion centers to ensure that they are reaching their full potential. Specifically, the amendment directs the OIG to audit Federal Homeland Security grant funding awarded to fusion centers to measure the extent to which the funding is used to achieve measurable homeland security outcomes, including filling gaps in critical baseline capabilities. Additionally, the OIG is directed to assess how well the Department tracks and measures the effectiveness of grant funding to fusion centers and the extent to which the fusion center considers privacy, civil rights, and civil liberties in the selection of contractors, trainers, and other personnel that provide advice and guidance to the fusion centers. In recent months, there have been a number of high profile instances where jurisdictions purchased counterterrorism training from vendors that appear to encourage profiling and propaganda that are of concern.[6] This Thompson amendment was approved unanimously.

Cybersecurity assistance

The third amendment, offered by CIPS&T Subcommittee Ranking Member Clarke, directed DHS to undertake a voluntary pilot program to test and assess the feasibility, costs, and benefits of providing cybersecurity training to personnel at State and Major Urban Area Fusion Centers. CIPS&T Ranking Member Clarke argued that training fusion centers on proper cybersecurity techniques will not only protect the data of our State and local law enforcement partners, it will also protect the information that the Federal government shares with those partners. After an exchange with CIPS&T Chairman Dan Lungren (R–CA), in which he argued that this measure would be more properly considered in the context of forthcoming comprehensive cybersecurity legislation that he was drafting, the Committee rejected the amendment by a vote of 14 yeas and 19 nays.

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[6] Washington Monthly, "Improving U.S. Counter-Terror Training" Steve Benen. November 29, 2011. http://www.washingtonmonthly.com/political-animal/2011_11/improving_us_counterterror_tra033785.php; The Leadership Conference, "The Reality of Racial Profiling." http://www.civilrights.org/publications/reports/racialprofiling2011/the-reality-of-racial.html; The Village Voice, "NYPD's Cops" Training Included an Anti-Muslim Horror Flick" Tom Robbins. January 19, 2011. http://www.villagevoice.com/2011-01-19/columns/nypd-cops-training-included-an-anti-muslim-horror-flick/.

TITLE IV—9/11 REVIEW COMMISSION

Ranking Member Thompson offered an amendment to Title IV to address glaring problems with the provision. First, the amendment would strike the language to reopen the 9/11 Commission investigation. By all accounts, the 9/11 Commission Report is the seminal account of the devastating attacks of September 11, 2001. It was the product of one of the most thorough investigations in history, examining the terrorist plot itself, its origins, and the failures of our Federal system. To produce that Report, the 9/11 Commission and its staff spent a year and a half interviewing over 1,200 people and reviewing nearly 2.5 million pages of documents. In the end, it cost nearly $15 million to operate the 9/11 Commission and produce the 9/11 Commission Report. The Amendment in the Nature of a Substitute provides just $1 million for a new commission. Ranking Member Thompson argued that, in these tight budgetary times, when policy leaders and Americans have long-accepted the 9/11 Commission Report's account as the final word, reopening the investigation a decade after the attacks would be a wasteful and unnecessary exercise.

Additionally, this Thompson amendment sought to make the selection of leadership for the proposed commission consistent with the how the original 9/11 Commission was constituted. The appointment process, as set forth in Section 404, completely bars any input from the President of the United States. Ranking Member Thompson argued that if this Commission is to undertake the same review as the 9/11 Commission and work at the Executive Branch level, the appointment process should be the same as what was used for the 9/11 Commission. This would mean that the Commission's Chairman would be appointed by the President, and the Vice Chairman would be appointed by the Speaker of the House of Representatives.

This Thompson amendment was rejected by voice vote.

TITLE V—PREPAREDNESS AND RESPONSE

CHS Democrats offered seventeen amendments to Title V of the Amendment in the Nature of a Substitute. Unfortunately, the Committee rejected six Democratic amendments that would have provided State and local governments the resources and guidance necessary to acquire critical emergency preparedness and response capabilities.

