AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

109TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 109–712
Part 1

NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT OF 2006

NOVEMBER 9, 2006.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 5351]

together with

MINORITY VIEWS

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5351) to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Emergency Management Reform and Enhancement Act of 2006".

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

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY MANAGEMENT

Sec. 101. Directorate of Emergency Management.
Sec. 102. Gulf Coast Long-Term Recovery Office.
Sec. 103. National Disaster Medical System.
Sec. 104. Office of Interoperability and Compatibility.
Sec. 105. Intelligence analysts.
Sec. 106. Redesignation of Directorate for Information Analysis and Infrastructure Protection.
Sec. 107. National Academy of Public Administration study on implementation of organizational reforms.
Sec. 108. GAO reports on an inventory and status of homeland security training.
Sec. 109. Grants for training and exercises to assist public elementary and secondary schools.
Sec. 110. Sense of Congress on the Project 25 conformity assessment project.
Sec. 111. National pandemic influenza exercise.
Sec. 112. Public-private sector planning and response pilot program.
Sec. 113. Emergency Management Performance Grants.
Sec. 114. Definitions.
Sec. 115. Conforming amendments.

TITLE II—FRAUD, WASTE, AND ABUSE PREVENTION

Sec. 201. Fraud, waste, and abuse controls.
Sec. 202. Assessment and report regarding utilization of Independent Private Sector Inspectors General.
Sec. 203. Enhanced accountability for Federal assistance.
Sec. 204. Enhanced information sharing among Federal agencies to prevent fraud, waste, and abuse.
Sec. 205. Deputy Inspector General for Response and Recovery.
Sec. 206. Protection of Department of Homeland Security official seal and insignia.

TITLE I—EMERGENCY MANAGEMENT

SEC. 101. DIRECTORATE OF EMERGENCY MANAGEMENT.

(a) ESTABLISHMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended to read as follows:

"TITLE V—EMERGENCY MANAGEMENT

"Subtitle A—Directorate of Emergency Management

"SEC. 501. DIRECTORATE OF EMERGENCY MANAGEMENT.

"(a) UNDER SECRETARY FOR EMERGENCY MANAGEMENT.—

"(1) IN GENERAL.—There is in the Department a Directorate of Emergency Management. The head of the Directorate is the Under Secretary for Emergency Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The individual appointed as Under Secretary shall possess a demonstrated ability in and knowledge of emergency management and homeland security.

"(3) RESPONSIBILITIES.—The Under Secretary shall assist the Secretary in discharging the responsibilities under section 502.

"(b) DEPUTY UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND MITIGATION.—

"(1) IN GENERAL.—There is in the Department a Deputy Under Secretary for Emergency Preparedness and Mitigation, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The individual appointed as Deputy Under Secretary shall possess a demonstrated ability in and knowledge of emergency preparedness and mitigation.

"(3) RESPONSIBILITIES.—The Deputy Under Secretary for Emergency Preparedness and Mitigation shall assist the Under Secretary for Emergency Management in discharging the responsibilities of the Under Secretary.

"(c) DEPUTY UNDER SECRETARY FOR EMERGENCY RESPONSE AND RECOVERY.—

"(1) IN GENERAL.—There is in the Department a Deputy Under Secretary for Emergency Response and Recovery, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The individual appointed as Deputy Under Secretary shall possess a demonstrated ability in and knowledge of emergency response and recovery.

"(3) RESPONSIBILITIES.—The Deputy Under Secretary for Emergency Response and Recovery shall assist the Under Secretary for Emergency Management in discharging the responsibilities of the Under Secretary.

"(d) ASSISTANT SECRETARIES FOR EMERGENCY MANAGEMENT.—There are in the Department the following Assistant Secretaries, who shall be appointed by the President, by and with the advice and consent of the Senate:

"(1) An Assistant Secretary for Grants and Planning, who shall report directly to the Deputy Under Secretary for Emergency Preparedness and Mitigation.

"(2) An Assistant Secretary for Training and Exercises, who shall report directly to the Deputy Under Secretary for Emergency Preparedness and Mitigation.

"(3) An Assistant Secretary for Emergency Communications, who shall report directly to the Under Secretary for Emergency Management.

"(4) An Assistant Secretary for Infrastructure Protection, who shall report directly to the Under Secretary for Emergency Management.

"(5) An Assistant Secretary for Cybersecurity and Telecommunications, who shall report directly to the Under Secretary for Emergency Management.

"SEC. 502. RESPONSIBILITIES OF THE UNDER SECRETARY.

"(a) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Under Secretary for Emergency Management shall have the primary responsibility within the executive branch of Government for preparing for, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies. Such responsibilities shall include the following:

"(1) Serving as the Secretary's principal advisor on emergency preparedness, mitigation, response, and recovery issues.

"(2) Carrying out all functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) Coordinating the Federal response to acts of terrorism, natural disasters, or other emergencies, including coordination of—

"(A) the National Emergency Response Team;

"(B) the deployment of the Strategic National Stockpile;

"(C) the National Disaster Medical System;

"(D) the Nuclear Incident Response Team (when operating as an organizational unit of the Department pursuant to this title);

"(E) the Metropolitan Medical Response System;

"(F) the Urban Search and Rescue System;

"(G) Federal Incident Response Support Teams;

"(H) Management Support Teams; and

"(I) the Mobile Emergency Response System.

"(4) Overseeing and directing all of the activities of the Directorate.

"(5) Developing for each fiscal year, and submitting directly to the President, a prepared budget for the Directorate.

"(6) Coordinating emergency preparedness, mitigation, response, and recovery activities throughout the Department.

"(7) Leading the development of an integrated national emergency management system.

"(8) Coordinating preparedness, mitigation, response, and recovery efforts at the Federal level.

"(9) Working with all State, local, tribal, and private sector emergency managers, emergency response providers, and emergency support providers on all matters pertaining to acts of terrorism, natural disasters, and other emergencies, including training, exercises, and lessons learned.

"(10) Implementing national strategies and policies in all matters pertaining to emergency management and the protection of critical infrastructure.

"(11) Establishing priorities for directing, funding, and conducting national preparedness programs, activities, and services for preventing, protecting against, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies.

"(12) Coordinating communications and systems of communications relating to homeland security by and between all levels of government.

"(13) Directing and supervising homeland security financial assistance awarded by the Department to State, local, and tribal governments.

"(14) Serving as an advocate for emergency preparedness across all government sectors, the private sector, and the public.

"(15) Helping to ensure the acquisition of operable and interoperable communications capabilities by Federal, State, and local governments and emergency response providers.

"(16) Aiding the recovery from acts of terrorism, natural disasters, and other emergencies.

"(17) Minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector.

"(18) Performing such other duties relating to such responsibilities as the Secretary may require.

"(b) FUNCTIONS TRANSFERRED.—

"(1) TRANSFER.—There are transferred to the Under Secretary for Emergency Management—

"(A) the functions, personnel, assets, and liabilities of the Federal Emergency Management Agency; and

"(B) the functions, personnel, assets, and liabilities of the Directorate of Preparedness.

"(2) RESPONSIBILITIES.—The Under Secretary shall carry out the responsibilities of the Director of the Federal Emergency Management Agency and the responsibilities of the Under Secretary for Preparedness.

"(c) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—The Secretary shall perform the functions of the following entities through the Under Secretary for Emergency Management:

"(1) The Integrated Hazard Information System (which the Secretary shall rename 'FIRESAT') of the National Oceanic and Atmospheric Administration.

"(2) The National Domestic Preparedness Office of the Federal Bureau of Investigation, including the functions of the Attorney General relating thereto.

"(3) The Domestic Emergency Response Teams of the Department of Justice, including the functions of the Attorney General relating thereto.

"(4) The Office of Emergency Preparedness, the National Disaster Medical System, and the Metropolitan Medical Response System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness relating thereto.

"(5) The United States Fire Administration and the United States Fire Academy.

"(d) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.

"(e) SUFFICIENCY OF RESOURCES.—The Secretary shall provide to the Under Secretary for Emergency Management the resources and staff necessary to carry out the responsibilities of the Directorate of Emergency Management under this section.

"SEC. 503. PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.

"(a) IN GENERAL.—The Under Secretary for Emergency Management shall serve as the principal advisor to the President for all matters pertaining to emergency management in the United States.

"(b) CABINET STATUS.—During the effective period of an Incident of National Significance declared by the Secretary under the National Response Plan, the Under Secretary for Emergency Management shall serve as a Cabinet Officer for the duration of such Incident of National Significance.

"(c) APPOINTMENT OF PRINCIPAL FEDERAL OFFICIAL.—Notwithstanding any provision of the National Response Plan or Homeland Security Presidential Directive 5, the Secretary, in coordination with the Under Secretary for Emergency Management, shall designate the Principal Federal Official for purposes of the National Response Plan.

"(d) RETENTION OF AUTHORITY.—Nothing in this section shall be construed as affecting the authority of the Secretary under this Act.

"SEC. 504. REGIONAL OFFICES.

"(a) IN GENERAL.—In accordance with section 706, there is in the Directorate a Regional Office of Emergency Management for each region of the United States.

"(b) MANAGEMENT OF REGIONAL OFFICES.—

"(1) REGIONAL DIRECTOR.—Each Regional Office shall be headed by a Regional Director for Emergency Management, who shall be appointed by the Secretary, in consultation with State, local, and tribal governments in the region. Except as provided in subsection (c)(3), each Regional Director for Emergency Management shall report directly to the Under Secretary for Emergency Management.

"(2) DEPUTY REGIONAL DIRECTOR.—There shall be in each Regional Office a Deputy Regional Director for Emergency Management, who shall be appointed by the Secretary, in consultation with State, local, and tribal governments in the region. The Deputy Regional Director for Emergency Management for a Regional Office shall report directly to the Regional Director for Emergency Management for that Regional Office.

"(3) QUALIFICATIONS.—Each individual appointed as Regional Director or Deputy Regional Director for Emergency Management must possess a demonstrated ability in and knowledge of emergency management and possess familiarity with the geographical area and demographic characteristics of the population served by the Regional Office.

"(c) RESPONSIBILITIES.—

"(1) IN GENERAL.—Subject to the direction and control of the Secretary and in consultation with the Regional Advisory Council on Emergency Management under subsection (e), each Regional Director for Emergency Management shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, emergency support providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities under this section.

"(2) CORE RESPONSIBILITIES.—The core responsibilities of each Regional Director are as follows:

"(A) Ensuring coordination and integration of regional preparedness, mitigation, response, and recovery activities and programs, including planning, training, exercises, and professional development.

"(B) Participating in regional emergency management activities.

"(C) Identifying critical gaps in preparedness and reporting such gaps to the Assistant Secretary for Grants and Planning.

"(D) Identifying critical gaps in critical infrastructure and reporting such gaps to the Assistant Secretary for Infrastructure Protection.

"(E) Organizing, in consultation with the Assistant Secretary for Training and Exercises, regional training and exercise programs.

"(F) Facilitating the dissemination and implementation of lessons learned and best practices.

"(G) Improving general information sharing and other forms of coordination.

"(H) Encouraging, in coordination with the Director of the Office of Public and Community Preparedness, public and community preparedness efforts.

"(I) Assisting in the development of regional capabilities needed for a national catastrophic response system.

"(J) Monitoring, in coordination with the Assistant Secretary for Grants and Planning, the use of Federal homeland security assistance awarded by the Department to State, local, and tribal governments.

"(K) Pre-identifying Joint Field Office locations in areas with large populations or in areas at high risk to acts of terrorism, natural disasters, or other emergencies.

"(L) Fostering the development of mutual aid and other cooperative agreements pertaining to emergency management.

"(M) Identifying critical gaps in regional capabilities to respond to the needs of at-risk communities, as described in section 527(e).

"(N) Performing such other duties relating to such responsibilities as the Secretary may require.

"(3) INCIDENTS OF NATIONAL SIGNIFICANCE.—

"(A) APPOINTMENT OF REGIONAL DIRECTOR AS PRINCIPAL FEDERAL OFFICIAL OR FEDERAL COORDINATING OFFICER.—During the effective period of an Incident of National Significance declared by the Secretary under the National Response Plan, if the Regional Director is appointed Principal Federal Official or Federal Coordinating Officer, the Deputy Regional Director shall assume the responsibilities of the Regional Director during such incident.

"(B) RESPONSIBILITIES OF PRINCIPAL FEDERAL OFFICIAL.—In addition to the responsibilities of the Principal Federal Official under the National Response Plan, such Official shall, with respect to the Incident of National Significance—

"(i) establish and direct a Joint Field Office and any other coordination structure that is needed for such incident;

"(ii) possess the authority to make any necessary operational decisions, in accordance with existing Federal law, without obtaining approval from the Secretary;

"(iii) coordinate and direct, as appropriate, Federal response assets deployed within the operational area;

"(iv) serve as the primary point of contact between the Department, the Department of Defense, and States for contingency planning; and

"(v) act as the primary point of contact and situational awareness locally for the Secretary of Homeland Security.

"(d) TRAINING AND EXERCISE REQUIREMENTS.—

"(1) TRAINING.—The Secretary shall require each Regional Director and Deputy Regional Director for Emergency Management to complete Principal Federal Officer training not later than 60 days after the date on which the Regional Director or Deputy Regional Director is appointed. In addition, the Secretary shall require each Regional Director and Deputy Regional Director to periodically, but not less than annually, undergo specific training to complement the qualifications of the Regional Director or Deputy Regional Director. Such training shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Secretary.

"(2) EXERCISES.—The Secretary shall require each Regional Director and Deputy Regional Director for Emergency Management to regularly participate in regional or national exercises.

"(e) REGIONAL ADVISORY COUNCILS ON EMERGENCY MANAGEMENT.—

"(1) ESTABLISHMENT.—There is in each Regional Office a Regional Advisory Council on Emergency Management. Each Advisory Council shall report to the Regional Director of the Regional Office.

"(2) MEMBERSHIP.—

"(A) The Regional Director shall appoint the following members to the Advisory Council of that Regional Director's Regional Office—

"(i) subject matter experts from across the Federal Government, including representatives from the Departments of Defense, Energy, Health and Human Services, and Transportation;

"(ii) subject matter experts from components of the Directorate, including the Offices of Grants and Planning, Training and Exercises, Public and Community Preparedness, Infrastructure Protection, Response, and Recovery;

"(iii) subject matter experts from other components of the Department, including the Coast Guard, United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, and the United States Secret Service;

"(iv) subject matter experts representing emergency managers, emergency response providers, and emergency support providers; and

"(v) subject matter experts from the private sector, including nongovernmental organizations, educational institutions, social action agencies, and faith-based organizations.

"(B) State, local, and tribal governments within the geographic area served by the Regional Office shall appoint officials, including Adjutants General and emergency managers, as members of the Advisory Council.

"(3) TERMS OF OFFICE.—

"(A) IN GENERAL.—The term of office of each member of the Advisory Council shall be 3 years.

"(B) INITIAL APPOINTMENTS.—Of the members initially appointed to the Advisory Council—

"(i) one-third shall be appointed for a term of one year; and

"(ii) one-third shall be appointed for a term of two years.

"(4) CHAIR.—At the first meeting of the Advisory Council, the members of the Advisory Council appointed under paragraph (2) shall elect a chair of the Advisory Council.

"(5) MEETINGS.—The Advisory Council shall meet at least biannually at the call of the chair. Each member shall be given appropriate notice of the call of each meeting, whenever possible not less than 15 days before the meeting.

"(6) REGIONAL FACTORS.—The size and composition of each Advisory Council shall be determined by—

"(A) the size of the region associated with the Advisory Council;

"(B) the propensity of that region to experience natural disasters and other emergencies;

"(C) the risk of acts of terrorism within the region; and

"(D) State, local, and tribal preparedness, as measured against the National Preparedness Goal.

"(7) RESPONSIBILITIES.—The Advisory Council shall carry out the following responsibilities:

"(A) Advise the Regional Director on emergency management issues specific to that region.

"(B) Identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, mitigation, response, or recovery more complicated or difficult.

"(C) Advise the Regional Director on developing a process of peer review for catastrophic emergency plans submitted under section 524.

"(D) Advise the Regional Director of any weaknesses or deficiencies in preparedness, mitigation, response, and recovery for any State, local, or tribal government within the region of which the Advisory Council is aware.

"(E) Assist the Regional Director in establishing a process to secure goods and services through coordinated, pre-negotiated contracts by Federal, State, local, and tribal governments.

"(F) Provide recommendations on other matters pertaining to emergency management.

"(G) Provide such advice as the Regional Director requests.

"(f) COORDINATION.—Each Regional Director for Emergency Management shall coordinate all activities conducted under this section with other Federal departments and agencies, and shall not have authority over other agencies of the Department, including the Coast Guard, the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, or the United States Secret Service.

"(g) RETENTION OF AUTHORITIES.—

"(1) FEDERAL COORDINATING OFFICER.—Nothing in this section shall be construed as affecting any authority of the Federal Coordinating Officer under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201 et seq.).

"(2) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—Nothing in this section shall be construed as limiting the power of State, local, and tribal governments.

"(h) DEADLINE AND USE OF EXISTING OFFICES.—

"(1) DEADLINE.—The Secretary shall establish the Regional Offices required under this section not later than one year after the date of the enactment of the National Emergency Management Reform and Enhancement Act of 2006.

"(2) USE OF EXISTING FIELD OFFICES.—In establishing the Regional Offices required under this section, the Secretary shall, to the extent practicable, co-locate and consolidate field offices of the Department that are in existence as of the date of the enactment of such Act.

"(i) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

"(1) IN GENERAL.—Notwithstanding section 871(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 Advisory Council.

"(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

"SEC. 505. 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. The Chief Medical Officer shall report directly to the Under Secretary for Emergency Management.

"(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

"(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to acts of terrorism, natural disasters, and other emergencies, including the following:

"(1) Serving as the Secretary's principal advisor on medical and public health issues.

"(2) Coordinating the biosurveillance and detection activities of the Department.

"(3) Ensuring that decision support tools link biosurveillance and detection information to near real-time response actions at the State, local, and tribal level.

"(4) Ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support.

"(5) Serving as the Department's primary point of contact with the Departments of Agriculture, Defense, Health and Human Services, Transportation, and Veterans Affairs, and other Federal departments or agencies, on medical and public health issues.

"(6) Serving as the Department's primary point of contact with respect to medical and public health matters.

"(7) Discharging, in coordination with the Under Secretary for Science and Technology, responsibilities of the Department related to Project Bioshield.

"(8) Establishing doctrine and priorities for the National Disaster Medical System and supervising its medical components, consistent with the National Response Plan and the National Incident Management System.

"(9) Establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System.

"(10) Assessing and monitoring long-term health issues of emergency managers, emergency response providers, and emergency support providers.

"(11) Developing and updating guidelines for State, local, and tribal governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks.

"(12) Identifying, in consultation with the Secretary of Health and Human Services, appropriate medical equipment and supplies for inclusion in the force packages under the Prepositioned Equipment Program under section 581.

"(13) Developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients.

"(14) Performing such other duties relating to such responsibilities as the Secretary may require.

"(d) DEPUTY.—There is in the Department a Deputy Chief Medical Officer, who shall be appointed by the Secretary and who shall assist the Chief Medical Officer in carrying out the responsibilities under subsection (c).

"(e) QUALIFICATIONS.—The individual appointed as Deputy Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

"(f) LONG-TERM HEALTH ASSESSMENT PROGRAM.—

"(1) IN GENERAL.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers, emergency response providers, and emergency support providers following Incidents of National Significance declared by the Secretary under the National Response Plan.

"(2) COOPERATIVE AGREEMENTS.—In carrying out the program under this subsection, the Chief Medical Officer shall enter into cooperative agreements, as necessary, with medical institutions in the areas affected by such Incidents of National Significance.

"SEC. 506. NATIONAL BIOSURVEILLANCE INTEGRATION SYSTEM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Chief Medical Officer, shall establish a National Biosurveillance Integration System (referred to in this section as the 'NBIS') to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international) into 1 comprehensive system.

"(b) REQUIREMENTS.—The NBIS shall be designed to detect, as early as possible, a biological event that presents a risk to the United States or the infrastructure or key assets of the United States. The NBIS shall—

"(1) consolidate data from all relevant surveillance systems maintained by the Department and other governmental and private sources, both foreign and domestic;

"(2) use an information technology system that uses the best available statistical and other analytical tools to automatically identify and characterize biological events in as close to real-time as possible; and

"(3) process and protect sensitive data consistent with requirements of applicable privacy laws including the Health Insurance Portability and Accountability Act of 1996.

"(c) RESPONSIBILITIES OF THE CHIEF MEDICAL OFFICER.—

"(1) IN GENERAL.—The Chief Medical Officer shall—

"(A) establish an entity to perform all operations and assessments related to the NBIS;

"(B) continuously monitor the availability and appropriateness of data feeds and solicit new surveillance systems with data that would enhance biological situational awareness or overall NBIS performance;

"(C) continuously review and seek to improve the statistical and other analytical methods utilized by NBIS;

"(D) establish a procedure to enable States and local government entities to report suspicious events that could warrant further assessments using NBIS;

"(E) receive and consider all relevant homeland security information; and

"(F) provide technical assistance, as appropriate, to all Federal, regional, State, and local government entities and private sector entities that contribute data relevant to the operation of NBIS.

"(2) ASSESSMENTS.—The Chief Medical Officer shall—

"(A) continuously evaluate available data for evidence of a biological event; and

"(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event has occurred.

"(3) INFORMATION SHARING.—The Chief Medical Officer shall—

"(A) in the event that a biological event is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event to appropriate Federal, regional, State, and local response entities in a timely manner to support decisionmaking;

"(B) provide reports on NBIS assessments to Federal, regional, State, and local governments and any private sector entities, as considered appropriate by the Secretary; and

"(C) use available information sharing networks internal to the Department, as well as those within the intelligence community and operation centers, for distributing NBIS incident or situational awareness reports.

"(d) NOTIFICATION OF CHIEF MEDICAL OFFICER.—The Secretary shall ensure that the Chief Medical Officer is notified of any threat of a biological event and receives all classified and unclassified reports related to threats of biological events in a timely manner.

"(e) ADMINISTRATIVE AUTHORITIES.—

"(1) HIRING OF EXPERTS.—The Chief Medical Officer shall hire individuals with the necessary expertise to develop and operate the NBIS system.

"(2) DETAIL OF PERSONNEL.—Upon the request of the Chief Medical Officer, 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 Directorate of Emergency Management to assist the Chief Medical Officer in carrying out this section.

"(3) PRIVACY.—The Chief Medical Officer shall ensure all applicable privacy regulations are strictly adhered to in the operation of the NBIS and the sharing of any information related to the NBIS.

"(f) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Chief Medical Officer shall—

"(1) establish an interagency coordination council to facilitate interagency cooperation to advise the Chief Medical Officer on recommendations to enhance the biosurveillance capabilities of the Department; and

"(2) invite officials of Federal agencies that conduct biosurveillance programs, including the Department of Health and Human Services, the Department of Agriculture, the Environment Protection Agency, and the Department of Defense, to serve on such council.

"(g) ANNUAL REPORT REQUIRED.—Not later than December 31 of each year, the Chief Medical Officer shall submit to Congress a report that contains each of the following:

"(1) A list of departments, agencies, and private or nonprofit entities participating in the NBIS and the data each entity contributes to the NBIS.

"(2) An implementation plan for the NBIS that includes cost, schedule, and key milestones.

"(3) The status of the implementation of the NBIS.

"(4) The schedule for obtaining access to any relevant biosurveillance information not compiled in NBIS as of the date on which the report is submitted.

"(5) A description of the incident reporting or decisionmaking protocols in effect as of the date on which the report is submitted and any changes made to

such protocols during the period beginning on the date on which the report for the preceding year was submitted and ending on the date on which the report is submitted.

"(6) A list of any Federal, State, or local government entities that have direct or indirect access to the information that is integrated into the NBIS.

"(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Chief Medical Officer under this section shall not affect an 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) BIOLOGICAL EVENT.—The term 'biological event' means—

"(1) an act of terrorism that uses material of biological origins; or

"(2) a naturally occurring outbreak of an infectious disease that may affect national security.

"SEC. 507. OFFICE OF STATE, LOCAL, AND TRIBAL GOVERNMENT COORDINATION.

"(a) ESTABLISHMENT.—There is in the Directorate of Emergency Management an Office of State, Local, and Tribal Government Coordination to oversee and coordinate programs of the Directorate for and relationships with national organizations representing State, local, and tribal governments.

"(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary.

"(c) RESPONSIBILITIES.—The Director of the Office of State, Local, and Tribal Government Coordination shall, in consultation with the Regional Directors for Emergency Management appointed under section 504(b), carry out the following responsibilities:

"(1) Coordinating the activities of the Directorate relating to State, local, and tribal government.

"(2) Assessing and advocating for the resources needed by State, local, and tribal governments to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

"(3) Providing State, local, and tribal governments with regular information, research, and technical support to assist local efforts in securing the homeland.

"(4) Developing a process for receiving meaningful and timely consultation from State, local, and tribal governments to assist in the development of an integrated national emergency management system.

"(5) Scheduling regular meetings with representatives selected by State, local, and tribal governments.

"(6) Ensuring the coordination of the planning, reporting, and certification requirements imposed on State, local, and tribal governments by the Directorate, identifying duplicative reporting and certification requirements that can be eliminated, and determining whether some reports can be used or adapted to be used to satisfy multiple reporting obligations.

"SEC. 508. OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is in the Directorate of Emergency Management the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Under Secretary for Emergency Management.

"(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

"(b) RESPONSIBILITIES.—The Director of the Office of National Capital Region Coordination shall carry out the following responsibilities:

"(1) Overseeing and coordinating the activities of the Department relating to the National Capital Region, including cooperation with the Office for State, Local, and Tribal Government Coordination.

"(2) Assessing and advocating for the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

"(3) Providing State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in preventing, preparing for, responding to, mitigating against, and recovering from acts of terrorism, natural disasters, and other emergencies.

"(4) Developing a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government.

"(5) Coordinating with Federal agencies in the National Capital Region on emergency preparedness to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities.

"(6) Coordinating with Federal, State, local, and regional agencies and private sector entities in the National Capital Region on emergency preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among such agencies and entities.

"(7) Serving as a liaison between the Federal Government and State, local, and regional authorities and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

"(c) ANNUAL REPORT.—The Director shall submit to Congress an annual report that includes the following:

"(1) The identification of any resources required to fully implement homeland security efforts in the National Capital Region.

"(2) An assessment of the progress made by the National Capital Region in implementing homeland security efforts.

"(3) The recommendations of the Director with respect any additional resources needed to fully implement homeland security efforts in the National Capital Region.

"(d) LIMITATION.—Nothing in this section shall be construed as limiting the power of any State, local, or tribal government.

"SEC. 509. NATIONAL ADVISORY COUNCIL ON EMERGENCY MANAGEMENT.

"(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary shall establish an advisory body pursuant to section 871(a), to be known as the National Advisory Council on Emergency Management.

"(b) RESPONSIBILITIES.—The Advisory Council shall assist the Secretary in implementing subsection (c).

"(c) REQUIREMENT TO REVIEW, REVISE, OR REPLACE CERTAIN DOCUMENTS.—The Secretary shall periodically, but not less than biennially, review, revise, or replace—

"(1) the National Response Plan;

"(2) the National Incident Management System;

"(3) the National Preparedness Guidance;

"(4) the National Preparedness Goal;

"(5) the Targeted Capabilities List;

"(6) the Universal Task List;

"(7) the National Infrastructure Protection Plan;

"(8) the National Planning Scenarios;

"(9) any successor to any document under any of paragraphs (1) through (8); and

"(10) any other national initiatives on acts of terrorism, natural disasters, and other emergencies that affects emergency managers, emergency response providers, and emergency support providers as necessary.

