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107TH CONGRESS
1ST SESSION

H. R. 1158

To establish the National Homeland Security Agency.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2001

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on Government Reform

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A BILL

To establish the National Homeland Security Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Homeland Security Agency Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The security of the United States homeland from nontraditional and emerging threats must be a primary national security mission of the United States Government. Attacks against United States citizens on United States soil, possibly causing heavy

casualties, are likely during the next quarter century, as both the technical means for carrying out such attacks, and the array of actors who might use such means, are proliferating despite the best efforts of United States diplomacy.

(2) Attacks on United States soil may involve weapons of mass destruction and weapons of mass disruption. As porous as United States physical borders are in an age of burgeoning trade and travel, its cyber borders are even more vulnerable, and the critical infrastructure upon which so much of the United States economy depends can now be targeted by governments as well as individuals. The preeminence of the United States makes it more appealing as a target, while its openness and freedoms make it more vulnerable.

(3) Despite the serious threat to homeland security, the United States Government has not yet adopted homeland security as a primary national security mission. Its structures and strategies are fragmented and inadequate. The assets and organizations that now exist for homeland security are scattered across more than two dozen departments and agencies, and all 50 States.

(4) Guaranteeing that homeland security is achieved within a framework of law that protects the civil liberties and privacy of United States citizens is essential. The United States Government must improve national security without compromising established constitutional principles.

(5) A comprehensive strategy and new organizational structures to prevent and protect against attacks on the United States homeland, and to respond to such attacks if prevention and protection should fail, are urgently needed.

(6) Through the National Homeland Security Agency, the United States Government will improve the planning and coordination of Federal support to State and local agencies to rationalize the allocation of resources, enhance readiness in order to prevent attacks, and facilitate recovery if prevention fails.

SEC. 3. ESTABLISHMENT OF NATIONAL HOMELAND SECURITY AGENCY.

(a) ESTABLISHMENT.—There is established a National Homeland Security Agency (hereinafter in this Act referred to as the ''Agency'').

(b) DIRECTOR.—There shall be at the head of the Agency a Director, who shall be appointed by the President by and with the advice and consent of the Senate.

The Director shall be compensated at the rate provided for level I of the Executive Schedule under section 5312 of title 5, United States Code. The Director shall serve as an advisor to the National Security Council.

(c) DUTIES.—The duties of the Director shall be the following:

(1) To plan, coordinate, and integrate those United States Government activities relating to homeland security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crises and emergency planning.

(2) To work with State and local governments and executive agencies in protecting United States homeland security, and to support State officials through the use of regional offices around the country.

(3) To provide overall planning guidance to executive agencies regarding United States homeland security.

(4) To conduct exercise and training programs for employees of the Agency and establish effective command and control procedures for the full range of potential contingencies regarding United States

homeland security, including contingencies that require the substantial support of military assets.

(5) To annually develop a Federal response plan for homeland security and emergency preparedness.

SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO AGENCY.

The authorities, functions, personnel, and assets of the following entities are hereby transferred to the Agency:

(1) The Federal Emergency Management Agency, the ten regional offices of which shall be maintained and strengthened by the Agency.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Agency.

(3) The Border Patrol of the Immigration and Naturalization Service, which shall be maintained as a distinct entity within the Agency.

(4) The United States Coast Guard, which shall be maintained as a distinct entity within the Agency.

(5) The Critical Infrastructure Assurance Office and the Institute of Information Infrastructure Protection of the Department of Commerce.

(6) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

SEC. 5. ESTABLISHMENT OF DIRECTORATES AND OFFICE.

(a) ESTABLISHMENT OF DIRECTORATES.—The following staff directorates are hereby established within the Agency:

(1) DIRECTORATE OF PREVENTION.—The Directorate of Prevention, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(2) DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.—The Directorate of Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Agency to coordinate efforts to address the vulnerability of the United States to electronic

or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Federal Communications Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the date of the enactment of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the date of the enactment of this Act.

(I) Supporting and overseeing the management of the Institute for Information Infrastructure Protection.

(3) DIRECTORATE FOR EMERGENCY PREPAREDNESS AND RESPONSE.—The Directorate for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the date of the enactment of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the date of the enactment of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing

among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Centers for Disease Control.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(b) ESTABLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY.—There is established in the Agency an Office of Science and Technology, the purpose of which shall

be to advise the Director regarding research and development efforts and priorities for the directorates established in subsection (a).

SEC. 6. REPORTING REQUIREMENTS.

(a) BIENNIAL REPORTS.—The Director shall submit to Congress on a biennial basis—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) ADDITIONAL REPORT.—Not later than the date that is one year after the date of the enactment of this Act, the Director shall submit to Congress a report—

(1) assessing the progress of the Agency in—

(A) implementing the provisions of this Act; and

(B) ensuring the core functions of each entity transferred to the Agency are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this Act.

SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.

The Director shall establish and maintain strong mechanisms for the sharing of information and intelligence with United States and international intelligence entities.

SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Director shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Agency comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Agency using funds that are available for obligation for a limited number of years.

SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Director shall—

(1) ensure that the Agency complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date that is 6 months after the date of the enactment of this Act.

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