Adequate funding for critical preparedness grant programs

Repeatedly at numerous hearing held by the Emergency Preparedness, Response, and Communications (EPR&C) Subcommittee in the first session of the 112th Congress, the Committee received consistent testimony from Federal, State, local, and nongovernmental stakeholders about the state of emergency preparedness and response community: State, local, and tribal governments need of Federal support to maintain and improve emergency preparedness and response capabilities, particularly in light of overwhelming budget crises. Unfortunately, the Majority rejected amendments offered by CHS Democrats that would have addressed preparedness gaps identified in Subcommittee hearings and that

would have increased the resources available to State and local governments to achieve preparedness goals.

Ranking Member Thompson offered an amendment to strike the "Sense of Congress" at the beginning of the Title, and replace it with new language reaffirming Congress' commitment to ensuring adequate funding preparedness grants, and acknowledging the critical role preparedness grants play in our first responders' ongoing efforts to respond to terrorism and other potential threats. Ranking Member Thompson's amendment stated that it is the "Sense of Congress" that the Urban Areas Security Initiative and State Homeland Security Grant program should be funded at their fiscal year 2012 authorized levels, notwithstanding the passage of H.R. 2017, which drastically cut both programs. The Committee rejected this Thompson amendment by a vote of 14 yeas to 19 nays.

Urban Area Security Initiative

Representatives for urban areas from across the country have communicated to the Committee that capabilities developed through the Urban Area Security Initiative (UASI) have significantly improved preparedness and security capabilities across the Nation. The capabilities developed using UASI funds have supplemented local expenditures and allowed urban areas to build toward capability levels designed to support Federal missions, specifically, counter terrorism and catastrophic incident response. The UASI program has ensured that preparedness and response capabilities are developed efficiently by requiring regional governance, strategic planning, and investing by a diverse group of first responder stakeholders in order to maximize investments.

Although representatives from State and local governments have made clear that recent cuts to the UASI program risk the preservation of these homeland security capabilities, we saw thirty-two (32) "Tier 2" UASI jurisdictions, including Buffalo, Detroit, San Antonio, New Orleans, Sacramento, Minneapolis, and Phoenix, either lose or suffer major cuts to their funding for FY 2011 because of Federal budget cuts. Since this announcement, we have learned that, in less than a year since being eliminated from the UASI program, critical first responder capabilities have been lost. For example, Tucson's Automated Emergency Notification System, which was purchased with UASI funds, has been eliminated. That program allowed all jurisdictions within the Tucson urban area to notify and advise their residents of emergency measures through various modes of communications, including: landline telephone, cell phone, pager, etc. Similarly, since being eliminated from the UASI program, several of Indianapolis' emergency response capabilities are at risk of being lost, including its interoperable communications systems, real-time Epidemiological Surveillance, and mass emergency notification—through multiple languages and across multiple platforms. Indeed, UASI funding is so critical to the ability of State and local governments to maintain emergency preparedness capabilities that Rep. Clarke of Michigan sought to protect funding for

his district by directing the FEMA Administrator to treat Detroit, MI as a "highest-risk" urban area.[7]

CHS Democrats believe that we have an obligation, as a Nation, not to squander the capabilities developed through the Urban Area Security Initiative grant program over the past decade. Accordingly, Rep. Brian Higgins (D-NY) offered an amendment to establish a grant program that would permit high-risk jurisdictions dropped from the UASI program to compete for funding to preserve homeland security capabilities. Applications would be judged on strict criteria and only the ones that best presented why this funding was essential and how it would be used—including the support of capabilities that enhance regional catastrophic planning—would receive funds.

In the end, the Committee rejected Mr. Higgins' amendment by a vote of 12 yeas to 17 nays.

Firefighter grant programs

As our Nation continues to face the threat of terrorist attacks, and communities across the country have cut their fire department budgets, laid-off fire fighters, and reduced services in the wake of the economic crisis, the Assistance to Firefighters (FIRE) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs are more important than ever. The Assistance to Firefighters, or FIRE, grant allows communities to purchase life-saving safety equipment—from personal protective gear to breathing apparatus for firefighters. The Staffing for Adequate Fire and Emergency Response, or SAFER, grant provides funding for fire departments throughout the nation to rehire thousands of fire fighters who were laid off due to budget reductions on the local level. These programs are not only essential to achieving our emergency preparedness goals, they do so in a cost-effective manner. Both programs are among the most efficient Federal grant programs, scored as "effective" by an Office of Management and Budget analysis. Moreover, according to a recent assessment by the U.S. Fire Service, with the help of these grant programs, we have made significant progress in providing our first responders the equipment necessary to respond to man-made and natural disasters.