"(d) REPORT.—

"(1) IN GENERAL.—Not later than one year after the date on which the Advisory Council is established under subsection (a), and not later than every two years thereafter, the Advisory Council shall submit to the Secretary a report on the recommendations of the Advisory Council for reviewing, revising, or replacing such national initiatives.

"(2) CONTENTS.—Each report shall—

"(A) include a priority ranking of essential capabilities for emergency preparedness in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, the needs of emergency response providers;

"(B) set forth a methodology by which any State, local, or tribal government will be able to determine the extent to which it possesses or has access to the essential capabilities that State, local, and tribal governments having similar risks should obtain;

"(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus stand-

ards, with respect to training and equipment for emergency response providers;

"(D) include such additional matters as the Secretary may specify in order to further the emergency preparedness capabilities of emergency response providers; and

"(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment prepared by and available from the Chief Intelligence Officer and the Assistant Secretary for Infrastructure Protection or other relevant information as determined by the Secretary.

"(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Advisory Council shall ensure that its recommendations for essential capabilities for emergency preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(e) MEMBERSHIP.—

"(1) IN GENERAL.—The Advisory Council shall consist of 30 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of emergency managers, emergency response providers, and emergency support providers from State, local, and tribal governments, including as appropriate—

"(A) members selected from the emergency management and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel;

"(B) health scientists, emergency and inpatient medical providers, and public health professionals, including—

"(i) experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism;

"(ii) experts in providing mental health care during emergency response operations; and

"(iii) experts in stockpiling medical equipment and supplies and medical logistics;

"(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;

"(D) State and local officials with expertise in terrorism preparedness and emergency management, including Adjutants General, subject to the condition that if any such official is an elected official representing 1 of the two major political parties, an equal number of elected officials shall be selected from each such party; and

"(E) members selected from the emergency support field, including public works, utilities, and transportation personnel who are routinely engaged in emergency response.

"(2) COORDINATION WITH THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND TRANSPORTATION.—In the selection of members of the Advisory Council who are health or emergency medical services professionals, the Secretary shall coordinate such selection with the Secretaries of Health and Human Services and Transportation.

"(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Department to serve as ex officio members of the Advisory Council. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

"(4) TERMS OF OFFICE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term of office of each member of the Advisory Council shall be 3 years.

"(B) INITIAL APPOINTMENTS.—Of the members initially appointed to the Advisory Council—

"(i) one-third shall be appointed for a term of one year; and

"(ii) one-third shall be appointed for a term of two years.

"(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

"(1) IN GENERAL.—Notwithstanding section 871(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 Advisory Council.

"(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

"SEC. 510. REORGANIZATION OF DIRECTORATE.

"The Secretary may not allocate or reallocate functions among the officers of the Directorate of Emergency Management or establish, consolidate, alter, or discontinue organizational units within the Directorate of Emergency Management under the authority of section 872 until the date that is 120 days after the date on which the Secretary submits to Congress a report describing the proposed allocation, reallocation, establishment, consolidation, alteration or discontinuance.

"Subtitle B—Emergency Preparedness

"SEC. 521. OFFICE OF GRANTS AND PLANNING.

"(a) IN GENERAL.—There is in the Department an Office of Grants and Planning under the authority of the Under Secretary for Emergency Management.

"(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Grants and Planning.

"(c) RESPONSIBILITIES.—The Assistant Secretary for Grants and Planning shall carry out the following responsibilities:

"(1) Administering Department grant programs that enhance the capacity of State, regional, local, and tribal governments to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies.

"(2) Ensuring coordination of the homeland security assistance programs of the Federal Government.

"(3) Establishing incentives for the efficient administration of Federal homeland security assistance.

"(4) Evaluating the effectiveness of funded Department programs and disseminating lessons learned, as appropriate.

"(5) Reviewing and revising, in consultation with the NIC (as that term is used in section 541) and the National Advisory Council on Emergency Management, on a periodic basis, but not less than biennially, preparedness documents and capabilities-based planning tools, related to catastrophic acts of terrorism, natural disasters, and other emergencies, including—

"(A) the National Preparedness Goal;

"(B) the Targeted Capabilities List;

"(C) the Universal Task List;

"(D) the National Planning Scenarios; and

"(E) any other document or tool in support of Homeland Security Presidential Directive 8 or any other Homeland Security Presidential Directive related to the national emergency management system.

"(6) Establishing, in coordination with State, local, and tribal governments, a clear and accountable process for achieving, maintaining, and enhancing national preparedness for catastrophic acts of terrorism, natural disasters, and other emergencies.

"(7) Providing technical assistance to State, local, and tribal governments on catastrophic planning and preparedness.

"(8) Developing performance measures and metrics for assessing national preparedness.

"(9) Assessing, on a periodic basis, but not less than annually, the effectiveness of preparedness capabilities at the Federal, State, local, and tribal levels.

"(10) Developing priorities for Federal homeland security assistance to State, local, and tribal governments on the basis of such periodic assessments.

"(11) Implementing a shared resource planning system to facilitate collaborative plan development.

"(12) Reviewing, in coordination with appropriate Federal departments and agencies, all Federal preparedness activities.

"(13) Performing such other duties relating to such responsibilities as the Secretary may require.

"(d) ANNUAL STATUS REPORTS.—Not later than 60 days after the last day of each fiscal year, the Secretary shall provide to Congress a status report on the Nation's level of preparedness during that fiscal year, including State, local, and tribal capabilities, the amount and use of grants awarded by the Department to State, local, and tribal governments, the readiness of Federal response assets, the utilization of mutual aid, and an assessment of how the Federal homeland security assistance programs support the National Preparedness Goal.

"SEC. 522. OFFICE OF TRAINING AND EXERCISES.

"(a) IN GENERAL.—There is in the Department an Office of Training and Exercises under the authority of the Under Secretary for Emergency Management.

"(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Training and Exercises.

"(c) RESPONSIBILITIES.—The Assistant Secretary for Training and Exercises shall—

"(1) establish specific requirements for training programs and exercises for Federal, State, regional, local, and tribal government officials, emergency response providers, emergency support providers, and other entities as appropriate;

"(2) design, develop, perform, and evaluate training programs and exercises at all levels of government to enhance and test the Nation's capability to prevent, prepare for, mitigate against, respond to, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies;

"(3) establish common supporting methodology for training programs and exercises;

"(4) define and implement performance measures for training programs and exercises;

"(5) coordinate the training and exercise activities of the Department;

"(6) serve as the primary point of contact in the Department for homeland security training and exercises for other Federal departments and agencies;

"(7) identify, analyze, and monitor the implementation of best practices and lessons learned with respect to training and exercises;

"(8) establish a comprehensive program for the professional development and education of homeland security personnel at all levels of government, nongovernmental organizations, and emergency management personnel in the private sector; and

"(9) perform such other duties relating to such responsibilities as the Secretary may require.

"(d) TRANSFER.—

"(1) IN GENERAL.—The Assistant Secretary for Training and Exercises shall have authority over the following:

"(A) The Center for Domestic Preparedness.

"(B) The National Emergency Training Center.

"(C) The National Exercise and Evaluation Program.

"(2) NOBLE TRAINING CENTER.—The Noble Training Center is transferred to the Center for Domestic Preparedness. The Center for Domestic Preparedness shall integrate the Noble Training Center into the program structure of the Center for Domestic Preparedness.

"(e) NATIONAL EXERCISE PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall carry out a National Exercise Program for the purpose of testing, evaluating, and enhancing the capabilities of Federal, State, regional, local, and tribal government entities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

"(2) CONTENTS OF PROGRAM.—The National Exercise Program—

"(A) shall enhance coordination for preparedness between all levels of government, emergency response providers, emergency support providers, nongovernmental organizations, international governments and organizations, and the private sector;

"(B) shall be—

"(i) multidisciplinary in nature, including, as appropriate, information analysis and cybersecurity components;

"(ii) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

"(iii) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

"(iv) evaluated against performance measures and followed by corrective action to solve identified deficiencies; and

"(v) assessed to learn best practices, which the Secretary shall share with appropriate Federal, State, regional, local, and tribal personnel, authorities, and training institutions for emergency managers, emergency response providers, and emergency support providers; and

"(C) shall provide assistance to State, regional, local, and tribal governments with the design, implementation, and evaluation of exercises that—

"(i) conform to the requirements under subparagraph (B);

"(ii) are consistent with any applicable State or urban area homeland security strategy or plan;

"(iii) support implementation of—

"(I) the National Incident Management System;

"(II) the National Response Plan;

"(III) the National Preparedness Goal;

"(IV) the National Preparedness Guidance;

"(V) the National Infrastructure Protection Plan; and

"(VI) any other similar national initiatives; and

"(iv) provide for systematic evaluation of readiness.

"(3) NATIONAL LEVEL EXERCISES.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall periodically but not less than biennially, perform national exercises for the following purposes:

"(A) To involve in national exercises high-ranking officials from—

"(i) Federal, State, local, tribal, and international governments;

"(ii) nongovernmental organizations, including faith-based organizations;

"(iii) the private sector; and

"(iv) others as the Secretary considers appropriate.

"(B) To test and evaluate, in coordination with the Attorney General and the Secretary of Defense, the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

"(C) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond in a coordinated and unified manner to catastrophic acts of terrorism, natural disasters, and other emergencies.

"(D) To test and evaluate the readiness of Federal, State, local, and tribal governments to recover from catastrophic acts of terrorism, natural disasters, and other emergencies.

"(4) COORDINATION AND CONSULTATION.—In carrying out the National Exercise Program, the Secretary shall—

"(A) coordinate with—

"(i) components of the Department that have expertise in exercises, including the Coast Guard, the United States Secret Service, United States Customs and Border Protection, and United States Immigration and Customs Enforcement; and

"(ii) such other Federal departments and agencies as the Secretary determines are appropriate; and

"(B) consult regularly with—

"(i) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers (including such providers located in both urban and rural areas);

"(ii) Federal, State, and local training institutions for emergency managers, emergency response providers, and emergency support providers; and

"(iii) State and local officials, including Adjutants General, with expertise in terrorism preparedness and emergency management.

"(5) TOP OFFICIAL PREVENTION EXERCISES.—Not later than one year after the date of enactment of the National Emergency Management Reform and Enhancement Act of 2006, the Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a program through which the Secretary carries out periodically but not less than biennially a national terrorism prevention exercise for the purposes of—

"(A) involving in national exercises high-ranking officials from Federal, State, local, tribal, and international governments, as the Secretary considers appropriate; and

"(B) testing and evaluating, in coordination with the Attorney General and the Secretary of Defense, the capability of Federal, State, local, and tribal government entities to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism.

"(6) NATIONAL EXERCISE STRATEGY.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall develop a multi-year national homeland security exercise plan and submit the plan to the Homeland Security Council for review and approval.

"(f) NATIONAL TRAINING PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall carry out a National Training Program for the purpose of enhancing the capabilities of the Nation's emergency managers,

emergency response providers, and emergency support providers to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

"(2) REQUIREMENTS.—The National Training Program shall provide training that—

"(A) reaches multiple disciplines, including Federal, State, and local government officials, emergency managers, emergency response providers, emergency support providers, the private sector, international governments and organizations, and other entities as the Secretary considers appropriate;

"(B) provides training at the awareness, performance, and management and planning levels;

"(C) utilizes multiple training mediums and methods, including—

"(i) direct delivery;

"(ii) train-the-trainer;

"(iii) computer-based training;

"(iv) web-based training; and

"(v) video teleconferencing;

"(D) is consistent with any applicable State or urban area homeland security strategy or plan;

"(E) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Preparedness Goal, the National Preparedness Guidance, the National Infrastructure Protection Plan, and other such national initiatives;

"(F) is evaluated against clear and consistent performance measures; and

"(G) to the greatest extent practicable, utilizes State, regional, and tribal training institutions.

"(3) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

"(A) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for training; and

"(B) ensure that the training provided under the National Training Program is consistent with such standards.

"(4) TRAINING PARTNERS.—In developing and delivering training under the National Training Program, the Secretary shall—

"(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers, emergency response providers, or emergency support providers; and

"(B) utilize, as appropriate, training courses provided by community colleges, State and local public safety academies, State and private universities, and other facilities.

"(5) COORDINATION AND CONSULTATION.—In carrying out the National Training Program, the Secretary shall—

"(A) coordinate with—

"(i) components of the Department that have expertise in training, including the Coast Guard, the United States Secret Service, the United States Fire Administration, and the Federal Law Enforcement Training Center; and

"(ii) such other Federal departments and agencies as the Secretary determines are appropriate; and

"(B) consult regularly with—

"(i) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers (including such providers located in both urban and rural areas); and

"(ii) State and local officials, including Adjutants General, with expertise in terrorism preparedness and emergency management.

"(g) REMEDIAL ACTION MANAGEMENT PROGRAM.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a Remedial Action Management Program to—

"(1) identify and analyze training, exercises, and real-world events for lessons learned and best practices;

"(2) generate after action reports for Incidents of National Significance as declared by the Secretary under the National Response Plan;

"(3) disseminate lessons learned and best practices;

"(4) monitor the implementation of lessons learned and best practices;

"(5) conduct remedial action tracking and long-term trend analysis; and

"(6) certify that—

"(A) recipients of Federal homeland security assistance have implemented lessons learned and best practices, as appropriate; and

"(B) ensure that no recipient uses any Federal homeland security assistance without such certification.

"(h) NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.—There is in the Department a National Domestic Preparedness Consortium that—

"(1) includes as members—

"(A) the Center for Domestic Preparedness;

"(B) the New Mexico Institute of Mining and Technology;

"(C) Louisiana State University;

"(D) the Texas A&M University System; and

"(E) the Nevada Test Site of the Department of Energy.

"(2) identifies, develops, tests, and delivers training to State, local, and tribal emergency response providers;

"(3) provides onsite and mobile training at the performance and management and planning levels; and

"(4) facilitates the delivery of awareness level training by the training partners of the Department.

"(i) NATIONAL EXERCISE SIMULATION CENTER.—There is in the Department a National Exercise Simulation Center that uses a mix of live, virtual, and constructive simulations to—

"(1) prepare elected officials, emergency managers, emergency response providers, and emergency support providers at all levels of Government to operate cohesively;

"(2) provide a learning environment for the homeland security personnel of all Federal departments and agencies;

"(3) assist in the development of operational procedures and exercises, particularly those based on catastrophic incidents; and

"(4) allow incident commanders to exercise decisionmaking in a simulated environment.

"SEC. 523. ESSENTIAL CAPABILITIES.

"(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

"(1) IN GENERAL.—Building upon the National Preparedness Goal, the Secretary, acting through the Assistant Secretary for Grants and Planning, shall regularly update, revise, or replace essential capabilities for State, local, and tribal government emergency preparedness, in consultation with the following:

"(A) The National Advisory Council on Emergency Management under section 509.

"(B) Components of the Department, including the Under Secretary for Science and Technology, the Chief Intelligence Officer, the Director for Operations Coordination, the Assistant Secretary for Policy, the Assistant Secretary for Transportation Security, the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cybersecurity and Telecommunications, the Commissioner of United States Customs and Border Protection, and the Commandant of the Coast Guard.

"(C) The Secretary of Health and Human Services.

"(D) Other appropriate Federal departments and agencies.

"(E) State, local, and tribal emergency response providers.

"(F) State, local, and tribal emergency support providers.

"(G) State, local, and tribal prevention and emergency management officials, including Adjutants General.

"(H) Consensus-based standardmaking organizations responsible for setting standards relevant to emergency managers, emergency response providers, and emergency support providers.

"(2) DEADLINES.—The Secretary shall update, revise, or replace the essential capabilities under paragraph (1) not later than 30 days after receiving the report submitted by the National Advisory Council on Emergency Management under section 509(d).

"(3) REPORT ON PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a report containing a detailed description of the essential capabilities is provided promptly to State and tribal governments and to Congress. The States shall make the description of the essential capabilities available as appropriate to local governments within their jurisdictions.

"(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities meet the following objectives:

"(1) Essential capabilities shall describe specifically the planning, personnel, equipment, training, and exercises that State, local, or tribal governments should possess or have access to for purposes of the Department's goals for emergency preparedness based on—

"(A) the National Preparedness Goal and supporting directives, policies, and guidelines;

"(B) the most current risk assessment available from the Chief Intelligence Officer of the threats of terrorism against the United States;

"(C) the risks faced by different types of communities, including communities of various sizes, geographies, and other distinguishing characteristics; and

"(D) the principles of regional coordination and mutual aid among State, local, and tribal governments.

"(2) Essential capabilities shall be sufficiently flexible so as to allow State, local, and tribal government officials to establish priorities based on local or regional needs while reaching nationally determined emergency preparedness levels within a specified time period.

"(3) Essential capabilities shall be designed to enable the measurement of progress toward specific emergency preparedness goals.

"(c) FACTORS TO BE CONSIDERED.—

"(1) IN GENERAL.—In updating, revising, or replacing essential capabilities for State, local, or tribal governments under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders.

"(2) BASIS FOR CONSIDERATION.—Such consideration shall be based upon the most current risk assessment available from the Chief Intelligence Officer and the Assistant Secretary for Infrastructure Protection of the threats of terrorism against the United States and the needs described in the National Preparedness Goal and the directives, policies, and guidelines supporting the National Preparedness Goal.

"SEC. 524. CATASTROPHIC PLANNING.

"(a) CATASTROPHIC EMERGENCY PLANS REQUIRED.—The Secretary, acting through the Assistant Secretary for Grants and Planning and in consultation with the Assistant Secretary for Training and Exercises, shall require any State or urban area that submits an application to the Secretary for Federal homeland security financial assistance administered by the Department to maintain a catastrophic emergency plan to be implemented in the event of an act of terrorism, natural disaster, or other emergency. The Secretary shall require the State or urban area to update, implement, and exercise the catastrophic emergency plan as necessary.

"(b) REQUIREMENTS.—Each catastrophic emergency plan required under this section, with respect to a State or urban area, shall include—

"(1) evacuation and sheltering in place procedures for the general population of the State or urban area;

"(2) the procedures in place to address the pre-positioning of food, medical and fuel supplies;

"(3) the evacuation and sheltering in place procedures for populations with special needs, including persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals;

"(4) sheltering options for displaced populations;

"(5) the augmentation of response resources;

"(6) regional planning, mutual aid agreements, and requests for assistance that can meet urgent needs;

"(7) the adequacy of delivery networks for critical services and supplies;

"(8) the degree to which the plan is mutually supportive among contiguous jurisdictions and States;

"(9) the use of all available and appropriate transportation modes and resources, including the identification of routes of egress and ingress, and destinations;

"(10) the changes in authorities or regulations which may be necessary for the plan to meet the demands of a catastrophic event;

"(11) contingency plans for the survivability, sustainability, and interoperability of emergency communications systems;

"(12) procedures for disseminating timely and accurate public alerts and warnings;

"(13) procedures and policies for the continuity of operations for government and other essential services; and

"(14) search and rescue procedures for populations with special needs, including persons with disabilities, health problems, language barriers, and income

barriers, the elderly, children, and individuals with pets, service animals, or farm animals.

"(c) CONSISTENCY.—A catastrophic emergency plan required under this section shall be consistent with, and support the implementation of—

"(1) any applicable State or urban area homeland security strategy or plan; and

"(2) the National Incident Management System, the National Response Plan, the National Preparedness Goal, the National Preparedness Guidance, the National Infrastructure Protection Plan, and other such national initiatives as may be determined by the Secretary.

"(d) PEER REVIEW CERTIFICATION.—

"(1) DEVELOPMENT OF REGIONAL PLANS.—Each Regional Director for Emergency Management under section 504, in coordination with the Assistant Secretary for Grants and Planning, shall develop a process of peer review for any catastrophic emergency plan submitted under subsection (a) by a State or urban area in the geographical area in which the Regional Office directed by that Regional Director for Emergency Management is located.

"(2) DEADLINE FOR SUBMISSION OF PLANS.—Not later than one year after the date of the enactment of the National Emergency Management Reform and Enhancement Act of 2006, each Regional Director for Emergency Management shall submit a plan to the National Advisory Council on Emergency Management describing the peer review process developed by the Regional Director for Emergency Management. The National Advisory Council on Emergency Management shall review and approve or disapprove each such plan.

"(e) REMEDIAL ACTION.—Not later than 90 days after completion of exercises under subsection (a), the Secretary, in consultation with the Assistant Secretary for Training and Exercises, shall develop a lessons learned and remedial action strategy for catastrophic planning.

"(f) CONSULTATION.—In developing the catastrophic emergency plan required under this section, a State or urban area shall consult with and seek appropriate comments from—

"(1) local governments within the urban area or State;

"(2) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers within the urban area or State (including, in the case of a State, such providers from both urban and rural areas within the State); and

"(3) locally governed multijurisdictional councils of governments and regional planning commissions.

"SEC. 525. SYSTEM ASSESSMENT AND VALIDATION FOR EMERGENCY RESPONDERS PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Under Secretary for Science and Technology, shall establish a System Assessment and Validation for Emergency Responders Program to provide high quality, impartial, and operationally relevant evaluations and validations of critical emergency response provider-related equipment and systems and provide such evaluations and validations to emergency response providers in an operationally useful form.

"(b) REQUIREMENTS.—The program established under subsection (a) shall—

"(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not previously third-party certified to a national voluntary census standard adopted by the Department, including—

"(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

"(B) such other equipment or systems as the Secretary determines are appropriate;

"(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

"(3) assess and validate the performance of products within a system and systems within systems; and

"(4) provide information and feedback to emergency response providers through a well-maintained, Internet-accessible database.

"(c) ASSESSMENT AND VALIDATION PROCESS.—The assessment and validation of emergency response provider equipment and systems shall utilize multiple evaluation techniques, including—

"(1) operational assessments of equipment performance on vehicle platforms;

"(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

"(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

"(d) COORDINATION.—In assessing and validating personnel protective equipment under this section, the Secretary shall, to the extent practicable, coordinate with the Director of the National Institute for Occupational Safety and Health.

"SEC. 526. HOMELAND SECURITY EDUCATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a graduate-level Homeland Security Education Program in the National Capital Region to provide educational opportunities to senior Federal officials and selected State and local officials with homeland security and emergency management responsibilities.

"(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Secretary shall use existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, exercise systems and other curriculum components already being delivered by Federal, State, and private universities and educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute.

"(c) STUDENT ENROLLMENT.—

"(1) SOURCES.—The student body of the Program shall include officials from Federal, State, tribal, and local governments, and from other sources designated by the Under Secretary for Emergency Management.

"(2) ENROLLMENT PRIORITIES AND SELECTION CRITERIA.—The Under Secretary for Emergency Management shall establish policies governing student enrollment priorities and selection criteria that are consistent with the mission of the Program.

"(3) DIVERSITY.—The Secretary shall take reasonable steps to ensure that the student body represents racial, gender, and ethnic diversity.

"(d) SERVICE COMMITMENT.—

"(1) IN GENERAL.—Before any employee selected for the Program may be assigned to such education, the employee shall agree in writing to—

"(A) continue in the service of the agency sponsoring the employee during the two-year period beginning on the date on which the employee completes the program, unless the employee is involuntarily separated from the service of that agency for reasons other than reduction in force; and

"(B) pay to the Government the amount of the additional expenses incurred by the Government in connection with the employee's education if the employee is voluntarily separated from the service to the agency before the end of the period described in subparagraph (A).

"(2) PAYMENT OF EXPENSES.—

"(A) EXEMPTION.—An employee who leaves the service of the sponsoring agency to enter into the service of another agency in any branch of the Government shall not be required to make a payment under paragraph (1)(B), unless the head of the agency that sponsored the education of the employee notifies the employee before the date on which the employee enters the service of the other agency that payment is be required under that paragraph.

"(B) AMOUNT OF PAYMENT.—If an employee is required to make a payment under paragraph (1)(B), the agency that sponsored the education of the employee shall determine the amount of the payment, except that such amount may not exceed the pro rata share of the expenses incurred for the time remaining in the two-year period.

"(3) RECOVERY OF PAYMENT.—If an employee who is required to make a payment under this subsection does not make the payment, a sum equal to the amount of the expenses incurred by the Government for the education of that employee is recoverable by the Government from the employee or his estate by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

"(B) such other method as is provided by law for the recovery of amounts owing to the Government.

"SEC. 527. OFFICE OF PUBLIC AND COMMUNITY PREPAREDNESS.

"(a) IN GENERAL.—There is in the Directorate of Emergency Management an Office of Public and Community Preparedness.

"(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Assistant Secretary for Grants and Planning.

"(c) COMPONENTS.—The Office of Public and Community Preparedness shall consist of the following:

"(1) The various component programs of the Citizen Corps, including Community Emergency Response Teams, Fire Corps, Volunteers in Police Service, USA on Watch, and the Medical Reserve Corps.

"(2) The Internet website known as Ready.gov and the components of that website, including Ready Businesses, Ready Kids, and Listo.

"(3) Such other duties relating to community, public, and citizen preparedness as the Secretary may provide.

"(d) RESPONSIBILITIES.—The Director of the Office of Public and Community Preparedness, in coordination with and support of the Regional Directors of Emergency Management under section 504, shall have the primary responsibility within the Department for assisting the efforts of State, local, and tribal governments in preparing citizens and communities in the United States for acts of terrorism, natural disasters, and other emergencies, including primary responsibility for each of the following:

"(1) Coordinating and supporting public and community preparedness efforts at all levels of Government.

"(2) Serving as the principal advisor to the Secretary on public and community preparedness issues.

"(3) Developing guidance on citizen preparedness for grants to State, local, and tribal governments.

"(4) Providing, through the Regional Offices under section 504, State, local, and tribal Citizen Corps Councils with tools, information, and technical assistance to connect local and national citizen preparedness efforts.

"(5) Directing, managing, and implementing all programs associated with the entities under subsection (c).

"(6) Establishing specialized preparedness programs for at-risk communities under subsection (e).

"(7) Ensuring coordination with private sector entities, faith-based groups, other nongovernmental organizations, special needs groups, emergency managers, emergency response providers, emergency support providers, and international organizations, in order to promote citizen preparedness and participation.

"(8) Developing a comprehensive program of public service announcements for use on a national basis or, in consultation with State, local, or tribal governments, on a regional, State, or local basis.

"(9) Assisting in the implementation of national strategies for public and community preparedness, including the development of individual preparedness skills and capabilities, including assembling preparedness kits, developing emergency communications plans, training in basic fist aid, and learning how to react to a variety of emergencies.

"(e) AT-RISK COMMUNITIES.—In carrying out the responsibilities under this section, the Director shall consider the unique preparedness challenges faced by persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals.

"(f) NATIONAL CITIZEN CORPS COUNCIL.—

"(1) IN GENERAL.—There is in the Directorate a National Citizen Corps Council. The Under Secretary for Emergency Management or a designee shall serve as chair of the Council.

"(2) MEMBERSHIP.—The Council shall consist of national leaders of organizations and associations representing at risk communities described under subsection (e), emergency managers, emergency response providers, emergency support providers, community and volunteer service providers, government, and the private sector.

"(3) RESPONSIBILITIES.—The responsibilities of the Council are as follows:

"(A) To work together at the national level and encourage members of the Council at the State, local, and tribal level to collaborate in support of the Citizen Corps.

"(B) To identify opportunities for Federal, State, local, and tribal organizations to collaborate to accomplish the shared goals of the Citizen Corps programs.

"(C) To encourage the development and support of local Citizen Corps Councils and to advance the Citizen Corps mission across the country.

"(D) To exchange facts and information on programs to promote public awareness, training, safety, and volunteer service opportunities and on safety and preparedness messages to be conveyed to the public.

"(E) To develop and disseminate messages on safety and emergency preparedness that will be effective in engaging communities and individuals in the Citizen Corps.

"(F) To serve as the catalyst for engaging others within their areas of expertise to promote the Citizen Corps mission.

"(4) MEETINGS.—The Under Secretary for Emergency Management or a designee shall convene meetings of the National Citizen Corps Council at the discretion of the Under Secretary or at the direction of the Secretary.

"(g) COORDINATION.—The Director shall—

"(1) coordinate with other Federal entities, as appropriate, including the Departments of Health and Human Services, Justice, Commerce, and Education, the Environmental Protection Agency, and the Corporation for National and Community Service, to enhance public and community preparedness;

"(2) coordinate with State, local, and tribal governments; and

"(3) subject to the availability of appropriations, make grants and enter into contracts and cooperative agreements with other Federal agencies and nongovernmental organizations, as may be necessary and proper to carry out the responsibilities of the Director under this section.

"Subtitle C—Emergency Response

"SEC. 541. NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN INTEGRATION CENTER.

"(a) IN GENERAL.—There is in the Directorate of Emergency Management a National Incident Management System and National Response Plan Integration Center (referred to in this section as the 'NIC').

"(b) DIRECTOR.—The NIC shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Deputy Under Secretary for Response and Recovery.

"(c) RESPONSIBILITIES.—The Director, in consultation with the Assistant Secretary for Grants and Planning, the Assistant Secretary for Training and Exercises, the heads of other appropriate Federal departments and agencies, and the National Advisory Council on Emergency Management under section 509, shall establish a mechanism for ensuring ongoing management and maintenance of the National Incident Management System (NIMS), the National Response Plan (NRP), any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive related to incident management and response. The responsibilities of the Director shall include the following:

"(1) Revising, as appropriate, the NIMS and the NRP not later than 90 days after the enactment of this section with respect to—

"(A) clarifying the roles and responsibilities of the Principal Federal Official, the Federal Coordinating Officer, the Federal Resource Coordinator, and the Disaster Recovery Manager;

"(B) developing procedures for the timely activation of each such role;

"(C) establishing, in consultation with the Director for Public and Community Preparedness and the Director of the Corporation for National and Community Service, as part of the NRP an emergency support function with respect to volunteers and donations;

"(D) realigning the emergency support functions of the NRP so as to be consistent with the NIMS;

"(E) developing doctrine and procedures relating to the management of acts of terrorism, natural disasters, and other emergencies affecting multiple State;

"(F) improving the utilization of Federal, State, local, and tribal resources, including the deployment of emergency response providers, specialized equipment, and supplies;

"(G) finalizing and releasing the Catastrophic Incident Supplement to the NRP;

"(H) ensuring the effective use of emergency response providers at emergency scenes;

"(I) conforming the NRP and NIMS to the provisions of this Act; and

"(J) reviewing other matters pertaining to the NIMS and the NRP as the Secretary may require.

"(2) Developing a national program for NIMS and NRP education and awareness, including specific instruction on the purposes of the NIMS and the NRP and responsibilities of the NIC.

"(3) Promoting the compatibility between national voluntary consensus standards for the NIMS and the NRP and such standards developed by other public, private, or professional groups.

"(4) Facilitating the development and publication of materials and standardized templates to support the implementation and continuous refinement of the NIMS and the NRP.

"(5) Developing performance measures and assessment criteria for the various components of the NIMS and the NRP and compliance requirements and compliance timelines for implementation by Federal, State, local, and tribal entities.

"(6) Establishing a peer review process for NIMS compliance certifications that verifies the satisfaction of training, planning, exercising, and other activities.

"(7) Defining, in consultation with the Assistant Secretary for Training and Exercises, the general training requirements and the national training standards and course curricula associated with the NIMS and the NRP.

"(8) Facilitating the development of national voluntary consensus standards, guidelines, and protocols for incident management training and exercises, including consideration of existing exercise and training programs at all levels of government.

"(9) Facilitating the establishment and maintenance of a publication management system for documents supporting the NIMS and the NRP and other related publications and materials related to the NIMS and the NRP, including the development or coordination of general publications.

"(10) Reviewing and certifying, in coordination with accrediting organizations and in consultation with Federal, State, local, tribal, private-sector, and nongovernmental entities, the discipline-specific publication management requirements submitted by professional organizations and associations.

"(11) Facilitating the development and publication of national voluntary consensus standards, guidelines, and protocols for the qualification and certification of emergency managers, emergency response providers, and emergency support providers, as appropriate.

"(12) Reviewing and approving, in coordination with appropriate national professional organizations and with input from Federal, State, local, tribal, private-sector, and other nongovernmental entities, the discipline-specific qualification and certification requirements submitted by organizations and associations representing emergency managers, emergency response providers, and emergency support providers.

"(13) Facilitating the establishment and maintenance of a documentation and database system related to qualification, certification, and credentialing of emergency managers, emergency response providers, and emergency support providers and nongovernmental organizations, including reviewing and approving, in coordination with appropriate national professional organizations and with input from the Federal, State, local, tribal, private-sector and nongovernmental entities, of the discipline-specific requirements.

"(14) Establishing a data maintenance system to provide emergency managers with the detailed qualification, experience, and training information needed to credential personnel for prescribed national emergency management positions.

"(15) Coordinating minimum professional certification standards and facilitation of the design and implementation of a credentialing system that can be used nationwide.

"(16) Facilitating the development and issuance of national standards for the typing of resources.

"(17) Facilitating the definition and maintenance of the information framework required to guide the development of NIMS information systems, including the development of data standards for—

"(A) incident notification and situation reports;

"(B) status reporting;

"(C) analytical data;

"(D) geospatial information;

"(E) wireless communications;

"(F) identification and authentication; and

"(G) incident reports, including lessons learned reports.

"(18) Performing such other duties relating to such responsibilities as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000, for each of fiscal years 2007 through 2010.

"SEC. 542. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.

"To the maximum extent practicable, the Secretary, acting through the Under Secretary for Emergency Management, shall use national private sector networks and infrastructure for emergency response to acts of terrorism, natural disasters, and other emergencies.

"SEC. 543. NUCLEAR INCIDENT RESPONSE.

"(a) NUCLEAR INCIDENT RESPONSE TEAM.—In connection with actual or threatened acts of terrorism, natural disasters, or other emergencies in the United States—

"(1) the Nuclear Incident Response Team shall operate as an organizational unit of the Department; and

"(2) while so operating, the Secretary shall have direction, authority, and control of the Nuclear Incident Response Team.

"(b) RESPONSIBILITIES.—In addition to the authority under subsection (a), the Secretary, acting through the Under Secretary for Emergency Management, shall at all times carry out the following responsibilities:

"(1) Establishing standards for performance of the Nuclear Incident Response Team and, when such standards have been met, certifying that they have been met.

"(2) Conducting joint and other exercises and training and evaluating performance.

"(3) Providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities that participate in the Nuclear Incident Response Team, or (subject this section) from exercising direction, authority, and control over such entities when they are not operating as a unit of the Department.

"(d) DEFINITION.—In this section, the term 'Nuclear Incident Response Team' means a resource that includes—

"(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

"(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.

"SEC. 544. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

"(a) NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.—There is in the Directorate of Emergency Management an emergency response system known as the National Urban Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State, local, and tribal governments in responding to acts of terrorism, natural disasters, and other emergencies.

"(b) ADMINISTRATION OF THE SYSTEM.—

"(1) TASK FORCE PARTICIPATION.—The Under Secretary for Emergency Management shall select eligible urban search and rescue teams that are sponsored by State and local government entities to participate as task forces in the System. The Under Secretary shall determine the criteria for such participation.

"(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Under Secretary shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team's participation as a task force in the System.

"(3) URBAN SEARCH AND RESCUE TEAM PERSONNEL.—Personnel of an urban search and rescue team that participates as a task force under this section may be—

"(A) personnel of the State or local government sponsor; or

"(B) personnel of any other Federal, State, or local government entity that enters into a participation agency agreement with the State or local government sponsor of the team.

"(4) MANAGEMENT AND TECHNICAL TEAMS.—The Under Secretary shall maintain such management and other technical teams as are necessary to administer the System.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Under Secretary shall establish and maintain an advisory committee to provide expert recommendations to the Under Secretary with respect to administering the System.

"(2) COMPOSITION.—The advisory committee shall be geographically diverse, and shall include, at a minimum—

"(A) the chief officer or senior executive from each of at least three State or local governments that sponsor urban search and rescue teams selected to participate in the System as task forces;

"(B) the senior emergency manager from each of at least two States in which such local governments are located; and

"(C) at least one representative selected by the leaders of the task forces.

"(3) TERMINATION.—The advisory committee shall terminate on the date that is two years after the date of the enactment of the National Emergency Management Reform and Enhancement Act of 2006.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $40,000,000 for each of fiscal years 2007 through 2009; and

"(2) such sums as may be necessary for each fiscal year after fiscal year 2009.

"SEC. 545. METROPOLITAN MEDICAL RESPONSE SYSTEM.

"(a) IN GENERAL.—There is in the Department a Metropolitan Medical Response System. Under the System, the Assistant Secretary for Grants and Planning shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively during the initial hours of a public health crisis or mass-casualty event caused by an act of terrorism, natural disaster, or other emergency.

"(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

"(1) Medical surge capacity.

"(2) Mass prophylaxis.

"(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

"(4) Emergency communications capabilities.

"(5) Information sharing and collaboration capabilities.

"(6) Regional collaboration.

"(7) Triage and pre-hospital treatment.

"(8) Medical supply management and distribution.

"(9) Fatality management.

"(10) Such other activities as the Secretary may provide.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2007 through 2010.

"SEC. 546. EMERGENCY MANAGEMENT ASSISTANCE COMPACT AUTHORIZATION.

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management, may make grants for the purposes of administering the Emergency Management Assistance Compact consented to by Public Law 104–321.

"(b) USES.—A grant under this section shall be used—

"(1) to carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

"(2) to coordinate with the Department and other Federal Government agencies;

"(3) to coordinate with State and local government entities and their respective national associations; or

"(4) to administer the operations of the Emergency Management Assistance Compact.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each fiscal year. Amounts appropriated under this section shall remain available for 3 fiscal years.

"Subtitle D—Emergency Communications

"SEC. 561. OFFICE OF EMERGENCY COMMUNICATIONS.

"(a) IN GENERAL.—There is in the Department an Office of Emergency Communications, which shall be under the authority of the Under Secretary for Emergency Management.

"(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Emergency Communications.

"(c) RESPONSIBILITIES.—The Assistant Secretary for Emergency Communications shall—

"(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 5 of the National Emergency Management Reform and Enhancement Act of 2006;

"(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program;

"(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;

"(4) coordinate, as appropriate, with the Assistant Secretary for Cybersecurity and Telecommunications, regarding the administration of the National Communications System;

"(5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies;

"(6) provide technical assistance to State, regional, local, and tribal officials with respect to use of interoperable emergency communications capabilities;

"(7) facilitate the creation of Regional Emergency Communications Coordination Working Groups under section 565;

"(8) promote the development of standard operating procedures with respect to use of interoperable emergency communications capabilities for incident response and facilitate the sharing of information on best practices (including from governments abroad) for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

"(9) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

"(10) assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in ensuring the operability of the telecommunications functions and responsibilities of the Federal Government;

"(11) establish requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment;

"(12) help to establish an integrated national public alert and warning system that incorporates legacy systems; and

"(13) review, in consultation with Assistant Secretary for Grants and Planning, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans.

"(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—There is transferred to the Secretary the authority to administer, through the Assistant Secretary for Emergency Communications, the following:

"(1) The SAFECOM Program.

"(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

"(3) The Interoperable Communications Technical Assistance Program.

"(e) COORDINATION.—The Assistant Secretary shall coordinate, as appropriate, with the Director of the Office for Interoperability and Compatibility the responsibilities described in section 104 of the National Emergency Management Reform and Enhancement Act of 2006.

"(f) SUFFICIENCY OF RESOURCES PLAN.—

"(1) REPORT.—Not later than days 60 days after the enactment of this section, the Secretary shall submit to Congress a report on the resources and staff necessary to carry out the responsibilities under this subtitle.

"(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 30 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.

"SEC. 562. NATIONAL EMERGENCY COMMUNICATIONS STRATEGY.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall, not later than one year after the completion of the baseline assessment under section 563, and in cooperation with State, local, and

tribal governments, Federal departments and agencies, emergency response providers, emergency support responders, and the private sector, develop a National Emergency Communications Strategy to achieve interoperable emergency communications.

"(b) CONTENTS.—The national strategy shall—

"(1) include a national interoperable emergency communication inventory that—

"(A) identifies for each Federal department and agency—

"(i) the channels and frequencies used;

"(ii) the nomenclature used to refer to each channel or frequency used; and

"(iii) the types of communications system and equipment used;

"(B) identifies the interoperable emergency communication systems in use for public safety systems in the United States; and

"(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable communications system;

"(2) include, in consultation with the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

"(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments to operate at all threat levels;

"(4) address both short-term and long-term solutions to achieving Federal, State, local, and tribal interoperable emergency communications systems, including provision of existing and emerging technologies that facilitate operability, interoperability, coordination, and integration among existing emergency communications systems;

"(5) identify how Federal Government departments and agencies that respond to acts of terrorism, natural disasters, and other emergencies can work effectively with State, local, and tribal governments, in all States, and such other entities as are necessary to implement the strategy;

"(6) include measures to identify and overcome all obstacles to achieving interoperable emergency communications; and

"(7) set goals and establish timeframes for the achievement of an emergency, command-level communication system based on existing equipment across the United States and develop a timetable for a nationwide interoperable emergency communications system.

"SEC. 563. ASSESSMENTS AND REPORTS.

"(a) BASELINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.—Not later than one year after the date of the enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments, to—

"(1) define the range of operable and interoperable emergency communications capabilities needed for specific events;

"(2) assess the current capabilities to meet such communications needs; and

"(3) identify the gap between such current capabilities and defined requirements.

"(b) PROGRESS REPORTS.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall submit to Congress a report on the progress of the Department in implementing and achieving the goals of this subtitle, including—

"(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

"(2) a determination of the degree to which interoperable emergency communications has been achieved to date and ascertain the needs that remain for interoperability to be achieved;

"(3) an assessment of the ability of communities to provide and maintain interoperable emergency communications among emergency managers, emergency response providers, emergency support providers, and government officials in the event of acts of terrorism, natural disasters, or other emergencies, including Incidents of National Significance declared by the Secretary under the National Response Plan, and where there is substantial damage to ordinary communications infrastructure or sustained loss of electricity;

"(4) a list of best practices among communities for providing and maintaining interoperable emergency communications in the event of acts of terrorism, natural disasters, or other emergencies; and

"(5) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of acts of terrorism, natural disasters, or other emergencies.

"SEC. 564. COORDINATION OF FEDERAL EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

"(a) ASSESSMENT OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through Assistant Secretary for Emergency Communications, shall assess Federal grants and standards programs managed by other Federal departments and agencies to—

"(1) integrate and coordinate Federal grant guidelines for the use of Federal homeland security assistance relating to interoperable emergency communications;

"(2) assess and make recommendations to ensure that such guidelines are consistent with the mission of the Office of Emergency Communications; and

"(3) assess and make recommendations to ensure conformity with the goals and objectives identified in the National Emergency Communications Strategy.

"(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Assistant Secretary for Emergency Communications, may prohibit any State, local, or tribal government from using Federal homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities, if—

"(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plans as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

"(B) as of the date that is three years after the date of the enactment of this section, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

"(2) STANDARDS.—The Secretary, in coordination with other Federal departments and agencies with responsibility for standards shall develop, promulgate, and revise national voluntary consensus standards on interoperable emergency communications within 4 years after the date of the enactment of this section, if the requirements of paragraph (1)(B) have not been satisfied.

"(c) TRANSFER OF FUNCTIONS.—Not later than 60 days after the date of the enactment of this subsection, the President shall transfer to the Assistant Secretary for Emergency Communications the functions authorized by section 3006 of the Deficit Reduction Act of 2006 (Public Law 109–71; 120 Stat. 24), including the authority to borrow under 3006(b) of that Act.

"SEC. 565. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.

"(a) IN GENERAL.—There is in each Regional Office under section 504 a Regional Emergency Communications Coordination Working Group (in this section referred to as an 'RECC Working Group').

"(b) SUBJECT MATTER EXPERTS.—The RECC Working Group shall consist of the following:

"(1) NON-FEDERAL.—Organizations representing the interests of the following:

"(A) State officials.

"(B) Local officials.

"(C) State police departments.

"(D) Local police departments.

"(E) Local fire departments.

"(F) Public safety answering points (9–1–1 services).

"(G) Communications equipment vendors (including broadband data service providers).

"(H) Hospitals.

"(I) Public utility services.

"(J) Local exchange carriers.

"(K) Local broadcast media.

"(L) Wireless carriers.

"(M) Satellite communications services.

"(N) Emergency evacuation transit services.

"(O) Ambulance services.

"(P) HAM and amateur radio operators.

"(Q) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.

"(R) Local emergency managers or homeland security directors.

"(S) Other emergency response providers or emergency support providers as deemed appropriate.

"(2) FEDERAL.—Representatives from the Department and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

"(c) DUTIES.—The duties of each RECC Working Group shall include—

"(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Strategy;

"(2) reporting annually to the Assistant Secretary for Emergency Communications on the status of its region in building a robust and sustainable interoperable voice and data emergency communications network and on the progress of the region in meeting the goals of the National Emergency Communications Strategy under section 562 when such Strategy in complete;

"(3) coordinating the establishment of an effective multijurisdictional, multiagency emergency communications network for use during acts of terrorism, natural disasters, and other emergencies through the expanded use of emergency management and public safety communications mutual aid agreements; and

"(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to acts of terrorism, natural disasters, and other emergencies.

"SEC. 566. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.

"(a) ESTABLISHMENT.—There is established the Emergency Communications Preparedness Center (in this section referred to as the 'Center').

"(b) OPERATION.—

"(1) IN GENERAL.—The Secretary, the Chairman of the Federal Communication Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, 'Emergency Communications Preparedness Center (ECPC) Charter'.

"(2) CHAIR.—The Secretary shall be the Chair of the Center.

"(c) FUNCTIONS.—The Center shall—

"(1) serve as the focal point for interagency efforts to address operable and interoperable communications;

"(2) serve as a clearinghouse with respect to all relevant information regarding intergovernmental efforts to achieve nationwide interoperable emergency communications capabilities;

"(3) ensure cooperation among the relevant Federal Government departments and agencies to improve effectiveness in the communication and implementation of the goals of the National Emergency Communications Strategy, including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies;

"(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the efforts of Federal departments and agencies to implement the National Emergency Communications Strategy; and

"(5) perform such other functions as the President may assign.

"(d) REPORT.—Not later than 180 days after the date of the enactment of this section, the President shall transmit to the Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

"SEC. 567. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

"(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from terrorist attack.

"(b) MINIMUM CAPABILITIES.—The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of gov-

ernment, emergency response providers, emergency support providers, the private sector, and other organizations with emergency response capabilities—

"(1) to communicate with each other in the event of an emergency;

"(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 321); and

"(3) to be consistent with any applicable State or Urban Area homeland strategy or plan.

"SEC. 568. INTEGRATED NATIONAL ALERT AND WARNING SYSTEM.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Emergency Communications, and in coordination with the head of any Federal department or agency that possesses or acquires alert and warning capabilities, including the Departments of Commerce and Defense and the Federal Communications Commission, shall develop, manage, operate, and coordinate an integrated national public alert and warning system that incorporates legacy systems.

"(b) REQUIREMENTS.—Such system shall—

"(1) be operational within 3 years of the date of enactment of this section;

"(2) ensure effective collaboration with State, local, and tribal governments;

"(3) complement and provide interoperability with State, local, and tribal public alert and warning systems;

"(4) ensure the interoperability of commercially available equipment for radio and data communications systems;

"(5) carry alert and warning messages for acts of terrorism, natural disasters, and other emergencies;

"(6) conduct regular internal training and exercises on generating and disseminating public alert and warning messages;

"(7) support public education and outreach to increase community awareness of the integrated national alert and warning system;

"(8) incorporate, to the maximum extent possible, technologies and systems that warn and support the unique needs faced by persons with disabilities or language barriers;

"(9) develop public–private partnerships to—

"(A) leverage government and industry needs, capabilities, and resources necessary to delivery effective disaster warnings;

"(B) facilitate the development, promulgation, and regular updating of national voluntary consensus standards for public alert and warning technologies;

"(C) identify, in consultation with the Assistant Secretary for Infrastructure Protection and the Assistant Secretary for Cybersecurity and Telecommunications, critical infrastructure and key resources necessary to provide accurate, survivable, and sustainable public alerts and warnings;

"(D) incorporate private sector threat information sharing into Federal, State, and local alert and warning systems; and

"(E) ensure continuity of operations plans are in place to minimize the disruption to communications infrastructure used for the dissemination of public alerts and warnings;

"(10) promulgate standard operating procedures and protocols for the integrated national public alert and warning system; and

"(11) identify and incorporate existing, new, and emerging technologies, including the utilization of both satellite and ground based alert and warning distribution networks to provide redundant, timely, and accurate public alerts and warnings.

"(c) IMPLEMENTATION PLAN.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall develop an implementation plan for this section within 180 days after the enactment of this section.

"Subtitle E—Emergency Logistics

"SEC. 581. PREPOSITIONED EQUIPMENT PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Regional Directors, shall establish a Prepositioned Equipment Program to preposition standardized emergency equipment in selected geographic areas to sustain and replenish critical assets used by State, local, or tribal governments in response to, or rendered inoperable by the effects of, acts of terrorism, natural disasters, or other emergencies.

"(b) FORCE PACKAGES.—As part of the Program, the Secretary shall establish a number of force packages. Each force package shall—

"(1) contain preposition-standardized equipment and frequently used off-the-shelf items;

"(2) be strategically located and maintained at logistics centers in no less than 11 regions and, to the extent practicable, co-located with the push packages of the Strategic National Stockpile;

"(3) be rapidly deployable to any major population area within at least 12 hours; and

"(4) be easily transportable by air, land, or water.

"(c) TYPES OF EQUIPMENT INCLUDED.—Each force package shall include—

"(1) personal protective equipment;

"(2) detection equipment;

"(3) decontamination equipment;

"(4) search and rescue equipment;

"(5) medical equipment and supplies;

"(6) communications equipment;

"(7) mobile shelters;

"(8) mobile medical facilities; and

"(9) any additional devices, tools, supplies, and material most likely needed by initial on-scene emergency response providers.

"(d) SUPPORT TEAMS.—Each force package shall be staffed by qualified and trained personnel who reside in the region. Such personnel shall—

"(1) be available to respond to emergencies when necessary;

"(2) provide life-cycle management and maintenance of equipment; and

"(3) perform associated logistics, including equipment maintenance and calibration.

"(e) PROCEDURES FOR DEPLOYMENT OF FORCE PACKAGES.—The Secretary, acting through the Under Secretary, shall deploy force packages to State, local, and tribal officials when—

"(1) a State or local government entity, through the Governor of the State, or a tribal government entity, makes a request for the transfer deployment of a force package; and

"(2) the Under Secretary approves such request.

"(f) COORDINATION.—In carrying out the Prepositioned Equipment Program under this section, the Secretary shall coordinate with the Secretaries of Defense and Health and Human Services and with the heads of such other Federal departments and agencies as the Secretary determines are appropriate.

"SEC. 582. NATIONAL ASSET INVENTORY PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the heads of other appropriate Federal departments and agencies, shall establish a National Asset Inventory Program for the purpose of managing and deploying Federal capabilities in response to acts of terrorism, natural disasters, and other emergencies.

"(b) INVENTORY.—In accordance with the requirements of section 611(h)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(h)(1)(C)), the National Asset Inventory Program shall develop and maintain an inventory of Federal response capabilities and corresponding assets and resources. Such inventory shall include—

"(1) the performance parameters of each capability;

"(2) the timeframe within which each capability can be available for deployment to an incident;

"(3) the readiness of each capability to respond to domestic incidents; and

"(4) the availability of such capability.

"(c) MILITARY CAPABILITIES.—The Secretary of Defense shall provide to the Secretary a description of the functions and capabilities of any entity of the Department of Defense that may be used to provide support to civil authorities in responding to acts of terrorism, natural disasters, or other emergencies.

"(d) DATABASE.—The Secretary, acting through the Under Secretary for Emergency Management, shall establish an inventory database to allow—

"(1) real-time exchange of information regarding capabilities, assets, and resources, readiness, or the compatibility of equipment;

"(2) easy identification and rapid deployment during an incident; and

"(3) the sharing of inventories across jurisdictions.

"(e) FORCE PACKAGES.—The Secretary, acting though the Under Secretary for Emergency Management, shall certify on an annual basis that Federal departments and agencies with primary or supporting agency responsibilities under an emergency support function of the National Response Plan have developed and maintained force packages of rapidly deployable Federal capabilities.

"(f) LOGISTICS SUPPORT CENTERS.—The Secretary, acting through the Under Secretary and in coordination with other Federal departments and agencies and State, local, and tribal governments, shall identify physical locations in selected geographic areas that could be used as logistics support centers for receiving, staging, and integrating Federal capabilities in the event of acts of terrorism, natural disasters, and other emergencies.

"(g) COORDINATION.—In carrying out the activities of the program under this section, the Under Secretary shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

"SEC. 583. SMALL BUSINESS DATABASE FOR FEDERAL CONTRACTING RELATED TO MAJOR DISASTERS AND EMERGENCY ASSISTANCE ACTIVITIES.

"(a) ESTABLISHMENT OF DATABASE.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Regional Directors under section 504, shall establish and maintain a database that contains information about small business entities for purposes of Federal contracting related to assistance activities conducted in response to and recovery from acts of terrorism, natural disasters, and other emergencies.

"(b) INCLUDED INFORMATION.—The database under subsection (a) shall include the following information about each small business entity included in the database:

"(1) The name of the small business entity.

"(2) The location of the small business entity.

"(3) The area served by the small business entity.

"(4) The type of good or service provided by the small business entity.

"(5) Whether the small business entity is—

"(A) a small business entity owned and controlled by socially and economically disadvantaged individuals;

"(B) a small business entity owned and controlled by women; or

"(C) a small business entity owned and controlled by service-disabled veterans.

"(c) SOURCE OF INFORMATION.—

"(1) SUBMISSION.—The database may only contain such information about a small business entity as is submitted by the small business entity.

"(2) ATTESTATION.—Each small business entity submitting information to the database shall submit—

"(A) an attestation that the information submitted is true; and

"(B) documentation supporting such attestation.

"(3) VERIFICATION.—The Secretary shall verify only that the documentation submitted by each small business entity supports the information submitted by that small business entity.

"(d) AVAILABILITY OF DATABASE.—The Secretary shall make the database generally available on the Internet website of the Department.

"(e) CONSULTATION OF DATABASE.—Before awarding a Federal contract for a disaster-related activity, a component of the Department shall consult the database established under this section.

"(f) DATABASE INTEGRATION.—The Secretary shall integrate the database established under this section into any other procurement-related database maintained by the Secretary.

"(g) DEFINITIONS.—For purposes of this section, the terms 'small business entity', 'small business entity owned and controlled by socially and economically disadvantaged individuals', 'small business entity owned and controlled by women', and 'small business entity owned and controlled by service-disabled veterans' shall have the meanings given the terms 'small business concern', 'small business concern owned and controlled by socially and economically disadvantaged individuals', 'small business concern owned and controlled by women', and 'small business concern owned and controlled by service-disabled veterans' respectively under the Small Business Act (15 U.S.C. 631 et seq.).

"SEC. 584. FRAUD PREVENTION TRAINING PROGRAM.