Yet, despite the important progress made with the help of the FIRE and SAFER grant programs, fire departments continue to struggle to obtain core preparedness capabilities.

For example, the U.S. Fire Service assessment revealed that over half of all fire departments cannot equip all firefighters on a shift with self-contained breathing apparatus. Nearly half of all fire departments that are responsible for structural firefighting have not provided all of their personnel with the appropriate formal training. And over half of all fire departments do not have enough portable radios to equip all emergency responders on a shift.

Rep. Higgins offered an amendment that would have reauthorized and expanded the FIRE and SAFER grant programs to ensure that our communities have the emergency responder personnel and resources required to effectively respond to major disasters. Although Rep. Higgins' amendment was based on legislation cospon-

[7] Rep. Clarke's amendment was defeated by voice vote.

sored by Chairman King, the amendment was rejected by a party-line vote of 14 yeas to 19 nays.

Protecting the Transit Security Grant Program

TS Subcommittee Ranking Member Jackson Lee offered an amendment to prevent an expansion of eligibility for the limited grant dollars administered by the Transit Security Grant Program (TGSP). The Amendment in the Nature of a substitute would allow law enforcement agencies to access funding otherwise reserved for transit operators to pursue security enhancements for their systems. In the current budgetary climate, it is critical to protect existing funding made available to transit agencies for homeland security mission enhancements. This Jackson Lee amendment, which sought to ensure that TGSP funds are used for purpose of securing transit systems against terrorist attack, was defeated by voice vote.

Approved preparedness, grants, and communications amendments

Although the majority rejected several amendments that would make DHS's emergency preparedness programs more efficient and provide DHS the resources necessary to ensure that communities across America are prepared to respond to man-made and natural disasters, CHS Democrats successfully secured approval of several amendments to improve emergency alert and warning systems and improve the services available to disaster survivors. The following six amendments offered by CHS Democrats were approved as part of an en bloc amendment:

• An amendment, offered by EPR&C Subcommittee Ranking Member Laura Richardson (D–CA), to establish an Interagency Grants Working Group composed of Federal agencies that provide preparedness grants to coordinate the application, monitoring, financial, and programmatic requirements of Federal grants. This would streamline the grant application and award process and reduce redundancies in Federal grant programs.

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to authorize the Integrated Public Alert Warning System (IPAWS), which would enable emergency alerts to be sent via audio, video, text, and data alert messages.

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to require the FEMA Administrator to provide to State, local, and tribal governments guidance to promote and improve community preparedness for events resulting in mass fatalities.

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to authorize the OIG to audit each of the ten FEMA Regional Offices on their progress in implementing the PKEMRA mandates.

• An amendment, offered by BMS Subcommittee Ranking Member Cuellar, to require FEMA to provide "lessons learned" reports in electronic format to designated representatives of each participant in National Level Exercises and require that each of the lessons learned reports be tailored to convey information on that exercise that could be leveraged to enhance preparedness and response.

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to reallocate the D-Block's 700 mega-hertz

(MHz) wireless broadband spectrum for public safety use and fund the creation of a national network. This is a major homeland security priority for the first responder community.

• An amendment, offered by Rep. Cedric Richmond (D–LA), to restore the due process rights of individuals who, through no fault of their own, received overpayments from FEMA and are now being asked to return the funds. The amendment requires that FEMA certify to the Department of Treasury that an individual has received a notice of debt and has been afforded the opportunity to appeal before the debt enters the collection process.

• An amendment, offered by Rep. Davis, to permit funds distributed under the Transit Security Grant Program to be used for systems for identity verification for access control, including biometrics.

• An amendment, offered by Rep. Sanchez, directing the GAO to study and evaluate the impact of transportation security grant program funding levels in States located on the west coast of the United States.

Additionally, the following three amendments offered by CHS Democrats were approved by voice vote:

• An amendment, offered by TS Subcommittee Ranking Member Jackson Lee, to authorize the National Transportation Security Center of Excellence, which is charged with developing new technologies, tools, and advanced methods to defend, protect and increase the resilience of the nation's multimodal transportation.