"(a) TRAINING PROGRAM REQUIRED.—The Secretary, acting through the Under Secretary for Emergency Management, shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal assistance funds and services during the response to or recovery from acts of terrorism, natural disasters, or other emergencies and ways to identify such potential waste, fraud, and abuse.

"(b) INDIVIDUALS ELIGIBLE FOR TRAINING.—Under the training program required under subsection (a), the Secretary may provide training to—

"(1) employees, contractors, and volunteers of the Federal Government;

"(2) employees and volunteers of any State, local, or tribal government entity; and

"(3) employees and volunteers of nonprofit organizations that assist in the administration of Federal assistance funds and services provided in response to acts of terrorism, natural disasters, or other national emergencies.

"(c) INFORMATION SHARING.—Any State, local, or tribal government entity or nonprofit entity that provides Federal assistance funds or services to individuals affected by acts of terrorism, natural disasters, or other emergencies may share information with the Federal Government, in a manner consistent with Federal Privacy Act protections, about any recipient of such assistance, at the request of the head of a Federal department or agency, for the purpose of preventing fraud and abuse of Federal assistance.

"SEC. 585. PRE-NEGOTIATED CONTRACTS FOR DELIVERY OF GOODS AND SERVICES AFTER EMERGENCIES.

"(a) IN GENERAL.—The Undersecretary for Emergency Management, in accordance with the process for coordinated, pre-negotiated contracts established pursuant to section 504(e)(7)(E), shall have, and may delegate to any Regional Director for Emergency Management, the authority to enter into contracts for the delivery of necessary goods or services relating to the response to or recovery from acts of terrorism, natural disasters, or other emergencies affecting the geographical area served by the Regional Office of that Regional Director.

"(b) NECESSARY GOODS AND SERVICES.—The necessary goods and services referred to in subsection (a) include the following:

"(1) Debris removal and other disaster clean-up needs.

"(2) The provision of food, water, ice, and first aid supplies.

"(3) Meals-ready-to-eat.

"(4) The provision of such other goods and services as determined appropriate by the each Regional Director in coordination with the applicable Regional Advisory Council on Emergency Management.

"(c) PREFERENCE FOR CONTRACTS WITH SMALL BUSINESSES.—To the greatest extent practicable, in entering into a contract under subsection (a), the Under Secretary, or the relevant delegated Regional Director for Emergency Management, shall give a preference to a small business entity, as that term is defined in section 583.

"(d) COMPETITIVE PROCEDURES.—In entering into a contract under this section, the Under Secretary, or the relevant delegated Regional Director for Emergency Management, shall use competitive procedures, to the maximum extent practicable, except as otherwise provided by law.

"(e) CONSULTATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Under Secretary, or the relevant delegated Regional Director for Emergency Management, shall consult with the head of a Federal department or agency with respect to any contract entered into by the head of such department or agency using funds made available for preparedness, mitigation, response, and recovery with respect to acts of terrorism, natural disasters, and other emergencies.

"(f) RELATIONSHIP TO FEDERAL ASSISTANCE.—In the case of a contract that has been negotiated by the relevant Regional Director for Emergency Management acting under authority delegated by the Under Secretary, the existence of a contract entered into under this section shall not prevent a State, local, or tribal government from receiving or using Federal assistance for the provision of necessary goods and services relating to response or recovery.

"Subtitle F—Infrastructure Protection and Cybersecurity

"SEC. 591. OFFICE OF INFRASTRUCTURE PROTECTION.

"(a) IN GENERAL.—There is in the Department an Office of Infrastructure Protection under the authority of the Under Secretary for Emergency Management.

"(b) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The head of the Office shall be the Assistant Secretary for Infrastructure Protection. The Assistant Secretary shall report directly to the Under Secretary for Emergency Management.

"(c) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall carry out the responsibilities of the Department regarding infrastructure protection. Such responsibilities shall include the following:

"(1) To identify and carry out comprehensive risk assessments of key resources and critical infrastructure of the United States, to determine the risks posed by particular types of terrorist attacks within the United States (includ-

ing an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

"(2) To develop and maintain a comprehensive national plan for securing the key resources and critical infrastructure of the United States, in accordance with Homeland Security Presidential Directive 7.

"(3) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Departments and agencies and in consultation with State, local, and tribal government agencies and authorities, and the private sector.

"(4) To assess the preparedness capabilities of critical infrastructure to mitigate against, respond to, and recover from acts of terrorism and other catastrophic emergencies, including natural disasters.

"(5) To coordinate and implement, as appropriate, preparedness efforts to ensure that critical infrastructure and key resources efforts are fully integrated and coordinated with the response and recovery activities of the Department.

"(6) To establish and maintain partnerships and information sharing processes with Federal, State, local, and tribal governments, the private sector, and international governments and organizations to enhance coordination of critical infrastructure and key resource efforts.

"(7) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, local, and tribal law enforcement agencies, and the private sector, as appropriate.

"(8) To provide the Secretary with an annual summary of national critical infrastructure protection efforts and priorities and to provide, in consultation with the Assistant Secretary for Grants and Planning, recommendations for Federal critical infrastructure protection funding.

"(9) In carrying out responsibilities under paragraphs (1) and (2), to consult with other Federal, State, local, and tribal government agencies and authorities as appropriate.

"(10) To perform other such duties relating to such responsibilities as the Secretary may provide.

"(d) INTEGRATION CENTER.—

"(1) IN GENERAL.—There is an Integration Center in the Office of Infrastructure Protection, which shall be staffed by the Office of Infrastructure Protection, the Office of Cybersecurity and Telecommunications, and the Office of Intelligence and Analysis.

"(2) RESPONSIBILITIES.—The Integration Center shall—

"(A) be responsible for the integration of relevant threat, consequence, and vulnerability information, analysis, and assessments (whether such information, analysis, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other Federal departments and agencies, State, local, and tribal government agencies and authorities, the private sector, and other entities; and

"(B) develop and disseminate analytical products that combine homeland security information with critical infrastructure and key resource vulnerability and consequence information.

"(3) CRITICAL INFRASTRUCTURE INFORMATION.—The Secretary shall ensure that the Department makes full and efficient use of open-source information to analyze United States critical infrastructure from the perspective of terrorists using publicly available information.

"(e) STAFF.—

"(1) IN GENERAL.—The Secretary shall ensure that the Office has staff that possess appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

"(2) PRIVATE SECTOR STAFF.—Staff under this subsection may include individuals from the private sector.

"(3) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

"(f) DETAIL OF PERSONNEL.—

"(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal departments and agencies may be detailed to the Department for the performance of analytic functions and related duties.

"(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

"(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

"(g) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.

"SEC. 592. OFFICE OF CYBERSECURITY AND TELECOMMUNICATIONS.

"(a) IN GENERAL.—There is in the Department an Office of Cybersecurity and Telecommunications under the authority of the Under Secretary for Emergency Management.

"(b) ASSISTANT SECRETARY FOR CYBERSECURITY AND TELECOMMUNICATIONS.—The head of the Office shall be the Assistant Secretary for Cybersecurity and Telecommunications. The Assistant Secretary shall report directly to the Under Secretary for Emergency Management.

"(c) RESPONSIBILITIES OF ASSISTANT SECRETARY.—The Assistant Secretary shall carry out the responsibilities of the Department regarding cybersecurity and telecommunications. Such responsibilities shall include the following:

"(1) To establish and manage—

"(A) a national cybersecurity response system that includes the ability to—

"(i) analyze the effect of cybersecurity threat information on national critical infrastructure identified under Homeland Security Presidential Directive 7; and

"(ii) aid in the detection and warning of potential vulnerability or attack that could cause widespread disruption, and in the restoration of, cybersecurity infrastructure in the aftermath of such attacks;

"(B) a national cybersecurity threat and vulnerability reduction program that facilitates and coordinates with businesses and organizations to conduct risk assessments on information technology and deal with vulnerabilities that would have a national effect on critical infrastructure and that coordinates the mitigation of such vulnerabilities;

"(C) a continuity of operations program to plan and allocate resources for the continuation of critical information operations in the event of a large scale disruption of the information infrastructure and to coordinate a response;

"(D) a reconstitution program to ensure that priorities, procedures, and resources are in place to reconstitute information infrastructures in the government and private sector that are critical to the orderly functioning of the economy, health of the population, and national security;

"(E) a resiliency program that will support basic and fundamental research to improve the reliability of network protocols as well as provide for reasonable security controls and that will work with the private sector to improve the security of key network protocols and develop more secure, reliable successors;

"(F) a national public-private cybersecurity awareness, training, and education program that promotes Internet security awareness among all enduser groups, including the education community, students, businesses, and government entities, and helps coordinate cybersecurity awareness initiatives;

"(G) a Government cybersecurity program to coordinate and consult with Federal, State, and local governments to enhance their cybersecurity programs; and

"(H) a national security and international cybersecurity cooperation program to help foster Federal efforts to enhance international cybersecurity awareness and cooperation.

"(2) To coordinate and to leverage existing efforts within the private sector on the program under paragraph (1) as appropriate and to promote cybersecurity information sharing, vulnerability assessment, and threat warning regarding critical infrastructure.

"(3) To coordinate with other directorates and offices within the Department and with other Federal agencies, as appropriate, on the cybersecurity aspects of their missions.

"(4) To carry out, in coordination with the Assistant Secretary for Emergency Communications, as appropriate, the duties of the National Communications System.

"(5) To coordinate with the Under Secretary to ensure that the National Response Plan developed includes appropriate measures for the recovery of the cybersecurity elements of critical infrastructure.

"(6) To develop processes for information sharing with the private sector, consistent with section 214, that—

"(A) promote voluntary cybersecurity best practices, standards, and benchmarks that are responsive to rapid technology changes and to the security needs of critical infrastructure; and

"(B) consider roles of Federal, State, local, and foreign governments, appropriate standards bodies, and the private sector, including the insurance industry and auditors.

"(7) To coordinate with the Chief Information Officer of the Department in establishing a secure information sharing architecture and information sharing processes, including with respect to the Department's operation centers.

"(8) To consult with the Electronic Crimes Task Force of the United States Secret Service on private sector outreach and information activities.

"(9) To consult with the Office for Training and Exercises to ensure that realistic cybersecurity scenarios are incorporated into training exercises, including tabletop and recovery exercises.

"(10) To consult and coordinate with the Assistant Secretary for Infrastructure Protection, the Under Secretary for Science and Technology, and, where appropriate, with other relevant Federal departments and agencies, on the security of digital control systems, such as Supervisory Control and Data Acquisition systems.

"(11) To consult and coordinate with the Under Secretary for Science and Technology on cybersecurity research and development requirements.

"(d) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on the programs under this section and the specific funding requirements of each priority and objective of the Secretary with respect to such programs. For each priority or objective the Secretary shall describe how the private sector is involved in each such program.

"(e) DEADLINE FOR NOMINATION.—Not later than 90 days after the date of the enactment of this section, the President shall nominate an individual to serve as the Assistant Secretary for Cybersecurity and Telecommunications.

"(f) STAFF.—

"(1) IN GENERAL.—The Secretary shall provide the Office with staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

"(2) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

"(g) DETAIL OF PERSONNEL.—

"(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal departments and agencies may be detailed to the Department for the performance of analytic functions and related duties.

"(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

"(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

"(h) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.".

(b) CLERICAL AMENDMENT.—The items relating to title V in the table of contents in section 1(b) of the Homeland Security Act of 2002 are amended to read as follows:

"TITLE V—EMERGENCY MANAGEMENT

"Subtitle A—Directorate of Emergency Management

"Sec. 501. Directorate of Emergency Management.
"Sec. 502. Responsibilities of the Under Secretary.
"Sec. 503. Principal advisor on emergency management.
"Sec. 504. Regional offices.
"Sec. 505. Chief Medical Officer.
"Sec. 506. National Biosurveillance Integration System.
"Sec. 507. Office of State, Local, and Tribal Government Coordination.
"Sec. 508. Office of National Capital Region Coordination.
"Sec. 509. National Advisory Council on Emergency Management.
"Sec. 510. Reorganization of Directorate.

"Subtitle B—Emergency Preparedness

"Sec. 521. Office of Grants and Planning.
"Sec. 522. Office of Training and Exercises.
"Sec. 523. Essential capabilities.
"Sec. 524. Catastrophic planning.
"Sec. 525. System assessment and validation for emergency responders program.
"Sec. 526. Homeland Security Education Program.
"Sec. 527. Office of Public and Community Preparedness.

"Subtitle C—Emergency Response

"Sec. 541. National incident management system and national response plan integration center.
"Sec. 542. Use of national private sector networks in emergency response.
"Sec. 543. Nuclear incident response.
"Sec. 544. National urban search and rescue response system.
"Sec. 545. Metropolitan Medical Response System.
"Sec. 546. Emergency Management Assistance Compact authorization.

"Subtitle D—Emergency Communications

"Sec. 561. Office of Emergency Communications.
"Sec. 562. National emergency communications strategy.
"Sec. 563. Assessments and reports.
"Sec. 564. Coordination of Federal emergency communications grant programs.
"Sec. 565. Regional emergency communications coordination.
"Sec. 566. Emergency Communications Preparedness Center.
"Sec. 567. Urban and other high risk area communications capabilities.
"Sec. 568. Integrated national alert and warning system.

"Subtitle E—Emergency Logistics

"Sec. 581. Prepositioned equipment program.
"Sec. 582. National Asset Inventory Program.
"Sec. 583. Small business database for Federal contracting related to major disasters and emergency assistance activities.
"Sec. 584. Fraud prevention training program.
"Sec. 585. Pre-negotiated contracts for delivery of goods and services after emergencies.

"Subtitle F—Infrastructure Protection and Cybersecurity

"Sec. 591. Office of Infrastructure Protection.
"Sec. 592. Office of Cybersecurity and Telecommunications.".

SEC. 102. GULF COAST LONG-TERM RECOVERY OFFICE.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish in the Department of Homeland Security a Gulf Coast Long-Term Recovery Office to administer amounts available to the Department for providing assistance to the residents of the Gulf Coast region for recovering from Hurricanes Katrina and Rita.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary of Homeland Security.

(c) RESPONSIBILITIES.—The Director of the Gulf Coast Long-Term Recovery Office shall work with State, local, and tribal governments, the private sector, and nongovernmental organizations, including faith-based and other community humanitarian relief entities, to provide assistance to residents of the Gulf Coast region for recovering from Hurricanes Katrina and Rita, including the following:

(1) To assess the social and economic consequences in the areas affected by Hurricanes Katrina and Rita and coordinate Federal efforts to address long-term community recovery issues.

(2) To advise the Secretary of Homeland Security on the long-term community recovery implications of response activities.

(3) To conduct comprehensive market disruption and loss analysis and develop a forward looking market-based comprehensive long-term recovery plan for the affected areas.

(4) To identify appropriate Federal programs and agencies to support the implementation of the long-term community recovery plan, to ensure coordination across appropriate Federal departments and agencies, and to identify any gaps in the available resources.

(5) To avoid duplication of assistance, to coordinate, to the extent possible, program application processes and planning requirements in order to streamline assistance, and to identify and coordinate the resolution of policy and program issues.

(6) To determine responsibilities for recovery activities, to provide a method of maintaining continuity in the delivery of assistance under programs administered by various Federal departments and agencies, and to oversee coordination with State, local, and tribal governments and other involved parties, to ensure follow-through of recovery and hazard mitigation efforts.

(7) To encourage implementation of mitigation measures during recovery.

(8) To carry out such other activities as determined appropriate by the Secretary of Homeland Security.

(d) TERMINATION.—The Gulf Coast Long-Term Recovery Office established under subsection (a) shall terminate at the discretion of the Secretary.

SEC. 103. NATIONAL DISASTER MEDICAL SYSTEM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–11), as added by section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 599), is amended in subsection (h) by striking "such sums" and all that follows and inserting "$85,000,000 for each of the fiscal years 2007 through 2010.".

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Chief Medical Officer of the Department of Homeland Security, in consultation with the Under Secretary for Emergency Management, shall submit to Congress a report that provides—

(1) an assessment of the need to expand the National Disaster Medical System, including an examination of the feasibility of maintaining a full time, nonvolunteer operational unit or units;

(2) an evaluation of the relationship between the National Disaster Medical System and the Metropolitan Medical Response System;

(3) an assessment of the coordination between the Department and the Department of Health and Human Services during deployment; and

(4) an evaluation of whether the National Disaster Medical System should remain in the Department and, if not, which Department should have responsibility.

SEC. 104. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.

(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:

"SEC. 314. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.

"(a) CLARIFICATION OF RESPONSIBILITIES.—The Director of the Office of Interoperability and Compatibility shall—

"(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subparagraphs (D), (E), (F), and (G) of section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

"(2) support the creation of national voluntary consensus standards for interoperable emergency communications;

"(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

"(4) establish requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment;

"(5) evaluate and validate new technology concepts in real-world environments to achieve interoperable emergency communications capabilities;

"(6) encourage more efficient use of existing resources, including equipment and spectrum, to achieve interoperable emergency communications capabilities;

"(7) test and deploy public safety communications systems that are less prone to failure, support new nonvoice services, consume less spectrum, and cost less than existing systems; and

"(8) work with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities.

"(b) COORDINATION.—The Director shall coordinate with the Assistant Secretary for Emergency Communications with respect to the SAFECOM program.

"(c) SUFFICIENCY OF RESOURCES.—The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.".

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

"Sec. 314. Office of Interoperability and Compatibility.".

SEC. 105. INTELLIGENCE ANALYSTS.

(a) IN GENERAL.—Financial assistance provided to State, local, and tribal governments by the Secretary of Homeland Security for prevention activities may be used by the State, local, or tribal government to hire new staff and contractors to serve as intelligence analysts to facilitate information and intelligence sharing activities.

(b) QUALIFICATIONS.—An individual shall successfully complete training to ensure baseline proficiency in intelligence analysis and production before the individual may serve as an intelligence analyst or as a staff intelligence employee or contractor.

(c) EFFECTIVE DATE.—The requirements under subsection (b) shall apply with respect to an individual hired after the date of the enactment of this Act.

SEC. 106. REDESIGNATION OF DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.

(a) REDESIGNATION OF DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended—

(1) in subsection (a)(1)—

(A) by striking "a Directorate for Information Analysis and Infrastructure Protection" and inserting "an Office of Intelligence and Analysis"; and

(B) by striking "an Under Secretary for Information Analysis and Infrastructure Protection" and inserting "an Under Secretary for Intelligence and Analysis";

(2) by striking subsection (b) and redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b), as so redesignated—

(A) by striking "and infrastructure protection" and inserting "and intelligence"; and

(B) by striking "the Under Secretary for Information Analysis and Infrastructure Protection" and inserting "the Under Secretary for Intelligence and Analysis";

(4) in subsection (c), as so redesignated—

(A) by striking "the Under Secretary for Information Analysis and Infrastructure Protection" and inserting "the Under Secretary for Intelligence Analysis";

(B) by striking paragraphs (2), (5), and (6), and redesignating paragraphs (3), (4), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), and (19) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16), respectively;

(C) in paragraph (2), as so redesignated, by striking "To integrate" and inserting "To participate in the integration of"; and

(D) in paragraph (14), as so redesignated, by inserting "the Assistant Secretary for Infrastructure Protection and" after "coordinate with";

(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking "Directorate" each place it appears and inserting "Office"; and

(6) in subsection (f), as redesignated by subsection (a)(2), by striking ", for assignment to the Under Secretary for Information Analysis and Infrastructure Protection under this section,".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 is amended—

(A) in section 103(a)(2) (6 U.S.C. 113(a)(2)), by striking "Information Analysis and Infrastructure Protection" and inserting "Intelligence and Analysis";

(B) in section 223 (6 U.S.C. 123), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Assistant Secretary for Infrastructure Protection";

(C) in section 224 (6 U.S.C. 144), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Assistant Secretary for Cybersecurity and Telecommunications"; and

(D) in section 302(3) (6 U.S.C. 182(3)), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection".

(2) SECTION 201.—

(A) The heading for section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended to read as follows:

"SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.".

(B) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 201 and inserting the following:

"Sec. 201. Office of Intelligence and Analysis.".

(C) The heading for subsection (a) of section 201 of such Act (6 U.S.C. 121) is amended to read as follows: "UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—".

(D) The heading for subsection (b) of section 201 of such Act (6 U.S.C. 121), as redesignated by subsection (a)(2) of this section, is amended to read as follows: "DISCHARGE OF INTELLIGENCE AND ANALYSIS.—".

(3) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)(I)) is amended to read as follows:

"(I) The Under Secretary of Homeland Security for Intelligence and Analysis.".

(4) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 7306(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3848) is amended by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis".

SEC. 107. NATIONAL ACADEMY OF PUBLIC ADMINISTRATION STUDY ON IMPLEMENTATION OF ORGANIZATIONAL REFORMS.

(a) STUDY REQUIRED.—Subject to the availability of appropriations, the Secretary of Homeland Security shall enter into an arrangement with the National Academy of Public Administration to conduct a study of the implementation of the organizational changes to the Department of Homeland Security made by this Act and the amendments made by this Act. Under the arrangement, the Academy shall provide assistance in the creation and implementation of the Directorate of Emergency Management.

(b) DEADLINE FOR BEGINNING OF STUDY.—The study required under this section shall begin not later than two months after the date of the enactment of this Act.

(c) TERMINATION.—The study required under this section shall end not later than the date that is one year after the date of the enactment of this Act.

SEC. 108. GAO REPORTS ON AN INVENTORY AND STATUS OF HOMELAND SECURITY TRAINING.

(a) INITIAL REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress an initial report on the overall inventory and status of training programs for emergency response providers in the Department of Homeland Security and other Federal departments and agencies and the extent to which such programs are coordinated.

(b) FINAL REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on homeland security training that includes the following:

(1) An assessment of the effectiveness of the structure and organization of training programs for emergency response providers in the Department of Homeland Security and other Federal departments and agencies.

(2) Recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to emergency response providers who are not able to attend centralized training programs;

(3) A description of the structure and organizational effectiveness of such programs for emergency response providers in rural communities.

(4) An identification of any duplication or redundancy among such programs.

(5) A description of the use of State and local training institutions, universities, centers, the National Domestic Preparedness Consortium, and other national training programs funded by the Department of Homeland Security, in designing and providing training.

(6) A cost-benefit analysis of the costs and time required for emergency response providers to participate in training courses at Federal institutions.

(7) An assessment of the approval process for certifying training courses that are not administered by the Department of Homeland Security and that are useful for anti-terrorism purposes and eligible for grants awarded by the Department.

(8) A description of the use of Department of Homeland Security grant funds by State, local, and tribal governments to acquire training.

(9) An analysis of the feasibility of Federal, State, local, and tribal government personnel receiving the training that is necessary to adopt the National Response Plan and the National Incident Management System of the Department of Homeland Security.

(10) A description of the role of each training institution within the Department of Homeland Security in the design and implementation of emergency preparedness and related training courses for emergency response providers.

SEC. 109. GRANTS FOR TRAINING AND EXERCISES TO ASSIST PUBLIC ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Financial assistance provided by the Secretary of Homeland Security to a State, local, or tribal government under a program described in subsection (b) may be used by the State, local, or tribal government to provide training or exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students with respect to age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from acts of terrorism, natural disasters, and other emergencies.

(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The State Homeland Security Grant program.

(2) The Urban Area Security Initiative.

(3) The Law Enforcement Terrorism Prevention Program.

SEC. 110. SENSE OF CONGRESS ON THE PROJECT 25 CONFORMITY ASSESSMENT PROJECT.

It is the sense of Congress that in carrying out the responsibilities and authorities of the Department of Homeland Security relating to the SAFECOM Program, the Assistant Secretary of Homeland Security for Emergency Communications should work with the National Institute of Standards and Technology for the purpose of implementing, as soon as possible, the Project 25 Compliance Assessment Program.

SEC. 111. NATIONAL PANDEMIC INFLUENZA EXERCISE.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for Training and Exercises, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in cooperation with the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Agriculture, and the heads of all other Federal, State, and local government agencies responsible for pandemic influenza preparedness and response shall conduct a full-scale, national exercise to test the effectiveness and implementation of the National Strategy for Pandemic Influenza.

(b) SCENARIOS.—In carrying out the national exercise under subsection (a), the Secretary of Homeland Security shall use the following scenarios:

(1) The introduction of highly pathogenic H5N1 influenza into the domestic poultry supply by transmission from migratory wild birds. The same transmission and mortality/morbidity characteristics as the strain existing as of May 2006 shall be assumed. No human-to-human transmission may be assumed, but bird-to-human transmission shall be assumed possible with the same level of probability as the existing strain.

(2) The introduction of a strain of virus mutated from H5N1 that is transmissible from human to human with the same efficiency as seasonal influenza and the morbidity/mortality characteristics of the 1918 outbreak of influenza commonly referred to as the Spanish flu.

(c) NATURE OF EXERCISE.—The national exercise under subsection (a) shall be as realistic as possible, as provided in subsection (e), and may not be conducted as a table-top exercise.

(d) PARTICIPATION.—The national exercise under subsection (a) shall involve all 50 States, and all counties and cities within the States.

(e) PLANNING ASSUMPTIONS.—In carrying out the national exercise under subsection (a), the Secretary shall make the following assumptions:

(1) Only medical supplies that are available or could be manufactured at the time of the exercise may be used. The Secretary may not assume that the Federal Government possesses more vaccine, medicine, or medical supplies than is held in the stockpile under section 319F–2 of the Public Health Service Act at such time, and may not assume that the Federal Government can make more vaccine, medicine, or medical supplies than the production capacity that exists as of such time.

(2) Medical facilities may only provide the amount of space, personnel, and medical supplies identified at the time the exercise is conducted, but the Secretary may use facilities other than medical facilities for medical purposes.

SEC. 112. PUBLIC-PRIVATE SECTOR PLANNING AND RESPONSE PILOT PROGRAM.

(a) IN GENERAL.—Under Secretary of Homeland Security for Emergency Management shall direct the Regional Director for Emergency Management for a region having significant risk of both terrorism and catastrophic national disaster to establish a public-private sector planning and response pilot program, under which the Regional Director shall designate emergency managers and private sector individuals to identify for the region a network of critical resources and key individuals in accordance with subsection (b).

(b) NETWORK FEATURES.—The network shall consist of—

(1) critical resources that can be activated immediately for emergency response in the region, including preparation of a specific list of items, their locations, and logistics managers to provide them; and

(2) key individuals who know how to reach each other in a crisis, and have backup communications plans if primary communications systems fail.

(c) INCLUDED CRITICAL RESOURCES.—The critical resources identified under subsection (b) shall include the following:

(1) Communications experts and equipment, including a corps of technology experts who can surge when and where needed to provide both equipment and expertise to fix and build communications systems.

(2) Food and water, including both at stationery locations and mobile capabilities.

(3) Construction equipment and personnel.

(4) Medical care facilities and medical corps to treat non-life threatening injuries.

(5) Transportation resources, including buses, trains, trucks, helicopters, and amphibious vehicles.

(d) PROGRAM FEATURES.—Under Secretary for Emergency Management shall ensure that the pilot program—

(1) has built-in flexibility to ensure the utilization of additional private sector offers of assistance and identification of new vital resources that were not anticipated in advance; and

(2) is implemented in accordance with a concise, user-friendly plan under which the Regional Director can expeditiously and efficiently activate the network identified under subsection (b) at the time the Under Secretary for Emergency Management declares an incident of national significance.

(e) PROTOCOLS.—Under Secretary for Emergency Management shall establish protocols for the pilot program by not later than 180 days after the establishment of the program under subsection (a).

(f) INTENT OF CONGRESS.—The Congress—

(1) does not intend in this section that the Directorate of Emergency Management of the Department of Homeland Security rely on the private sector to the extent of minimizing the procurement of emergency supplies and personnel and other activities under this Act or any other law; and

(2) intends in this section that a public-private partnership network be identified and treated as a possible resource in the event of a catastrophic act of terrorism, natural disaster, or other emergency.

SEC. 113. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

For the Emergency Management Performance Grants Program formerly conducted by the Directorate for Preparedness, there is authorized to be appropriated $360,000,000 for fiscal year 2007.

SEC. 114. DEFINITIONS.

(a) EXPANSION OF DEFINITION OF EMERGENCY RESPONSE PROVIDER.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

(b) NEW DEFINITIONS.—Such section is further amended by adding at the end the following new paragraphs:

"(17) The term 'emergency management' refers to the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, respond to, mitigate against, or recover from a threatened or actual act of terrorism, natural disaster, or other emergency.

"(18) The term 'prevention' means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.

"(19) The term 'emergency support providers' includes Federal, State, and local governmental and nongovernmental utilities, public works, transportation, and public health and related personnel, organizations, agencies, and authorities.".

SEC. 115. CONFORMING AMENDMENTS.

(a) REPEALS.—

(1) IN GENERAL.—The following provisions of the Homeland Security Act of 2002 are repealed:

(A) Section 430.

(B) Subtitle A of title VIII.

(C) Section 882.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the items relating sections 430 and 882 and the item relating to subtitle A of title VIII.

(b) OTHER CONFORMING AMENDMENTS.—

(1) UNDER SECRETARY.—Section 103(a) is amended—

(A) in paragraph (5), by striking "Preparedness and Response" and inserting "Management"; and

(B) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively.

(2) INCREASE IN NUMBER OF ASSISTANT SECRETARIES.—Section 103(a)(8) of such Act, as redesignated by paragraph (1)(B), is amended by striking "12" and inserting "17".

TITLE II—FRAUD, WASTE, AND ABUSE PREVENTION

SEC. 201. FRAUD, WASTE, AND ABUSE CONTROLS.

(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. 707. FRAUD, WASTE, AND ABUSE CONTROLS.

"(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management, shall ensure that—

"(1) all programs within the Directorate administering Federal assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;

"(2) application databases used by the Directorate to collect information on eligible recipients must record disbursements;

"(3) such tracking is designed to highlight and identify ineligible applications; and

"(4) the databases used to collect information from applications for such assistance must be integrated with the disbursements and payment records.

"(b) AUDITS AND REVIEWS REQUIRED.—The Secretary shall ensure that any existing database or similar application processing system in effect on the date of the enactment of this section for Federal assistance programs administered by the Department undergo a review by the Inspector General of the Department to determine the existence and implementation of such internal controls required under this section, before such database application may be used to determine eligibility and disbursement of Federal assistance.

"(c) CERTIFICATION REQUIRED.—The Secretary, acting through the Under Secretary for Emergency Management, shall certify to the Congress on an annual basis that proper internal controls required under this section are in place and operational before a database or similar application processing system may be utilized for the purpose of the dispensing of Federal assistance.

"(d) REPORT TO CONGRESS.—Recommendations or findings that remain unresolved between program administrators and the Inspector General of the Department for 30 days must be immediately reported to Congress by the Inspector General of the Department.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item related to section 706 the following:

"Sec. 707. Fraud, waste, and abuse controls.".

SEC. 202. ASSESSMENT AND REPORT REGARDING UTILIZATION OF INDEPENDENT PRIVATE SECTOR INSPECTORS GENERAL.

(a) IN GENERAL.—The Under Secretary for Emergency Management of the Department of Homeland Security, in consultation with the Under Secretary for Management, shall—

(1) assess the role that Independent Private Sector Inspectors General (popularly known as "IPSIGs") played in preventing waste, fraud, and abuse, in contracts for goods or services purchased or commissioned after the terrorist attacks on the World Trade Center in New York City on September 11, 2001; and

(2) report the findings of such assessment to Congress by not later than one year after the date of enactment of this Act and post the report on the primary agency public access website.

(b) UTILIZATION OF IPSIGS TO MONITOR AND PROVIDE GREATER ACCOUNTABILITY.—Such assessment shall include examination of how IPSIGs may be utilized to monitor and provide greater accountability for contracts using Federal funding provided in response to a terrorist attack, natural disaster, or other national emergency, including contracts for debris removal and the repair or reconstruction of damaged infrastructure.

SEC. 203. ENHANCED ACCOUNTABILITY FOR FEDERAL ASSISTANCE.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 856 (6 U.S.C. 426) the following:

"SEC. 856a. ENHANCED ACCOUNTABILITY FOR FEDERAL ASSISTANCE.

"(a) RECIPIENTS OF FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—Each State, local, tribal, and nonprofit entity that receives Federal assistance funds in response to acts of terrorism, natural disasters, or other emergencies shall report to the pertinent Federal agency six months after the initial disbursement of resources regarding the expenditure of such funds.

"(2) CONTENTS.—The report shall include a description of—

"(A) the projects or programs that received Federal assistance;
"(B) the entity administering the program or project; and
"(C) the dates and amounts disbursed, allocated, and expended.

"(3) MINIMIZING REPORTING BURDEN.—The Under Secretary for Emergency Management shall determine whether the requirement to report under this section is duplicative of or can be combined with other reporting requirements and, if so, the Under Secretary shall combine such requirements and eliminate such duplication.

"(b) FEDERAL ASSISTANCE DISBURSING AGENCIES.—

"(1) IN GENERAL.—Each Federal agency that disburses Federal assistance funds in response to an act of terrorism, a natural disaster, or another emergency shall submit to the Inspector General of the Department, acting in the Inspector General's role as chairman of the President's Council on Integrity and Efficiency Homeland Security Roundtable, a report on the expenditure of such funds.

"(2) CONTENTS.—Each report required under paragraph (1) shall include—
"(A) names and addresses of recipient agencies;
"(B) the purpose for which resources were provided;
"(C) the amounts disbursed, allocated, and expended; and
"(D) the status of reporting by agencies that received disbursements (as set forth under subparagraph (A).

"(3) DEADLINE.—Each report submitted under paragraph (1) shall be submitted not later than one year after the date of the enactment of the appropriations Act that makes available the Federal assistance funds covered by the report, and on a recurrent basis every six months thereafter until such time as all such funds are expended or the Inspector General and such Council determine that such reports are no longer required.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item related to section 856 the following:

"Sec. 856a. Enhanced accountability for Federal assistance.".

SEC. 204. ENHANCED INFORMATION SHARING AMONG FEDERAL AGENCIES TO PREVENT FRAUD, WASTE, AND ABUSE.

(a) IN GENERAL.—The Homeland Security Act of 2002 is further amended by inserting after section 856a the following:

"SEC. 856b. ENHANCED INFORMATION SHARING AMONG FEDERAL AGENCIES TO PREVENT FRAUD, WASTE, AND ABUSE.

"(a) CONFIRMATION OF IDENTITY AND ELIGIBILITY OF APPLICANTS.—Any Federal, State, local, or tribal agency that disburses Federal grants, loans, services, and other assistance in response to or for the recovery from acts of terrorism, natural disasters, or other emergencies, shall make reasonable efforts to confirm the identity and eligibility of the applicant for such assistance without placing undue burden on the applicant.

"(b) CONSENT TO ACCESS.—

"(1) INCLUSION ON APPLICATION MATERIALS.—The Federal, State, local, or tribal agency may include provisions on application materials for grants, loans, services, and other assistance that would allow access to Internal Revenue Service information (IRS Form 8821 Tax Information Authorization) and other relevant Federal databases, to allow government agencies to share information and enhance the accuracy and expedite the delivery of assistance to applicants.

"(2) CONSENT NOT REQUIRED.—Any applicant who declines to consent to the sharing of such information shall not be denied assistance or otherwise penalized for that reason.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item related to section 856a the following:

"Sec. 856b. Enhanced information sharing among Federal agencies to prevent fraud, waste, and abuse.".

SEC. 205. DEPUTY INSPECTOR GENERAL FOR RESPONSE AND RECOVERY.

(a) IN GENERAL.—Subtitle B of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 371) is amended by adding at the end the following:

"SEC. 813. DEPUTY INSPECTOR GENERAL FOR RESPONSE AND RECOVERY.

"(a) ESTABLISHMENT.—There is established the position of Deputy Inspector General for Response and Recovery within the Office of the Inspector General of the Department.

"(b) APPOINTMENT.—The Deputy Inspector General shall be appointed—
"(1) by the Inspector General of the Department; and

"(2) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

"(c) REPORTING AND STATUS AS SES POSITION.—The Deputy Inspector General shall—

"(1) report to, and be under the direct authority and supervision of, the Inspector General; and

"(2) serve as a career member of the Senior Executive Service.

"(d) DUTIES.—

"(1) AUDITS AND INVESTIGATIONS.—The Deputy Inspector General shall, in coordination with Inspectors General of other departments, as appropriate, conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for response to and recovery from an act of terrorism, natural disaster, or other emergency by the Federal Government, and of the programs, operations, and contracts carried out utilizing such funds, including—

"(A) the oversight and accounting of the obligation and expenditure of such funds;

"(B) the monitoring and review of reconstruction activities funded by such funds;

"(C) the monitoring and review of contracts by such funds;

"(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private nongovernmental entities; and

"(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of such funds.

"(2) FRAUD TIP LINE.—The Deputy Inspector General shall ensure that not more than 48 hours after a terrorist attack, natural disaster, or other national emergency, the Office of the Inspector General institutes and publicizes a Fraud Tip Line to facilitate the collection of allegations of waste, fraud, and abuse of Federal assistance funds.

"(3) AVOIDANCE OF DUPLICATION.—The Deputy Inspector General shall ensure, to the greatest extent possible, that the activities of the Deputy Inspector General do not duplicate audits and investigations of Inspectors General and other auditors of Federal departments and agencies, and State and local government entities.

"(4) COORDINATION WITH FBI.—The Deputy Inspector General shall ensure that investigative activities under this section are coordinated with the Federal Bureau of Investigation.

"(e) FINANCIAL MANAGEMENT MATTERS.—In order to assist the Deputy Inspector General for the purposes of carrying out this section, all agencies receiving or distributing Federal funds to respond to acts of terrorism, natural disasters, or other emergencies shall establish and maintain budgetary procedures to distinguish funds related to response and relief efforts from other agency funds.

"(f) FUNDING.—There is authorized to be appropriated for operations of the Office of the Deputy Inspector General $11,000,000 for each fiscal year.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item related to section 812 the following:

"Sec. 813. Deputy Inspector General for Response and Recovery.".

(c) DEADLINE FOR APPOINTMENT.—The Inspector General of the Department of Homeland Security shall appoint the Deputy Inspector General under this section not later than 60 days after the date of enactment of this Act.

SEC. 206. PROTECTION OF DEPARTMENT OF HOMELAND SECURITY OFFICIAL SEAL AND INSIGNIA.

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) IN GENERAL.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including 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 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', the insignia or seal of the Department, or the title 'Secretary of Homeland Security'.

"(B) The name, initials, insignia, or seal of any organizational element (including any former such element) of the Department, or the title of any other officer or employee of the Department, notice of which has been published by the Secretary of Homeland Security in accordance with paragraph (3).

"(2) CIVIL ACTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice that 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 States to enjoin such act 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 restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"(3) NOTICE AND PUBLICATION.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notices from time to time as the Secretary determines appropriate in the public interest and shall publish such amendments in the Federal Register.

"(4) AUDIOVISUAL PRODUCTION.—For the purpose of this subsection, the term 'audiovisual production' means the production of a work that consists of a series of related images that 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 tapes, in which the work is embodied.".

Amend the title so as to read:

A bill to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes.

PURPOSE AND SUMMARY

The purpose of H.R. 5351 is to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes. This bill would reform the Department of Homeland Security to address the fundamental problems identified after Hurricanes Katrina and Rita so that our Nation is adequately prepared for, ready to effectively respond to, and able to quickly recover from disasters of all types—whether manmade or natural.

BACKGROUND AND NEED FOR LEGISLATION

In the morning hours of August 29, 2005, Hurricane Katrina came ashore along the coasts of Louisiana, Mississippi, and Alabama. In the days and weeks that followed, the Nation watched as it became apparent that all levels of government were unprepared and unable to adequately respond to the utter devastation caused by the storm. There were myriad problems evident in the response effort. Vital commodities arrived late. People lived in sub-human conditions for days, if not weeks. Hospitals throughout the region could neither treat the injured, nor handle the deceased, and communications capabilities were limited or non-existent. Hurricane Katrina and, subsequently, Hurricane Rita, which hit Texas and Louisiana, exposed a lack of preparedness—at all levels of government—to respond to a true catastrophe, whether natural or manmade. Furthermore, these two hurricanes exposed weaknesses in financial management controls that resulted in the payment of

more than $1 billion of fraudulent applications for Federal assistance.

Since August 2005, there have been at least five major investigations of our Nation's preparedness for, and response to, Hurricanes Katrina and Rita conducted by the U.S. House of Representatives, the U.S. Senate, the White House, the Department of Homeland Security Office of Inspector General, and the Government Accountability Office. Although the report released by the House Bipartisan Select Committee to Investigate the Preparation for and Response to Hurricane Katrina (House Select Committee) did not make any recommendations, the four other reports included recommendations for how our Nation can do better in the future. The reports all emphasized the need to restore the nexus between preparedness and response, enhance and strengthen the Federal Emergency Management Agency's (FEMA) capabilities, enhance cooperation between the Federal, State, local, and tribal governments, develop better mechanisms to maintain situational awareness, implement more effective controls to prevent waste, fraud, and abuse in Federal assistance programs, ensure the resiliency and redundancy of our Nation's critical infrastructure, and establish a more robust education and training program for homeland security personnel.

The Committee believes that for our Nation to be prepared for catastrophes such as Hurricanes Rita and Katrina, the Department of Homeland Security (Department), as well as state and local governments need to fundamentally reform their emergency response capabilities to correct the deficiencies the hurricanes exposed . This legislation is intended to enhance the ability of our Nation to address the full range of potential catastrophic incidents at all levels of government. H.R. 5351 would, among other things: elevate FEMA within the Department and enhance its capabilities; strengthen the Department's capacity to manage the Federal response effort; improve homeland security education, exercises, and training programs; establish homeland security assessments, lessons learned, and remedial action programs; and foster effective coordination and cooperation among Federal, State, local, and tribal government decision-makers, emergency response providers, and the private sector.

HEARINGS

On September 29, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled "Incident Command, Control, and Communications during Catastrophic Events." The Subcommittee received testimony from Mr. Chuck Canterbury, National President, Fraternal Order of Police; Chief William D. "Bill" Killen, President, International Association of Fire Chiefs; Mr. Bob Freudenthal, President, American Public Works Association; Mr. Robert L. Garner, President and CEO, American Ambulance Association; Mr. David E. Liebersbach, Immediate Past President, National Emergency Management Association; and Mark Edward Gebhart, M.D., Assistant Professor of Emergency Medicine, Boonshoft School of Medicine at Wright State University.

On October 19, 2005, the Full Committee held a hearing entitled "Federalism and Disaster Response: Examining the Roles and Re-

sponsibilities of Local, State, and Federal Agencies." The Committee received testimony from The Honorable Jeb Bush, Governor, State of Florida; The Honorable Rick Perry, Governor, State of Texas; The Honorable Janet Napolitano, Governor, State of Arizona; The Honorable David G. Wallace, Mayor, City of Sugar Land, Texas, testifying on behalf of The United States Conference of Mayors; and The Honorable Audwin M. Samuel, Mayor Pro Tem, City of Beaumont, Texas, testifying on behalf of the National League of Cities.

On October 20, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled "Mitigating Catastrophic Events through Effective Medical Response." The Subcommittee received testimony from Dr. Roy L. Alson, PhD, MD, FACEP, FAAEM, Associate Professor, Emergency Medicine, Wake Forest University School of Medicine; Richard Bradley, MD, Medical Director, Emergency Center–LBJ General Hospital, University of Texas Health Science Center at Houston; Donald F. Thompson, MD, MPH&TM, Senior Research Fellow, Center for Technology and National Security Policy, National Defense University; and Jenny E. Freeman, MD, President and CEO, Hypermed, Inc.

On October 26, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled "Ensuring Operability During Catastrophic Events." The Subcommittee received testimony from The Honorable Mark Rey, Under Secretary, Natural Resources and Environment, U.S. Department of Agriculture; Dr. David Boyd, Director, SAFECOM, Office of Interoperability and Communications, U.S. Department of Homeland Security; Dr. Peter Fonash, Deputy Manager, National Communications System, U.S. Department of Homeland Security; Mr. Kenneth P. Moran, Director, Office of Homeland Security, Enforcement Bureau, Federal Communications Commission; and Dr. Linton Wells II, Acting Assistant Secretary, Networks and Information Integration and Chief Information Officer, U.S. Department of Defense.

On October 27, 2005, the Subcommittee on Management, Integration, and Oversight held a hearing entitled "The Department of Homeland Security Second-Stage Review: The Role of the Chief Medical Officer." Testimony was received from Dr. Jeffrey W. Runge, Chief Medical Officer, Department of Homeland Security; Mr. Timothy Moore, Director of Federal Programs, National Agricultural Biosecurity Center, Kansas State University; Dr. Jeffrey A. Lowell, Professor of Surgery and Pediatrics, Washington University School of Medicine; and Mr. David Heyman, Director and Senior Fellow, Homeland Security Program, Center for Strategic and International Studies.

On November 9, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology of the Committee on Homeland Security and the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services held a joint hearing entitled "Responding to Catastrophic Events: the Role of the Military and National Guard in Disaster Response." The Subcommittees received testimony from The Honorable Michael P. Jackson, Deputy Secretary, U.S. Department of Homeland Security; The Honorable Paul McHale, Assistant Secretary of Defense, Homeland Defense, U.S. Department of Defense; Admiral Thomas H. Collins, Commandant, U.S. Coast Guard, U.S. Depart-

ment of Homeland Security; Major General Richard J. Rowe, Jr., Director of Operations, U.S. Northern Command, U.S. Department of Defense; and Lieutenant General H. Steven Blum, Chief, National Guard Bureau, U.S. Department of Defense.

On February 15, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled "The State of Interoperable Communications: Perspectives from the Field." The Subcommittee received testimony from Trooper Casey L. Perry, Wisconsin State Patrol, Chairman, National Troopers Coalition; Mr. Tim Bradley, Senior Deputy State Fire Marshal, North Carolina Office of State Fire Marshal, National Volunteer Fire Council; Ms. Diane Linderman, Director-at-Large, Public Works Management/Leadership, American Public Works Association; Mr. William Moroney, President and Chief Executive Officer, United Telecom Council; and Dr. William W. Pinsky, Executive Vice President & Chief Academic Officer, Ochsner Clinic Foundation, American Hospital Association.

On March 1, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled "The State of Interoperable Communications: Perspectives from State and Local Governments." The Subcommittee received testimony from The Honorable Robert Drake, Mayor, Beaverton, Oregon, testifying on behalf of the National League of Cities; The Honorable Gino Menchini, Commissioner, Department of Information Technology and Telecommunications, City of New York, State of New York; Chief Charles Werner, Charlottesville Fire Department, Commonwealth of Virginia, testifying on behalf of Virginia's Statewide Interoperability Executive Committee; and Mr. Steve Proctor, Executive Director, The Utah Communications Agency Network, testifying on behalf of Association of Public-Safety Communications Officials.

On April 12, 2006, Subcommittee on Emergency Preparedness, Science, and Technology held a field hearing in Orting, Washington, entitled "Emergency Planning and Preparedness: Federal, State, and Local Coordination." The Subcommittee received testimony from The Honorable George Foresman, Under Secretary of Preparedness, Department of Homeland Security; Mr. James Mullen, Director, Emergency Management Division, Washington Military Department; Mr. Steven Bailey, Director, Pierce County Department of Emergency Management; Mr. Mario H. Treviño, Fire Chief Bellevue Fire Department, City of Bellevue, Washington; Mr. William "Bill" Mitzel, MS, ARM, ALCM, Risk Control Specialist, Home Office Commercial Lines, Unigard Insurance Group; Sheriff Paul A. Pastor, Jr., Pierce County Sheriff's Office, Washington State; Mr. A.D. Vickery, Assistant Chief, City of Seattle Fire Department, Seattle, Washington; Mr. Michael Loehr, Director of Preparedness, Public Health—Seattle and King County; Mr. William "Bill" Pugh, Director of Public Works/Assistant City Manager, City of Tacoma, Washington; and Mr. Roger C. Serra, Director of Security and Emergency Management, Seattle City Light, City of Seattle, Washington.

On April 25, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing entitled "The State of Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology." The Subcommittee

received testimony from the Honorable Tracy A. Henke, Assistant Secretary, Office of Grants and Training, Directorate of Preparedness, Department of Homeland Security; Dr. David G. Boyd, Director, Office for Interoperability and Compatibility, Directorate of Science and Technology, U.S. Department of Homeland Security; Mr. Kenneth P. Moran, Director, Office of Homeland Security, Enforcement Bureau, Federal Communications Commission; Mr. Carl Peed, Executive Director, Office of Community Oriented Policing Services (COPS), Department of Justice; Mr. John Morgan, Assistant Director for Science and Technology, National Institute of Justice, Department of Justice; Mr. Dereck Orr, Program Manager, Public Safety Communications Systems, National Institute of Standards and Technology; Mr. James Gass, Deputy Director, National Memorial Institute for the Prevention of Terrorism; and Mr. Bruce Walker, Chairman, Subcommittee on Government Affairs, Homeland Security and Defense Business Council.

On May 9, 2006, prior to introduction, the Committee on Homeland Security held a hearing on proposed legislation to strengthen the Federal Emergency Management Agency and better integrate it into the Department, and for other purposes. The Committee received testimony from Dr. William O. Jenkins, Jr., Director, Homeland Security and Justice, Government Accountability Office; Mr. Barry Kasinitz, Director, Governmental/Legislative Affairs, International Association of Fire Fighters; Mr. Steven V. Lenkart, Director of Legislative Affairs, International Brotherhood of Police Officers; and Mr. Eric Holdeman, Director, Office of Emergency Management, King County, State of Washington.

COMMITTEE CONSIDERATION

H.R. 5351 was introduced by Mr. Reichert, Mr. Pascrell, Mr. McCaul, Mr. Etheridge, Mr. King of New York, Mr. Thompson of Mississippi, and nineteen original cosponsors on May 11, 2006, and referred to the Committee on Transportation and Infrastructure and, in addition, to the Committee on Homeland Security, and the Committee on Energy and Commerce. Within the Committee on Homeland Security, H.R. 5351 was held for consideration at the Full Committee.

On May 17, 2006, the Full Committee met in open markup session and ordered H.R. 5351 favorably reported to the House of Representatives, amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

On May 17, 2006, the Committee on Homeland Security considered H.R. 5351, and ordered the measure favorably reported to the House, amended, by voice vote. H.R. 5351 was amended as follows.

H.R. 5351 was agreed to, as amended, by a record vote of 28 yeas and 0 nays (Rollcall Vote No. 35).

COMMITTEE ON HOMELAND SECURITY
U.S. House of Representatives
109th Congress

Date: Wednesday, May 17, 2006 Convened: 10:11 a.m.

Adjourned: 11:00 a.m.

Meeting on : Markup of H.R.5351, to amend Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes. On agreeing to H.R. 5351, as amended.

☐ Attendance ☒ Recorded Vote Vote Number: 35 Total: Yeas 28 Nays 0

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Don Young Alaska				*Mr. Bennie G. Thompson* *Mississippi, Ranking Member*	✓		
Mr. Lamar S. Smith Texas	✓			*Ms. Loretta Sanchez* *California*	✓		
Mr. Curt Weldon Pennsylvania				*Mr. Edward J. Markey* *Massachusetts*	✓		
Mr. Christopher Shays Connecticut	✓			*Mr. Norman D. Dicks* *Washington*	✓		
Mr. John Linder Georgia	✓			*Ms. Jane Harman* *California*	✓		
Mr. Mark E. Souder Indiana				*Mr. Peter A. DeFazio* *Oregon*	✓		
Mr. Tom Davis Virginia				*Ms. Nita M. Lowey* *New York*	✓		
Mr. Daniel E. Lungren California	✓			*Ms. Eleanor Holmes Norton* *District of Columbia*			
Mr. Jim Gibbons Nevada	✓			*Ms. Zoe Lofgren* *California*	✓		
Mr. Rob Simmons Connecticut	✓			*Ms. Sheila Jackson-Lee* *Texas*	✓		
Mr. Mike Rogers Alabama	✓			*Mr. Bill Pascrell, Jr.* *New Jersey*	✓		
Mr. Stevan Pearce New Mexico	✓			*Mrs. Donna M. Christensen* *U.S. Virgin Islands*	✓		
Ms. Katherine Harris Florida	✓			*Mr. Bob Etheridge* *North Carolina*	✓		
Mr. Bobby Jindal Louisiana				*Mr. James R. Langevin* *Rhode Island*	✓		
Mr. Dave Reichert Washington	✓			*Mr. Kendrick Meek* *Florida*	✓		
Mr. Michael McCaul Texas	✓						
Mr. Charlie Dent Pennsylvania	✓						
Ms. Ginny Brown-Waite Florida	✓						
Mr. Peter T. King New York Chairman	✓			Total	**28**	**0**	

A unanimous consent request by Mr. King to amend the title to read "To amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes." was not objected to.

The following amendments were offered:

An Amendment in the Nature of a Substitute (#1) offered by Mr. King; was AGREED TO, without amendment, by voice vote.

An amendment offered by Mr. DeFazio to the Amendment in the Nature of a Substitute (#1A); In section 101(a), in the proposed section 501(b) of the Homeland Security Act of 2002 (page 2, beginning at line 21), strike so much as precedes paragraph (2) and insert the following new subsections entitled "(b) Deputy for Emergency Preparedness and Mitigation."; "(c) Deputy for Emergency Response and Recovery."; In section 101(a), in the proposed section 501(d) of the Homeland Security Act of 2002 (page 5, beginning at line 3), strike so much as precedes paragraph (1) and insert the following new subsection entitled "(d) Directors for Emergency Management."; In section 101(a) (page 2, beginning at line 9), in the proposed title V of the Homeland Security Act of 2002, strike "Deputy Under Secretary" each place it appears and insert "Deputy"; In section 101(a) (page 2, beginning at line 9), in the proposed title V of the Homeland Security Act of 2002, strike "Assistant Secretary" each place it appears and insert "Director"; In section 101(a) (page 2, beginning at line 9), in the proposed title V of the Homeland Security Act of 2002, strike "Assistant Secretaries" each place it appears and insert "Directors"; was NOT AGREED TO by voice vote.

An amendment offered by Mrs. Lowey to the Amendment in the Nature of a Substitute (#1B); at the end of the proposed section 562 of the Homeland Security Act of 2002 (page 92, after line 15) add a new subsection entitled "(C) Interoperability Communications Grants."; was WITHDRAWN by unanimous consent.

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.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H.R. 5351, the "National Emergency Management Reform and Enhancement Act of 2006," is intended to address the fundamental problems identified by recent catastrophic incidents and prepare the Nation to respond effectively to, and recover quickly from, acts of terrorism, natural disasters, and other emergencies. Among other things, the bill establishes the Federal Emergency Management Agency (FEMA) as a Directorate of Emergency Management within the Department of Homeland Security (Department); elevates the Director of FEMA to an Under Secretary and requires that they posses a demonstrated ability in, and knowledge of, emergency management; makes the Under Secretary the President's principal advisor for emergency management issues; gives the Under Secretary a direct reporting relationship to the President during Incidents of National Significance; and consolidates the Department's Preparedness Directorate and FEMA to ensure that

preparedness and response activities are properly coordinated. Moreover, H.R. 5351 gives FEMA the tools necessary to accomplish its mission; improves communication and coordination at the Federal, State, local, and tribal levels; accelerates the development of redundant, survivable, and interoperable emergency communications capabilities; strengthens disaster preparedness and response capabilities nationwide; and takes steps to eliminate waste, fraud, and abuse in the aftermath of major disasters. H.R. 5351 is a comprehensive bill that will empower the Department to become what Congress and the Administration intended it to be—a strong, Federal coordinating agency capable of effectively preventing, preparing for, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies.