• An amendment, offered by TS Subcommittee Ranking Member Jackson Lee, directing the Secretary to review the Department's activities associated with mental health counseling for disaster victims to ensure that adequate policies, procedures, and programs are in place.

• An amendment, offered by TS Subcommittee Ranking Member Jackson Lee, directing the Government Accountability Office to review and evaluate disaster housing programs authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and the coordination 17 c)7(71 between the Federal Emergency Management Agency and the Department of Housing and Urban Development in providing disaster housing services.

TITLE VI—BORDER SECURITY PROVISIONS

Democratic Members of the Committee have long supported authorizing the personnel, technology, and infrastructure necessary to strengthen America's border security while facilitating legitimate travel and trade through our air, land, and sea ports. The Department continues to face challenges along our Nation's borders, including the threat of terrorists seeking to enter to do us harm; trafficking of drugs, weapons, and currency; and illegal immigration. Democratic Members of the Committee are supportive of many of the border security-related provisions in the bill, but are concerned about the bill's failure to authorize additional funds for border security purposes. In order to refine and enhance the border security provisions in the underlying legislation, Democratic Members offered the following amendments to Title VI of the Amendment in

the Nature of a Substitute, which were approved by the Committee:

• An amendment, offered by Rep. Hahn, to authorize certain travel facilitation programs administered by U.S. Customs and Border Protection (CBP), including NEXUS, SENTRI, and Global Entry.

• An amendment, offered by Rep. Hahn, to require CBP to conduct an internal review to determine whether there is an adequate number of CBP officers at the 10 busiest international airports in the U.S.

• An amendment, offered by Rep. Loretta Sanchez (D–CA), to require CBP to enhance its professionalism and transparency in dealing with the public.

• An amendment, offered by Ranking Member Thompson, to ensure that Immigration and Customs Enforcement (ICE) agents are present at the 20 highest-risk overseas visa issuing posts in sufficient number to review all visa applications at those posts.

• A perfecting amendment, offered by BMS Subcommittee Ranking Member Cuellar, to authorize the President to agree to amendments to the Border Environment Cooperation Agreement between the United States and Mexico to allow the financing of infrastructure projects in the border region between the two countries that promote growth in trade and commerce between them, support sustainable economic development, reduce poverty, foster job creation, and promote social development in the region.

• An amendment, offered by TS Subcommittee Ranking Member Jackson Lee, to require DHS to report to Congress on the resources necessary to increase the presence of CBP personnel at high-risk airports overseas through expansion of the Immigration Advisory Program (TAP).

• An amendment, offered by Rep. Sanchez, requiring DHS to implement a plan to deploy a biometric exit program under US-VISIT.

• An amendment, offered by Rep. Sanchez, requiring CBP to work with the Transportation Security Administration (TSA) to designate persons enrolled in CBP's trusted traveler programs as trusted passengers in TSA's programs, so long as they meet all relevant requirements. The amendment to the Amendment in the Nature of a Substitute was approved by voice vote.

An en bloc amendment offered BMS Subcommittee Ranking Member Cuellar was approved by voice vote by the Committee. That amendment was comprised of the following amendments:

• An amendment to require the appropriate Federal agencies to prioritize making infrastructure improvements at ports of entry at ports of entry determined to be in the most need of repair in order to improve border security.

• An amendment to require the Commissioner of U.S. Customs and Border Protection, in collaboration with the Under Secretary for Science and Technology, to identify equipment and technology to strengthen the ability to detect and deter unlawful entries both at and between ports of entry (POEs).

• An amendment to require the Commissioner of U.S. Customs and Border Protection account for apprehension rates, unlawful border crossings, and the number of apprehensions per Border Pa-

trol agent when determining the deployment of Border Patrol agents.

• An amendment stating it is the "Sense of Congress" that the Secretary should deploy an additional unmanned aerial vehicle (UAV) at a more centralized location immediately along the Southwest border.

• An amendment to require the Secretary to submit to Congress a report regarding the status of nearly $640 million in unobligated balances in the Customs User Fee Account, as reported by the Government Accountability Office (GAO–11–318SP).

• An amendment to require U.S. Customs and Border Protection to institute an outbound inspections program at land ports of entry no later than two years after implementation of this Act.