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. 5351, the National Emergency Management Reform and Enhancement Act of 2006, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 2, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 5351, the National Emergency Management Reform and Enhancement Act of 2006. This estimate supersedes the initial cost estimate transmitted on May 24, 2006. The estimated cost of H.R. 5351 has not changed, but CBO has revised its cost estimate for H.R. 5316, which was referred to in our previous estimate for H.R. 5351. Thus, the only change reflected in the enclosed estimate is an update to the comparison of the two bills.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

H.R. 5351—National Emergency Management Reform and Enhancement Act of 2006

Summary: H.R. 5351 would reorganize the Preparedness Directorate, the Federal Emergency Management Agency (FEMA), and part of the Science and Technology Directorate into a new oper-

ational entity within the Department of Homeland Security (DHS) called the Directorate of Emergency Management. In addition, the bill would authorize the appropriation of funds for various programs including emergency management grants to states, the Metropolitan Medical Response System (MMRS), the National Urban Search and Rescue Program, and the National Incident Management System (NIMS), among others. Assuming appropriation of the necessary funds, CBO estimates that implementing H.R. 5351 would cost about $1.3 billion over the 2007–2011 period. Enacting this legislation would not affect direct spending or revenues.

H.R. 5351 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 5351 would impose a mandate on the private sector, as defined in UMRA, by prohibiting individuals and entities from using specific words, initials, titles, or the insignia of DHS in connection with certain activities without written permission. Based on information from DHS, CBO expects that the direct cost to comply with the mandate would be minimal and would fall well below the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5351 is shown in the following table. The costs of this legislation fall within budget functions 450 (community and regional development), 550 (health), and 750 (administration of justice).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Administrative Costs of New Directorate and Studies:					
Estimated Authorization Level	14	13	13	13	13
Estimated Outlays	12	13	13	13	13
Emergency Management Grants:					
Authorization Level	364	4	4	4	4
Estimated Outlays	39	137	116	83	4
National Incident Management System:					
Authorization Level	25	25	25	25	0
Estimated Outlays	11	19	23	25	14
National Disaster Medical System and Medical Response System:					
Authorization Level	145	145	145	145	0
Estimated Outlays	109	145	145	145	36
Urban Search and Rescue System:					
Estimated Authorization Level	40	40	40	41	41
Estimated Outlays	18	30	36	40	41
Total Changes:					
Estimated Authorization Level	588	227	227	238	58
Estimated Outlays	189	344	332	307	108

Basis of Estimate: For this estimate, CBO assumes that H.R. 5351 will be enacted near the start of fiscal year 2007 and that the amounts will be appropriated over the 2007–2011 period. CBO estimates that implementing this bill would cost about $1.3 billion over the 2007–2011 period, assuming appropriation of the necessary funds. Those costs represent estimated expenditures for activities that H.R. 5351 would authorize but do not include continuing costs for other FEMA programs, such as disaster relief—with outlays that fluctuate significantly from year-to-year, depending on the need to respond to disasters.

FEMA Programs and Current Spending

H.R. 5351 would reorganize the Preparedness Directorate, FEMA, and part of the Science and Technology Directorate into a new operational entity within DHS called the Directorate of Emergency Management. Under current law, FEMA's primary responsibilities are to respond to all types of disasters, mitigate the damage of future disasters, and help communities recover after a disaster. Most of the spending for these activities comes out of the Disaster Relief Fund. To help the Gulf Coast recover from the 2005 hurricanes, for example, over $60 billion was initially appropriated to the fund, though over $20 billion was eventually reallocated to other federal programs that were engaging in disaster recovery efforts related to the hurricanes. On balance, CBO estimates that disaster relief spending will total well over $20 billion in fiscal year 2006. (In contrast, such spending totaled about $12 billion in fiscal year 2005 but averaged much less than those amounts prior to 2005.) In addition, FEMA manages the National Flood Insurance Program. CBO estimates that spending for flood insurance claims will exceed $20 billion in fiscal year 2006. The bill would not change FEMA's responsibilities for providing such disaster assistance or for paying flood insurance claims.

Under current law, the Preparedness Directorate of the DHS administers most of the grant and training programs that benefit state and local governments by helping them prepare for future terrorist attacks, natural disasters, or other emergencies. Over $3 billion was appropriated in 2006 for these grants. In addition, the Office of Interoperability and Compatibility (OIC) of the Science and Technology Directorate coordinates programs that provide assistance and tools to state and local governments to improve public safety communications.

Administrative Costs of New Directorate

H.R. 5351 would reorganize the Preparedness Directorate, the Federal Emergency Management Agency, and the Office of Interoperability and Compatibility (OIC) of the Science and Technology Directorate into a new operational entity within DHS called the Directorate of Emergency Management. For this estimate, CBO assumes that current employees of the Preparedness Directorate, OIC, and FEMA would be reorganized into the structure outlined in this bill. In addition, CBO estimates that some new senior positions would be needed to manage the expanded directorate as outlined in this bill, and some current employees would see salary increases with their new responsibilities. The bill also would authorize the appropriation of $11 million a year for a new Deputy Inspector General for Response and Recovery. Assuming appropriation of the necessary and authorized amounts, CBO estimates that implementing these provisions would cost about $13 million a year.

H.R. 5351 also would authorize the new directorate to work with the National Academy of Public Administration to conduct a study on the organizational changes made under this bill. In addition, the bill would authorize the Government Accountability Office to conduct a study on the inventory and effectiveness of training programs for federal, state, and local emergency response providers. CBO estimates that conducting these studies would cost about $1 million in 2007.

Emergency Management Grants

H.R. 5351 would authorize the appropriation of $360 million in 2007 for the emergency management grants to states. In 2006, $185 million was appropriated for those grants. In addition, the bill would authorize the appropriation of $4 million a year for grants to help certain states to administer and coordinate activities under the Emergency Management Assistance Compact authorized by Public Law 104–321. Based on FEMA's historical spending patterns, CBO estimates that implementing these grant programs would cost $378 million over the 2007–2011 period, assuming appropriation of the specified amounts.

National Incident Management System

H.R. 5351 would authorize the appropriation of $25 million a year over the 2007–2010 period to implement, maintain, and revise the NIMS and the National Response Plan (NRP). NIMS establishes a framework for governmental, nongovernment, and private-sector entities to work cooperatively to prepare for, respond to, and recover from disasters of any kind. The NRP is based on the NIMS and provides the operational direction for the entities to deal with disasters. Based on spending patterns of similar programs, CBO estimates that implementing this provision would cost $91 million over the 2007–2011 period, assuming appropriation of the specified amounts.

National Disaster Medical System and Metropolitan Medical Response System

H.R. 5351 would authorize the appropriation of $580 million over the 2007–2010 period to implement the National Disaster Medical System (NDMS) and to provide grants under the Metropolitan Medical Response System. The NDMS is located within FEMA and coordinates the federal response to medical emergencies such as acts of terrorism. The MMRS helps high-density jurisdictions prepare for mass casualty situations and acquire pharmaceuticals and personal protective gear. Based on historical spending patterns for these programs, CBO estimates that implementing this provision would cost $580 million over the 2007–2011 period, assuming appropriation of the specified amounts.

Urban Search and Rescue System

H.R. 5351 would authorize the appropriation of $40 million a year over the 2007–2009 period, and such sums as are necessary after that period, to implement and administer the National Urban Search and Rescue Response System. To estimate the cost of this program in future years, CBO adjusted the 2009 authorization level for anticipated inflation in future years. Based on historical spending patterns for this program, CBO estimates that implementing this provision would cost $165 million over the 2007–2011 period, assuming appropriation of the authorized amounts.

Estimated Impact on State, Local, and Tribal Governments: H.R. 5351 contains no intergovernmental mandates as defined in UMRA. Assuming the appropriation of authorized amounts, state and local governments would benefit from $600 million over the 2007–2011 period to improve emergency preparedness. The bill also would add several new requirements for state and local govern-

ments receiving homeland security grants, including maintaining response plans for catastrophic events, implementing certain voluntary standards, and filing new reports. Any costs incurred by those governments would be conditions of receiving federal assistance.

Estimated Impact on the Private Sector: H.R. 5351 would impose a mandate, as defined in UMRA, by prohibiting individuals and entities from using specific words, initials, titles, or the insignia of DHS in connection with certain activities without written permission. The bill would expand restrictions beyond those in current law. The cost of the mandate would be the cost of acquiring written permission from the department or the forgone net value attributable to such uses in the event that permission is not granted. Based on information from DHS, CBO expects that the direct cost to comply with the mandate would be minimal and would fall well below the annual threshold established by UMRA for private-sector mandates ($128 million in 2006, adjusted annually for inflation).

Previous CBO Estimates: On May 24, 2006, CBO transmitted a cost estimate for H.R. 5351, the National Emergency Management Reform and Enhancement Act of 2006, as ordered reported by the House Committee on Homeland Security on May 17, 2006. This cost estimate supersedes that previous estimate, but CBO's estimate of the costs of implementing H.R. 5351 has not changed. The revision simply corrects a statement in our previous cost estimate regarding the costs of implementing H.R. 5316, the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, as ordered reported by the House Committee on Transportation and Infrastructure on May 17, 2006.

On May 24, 2006, CBO transmitted a cost estimate for H.R. 5316, the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, as ordered reported by the House Committee on Transportation and Infrastructure on May 17, 2006. On June 2, 2006, CBO issued a revised estimate for H.R. 5316 to correct an error concerning the cost of implementing that bill.

Both H.R. 5351 and H.R. 5316 would reorganize FEMA, but would do so in different ways. Each bill would authorize the appropriation of different amounts for different FEMA and preparedness activities and grant programs, and CBO's cost estimates reflect those differences.

Estimate Prepared by: Federal Costs: Julie Middleton. Impact on State, Local, and Tribal Governments: Melissa Merrell. Impact on the Private Sector: Fatimot Ladipo.

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

COMPLIANCE WITH HOUSE RESOLUTION 1000

In compliance with H. Res. 1000, adopted on September 14, 2006, the Committee finds that H.R. 5351 does not provide authority, including budget authority, or recommend the exercise of authority,

including budget authority, for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to a non-Federal entity.

ADVISORY COMMITTEE STATEMENT

H.R. 5351 creates three advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act: the Regional Advisory Council on Emergency Management, the National Advisory Council on Emergency Management, and the National Urban Search and Rescue Task Force.

REGIONAL ADVISORY COUNCIL ON EMERGENCY MANAGEMENT

Section 504(e) establishes a Regional Advisory Council on Emergency Management (Regional Advisory Council) in each region to ensure effective coordination of all regional interests. Specifically, each Regional Advisory Council will be composed of subject matter experts from all levels of government and the private sector, including (1) the Departments of Defense, Health and Human Services, and Transportation; (2) other components of the Department of Homeland Security (Department), including the United States Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and the Transportation Security Administration; (3) other components of the Directorate of Emergency Management of the Department, including the Offices of Grants and Planning, Training and Exercises, Public and Community Preparedness, and Infrastructure Protection; (4) State, local, and tribal emergency managers, emergency response providers, and emergency response support providers; (5) private sector non-governmental organizations, educational institutions, social action agencies, and faith-based organizations; and (6) other relevant State, local, and tribal officials. Each Regional Advisory Council Member shall serve a term of three years.

Each Regional Advisory Council shall meet at least biannually and advise the Regional Director on emergency management issues specific to that region, including any weaknesses or deficiencies in preparedness, mitigation, response, and recovery. Each Regional Advisory Council shall advise the Regional Director on developing a process for a peer review of catastrophic emergency plans submitted under section 524 of this bill and identify any characteristics unique to their region. Each Regional Advisory Council is also directed to assist the Regional Director in establishing a process to secure goods and services through coordinated, pre-negotiated contracts by Federal, State, local, and tribal governments.

NATIONAL ADVISORY COUNCIL ON EMERGENCY MANAGEMENT

Section 509 of this bill establishes the National Advisory Council on Emergency Management (National Advisory Council) to advise the Secretary of Homeland Security (Secretary) on national initiatives related to acts of terrorism, natural disasters, and other emergencies. This section requires the Secretary to establish an advisory body to review, revise, or replace national plans, planning tools, and other documents that affect emergency response providers, emergency managers, and emergency response support providers, including: the National Response Plan, the National Inci-

dent Management System, the National Preparedness Guidance, the National Preparedness Goal, the Target Capabilities List, the Universal Task List, the National Planning Scenarios, and the National Infrastructure Protection Plan.

The Secretary shall appoint members to the National Advisory Council who, to the greatest extent practicable, reflect a geographic (including urban and rural) and substantive cross section of emergency response providers, emergency response support providers, emergency managers, and other experts from State, local, and tribal governments. Members of the National Advisory Council who are health professionals, including emergency medical services professionals, shall be coordinated by the Secretaries of Homeland Security, Health and Human Services, and Transportation. The Departments of Homeland Security, Health and Human Services, and Transportation shall each designate one or more officers of their respective Departments to serve as *ex officio* members.

The National Advisory Council must submit a report to the Secretary within twelve months of its establishment, and every two years thereafter, on recommended "essential capabilities" for different types of communities. Among other things, the National Advisory Council's report must include a priority ranking of essential capabilities and a methodology by which State, local, and tribal governments can determine whether they possess or have access to these essential capabilities.

NATIONAL URBAN SEARCH AND RESCUE ADVISORY COMMITTEE

Section 544 of the bill directs the Under Secretary for Emergency Management of the Department of Homeland Security to establish and maintain an Advisory Committee to provide expert recommendations with respect to the administration of the currently existing, but unauthorized, National Urban Search and Rescue Response System (System). The System provides a national network of standardized search and rescue resources to assist State, local, and tribal governments in responding to acts of terrorism, natural disasters, and other emergencies.

Members of the advisory committee shall be geographically diverse, and include, at a minimum, the chief officer or senior executive from each of at least three State or local governments that sponsor urban search and rescue teams selected to participate in the System; the senior emergency manager from each of at least two States in which such local governments are located; and at least one representative from each urban search and rescue team selected by the leaders of the task forces. The advisory committee shall terminate two years after the date of enactment.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

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

SUBTITLE A—DIRECTORATE OF EMERGENCY MANAGEMENT

Section 501. Directorate of Emergency Management

This section recombines emergency preparedness and response by consolidating the Department of Homeland Security's (DHS or the Department) Directorate of Preparedness with the Federal Emergency Management Agency (FEMA) into a new Directorate of Emergency Management (Directorate). The Directorate shall be headed by an Under Secretary for Emergency Management (Under Secretary), who shall be appointed by the President, by and with the advice and consent of the Senate. Moreover, the Under Secretary will be required to possess a demonstrated ability in and knowledge of emergency management and homeland security.

This section also establishes two Deputy Under Secretaries—one for Emergency Preparedness and Mitigation and one for Emergency Response and Recovery—to assist the Under Secretary of Emergency Management in discharging the responsibilities of Title V of the Homeland Security Act of 2002 (P.L. 107–296, as amended by this bill). The two Deputy Under Secretaries must possess a demonstrated ability in and knowledge of emergency preparedness and mitigation and emergency response and recovery, respectively.

The Committee believes this section would rectify one of the major problems that arose after the creation of the Department—the separation of FEMA from many of the preparedness functions and grant programs that it previously administered. The Committee found that removing these programs from FEMA led to a deterioration of FEMA's relationship with State and local emergency managers and emergency response providers. It further hindered FEMA's ability to work in partnership with State, local, and tribal governments to support and enhance the planning process for preparing for, mitigating, responding to, and recovering from catastrophic incidents.

Being familiar with State and local emergency response providers and helping to ensure their preparedness is essential to mounting an effective response to acts of terrorism, natural disasters, and other emergencies. No State or local government separates preparedness from response and the Committee believes the Department's organization should more closely parallel those of State and local governments.

The Committee also firmly believes that the Under Secretary for Emergency Management must possess expertise in emergency management and homeland security. Given the nature of the Directorate's responsibilities, it is simply imperative that the Directorate be led by persons who possesses appropriate qualifications.

Section 502. Responsibilities of the Under Secretary

This section directs the Under Secretary for Emergency Management (Under Secretary) to perform the responsibilities of the Director of the Federal Emergency Management Agency (FEMA) and the Under Secretary for Preparedness, and transfers all of functions, personnel, assets, and liabilities of FEMA and the Directorate of Preparedness to the new Directorate of Emergency Management (Directorate). As a general matter, this section restates and enhances FEMA's role within the Department of Homeland Security (DHS or Department) and the Directorate.

This section gives the Under Secretary primary responsibility within the executive branch for preparing for, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, or other emergencies. Among other responsibilities, the Under Secretary shall serve as the Secretary of Homeland Security's (Secretary) principal advisor on emergency preparedness, mitigation, response, and recovery issues; carry out all functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by Public Law 93–288); develop and submit the Directorate's annual budget directly to the President; lead the development of an integrated national emergency management system; direct and supervise Federal homeland security grant programs; and support community preparedness.

Moreover, this section limits the Secretary's ability to reprogram and transfer funds appropriated to the Directorate. In particular, it requires the Secretary to comply with the applicable provisions of the annual Homeland Security Appropriation Act relating to reprogramming and transfers. For example, Section 503 of Title V of the Department of Homeland Security Appropriations Act for FY2006 (P.L. 109–90) expresses concern with the number of reprogramming proposals submitted for consideration by the Department and reminded the Department that reprogramming or transfer requests should be submitted "only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year." The Committee notes the concerns of many in the emergency management community regarding the reprogramming of FEMA funds by the Department to pay for the expenses of other components within the Department. It is for these reasons that the Committee has incorporated the appropriations provisions by reference.

Finally, this section directs the Secretary to ensure that the Directorate possesses the staff and resources necessary to carry out its all-hazards mission. The Committee wants to ensure that the new Directorate is able to fulfill its vital responsibilities effectively, efficiently, and in a timely manner.

Section 503. Principal Advisor on Emergency Management

This section designates the Under Secretary for Emergency Management (Under Secretary) as the principal advisor to the President for all matters pertaining to emergency management in the United States. Under the Homeland Security Act, the Secretary of Homeland Security (Secretary) reports to the President and is the Department of Homeland Security's (DHS or Department) top disaster official—yet emergency management is just one of the Secretary's many responsibilities. According to the current Secretary of

Homeland Security's public statements, he is neither a hurricane expert nor does he have significant experience in disaster management. Consequently, during Hurricane Katrina, it appears that the President did not receive adequate advice and counsel from senior disaster professionals.

The Committee seeks to ensure qualified oversight and management of the response to catastrophic incidents by elevating the Under Secretary to the status of a Cabinet Officer during the effective period of an Incident of National Significance declared by the Secretary pursuant to the National Response Plan (NRP). Notwithstanding any provision in the NRP or Homeland Security Presidential Directive 5 (HSPD–5 "Directive on Management of Domestic Incident," February 28, 2004), this section states that the Secretary, in coordination with the Under Secretary shall designate a Principal Federal Official for purposes of the NRP. Nothing in this section, however, shall be construed as affecting the authority of the Secretary under this Act.

Section 504. Regional Offices

This section establishes Regional Offices of Emergency Management in each region of the United States. The head of each Regional Office shall be the Regional Director, who shall be appointed by the Secretary of Homeland Security (Secretary), in consultation with the State, local, and tribal governments in each region. Except during the effective period of an Incident of National Significance (INS) declared by the Secretary under the National Response Plan (NRP), each Regional Director shall report directly to the Under Secretary for Emergency Management (Under Secretary).

This section requires each Regional Office to be staffed by a Deputy Regional Director, who shall report directly to the Regional Director for each respective Regional Office. Each Regional Director and Deputy Regional Director shall possess: (1) a demonstrated ability in and knowledge of emergency management; and (2) a familiarity with the region's geographical area and demographic characteristics.

In carrying out the responsibilities of this section, each Regional Director must work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, emergency support providers, medical providers, the private sector, non-governmental organizations, multi-jurisdictional councils of government, and regional planning commissions and organizations. On a day-to-day basis, each Regional Director must, among other things: (1) ensure coordination and integration of regional preparedness and response activities, including planning, training, exercises, and professional development; (2) participate in regional preparedness activities; (3) help the region identify critical gaps in preparedness and critical infrastructure protection; (4) improve information sharing; (5) encourage public and community preparedness efforts; (6) assist in the development of regional capabilities needed for a national catastrophic response system; (7) pre-identify Joint Field Office locations; (8) identify critical gaps in regional capabilities for responding to the needs of at-risk communities; and (9) foster mutual aid.

During the effective period of an INS, the Under Secretary may designate the Regional Director as the Principle Federal Official

(PFO), or, as needed, the Federal Coordinating Officer (FCO) for the region. In addition to the PFO's or FCO's responsibilities under the NRP, the Regional Director shall: (1) establish and direct a Joint Field Office and any other coordination structure that is needed for such incident; (2) possess the authority to make any operational decisions necessary, within the law, without obtaining approval from headquarters; (3) coordinate and direct, as appropriate, Federal response assets deployed within the operational area; (4) serve as the primary point of contact between the Department of Homeland Security (DHS or Department), the Department of Defense, and the States for joint contingency planning; and (5) act as the Secretary's primary point of contact and provide local situational awareness. If the Regional Director is appointed to serve as the PFO or the FCO, the Deputy Regional Director shall assume the Regional Director's day-to-day responsibilities during that period of service.

This section requires each Regional Director and Deputy Regional Director to complete PFO training and to undergo annual training with respect to the National Incident Management System (NIMS), NRP, and other subjects that complement their qualifications. Each Regional Director and Deputy Regional Director also must regularly participate in regional and national exercises.

The Committee believes that regional preparedness is crucial to building a national response system that allows Federal, State, and local governments to work effectively together to ensure mission coordination during catastrophic incidents. Hurricanes Katrina and Rita, for example, exposed the insufficiency of the Federal Emergency Management Agency's (FEMA) relationship with State and local emergency managers and emergency response providers. Federal emergency managers and local officials were, in many instances, literally exchanging business cards at the scene of the catastrophe. This is simply unacceptable. The Regional offices, therefore, will provide State and local governments a single point of contact within the Department to avoid such problems in the future. Moreover, Regional officials who are steeped in the process of regional planning, training, and education will be well-versed in the specific needs of their respective regions.

To assist the Regional Directors in carrying out these important missions, the bill creates new Regional Advisory Councils on Emergency Management (Regional Advisory Councils). The Regional Advisory Councils will be composed of emergency managers and emergency management experts appointed by Federal, State, and local governments. The Committee notes that the involvement of State and local officials and private-sector entities in a regional preparedness system ensures they are true partners in emergency management and homeland security.

Specifically, each Regional Advisory Council will be composed of subject matter experts from all levels of government and the private sector, including (1) the Departments of Defense, Health and Human Services, and Transportation; (2) other components of the Department, including the United States Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and the Transportation Security Administration; (3) other components of the Directorate of Emergency Management, including the Offices of Grants and Planning, Training and Exercises, Public and

Community Preparedness, and Infrastructure Protection; (4) State, local, and tribal emergency managers, emergency response providers, and emergency response support providers; (5) private sector nongovernmental organizations, educational institutions, social action agencies, and faith-based organizations; and (6) State, local, and tribal officials. Each Member of the Regional Advisory Council shall serve a term of three years.

The Regional Advisory Council shall meet at least biannually and advise the Regional Director on emergency management issues specific to that region, including any weaknesses or deficiencies in preparedness, mitigation, response, and recovery. It also directs the Regional Advisory Council to advise the Regional Director on developing a process for peer review of catastrophic emergency plans submitted under this section and to identify any characteristics unique to the region. The Regional Advisory Council is also directed to assist the Regional Director in establishing a process to secure goods and services through coordinated, pre-negotiated contracts by Federal, State, local, and tribal governments.

Section 505. Chief Medical Officer

This section authorizes the activities of the Department of Homeland Security's (DHS or Department) recently created Chief Medical Officer (CMO). This section requires the CMO to be appointed by the President, by and with the advice and consent of the Senate. It also authorizes a Deputy CMO to assist the CMO in carrying out their responsibilities. Both the CMO and Deputy CMO shall possess demonstrated ability in, and knowledge of, medicine and public health.

The CMO will have the primary responsibility within the Department for medical issues related to acts of terrorism, natural disasters, and other emergencies. Specifically, the CMO's responsibilities include: (1) serving as the Secretary of Homeland Security's (Secretary) principal advisor on medical and public health issues; (2) serving as the Department's primary point of contact with the other Federal Departments or agencies on medical and public health issues; (3) coordinating the Department's biosurveillance and detection activities; (4) ensuring internal and external coordination of the Department's medical preparedness and response activities; (5) developing and updating guidelines for State, local, and tribal governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapons attacks; (6) establishing doctrines and priorities for the National Disaster Medical System and the Metropolitan Medical Response System; and (7) developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, such as a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients.

This section also directs the CMO to establish a Long-Term Health Assessment Program to assess, monitor, and study the health and safety of emergency response providers and emergency response support providers following Incidents of National Significance (INS) declared by the Secretary under the National Response Plan. In carrying out this program, the CMO may enter into coop-

erative agreements with medical institutions in the affected INS areas.

The CMO, as the focal point within the Department for medical issues related to acts of terrorism, natural disasters, or other emergencies, will ensure the Department possesses the understanding needed to oversee DHS's medical preparedness and response activities effectively, and coordinate appropriately with other Federal Departments and agencies on medical and public health matters. The CMO will play a critical role in preparing for a possible influenza pandemic and provide guidelines for medical response plans to State and local emergency response providers. The Committee recognizes that large scale emergencies pose a grave risk to our Nation's health and strongly believes that the Department needs dedicated staff to coordinate and integrate medical preparedness and response activities into overarching response plans. The CMO will provide on-site expertise to ensure effective DHS leadership on medical and public health emergency preparedness and response. The Committee urges the CMO to appoint an animal health expert to provide the Office with an understanding of the issues involved in the transmission of animal and plant diseases in agricultural communities and the protocols for the quarantine of animals and humans.

Section 506. National Biosurveillance Integration System

This section codifies the currently existing National Biosurveillance Integration System (NBIS) overseen by the Chief Medical Officer (CMO). The NBIS will be a comprehensive system designed to integrate and fuse relevant surveillance data from public and private sources to rapidly recognize and characterize the dispersal of biological agents in human and animal populations, food, water, agriculture, and the environment. Creation of the NBIS will provide continuous bio-situational awareness to enable the recognition of a biological incident, whether intentional or naturally occurring, at the earliest possible moment. Early recognition will enable a quicker, better targeted, and more effective response, and prevent unnecessary loss of life, economic losses, and social disruption. Such a system will be built upon and reinforce existing Federal, State, local, international, and private sector surveillance systems and will incorporate relevant threat analysis information from the Intelligence Community. The Department of Homeland Security (DHS or Department), in cooperation with other appropriate Federal departments and agencies, integrates these efforts and disseminates assessments to appropriate Federal, regional, State and local response entities to support decision-making.

The Committee recognizes both the immense value in creating the Nation's first capability for comprehensive, integrated bio-surveillance situational awareness and the challenges associated with making this initiative a success. The effectiveness of NBIS in identifying a biological incident is limited by the quality and timeliness of the data it receives. Similarly, the effectiveness of NBIS as a decision-support tool for decision-makers and responders on the front lines depends on the extent and timeliness of the information NBIS disseminates. The Committee strongly encourages the CMO to establish relationships that will allow NBIS to engage in truly collaborative information sharing with information networks managed

by the Under Secretary of Homeland Security for Intelligence and Analysis and others in the Intelligence Community, and all Federal, State, local, and private sector entities with biosurveillance activities and the responsibility to respond to an actual biological incident. To provide better situational awareness and decision-making support for potential biological incidents, it is important that surveillance data and intelligence assessments and analyses flow into NBIS and assessments and reports flow out to emergency responders.

Due to the inherently valuable, but often sensitive and sometimes classified information contained in the surveillance data streams flowing into NBIS, especially data regarding human health, the Committee requires DHS to ensure that the NBIS information management system strictly adheres to all applicable privacy laws and regulations, and enforces access controls.

This section also establishes the Joint Biosurveillance Leadership Council which will be made up of representatives from Federal agencies with biosurveillance programs. This Council will enhance the cooperation and information sharing that is essential to the functionality of NBIS and will also provide the CMO with recommendations on ways to improve NBIS performance. The Committee urges the CMO to employ personnel, as well as details from NBIS contributing Federal Agencies, that understand the nature of the information captured by the system, and have the capacity to operate information-merging and fusion applications to yield informed, useful, and actionable products. The Committee requires an annual report to focus on progress made in implementing NBIS and in overcoming its challenges.

Section 507. Office of State, Local, and Tribal Government Coordination

This section authorizes, renames, and enhances the responsibilities of the currently existing Office of State and Local Government Coordination (Office). This section adds the word "Tribal" to the Office's name. This change underscores the importance of tribal governments to our Nation, and addresses the need to ensure more effective coordination with tribal governments.

This section also strengthens the responsibilities of the Office's Director, particularly with respect to enhancing the Office's relationship with State, local, and tribal governments. Among other things, this section requires the Director to: (1) schedule regular meetings with representatives selected by State, local, and tribal governments; (2) develop a process for receiving their meaningful and timely input; (3) ensure the coordination of planning, reporting, and certification requirements imposed on State, local, and tribal governments by the Directorate of Emergency Management; and (4) identify duplicative reporting and certification requirements that should be eliminated, and determine whether some reports can be used or adapted to be used to satisfy multiple reporting obligations.

Section 508. Office of National Capital Region Coordination

This section clarifies that the existing Office of National Capital Region Coordination (ONCRC) should enhance the National Capital Region's preparedness for all-hazards, not just terrorism. The

Secretary of Homeland Security is required to appoint a Director for the ONCRC, who will report directly to the Under Secretary for Emergency Management.

Section 509. National Advisory Council on Emergency Management

This section requires the Secretary of Homeland Security (Secretary) to establish an advisory body pursuant to section 871(a) of the Homeland Security Act of 2002 (P.L. 107–296) for the purpose of assisting the Secretary in regularly reviewing, revising, or replacing the National Response Plan, the National Incident Management System, the National Preparedness Guidance, the National Preparedness Goal, the Target Capabilities List, the Universal Task List, the National Planning Scenarios, and the National Infrastructure Protection Plan.

The Secretary, in appointing the members of this advisory body—to be known as the National Advisory Council on Emergency Management—should, to the greatest extent practicable, include a geographic (including urban and rural) and substantive cross section of emergency response providers, emergency support providers, emergency managers, and other experts from State, local, and tribal governments. The Secretary must coordinate with the Secretaries of Health and Human Services and Transportation to select health professionals, including emergency medical services professionals, to serve as Advisory Council members. The Departments of Homeland Security (DHS or Department), Health and Human Services, and Transportation shall have ex officio members.

To achieve its advisory mission, the Advisory Council must submit a report for the Secretary's consideration within twelve (12) months of its establishment, and every two (2) years thereafter, on recommended "essential capabilities" for different types of communities. Among other things, the Advisory Council's report must include a priority ranking of essential capabilities and a methodology by which State, local, and tribal governments can determine whether they possess or have access to these essential capabilities.

Emergency management and homeland security are national, not just Federal, missions. The Committee seeks to ensure that the Department relies on the expertise of State, local, and tribal officials and others who know their communities best and are ideally positioned to assist the Department in fulfilling its missions. The Committee also recognizes the immense value of private sector participation in preventing, preparing for, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies, and strongly encourages the Department to coordinate with the private and non-governmental sectors to ensure adequate planning, equipment, training, and exercise activities, and to promote partnerships to address incident management capabilities.

Section 510. Reorganization of Directorate

This section prohibits the Secretary of Homeland Security from allocating, reallocating, establishing, consolidating, altering, or discontinuing organizational units within the Directorate of Emergency Management under the authority of section 872 of the Homeland Security Act of 2002 (P.L. 107–296) until 120 days following the date on which the Secretary submits a report to Congress describing the proposed organizational changes.

SUBTITLE B—EMERGENCY PREPAREDNESS

Section 521. Office of Grants and Planning

Together, this section and section 522 divide the Department of Homeland Security's (DHS or Department) existing Office of Grants and Training (G&T) into separate offices—the Office of Grants and Planning (Office) and the Office of Training and Exercises. Specifically, this section transfers the grant and planning responsibilities of G&T to the Office. The head of the Office will be the Assistant Secretary for Grants and Planning (Assistant Secretary), who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary will report directly to the Deputy Under Secretary for Preparedness and Mitigation.

The Committee believes that overseeing Federal grants and planning programs are responsibilities that require specific attention and expertise. With more focused responsibilities, the Assistant Secretary will be able to more effectively ensure proper coordination of Federal homeland security assistance programs, establish incentives for the efficient administration of Federal homeland security assistance, evaluate the effectiveness of funded programs, and disseminate lessons learned with respect to their administration.

This section directs the Assistant Secretary to: (1) oversee Federal homeland security assistance programs administered by the Department for acts of terrorism, natural disasters, and other emergencies; (2) establish incentives for the effective administration of such programs; (3) evaluate the effectiveness of funded Department programs; (4) provide technical assistance to State, local, and tribal governments on catastrophic planning; and (5) assess the effectiveness of preparedness capabilities at all levels of government.

This section also directs the Assistant Secretary to review and revise on a periodic basis, but not less than biennially, and in consultation with the National Advisory Council under section 508, preparedness documents and capabilities-based planning tools related to catastrophic acts of terrorism, natural disasters, and other emergencies, including the National Preparedness Goal, the National Preparedness Guidance, the Targeted Capabilities List, the Universal Task List, the National Planning Scenarios, and any other documents or planning tool in support of Homeland Security Presidential Directive–8 (HSPD–8, "National Preparedness," December 17, 2003).

Section 522. Office of Training and Exercises

This section transfers the training, exercises, and remedial action responsibilities of the Office of Grants and Training to the new Office of Training and Exercises (Office). An Assistant Secretary for Training and Exercises (Assistant Secretary), who shall be appointed by the President, by and with the advice and consent of the Senate, will head the Office. The Assistant Secretary shall report directly to the Deputy Under Secretary for Preparedness and Mitigation. With more focused responsibilities, the Assistant Secretary will be able to more effectively focus on designing, developing, per-

forming, and evaluating training programs and exercises at all levels of government.

Moreover, this section directs the Secretary of Homeland Security (Secretary), acting through the Assistant Secretary, to establish and administer a comprehensive National Exercise Program to conduct exercises that will enhance coordination for preparedness between all levels of government and be: (1) multi-disciplinary in nature; (2) as realistic as possible; (3) conducted with the minimum degree of notice; (4) evaluated against performance measures; (5) assessed to learn "best practices" and followed by "corrective actions." As part of this exercise program, the Secretary must design and execute periodically, but not later than biennially, two different types of national level exercises involving high-ranking officials. The first will test and evaluate our Nation's readiness to respond to catastrophic acts of terrorism, natural disasters, and other emergencies. The second will test and evaluate our Nation's capability to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

This section directs the Secretary, acting through the Assistant Secretary, to establish and administer a National Training Program for the purpose of enhancing the capabilities of the Nation's emergency response providers to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies. The training program must be designed to reach multiple disciplines and utilize multiple training mediums and methods, including direct delivery, train-the-trainer, computers, and video teleconferencing. This program must be evaluated against clear, consistent performance measures and, to the maximum extent practicable, utilize existing State, regional, and tribal training institutions. Additionally, with respect to both the training and exercise programs, the Secretary must ensure that they are consistent with, and support implementation of, the NIMS, the NRP, the National Infrastructure Protection Plan, and other such National emergency management initiatives.

It is essential to ensure that the Department of Homeland Security (Department) correct the problems that plague its training, exercises, and lessons learned programs. Therefore, this section establishes a Remedial Action Management Program to: (1) identify and analyze training, exercises, and real-world events for lessons learned and best practices; (2) disseminate the lessons learned and best practices; (3) monitor the implementation of those lessons learned and best practices; (4) conduct remedial action tracking and long-term trend analysis; and (5) certify that recipients of Federal homeland security assistance have implemented the lessons learned and best practices as appropriate.

This section establishes a new National Exercise Simulation Center to prepare elected officials, emergency response providers, and emergency response support providers at all levels of government to operate cohesively, provide a learning environment for all Federal homeland security personnel, assist in the development of operational procedures, and allow incident commanders to exercise decisionmaking in a simulated environment. Consistent with Homeland Security Presidential Directive–8 (HSPD–8, "National

Preparedness," December 17, 2003), the Committee stresses the importance of establishing a robust program of exercises at all levels of government and across all disciplines that include intelligence-driven, threat-based scenarios that stress the national preparedness system.

Finally, this section transfers the Noble Training Center to the Center for Domestic Preparedness. The Committee recognizes that the Noble Training Center and the Center for Domestic Preparedness are organizationally located within the Directorate for Emergency Management, as well as physically located one mile apart at the former Ft. McClellan Army Base in Anniston, Alabama. The Committee notes that merging the Noble Training Center with the Center for Domestic Preparedness will strengthen training for emergency response providers by leveraging training curricula, trainers, facilities, and management. The Committee also expects the merger to result in operational efficiencies and cost-savings. The section specifically provides that the Center for Domestic Preparedness will integrate the Noble Training Center into the Center for Domestic Preparedness' program structure.

The Committee firmly believes that the Department needs to revamp and reorganize its activities and programs related to emergency response provider exercises, training, and best practices. It is well established that Federal, State, and local elected officials and others were neither trained to nor capable of responding effectively to catastrophic incidents. Indeed, lessons learned from prior exercises such as "Hurricane Pam," conducted in New Orleans, Louisiana, were not effectively implemented. As a result, the response to Hurricane Katrina demonstrated a lack of familiarity with basic concepts, such as incident command as well as Federal, State, and local response plans. The Committee's decision to establish an office dedicated solely to exercises, training, and remedial action should enable the Department to design and implement more effective programs in these areas.

Section 523. Essential Capabilities

This section requires the Secretary of Homeland Security (Secretary), acting through the Assistant Secretary for Grants and Planning, to regularly update, revise, and replace essential capabilities for State, local, and tribal government emergency preparedness. Essential capabilities shall specifically describe the planning, training, personnel, and equipment that State, local, and tribal governments should possess or have access to in order to effectively and efficiently prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies. In doing so, the Secretary must consult with the National Advisory Council on Emergency Management established by Section 508, other components of the Department, including the Under Secretary for Science and Technology, the Chief Intelligence Officer, the Assistant Secretary for Infrastructure Protection, and the Assistant Secretary for Policy, the Secretary for Health and Human Services, and other appropriate Federal Departments and agencies, State, local, and tribal emergency response providers and emergency response support providers, and State and local prevention and emergency management officials, including Adjutants General and Sheriffs.

In updating, revising, or replacing these essential capabilities, this section directs the Secretary to specifically consider the variables of threat, vulnerability, and consequences to specific: populations (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders. This section further requires the Secretary to promptly provide a report containing a detailed description of essential capabilities to State, local, and tribal governments and Congress.

The Committee recognizes that different types of communities require different baseline needs and priorities. The establishment of essential capabilities for emergency preparedness will assist a community in making the determination of what planning, training, equipment, and other capabilities it requires to respond effectively to the specific risks that it faces. Moreover, the Committee values the input and expertise of emergency response providers, emergency support providers, emergency managers, and other experts from State, local, and tribal governments. The Committee believes these entities have the requisite knowledge and are best positioned to inform the process during the establishment of these baseline capabilities for their local communities.

Section 524. Catastrophic Planning

This section directs the Secretary of Homeland Security (Secretary), acting through the Assistant Secretary for Grants and Planning, to require State and urban areas applying for Federal homeland security financial assistance administered by the Department of Homeland Security (DHS or Department) to update and implement catastrophic emergency plans as a condition of funding. Such plans shall describe, among other things: (1) the procedures for evacuation and sheltering in place for the general population; (2) the procedures in place to address the pre-positioning of food, medical, and fuel supplies; (3) regional planning and mutual aid agreements; (4) the procedures for evacuation and sheltering in place for populations with special needs, including persons with disabilities, health problems, and language barriers, children, and individuals with pets, service animals, or farm animals; (4) sheltering options for displaced populations; (5) the adequacy of delivery networks for critical services and supplies; (6) procedures and policies for the continuity of essential services; and (7) search and rescue procedures for populations with special needs.

This section also requires each State and urban area to exercise their emergency plans. The plans also must be consistent with, and support implementation of, State and urban area homeland security plans or strategies, the National Incident Management System, the National Response Plan, the National Preparedness Goal, and other such national initiatives. In developing their plans, States and urban areas must consult with local governments and a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers within the relevant State or urban area.

This section directs each Regional Director for Emergency Management to develop a process of peer review for any catastrophic emergency plan submitted by a State or urban area within the geographical area of the Regional Offices. Each Regional Director must

submit a peer review plan to the National Advisory Council on Emergency Management, created under section 509, for review and approval.

Finally, this section directs the Secretary, acting through the Assistant Secretary for Training and Exercises, to develop a lessons learned and remedial action strategy for catastrophic planning.

Section 525. System Assessment and Validation for Emergency Responders Program

This section authorizes the Secretary of Homeland Security, acting through the Under Secretary for Emergency Management, to establish the System Assessment and Validation for Emergency Responders (SAVER) Program to provide the emergency response community with high quality, impartial, and operationally relevant evaluations and validations of critical emergency response provider-related equipment and systems in an operationally useful form. These assessments and validations must: (1) include commercial, off-the-shelf emergency response provider equipment and systems in all Interagency Board for Equipment Standardization and Interoperability equipment list categories; (2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment; (3) provide information and feedback to the user community through a well-maintained database; and (4) utilize multiple evaluation techniques.

The Committee supports the SAVER Program and its efforts to help State, local, and tribal emergency response providers, who often face a wide range of confusing options when selecting emergency equipment.

Section 526. Homeland Security Education Program

This section directs the Secretary of Homeland Security (Secretary), acting through the Assistant Secretary for Training and Exercises, to establish a graduate-level Homeland Security Education Program (Program) in the National Capital Region.

The Committee finds that important unmet requirements exist in the National Capital Region for graduate-level education to prepare government officials in senior homeland security, emergency management, and counterterrorism assignments at the Federal, State, tribal, and local levels. The Committee further notes that the Department of Homeland Security (DHS or Department) has already funded the development of a Department-reviewed Master's Degree curriculum in homeland security, which currently is being implemented outside the National Capital Region.

This section, therefore, directs DHS to leverage this proven, Department-approved Master of Arts curriculum, and utilize the expertise of the institutions already delivering this curriculum to maximize efficiency and effectiveness in the Program's development and execution. Such leveraging will include the use of existing learning materials, quality assessment tools, digital libraries, exercise programs, and other curriculum components.

This section authorizes the Under Secretary of Emergency Management (Under Secretary) to designate students, who are officials from Federal, State, tribal, and local governments, as well as from other sources designated by the Under Secretary. The Under Sec-

retary shall also establish policies governing student enrollment and selection criteria, consistent with the Program's mission. In doing so, the Under Secretary shall take reasonable steps to ensure diversity among the student body.

The Committee intends that students in the Program will continue to serve in their public sector capacity for at least two years after receiving training through the Program. If an official who completes training separates from his or her agency position prior to the two-year period, that official would be required to reimburse the Government on a pro rata basis for the expenses incurred for the time remaining in the two-year period. Appropriate exemptions are included in this subsection.

The Committee believes the Under Secretary should be responsible for specifying the Program's curriculum requirements. The Committee also expects the Under Secretary to establish appropriate policies governing the recruitment and governance of the Program's faculty, and for the identification of leadership positions within the Program necessary for its management. In establishing the Program's staffing and governance policies, the Under Secretary shall, to the maximum extent possible, leverage the faculty and collaborative governance arrangements already established between existing DHS-sponsored Master's Degree graduate education and training programs.

Section 527. Office of Public and Community Preparedness

This section establishes the Office of Public and Community Preparedness (Office). The head of the Office shall be the Director for Public and Community Preparedness, who shall be appointed by the Secretary and report directly to the Assistant Secretary for Grants and Planning.

This section directs the Secretary of Homeland Security to consolidate the Department's various public and community preparedness activities and programs into the Office, including: (1) the component programs of Citizen Corps—such as Community Emergency Response Teams, Fire Corps, Volunteers in Police Service, USA on Watch, and the Medical Reserve Corps; and (2) the Office of Public Affair's internet website known as Ready.gov. It also authorizes the National Citizen Corp Council to ensure and facilitate collaboration in support of the Citizen Corps Program. The Council will be composed of national leaders of organizations representing emergency response providers, emergency response support providers, community and volunteer service providers, and the private sector.

The Committee strongly agrees with the notion that disaster preparedness begins with the public. Indeed, grassroots preparedness should be the cornerstone of the national effort. However, the Committee also recognizes that many citizens are unsure of what they can, and should, do to prepare themselves and their families for catastrophic acts of terrorism, natural disasters, and other emergencies. The Committee, therefore, considers it imperative to better educate, inform, and engage the public on this front.

The Committee also notes that individuals with disabilities, health problems, language and income barriers, the elderly, children, and individuals with pets or other animals often face unique preparedness challenges. Thus, this section requires the Director to

establish specialized programs to assist these particular populations prepare for catastrophic events.

SUBTITLE C—EMERGENCY RESPONSE

Section 541. NIMS and NRP Integration Center

This section authorizes the National Incident Management System and National Response Plan Integration Center (NIC) and delegates it formal responsibility for the ongoing management and maintenance of both the National Response Plan (NRP) and the National Incident Management System (NIMS).

In an effort to coordinate all possible responding agencies in the event of an act of terrorism, natural disaster, or other emergency, President Bush issued Homeland Security Presidential Directive 5 (HSPD–5, "Directive on Management of Domestic Incidents," February 28, 2003). In HSPD–5, the President directed the Department of Homeland Security (DHS or the Department) to create the NRP and NIMS to provide a consistent nationwide framework for Federal, State, and local governments to work effectively and efficiently together to manage domestic incidents, regardless of their cause. Specifically, the Department released NIMS in March 2004. NIMS provides a consistent nationwide framework for Federal, State, tribal, and local governments and private sector and nongovernmental organizations to work together to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity, including acts of catastrophic terrorism. DHS released the NRP in December 2004. The NRP is an all-discipline, all-hazards plan that provides the structure and mechanisms for coordinating Federal support to State and local government during an Incident of National Significance (INS).

This section requires the Director of the NIC, in consultation with the Assistant Secretary for Grants and Planning and with the National Advisory Council on Emergency Management, to revise the NRP and NIMS, to: (1) clarify the roles of the Principal Federal Office and the Federal Coordinating Officer; (2) establish an Emergency Support Function (ESF) for Volunteers and Donations under the NRP; (3) realign the ESFs of the NRP to ensure consistency with NIMS; (4) develop doctrines and procedures for the management of multi-State emergencies; (5) finalize and release the Catastrophic Incident Supplement (CIS) to the NRP; and (6) improve the utilization of Federal, State, local, and tribal capabilities and equipment.

This section requires the NIC Director to: (1) develop a national program for NIMS and NRP education and awareness; (2) develop performance measures and assessment criteria for NIMS and NRP components, and compliance requirements and timelines for implementation by Federal, State, local, and tribal governments; (3) define general training requirements and national-level training standards; (4) facilitate the development of national voluntary consensus standards and guidelines for incident management training and exercises; (5) facilitate the development and publication of those national standards for the qualification and certification of emergency responder and incident management personnel; and (6) accelerate the credentialing and resource-typing processes. Finally, this section also directs the Director to establish a peer review

process for State and local NIMS compliance certifications to verify the satisfaction of training, planning, exercising, and other metrics.

The Committee notes that Hurricane Katrina exposed numerous deficiencies in the existing national framework for emergency management, including specific mistakes that delayed an appropriate Federal response. Confusion accompanied the implementation of the NRP, causing key elements of the plan to be executed late, ineffectively, or not at all. According to media reports following Hurricane Katrina, Federal, State, and local emergency responders assisting officials in Louisiana experienced extreme difficulty with incident command, control, and communications. The apparent lack of unified command during the response to Hurricane Katrina raises questions about our Nation's progress in implementing NIMS. Consistent with HSPD–5, the Committee seeks to provide greater strategic direction for the NIC in its long term oversight and continuous refinement of its components and of the NRP and NIMS.

Furthermore, Hurricane Katrina confirmed that the standard "reactive" nature of Federal assistance, while appropriate in most disasters, is insufficient during disasters of catastrophic proportions. When State and local governments are functionally overwhelmed or incapacitated, the Federal government must be prepared to respond proactively. The Committee notes that the CIS to the NRP is intended to address such a scenario, but the CIS was in draft form at the time Hurricane Katrina made landfall, and, therefore, was not invoked. The Committee considers it imperative that the Secretary clarify, finalize, and release the CIS, including the circumstances in which it is appropriate for the Federal government to push resources into an affected area to accelerate assistance to overwhelmed States and localities absent a State request.

The Committee believes it is vital to establish an Emergency Support Function dedicated to Volunteers and Donations for the purpose of developing a robust, coordinated volunteer management and donations system. The Committee notes that, in the immediate aftermath of Hurricane Katrina, there was a lack of effective coordination between non-governmental organizations and Federal, State, and local emergency management officials. As a result, many charities and organizations were inundated with offers of aid but were unable to adequately respond to demands and direct offers of assistance, or to inform volunteers about appropriate disaster response opportunities.

Section 542. Use of National Private Sector Networks in Emergency Response

This section directs the Secretary of Homeland Security, where applicable, to use private sector networks and infrastructure for emergency response to acts of terrorism, natural disasters, and other emergencies. This section restates a provision of Title V of the Homeland Security Act of 2002 (P.L. 107–296), with minor technical changes to include natural disasters, not just acts of terrorism, in order to reflect the all-hazards responsibilities of the Department of Homeland Security.

Section 543. Nuclear Incident Response

This section restates a provision of Title V of the Homeland Security Act of 2002 (P.L. 107–296) with minor technical changes. Specifically, it gives the Secretary of Homeland Security authority to direct and control the Nuclear Incident Response Team (NIRT) in connection with acts of terrorism, natural disasters, and other emergencies. This section also directs the Secretary to establish performance standards for the NIRT and to conduct training and exercises.

Section 544. National Urban Search and Rescue Response System

This section authorizes the currently existing, but unauthorized, National Urban Search and Rescue Response System. This system provides a National network of standardized search and rescue resources to assist State, local, and tribal governments in responding to acts of terrorism, natural disasters, and other emergencies. Specifically, this section directs the Under Secretary for Emergency Management (Under Secretary) to select and designate State and local government-sponsored urban search and rescue teams to participate as task forces. This section directs the Under Secretary to establish and maintain an advisory committee to provide expert recommendations with respect to administering the System. This section authorizes $40 million for each of the Fiscal Years 2007 to 2009 and such sums as may be necessary thereafter.

During Hurricane Katrina, Urban Search and Rescue (US&R) teams performed exceptionally well, ultimately rescuing over 6,500 people. The Committee recognizes the value of these teams and seeks to ensure that they receive proper guidance and are adequately trained and equipped to maximize their effectiveness and meet the demands of their mission. The Committee also notes that privately employed and qualified personnel affiliated with US&R teams make valuable contributions to the effectiveness of US&R teams. These individuals, including doctors, engineers, and canine handlers, should not be excluded from the makeup of a US&R team under this section.

Section 545. Metropolitan Medical Response System

This section authorizes the currently existing, but unauthorized, Metropolitan Medical Response System (MMRS). It directs the Assistant Secretary for Grants and Planning to administer grants to develop, maintain, and enhance medical preparedness and response systems to ensure they are capable of responding effectively during the initial hours of a public health crisis or mass-casualty event. Grant recipients may use funds to enhance their medical preparedness and response capabilities, such as, medical surge capacity; mass prophylaxis; chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities; triage and pre-hospital treatment; medical supply management and distribution; and fatality management. This section authorizes $60 million in funds for each of the fiscal years 2007 through 2010. This amount would double the funding this important program has received in recent fiscal years.

The increased funding for the MMRS program will enable jurisdictions to achieve an enhanced capability to respond to weapons of mass destruction mass casualty events during the first hours so

crucial to lifesaving and population protection until significant external assistance can arrive. In light of the risks posed by a possible H5N1 pandemic influenza and other bio-hazards, the Committee believes it is imperative that the system is properly funded and maintains adequate resources.

Section 546. Emergency Management Assistance Compact Authorization

This section directs the Secretary of Homeland Security, acting through the Under Secretary for Emergency Management, to make grants for the purpose of administering the Emergency Management Assistance Compact (EMAC). Such grants may be used to carry out recommendations identified in the after-action reports for the 2004 and 2005 hurricane seasons and to coordinate Federal, State, and local government participation in the EMAC.

The Committee recognizes the immense value of EMAC. EMAC is a Congressionally ratified organization that provides form and structure to interstate mutual aid. Through EMAC, a disaster impacted State can request and receive assistance from other member States quickly and efficiently, and resolve upfront the two key issues of liability and reimbursement. EMAC serves as a critical part of the national emergency management framework and deserves praise for its operations during Hurricanes Katrina and Rita. EMAC successfully provided unprecedented levels of response and recovery personnel and assets to the Gulf Coast in record time. Therefore, the Committee believes that EMAC should be supported and given additional resources to maximize its effectiveness and implement lessons learned.

SUBTITLE D—EMERGENCY COMMUNICATIONS

Section 561. Office of Emergency Communications

This section establishes an Office of Emergency Communications (Office) within the Department of Homeland Security (DHS or Department). The head of this new Office is the Assistant Secretary for Emergency Communications (Assistant Secretary), who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report directly to the Under Secretary for Emergency Management (Under Secretary).

The Assistant Secretary will be responsible for, among other things: (1) assisting the Secretary in developing and implementing the interoperable emergency communications program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458); (2) administering the Wireless Public Safety Interoperable Communications (SAFECOM) Program, the Department's responsibilities related to the Integrated Wireless Network, and the Interoperable Communications Technical Assistance Program; (3) coordinating with the Assistant Secretary for Cybersecurity and Telecommunications regarding the administration of the National Communications System; (4) fostering the development of interoperable emergency communications capabilities by State, local, tribal, and public safety agencies; (5) promoting the development of standard operating procedures for the use of emergency communications for incident response; (6) coordinating the establishment of a national response capability to deploy backup

communications services in the event of an inoperable environment; (7) establishing requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment; (8) helping establish an integrated national public alert and warning system; and (9) reviewing Statewide and tactical interoperability plans.

This section directs the Assistant Secretary to coordinate, as appropriate, with the Director of the Office of Interoperability and Compatibility with respect to the development of interoperability standards and research, development, testing, and evaluation of emergency communications equipment. This section also requires the Secretary to report to Congress, not later than 60 days after enactment, on the resources and staff necessary to carry out the responsibilities of this subtitle. The Government Accountability Office (GAO) shall review the validity of the report on adequate staffing and resources submitted by the Secretary and submit the findings of its review to Congress.