• An amendment to authorize $1.6 billion for each of fiscal years 2012 and 2013 to identify and remove from the U.S. aliens convicted of a crime or who may pose a serious risk to public safety or national security and who are judged deportable.

• An amendment to authorize ICE as a component of the Department of Homeland Security and establish the agency in statute. The amendment also set forth the primary functions of the agency and specified the duties and authorities of the Director of ICE.

Though we are pleased that the amendments discussed above were accepted, we are troubled that that the following critical border security amendments were rejected:

Increasing the number of border patrol agents

While Congress has made significant strides in expanding the ranks of the Border Patrol in recent years, more remains to be done to secure our Nation's borders. Democratic Members of the Committee strongly support more boots on the ground to help strengthen border security.

TS Subcommittee Ranking Member Jackson-Lee offered an amendment to increase the number of U.S. Border Patrol agents by 1,000 over the next two years. That relatively modest increase would have helped ensure that the Border Patrol continues to grow its capacity to secure our Nation's borders. Unfortunately, the amendment was voted down by the Majority on a party-line vote of 14 yeas and 17 nays.

Additionally, Rep. Sanchez offered an amendment to require the Secretary to increase transparency and accountability regarding searches of electronic devices at our borders. This Sanchez amendment was rejected by a vote of 15 yeas and 16 nays.

Maritime Security

Democratic Members of the Committee were greatly dismayed that breaking with longstanding precedent, the Chairman did not insist on a referral of H.R. 2328, the "Coast Guard and Maritime Transportation Act of 2011," a bill that authorizes the Coast guard for the next three years. Failure to secure a claim to that major authorization bill essentially denied Committee Members' the opportunity to provide input on important maritime security matters facing the Coast Guard. Furthermore, the Majority failed to introduce another legislative vehicle for port and maritime security pro-

visions to date this Congress. As such, Democratic Members of the Committee offered several amendments to H.R. 3116 to help strengthen the security of our Nation's ports and waterways and to improve administration of the Coast Guard.

The following port and maritime security amendments were adopted:

• An amendment, offered by Rep. Hahn, to authorize the Port Security Grant Program through 2015.

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to allow grants provided under DHS' Port Security Grant Program to be used to pay a portion of the salaries for port personnel engaged in security activities.

• An amendment, offered by Rep. Sanchez, to address key security vulnerabilities within the Transportation Worker Identification Credential (TWIC) program by matching the TWIC's expiration with the holder's period of legal presence in the U.S. and requiring the Secretary to make improvements to document security in the administration of the program.

• An amendment, offered by Ms. Sanchez, to require the Department to submit a report to Congress analyzing the threat, vulnerability, and consequence of a small boat terrorist attack on U.S. ports and maritime vessels and facilities.

• An amendment, offered by OI&M Subcommittee Ranking Member Keating, to ensure that Coast Guard has the minimum number of air assets needed to assure readiness and meet training and deployment needs for the Coast Guard's enhanced deployable specialized forces.

Again, while we are pleased that the amendments discussed above were accepted, we are troubled that the following maritime security amendment, offered by Ranking Member Thompson, was rejected:

Transportation Worker Identification Credential

The SAFE Port Act of 2006, which authorized the TWIC Program, is focused on protecting the Nation's maritime transportation facilities and vessels by requiring maritime workers and other workers who need unescorted access to secure port facilities to obtain a biometric identification card. After initial delays, all maritime workers were required to obtain biometric TWICs by April 2009. The up-front cost to workers for these cards is $132.50 per credential, and in the event that a card is lost, stolen, or damaged, a replacement TWIC costs $60.00. To date, over 1.9 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and criminal background checks to secure TWICs.

However, DHS has made little progress in establishing nationwide standards for biometric readers for these credentials. In April 2009, TSA commenced a limited pilot program that commenced more than two years after the mandated start date. The law required DHS to issue final regulations for the deployment of TWIC readers based on the results of these pilots by April 2011, but that has not yet occurred. Under current law, starting in October 2012, workers would be required to go through the time and expense of

renewing their TWICs, even though DHS has yet to hold up its end of the bargain by deploying the companion readers.

Ranking Member Thompson offered this amendment to ensure that workers will not be required to renew their TWIC until DHS issues a final TWIC reader rule or the end of 2014, whichever comes first. The amendment would also serve as an incentive to DHS to deploy the readers as soon as possible. Unfortunately, the amendment was voted down by the Committee on party lines, by a vote of 14 yeas and 17 nays.

TITLE VII—SCIENCE AND TECHNOLOGY

In Title VII, the following amendments, offered by CHS Democrats, were considered:

• The Committee approved, by voice vote, an amendment, offered by Rep. Clarke of Michigan, to require Science and Technology Directorate to conduct research and development of technologies to test whether routine operation of medium-sized, unmanned aerial vehicles (UAVs) within U.S. airspace for border and maritime security missions could be undertaken without degrading existing levels of security-related surveillance or safety in our Nation's airspace. The amendment directs DHS to commence a pilot project in a sparsely-populated, low-density airspace along the Northern border.

• The Committee approved an amendment, as a part of an en bloc amendment, offered by Rep. Richmond, requiring DHS to implement outreach to enhance awareness and increase participation of qualified students at Institutes of Higher Education, including Minority Serving Institutions such as Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities, in the Department of Homeland Security's Science and Technology Directorate Fellows program.

• The Committee approved an amendment, by voice vote, offered by CIPS&T Subcommittee Ranking Member Clarke, to require DHS to obtain information technology products and services from U.S.-owned companies. Under this amendment, if DHS is unable to procure the necessary Information Technology (IT) products and services from a domestic company, the Secretary must certify to Congress that no comparable product or service was available from a U.S. provider.

• The Committee approved an amendment, by voice vote, offered by Ranking Member Thompson, to authorize University Programs at $36,600,000, the current funding level. University-based Centers provide the main connection between the Science & Technology Directorate and the academic community. The amendment also required GAO to do a broad review of the program and place a moratorium on the creation of new university-based centers until completion of this review to protect the existing programs that have been targeted for significant cuts under H.R. 2017, the "DHS Appropriation Act for FY 2012."

• By a vote of 14–18, the Committee rejected an amendment, offered by Rep. Davis, to establish the Office of Public-Private Partnership within the Science and Technology Directorate to foster better collaboration between DHS and private sector technology firms, and especially small firms. It would have authorize $30 mil-

lion for the office to: (1) provide information to persons seeking guidance on pursuing proposals; (2) coordinate with Department components to issue announcements; and (3) conduct marketplace analysis. Additionally, within this Office, a Rapid Review Division would have been responsible for establishing an accessible, streamlined system to conduct timely reviews of unsolicited technology proposals.

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

After acknowledging that we must have an informed, vigilant, and alter public and that suspicious terrorist activity should be reported, TS Subcommittee Ranking Member Jackson Lee offered an amendment to prevent the conferring of civil immunity to any person that provides tips to law enforcement based solely on someone's "race, religion, ethnicity, or national origin." TS Subcommittee Ranking Member Jackson Lee explained that, as drafted, the provision risked granting immunity to people that exercise racial or ethnic profiling which, in the view of most in law enforcement, is not only unconstitutional but also a waste of time and limited policing resources. The Committee rejected this amendment on party lines, by a vote of 14 yeas to 18 nays.

TITLE IX—MISCELLANEOUS

The Committee approved the following seven amendments, offered by CHS Democrats, to the Miscellaneous title:

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to require DHS to provide guidance to and coordinate with local education and school districts that are at a high risk of acts of terrorism, natural disasters, or public health emergencies.

• An amendment, offered by Rep. Hahn, directing DHS to endeavor to make available Federal law enforcement training opportunities, including through the Federal Law Enforcement Training Center, to local law enforcement personnel with responsibilities for securing the ports.

• An amendment, offered by Rep. Clarke of Michigan, to direct DHS to enter into a memorandum of understanding with the Environmental Protection Agency to collaborate on a plan to address security gaps at drinking water treatment and wastewater treatment facilities.

• An amendment, offered by EPR&C Subcommittee Ranking Member Richardson, to require DHS to provide guidance to and coordinate with appropriate officials and organizations to implement plans for outreach to people with disabilities during disasters.

• An amendment, offered by Rep. Richmond, to require DHS, not later than 90 days after enactment of this Act, to reform the process for the enrollment, activation, issuance, and renewal of Transportation Worker Identification Credentials (TWICs). The amendment requires that these reforms should limit the number of required in-person visits to designated enrollment centers for any worker to one, except in cases where there are extenuating circumstances.

• An amendment, offered by OI&M Subcommittee Ranking Member Keating, to require TSA, not later than 180 days after enactment of this Act, to issue a report to Congress that details TSA's progress toward conducting security vulnerability assessments at all U.S. airports. The amendment requires TSA to provide the reasoning behind why TSA has, to date, only conducted security vulnerability assessments at 17% of the Nation's airports and how it plans to complete assessments at 100% of airports in the next two years. This amendment requires TSA to specify what steps have been taken by TSA to enhance perimeter security at our Nation's airports since the November 2010 Delvonte Tisdale stow away incident.

• An amendment, offered by Ranking Member Thompson, to clarify congressional intent regarding the scope of the regulation envisioned for the Secure Handling of Ammonium Nitrate Act of 2007 (as enacted into law as section 563 of Public Law 110–161).

While we are pleased that these amendments were accepted, we are troubled that the following two amendments were rejected on party lines.

Federal Protective Service

Ranking Member Thompson offered an amendment to authorize and reform the Federal Protective Service (FPS). It was based on H.R. 176, the "Federal Protective Service Improvement and Accountability Act of 2011," legislation that Rep. Thompson introduced to enhance FPS security operations. Among the key provisions of the amendment were a pilot training program of up to 180 days to determine the potential benefits of converting contract guard positions at the highest risk Federal facilities to positions held by Federal employees and annual GAO reviews of the performance of both contract and Federal facility guards taking part in the pilot program. Ranking Member Thompson explained that FPS' record of significant security lapses is due, in large part, to its limited capacity to manage its massive contract guard program. Every year, FPS expends more than half of its $1 billion budget on contract guard but exercises little oversight or control over the contract guard workforce who are principally responsible for protecting the workers and citizens that access Federal building every day. This amendment was rejected along party lines, by a vote of 14 yeas to 18 nays.

Eliminating the majority requirement that disaster assistance be offset

Rep. Richmond offered an amendment that prohibits requiring budgetary offsets for emergency disaster assistance for Fiscal Years 2011 and 2012. On August 29, 2011, House Majority Leader Eric Cantor (R–VA) stated that Federal disaster relief for victims of Hurricane Irene and other FY 2011 disasters would have to be offset with budget cuts elsewhere.[8] Subsequently, on the question of

[8] Appearing on the FOX News Channel, Majority Leader Cantor said "Just like any family would operate when it's struck with disaster, it finds the money to take care of a sick loved one or what have you, and then goes without trying to buy a new car or put an addition onto the house," as reported by Raymond Hernandez in "G.O.P. Legislators Balk at a Call to Tie Storm Aid to Budget Cuts," New York Times, September 6, 2011.

offsetting disaster aid, former DHS Secretary Tom Ridge, in response to a question from Rep. Richmond, testified that "never in the history of the country that we worried about the budget around emergency appropriations for natural disasters, and frankly in my view we shouldn't be worried about it now. I realized you got fiscal problems . . . but we're all in as a country when Mother Nature devastates the community, we may need appropriate—emergency appropriations. We've got to just deal with it then give it to fiscal issues later on.[9] After a lengthy debate, in which EPR&C Subcommittee Chairman Bilirakis (R–FL) argued against the amendment, the Committee rejected this Richmond amendment by a vote of 14 yeas to19 nays.

Submitted by:

BENNIE G. THOMPSON.
LORETTA SANCHEZ.
SHEILA JACKSON LEE.
HENRY CUELLAR.
YVETTE D. CLARKE.
LAURA RICHARDSON.
DANNY K. DAVIS.
BRIAN HIGGINS.
JACKIE SPEIER.
CEDRIC RICHMOND.
HANSEN CLARKE.
WILLIAM R. KEATING.
KATHLEEN C. HOCHUL.
JANICE HAHN.

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[9] Testimony of Former DHS Secretary Thomas Ridge at a Full Committee hearing entitled "The Attacks of September 11th: Where are We Today," held on September 8, 2011.