The Committee strongly believes that the Department needs to elevate the importance of emergency communications, consolidate the Department's disparate emergency communications activities and programs, and designate a single person to be accountable for progress in this area. Currently, the Department's principal office for emergency communications, the Office of Interoperability and Compatibility (OIC), is buried within the Office of Systems Engineering and Development, which is located in the Directorate of Science and Technology (S&T). Much of what OIC does, such as certifying all DHS interoperability programs, overseeing the development and implementation of technical assistance for public safety interoperability, and coordinating interoperability grant guidance, is not related whatsoever to the core mission of the S&T Directorate.

Moreover, given that strengthening emergency communications capabilities is one of our Nation's top priorities under the National Preparedness Goal and that State and local governments have spent billions in DHS funds on interoperable emergency communications capabilities, the Committee is disappointed that the Department has not given the issue more prominence or attention. Effective communication is essential to our Nation's emergency response providers' ability to protect and preserve life, property, and natural resources and to manage a crisis, regardless of its cause, scope, or severity. Without the ability to communicate and obtain timely and reliable information, our Nation's emergency response providers, emergency support providers, and government officials simply cannot fulfill their assigned responsibilities.

Section 562. National Emergency Communications Strategy

This section directs the Secretary of Homeland Security, acting through the Assistant Secretary for Emergency Communications and in cooperation with other Federal Departments and agencies, State, local, and tribal governments, emergency managers, emergency response providers, emergency response support providers, and the private sector, to develop a National Emergency Communications Strategy (National Strategy).

This National Strategy must include a national interoperable emergency communications inventory that identifies the channels and frequencies used by each Federal Department and agency, identifies the interoperable emergency communications systems in use for public safety, and lists the public safety mutual aid channels in operation and their ability to connect to interoperable communications systems. The National Strategy must also identify a process for expediting the promulgation of national voluntary consensus standards, determine the appropriate interoperable communications capabilities necessary for intergovernmental operations, address both short-term and long-term solutions for achieving intergovernmental interoperability, identify obstacles to achieving interoperable emergency communications, and set goals and establish timeframes for achieving interoperability.

The Committee urges the Secretary to complete the National Strategy as soon as possible. The absence of a framework that ensures emergency response providers can communicate with each other on demand, in real time, has hampered our Nation's ability to organize and prioritize our investments of time and money, and connect various Federal, State, regional, and local plans and architectures. Given the vast amount of time and money the Federal government has already committed to solving the problem of public safety emergency communications, it is simply inconceivable that there is still no basic blueprint, similar to the National Strategy to Secure Cyberspace, providing direction to Federal Departments and agencies for coordinating and focusing efforts at all levels of government and the private sector.

Section 563. Assessments and reports

This section requires the Secretary of Homeland Security (Secretary), acting through the Assistant Secretary for Emergency Communications, to conduct nationwide baseline operability and interoperability assessments. The assessment shall be provided not later than one year after enactment, and not less than every 5 years thereafter, and shall: (1) define the range of needed interoperable emergency communications capabilities; (2) assess current capabilities; and (3) identify the gap between current capabilities and defined requirements. Not later than one year after the date of enactment, and annually thereafter, the Secretary must submit a report to Congress documenting the Department of Homeland Security's (DHS or Department) progress toward implementing and achieving the goals set forth in this subtitle, including: (1) the degree to which interoperable communications has been achieved to date and the needs that remain for interoperability to be achieved; (2) the ability of communities to achieve and maintain emergency communications during emergencies; (3) a list of best practices among communities for providing and maintaining such communication; and (4) the feasibility of developing a readily-deployable, mobile emergency communications capability within the Department to support State, local, and tribal governments. Additionally, this section requires the Department to monitor and report regularly on the progress and developments toward achieving and maintaining operable and interoperable emergency communications.

The Committee believes it is imperative for the Office of Emergency Communication to get a "snapshot" of the state of operability and interoperability across the Nation in order to properly develop and implement a comprehensive emergency communications plan. The Committee also notes that the Wireless Public Safety Interoperable Communications (SAFECOM) Program initiated a National Interoperability Baseline Study in January 2005. Although the Committee supports this survey, which will provide a statistically significant, quantitative measurement of communities' progress developing emergency communications, it is not as comprehensive as the one authorized in this section.

Section 564. Coordination of Federal Emergency Communications grant programs

This section directs the Secretary of Homeland Security, acting through the Assistant Secretary for Emergency Communications, to assess Federal grants and standards programs managed by other Federal Departments and agencies to: (1) better integrate and coordinate Federal grant guidelines; (2) ensure conformity of all guidelines with the mission of the Office of Emergency Communications; and (3) ensure conformity among Federal programs with the goals and objectives identified in the National Emergency Communications Strategy under section 562.

The section also prohibits State, local, and tribal governments from using Federal homeland security assistance administered by the Department of Homeland Security (DHS or Department) for purposes of achieving, maintaining, or enhancing interoperable emergency communications in two situations. First, no funding may be used to purchase emergency communications equipment if States have not complied with the requirement of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458) to submit Statewide Interoperable Communications Plans. Second, no funding may be used if, within three years after the date of enactment of this section, national voluntary consensus standards for interoperable emergency communications have not been developed or promulgated. In that instance, this section directs the Secretary, in coordination with other Federal departments and agencies with responsibilities for standards, to develop, promulgate, and revise such national voluntary consensus standards within four years of the date of enactment.

This section also transfers responsibility for administrating the $1 billion interoperability grant program from the National Telecommunications and Information Administration (NTIA) at the Department of Commerce to the Office of Emergency Communications. The Committee notes that NTIA lacks the Department's experience in administering grants to State and local governments. Indeed, NTIA has never administered grants for interoperability, let alone any grants for emergency response providers. Rather, NTIA manages the Federal use of spectrum, performs telecommunications research and engineering, and resolves technical issues for the Federal government and the private sector. The Department of Homeland Security (DHS), which administers billions of dollars in grants, clearly possesses the policy expertise and legal authorities necessary to administer this program. Thus, DHS, not NTIA, should be responsible to award these funds.

Section 565. Regional Emergency Communications Coordination

This section requires the Department of Homeland Security (DHS or Department) to establish Regional Emergency Communications Coordination Working Groups (Working Groups) in each of the Regional Offices created by section 504. Each Working Group will include subject matter experts, including representatives from State and local governments, fire, and 911 services, and police, communications equipment vendors, hospitals, utilities, local exchange carriers, broadcast media, wireless carriers, satellite communications services, emergency evacuation transit services, and emergency managers.

This section directs Working Groups to address a variety of issues, including: the (1) operability of regional communications structures and systems; (2) status of the region in developing and building out a sustainable interoperable voice and data emergency communications network; and (3) viability of establishing regional, multi-jurisdictional, multi-agency emergency communications network for use during acts of terrorism, natural disasters, and other emergencies. The Working Groups would report to the Assistant Secretary for Emergency Communications on their respective regions' status in building a robust and sustainable interoperable voice and data emergency communications network and on their respective regions' progress toward meeting the goals of the National Emergency Communications Strategy.

The Committee strongly encourages the Department to work with a wide range of experts to ensure that each region has the ability to communicate during an act of terrorism, natural disaster, or other emergency. A number of regions have existing coordinating structures, pursuant to their State plans, and have had great success in achieving interoperability at the local level. The Committee believes that the Department would benefit by more effectively tapping into the expertise of State and local government agencies, which, incidentally, carry the vast majority of the financial burden of investing and deploying sound interoperable emergency communication systems and capabilities.

Section 566. Emergency Communications Preparedness Center

This section directs the Secretary of Homeland Security (Secretary), acting in consultation with the Secretaries of Commerce and Defense, the Attorney General, the Chairman of the Federal Communications Commission, and the heads of other appropriate Federal departments and agencies, to establish, and jointly operate, an Emergency Communications Preparedness Center (Center). The Secretary will serve as the chair of the Center, which shall be governed by a Memorandum of Understanding to be negotiated between the relevant departments and agencies. The Center will, among other things: (1) serve as the focal point for Federal interagency efforts on public safety emergency communications; (2) act as a clearinghouse for the Federal government's efforts to achieve nationwide interoperable communications; and (3) ensure cooperation among the relevant Federal departments and agencies to implement the goals of the National Emergency Communications Strategy; and (4) prepare and submit to Congress, on an annual basis, a strategic assessment of the Federal departments' and agen-

cies' activities to implement the recommendations of the National Strategy.

The Departments of Homeland Security, Justice, Defense, and Commerce and the Federal Communications Commission are just a few of the Federal departments and agencies that administer programs related to emergency communications. Given the critical importance of the issue and the apparent lack of cooperation and coordination between these Federal departments and agencies, the Committee firmly believes that the Center will serve as an important forum to facilitate more effective interagency efforts.

Section 567. Urban and other high risk area communications capabilities

This section restates a provision from current law as reflected in Title V of the Homeland Security Act of 2002 (Public Law 107–296), which was established by section 7303(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458). The Committee strongly supports the Department of Homeland Security's efforts to improve emergency communications in urban and other high risk areas.

Section 568. Integrated National Alert and Warning System

This section directs the Secretary of Homeland Security, acting through the Assistant Secretary for Emergency Communications, and in coordination with the head of any Federal Department or agency that possesses or acquires public alert and warning capabilities, to develop, manage, operate, and coordinate an Integrated National Public Alert and Warning System (System). This section requires the System to be operational within three years of enactment.

This section requires the System to, among other things: (1) complement and provide interoperability with State, local, and tribal public warning systems; (2) provide standard protocols for interoperability among multiple technologies; (3) carry all-hazards alert and warning messages; (4) incorporate technologies and systems to ensure effective alerts and warnings for people with disabilities and non-English speakers; (5) develop public-private partnerships to leverage government and industry needs, capabilities, and resources necessary to deliver effective warnings; and (6) promulgate rules and regulations necessary to manage and operate the System. The Secretary must develop an implementation plan within 180 days of enactment.

The Committee is concerned with our Nation's lack of a comprehensive, all-hazards emergency alert and warning system. Indeed, Federal departments and agencies currently administer at least seven different emergency alert and warning systems intended to notify the public, Federal officials, and State and local authorities of imminent danger to public health and safety. These existing systems have failed to utilize advanced technology to effectively leverage government and industry needs, capabilities, and resources. In addition, these systems are simultaneously over-inclusive and under-inclusive, lack interoperability, and have insufficient standards, protocols, and procedures for developing and issuing warnings.

The Committee notes that the effectiveness of these systems is further hindered because no single Federal department or agency hast primary responsibility for coordinating the Federal role related to all types of emergency alerts and warnings. Instead, more than a dozen Federal departments and agencies possess some responsibility related to emergency alerts and warnings. The Committee seeks to address these shortcomings by designating one Federal entity to coordinate the System.

SUBTITLE E—EMERGENCY LOGISTICS

Section 581. Prepositioned Equipment Program

This section directs the Secretary of Homeland Security (Secretary), acting through the Under Secretary for Emergency Management, to establish a Prepositioned Equipment Program (Program or PEP) to preposition standardized emergency equipment in selected geographic areas to sustain and replenish critical assets depleted by State, local, and tribal governments in response to acts of terrorism, natural disasters, or other emergencies. As part of the Program, this section directs the Secretary to establish a number of force packages containing preposition-standardized equipment, such as personal protective, search and rescue, and communications equipment. The force packages must be strategically located in no less than 11 regions, be rapidly deployable to any major population area within 12 hours, and, where practicable, co-located with the push packages of the Strategic National Stockpile. This section also requires that qualified and trained personnel from the region be able to perform life-cycle management and maintenance of the force packages. In carrying out the Program, the Secretary must coordinate with the Secretaries of Defense and of Health and Human Services and with other Federal departments and agencies that the Secretary deems necessary.

The Committee believes that it is critical to sustain and replenish assets depleted by State, local, and tribal governments during a response to acts of terrorism, natural disasters, or other emergencies. The Committee is concerned about reports that the Federal Emergency Management Agency (FEMA) is consolidating its existing regional force packages. The Committee strongly supports the Program, which has never been authorized, and notes that State and local officials in the Gulf Coast relied heavily on PEP to help satisfy their needs for supplies and equipment in responding to Hurricane Katrina. This section will ensure that the Program retains its regional focus and that FEMA will possess the resources its needs to assist State and local governments when they are overwhelmed.

Section 582. National Asset Inventory Program

This section directs the Secretary of Homeland Security (Secretary), acting through the Under Secretary for Emergency Management, to establish a National Asset Inventory Program for the purpose of managing and deploying Federal response capabilities and corresponding assets and resources in response to acts of terrorism, natural disasters, and other emergencies. The inventory will include the availability of each capability, the performance parameters of each capability, the time-frame within which each ca-

pability can be brought to bear on an incident, and the readiness of each capability to respond to domestic events.

This section also requires the Secretary of Defense to provide the Secretary with a description of the functions and capabilities of entities of the Department of Defense that may be used to provide support to civil authorities in responding to catastrophic emergencies.

Moreover, this section directs the Secretary to create an inventory database that permits real-time exchange of information, easy identification and rapid deployment during an incident, and the sharing of inventories across jurisdictions. Further, the Secretary shall certify on an annual basis that Federal departments and agencies with primary or supporting agency responsibilities under an Emergency Support Function of the National Response Plan have developed and maintained readily deployable force packages.

Finally, this section directs the Secretary to identify physical locations in selected geographic areas that could be used as "logistics support centers" for receiving, staging, and integrating Federal assets and capabilities. In carrying out these activities, the Under Secretary is directed to consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

The Committee recognizes the need for the Federal government to more effectively manage and deploy Federal assets and capabilities in response to acts of terrorism, natural disasters, and other emergencies. Because effective response plans cannot be developed absent an assessment of resources and capabilities, Federal capabilities and assets need to be inventoried. The Committee notes that Section 7406 of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458) requires the Department to establish a National inventory of Federal assets under.

Section 583. Small Business Database for Federal Contracting Related to Major Disasters and Emergency Assistance Activities

This section directs the Secretary of Homeland Security to establish a database of small and disadvantaged businesses capable of providing services to the Department of Homeland Security (Department) related to major disasters and emergency assistance activities. Small businesses would voluntarily submit information for the database. Prior to awarding a Federal contract for a disaster-related activity, Departmental agencies will be required to consult the small business database.

The Committee recognizes the important contributions that private sector partners make to the Department's ability to achieve its mission. The Committee intends this section to improve the ability of small businesses to interact with the Department and increase the opportunities for small businesses to win contracts to provide goods and services related to the response to, and recovery from, acts of terrorism, natural disasters, and other emergencies.

Moreover, this database would enhance the speed and efficiency of recovery efforts by permitting the rapid identification and deployment of the necessary goods and services that small and disadvantaged businesses in the affected areas could provide. The Committee believes the award of prime contracts to these busi-

nesses can serve local communities by acting as an engine for economic revitalization and a source of hope during difficult times.

Section 584. Fraud Prevention Training Program

This section directs the Under Secretary for Emergency Management (Under Secretary) at the Department of Homeland Security (Department) to develop and implement a fraud prevention training program to educate employees, contractors, and volunteers who would participate in the response to, or recovery from, acts of terrorism, natural disasters, or other emergencies, about how to identify and prevent waste, fraud, and abuse of Federal assistance funds and services.

The Committee believes that with the proper training, employees and volunteers will be better able to identify techniques that are commonly used to fraudulently claim assistance. Employees and volunteers will also be instructed about their responsibilities and told of the consequences of accepting bribes or other gifts from those seeking Federal contracts or assistance.

Under this section, State, local, tribal, or non-profit agencies that receive Federal funds or services for individuals affected by acts of terrorism, natural disasters, or other emergencies, are permitted to share information about aid recipients with the Federal Government upon request. The Committee intends this section to improve the ability of Federal, State, local, tribal, and non-profit agencies to protect against waste, fraud, and abuse by permitting them to share relevant information to the greatest extent possible.

Section 585. Pre-Negotiated Contracts for Delivery of Goods and Services After Emergencies

This section authorizes the Under Secretary for Emergency Management (Under Secretary) to enter into contracts for the delivery of necessary goods or services relating to the response to, or recovery from, acts of terrorism, natural disasters, or other emergencies affecting a geographic area served by a Regional Office. This section directs that contracting preference be granted to small business entities, and that standard competitive procedures shall apply. The Under Secretary is authorized to delegate the authority to issue contracts to the Regional Directors for Emergency Management. A contract entered into under this section would not prevent State, local, or tribal governments from receiving or using Federal assistance for the provision of necessary goods and services relating to response or recovery.

The Committee intends this section to improve the speed and cost-effectiveness of contracting after catastrophic events. By granting pre-disaster negotiating authority to the Undersecretary for Emergency Management and Regional Directors, State and local governments will be able to provide communities with necessary goods and services more readily, including such things as debris removal, meals-ready-to-eat, and contract security services, after a terrorist attack, natural disaster, or other emergency.

The Committee notes that after the hurricanes of 2005, the Federal government, as well as State and local governments, found themselves without adequate law enforcement personnel. Similarly, the Federal Emergency Management Agency tasked the Federal Protective Service to provide 1,700 contract security guards to se-

cure aid distribution, Federal facilities, and other critical infrastructure sites. While contract security services may be procured using the General Services Administration's General Schedule, prebid contracts could reduce the cost of such guards, thereby saving taxpayer dollars and improving preparedness.

SUBTITLE F—INFRASTRUCTURE PROTECTION AND CYBERSECURITY

Section 591. Office of Infrastructure Protection

This section authorizes the existing Office of Infrastructure Protection (Office) to ensure that the Department of Homeland Security (DHS or Department) takes requisite steps to secure our Nation's critical infrastructure. In the past five years, our Nation has suffered from two major catastrophic events, one manmade and one natural. These events demonstrated the importance of protecting our Nation's critical infrastructure and key assets, including food and water systems, agriculture, health systems and emergency services, information technology and telecommunications, banking and finance, energy (electrical, nuclear, gas, oil, and dams), transportation (air, road, rail, ports, and waterways), the chemical and defense industries, postal and shipping entities, and national monuments and icons.

This section requires that the Office be administered by an Assistant Secretary, who would report directly to the Under Secretary of Emergency Management. The Assistant Secretary has the primary authority for all Department critical infrastructure protection programs, including policy formation and program management.

Under this section, one of the Assistant Secretary's primary responsibilities would be to identify and carry out comprehensive risk assessments of critical infrastructure to determine the risks posed by particular types of terrorist attacks. While other functions of the Assistant Secretary would include consideration of catastrophic events, including natural disasters, the Committee feels that the Office of Infrastructure Protection has the unique mission to conduct risk assessments of critical infrastructure in order to prevent acts of terrorism from occurring.

In addition, this section requires the Assistant Secretary to develop and maintain a comprehensive National plan for securing the key resources and critical infrastructure of the United States. The Assistant Secretary is required to work with other Federal agencies and State, local, and tribal government agencies to recommend measures to protect these key resources and critical infrastructure, including measures for the developing the national plan and for executing vulnerability assessments. While the risk assessments are focused specifically on acts of terrorism, the Committee recognizes that the National Infrastructure Protection Plan (NIPP) takes into consideration all-hazards. The Committee also recognizes that with the adoption of measures to prevent acts of terrorism, critical infrastructure will be better able to mitigate the effects of natural disasters as well.

Similarly, this section requires the Assistant Secretary to establish and maintain partnerships and information sharing processes with Federal, State, local, and tribal governments, the private sector, and international governments and organizations. Finally, the Assistant Secretary must work with the Under Secretary for Intel-

ligence and Analysis and elements of the Intelligence Community to better share information with Federal, State, local, and tribal law enforcement agencies and the private sector.

It is critically important for the Department to take an all-hazards approach to infrastructure protection. The Committee, therefore, mandates that the Assistant Secretary assess the capabilities of critical infrastructure sectors to prepare for, mitigate against, respond to, and recover from acts of terrorism and other catastrophic emergencies, including natural disasters. All preparedness efforts must be coordinated and integrated with the Department's response and recovery activities.

In order to ensure that the Secretary of Homeland Security (Secretary) is well informed of all this Office's activities, the Assistant Secretary is required to provide the Secretary with an annual summary of national critical infrastructure protection efforts and priorities. In addition, the Assistant Secretary, in consultation with the Assistant Secretary for Grants and Planning, is responsible for providing the Secretary with recommendations for Federal critical infrastructure protection funding.

Previously, the Office was part of the Office of Intelligence and Analysis. The Committee believes that, although these two offices are now separated, they must continue to coordinate and communicate with each other in order for the Assistant Secretary to be able to provide accurate risk assessments. This section, therefore, requires the creation of an integration center, to be staffed from the Office of Infrastructure Protection, Cybersecurity, and Telecommunications, and the Office of Intelligence and Analysis. This integration center reflects the current organization of the Department and the Homeland Infrastructure Threat and Risk Analysis Center (HITRAC). The integration center shall be responsible for integrating threat, vulnerability, and consequence information in order to identify priorities for protective measures, and to disseminate analytical products.

This section also requires the Secretary to make full and efficient use of open-source information to analyze critical infrastructure from the perspective of terrorists. The Committee notes that translations of an Al-Qa'ida manual teach adherents that, by using "public source(s) openly and without resorting to illegal means, it is possible to gather at least 80 percent of information about the enemy." This strategy of collecting open source information against the United States is reflected by the numerous examples of open-source information found in the hands of terrorists, exemplified by the discovery, in November 2001, of a report from the Government Accountability Office (GAO) in a cave in the Islamic Republic of Afghanistan. While GAO has since instituted a new publication policy regarding certain reports, it is neither possible nor desirable to severely curtail publicly available information in a free and open society. Therefore, it is imperative that the Department understand the critical infrastructure threats and vulnerabilities that are created or exacerbated by the open nature of our society.

This section requires that the staff of the Office possess appropriate expertise and experience, and allows individuals from the private sector to be included. Under this subsection, all personnel must possess security clearances appropriate to their work. In order to assist the Office in discharging its responsibilities, per-

sonnel of other Federal Departments and agencies may be detailed to the Office for the performance of analytic functions and related duties. The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this section.

Finally, should the Secretary reprogram or transfer any funds under this section, the Secretary must comply with any applicable provisions of the annual Homeland Security Appropriations Act.

Section 592. Office of Cybersecurity and Telecommunications

This section authorizes the existing Office of Cybersecurity and Telecommunications (Office) within the Directorate of Emergency Management, thereby incorporating cybersecurity and telecommunications into the Department's preparedness, response, mitigation, and recovery efforts. The Office will be headed by the Assistant Secretary of Cybersecurity and Telecommunications who will report directly to the Under Secretary for Emergency Management. The Assistant Secretary will be responsible for, among other things: (1) the National Cyber Security Division; (2) the National Communications System (to be carried out in coordination with the Assistant Secretary for Emergency Communications); (3) assisting the Assistant Secretary for Infrastructure Protection with cybersecurity and telecommunications aspects of the National Infrastructure Protection Plan; (4) consulting and coordinating on securing digital control systems, such as Supervisory Control and Data Acquisition Systems; and (5) other such duties related to cybersecurity and telecommunications, as necessary. This section requires the Secretary to notify Congress 60 days prior to reprogramming any funds allocated by Congress to the Office of Cybersecurity and Telecommunications.

Cybersecurity is a critical thread that cuts across every infrastructure sector; it is the underlying foundation for the operation of business and government functions. Unlike physical vulnerabilities, cybersecurity vulnerabilities and threats can change in seconds and protective measures can become obsolete just as quickly. To ensure that the Department addresses these concerns systematically and with the requisite sense of urgency, this section establishes an Office of Cybersecurity and Telecommunications Office.

The Committee recognizes that the Assistant Secretary will have to work closely with the Assistant Secretary for Infrastructure Protection, given the interrelationship between the physical and cyber aspects of critical infrastructure protection. This section directs the Assistant Secretary to work with the Assistant Secretary of Infrastructure Protection on the cybersecurity aspects of Homeland Security Presidential Directive–7 (HSPD–7, "Directive on Critical Infrastructure Identification, Prioritization, and Protection," December 17, 2003) and on the security of digital control systems.

This section provides the Assistant Secretary with primary authority over the National Communications System. Given the rapid convergence of data and telephony, the Department needs to have one comprehensive and coherent mission element. This section allows for coordination with the Assistant Secretary for Emergency Communications, regarding the National Communications System's emergency communications programs.

The Committee believes that the Assistant Secretary should encourage the States to conduct risk and needs assessments that take into account the multitude of threats to relevant cyber systems. The Assistant Secretary should also encourage coordination with State Homeland Security Directors, State Chief Information Officers, and the Office for Grants and Training within the Department to develop and promulgate a consistent methodology for developing such strategies.

The Committee views the promotion and distribution of cybersecurity best practices to Federal, State, and local governments, and the private sector as an important aspect of prevention. The Assistant Secretary's responsibilities include promoting voluntary cybersecurity best practices and benchmarks that are responsive to rapid technology changes and to the security needs of critical infrastructure. The Committee, therefore, encourages the Department to work with the private sector and academia to determine the best mechanisms for developing a distribution system for cybersecurity best practices and benchmarks.

This section also requires the President to nominate an individual to serve as the Assistant Secretary for Cybersecurity and Telecommunications within 90 days of enactment. The Committee remains concerned that the position of Assistant Secretary has gone unfilled for almost one and one-half years and the effect this vacancy had on the progress of cybersecurity programs and the development of this office within the Department. The Committee requests that this position be filled without further delay.

Section 102. Gulf Coast Long-Term Recovery Office

This section directs the Secretary of Homeland Security (Secretary) to establish a Gulf Coast Recovery Office (Office) to provide assistance to the residents of the Gulf Coast in recovering from Hurricanes Katrina and Rita. The Office will be headed by a Director appointed by the Secretary. The Director shall work with State, local, and tribal governments, the private sector, and non-governmental organizations, such as faith-based and other community humanitarian relief entities, to provide assistance to residents recovering from the two Hurricanes. These efforts will include assessing the social and economic consequences in the areas affected by Hurricanes Katrina and Rita, coordinating Federal efforts to address long-term recovery issues, and encouraging implementation of mitigation measures during the recovery. The Committee supports the establishment of this Office, which will address the unusually high volume of requests for assistance and help devastated communities recover in a manner that better prepares them for future disasters.

Section 103. National Disaster Medical System

This section reauthorizes the currently existing National Disaster Medical System (NDMS) in the amount of $85 million for each of the fiscal years 2007 through 2010. In addition, this section requires the Chief Medical Officer, in consultation with the Under Secretary for Emergency Management, to submit to a report to Congress that: (1) assesses the need to expand NDMS; (2) evaluates the relationship between NDMS and the Metropolitan Medical Response System (MMRS); (3) assesses the coordination between the Department of Homeland Security (DHS or Department) and

the Department of Health and Human Services (HHS) during deployment; and (4) evaluates whether NDMS should remain in DHS, and, if not, which Department should have responsibility for it.

The Committee considers NDMS a critical component of any Federal disaster response requiring medical support and is, therefore, concerned about the budget cuts, loss of personnel, and lack of focus since its transfer to the Department in 2003. Although DHS has made many improvements to NDMS since 2003, after-action reports from the 2004 hurricane season documented serious breakdowns within NDMS in planning, supply management, communications, and leadership. The Committee seeks to address coordination problems between the Department and HHS to strengthen the Federal government's capability to provide public health and medical support during catastrophic incidents.

Section 104. Office of Interoperability and Compatibility

This section amends Title III of the Homeland Security Act of 2002 (P.L. 107–296) by adding a new section that clarifies the responsibilities of the Director of the Office of Interoperability and Compatibility (OIC). OIC, which is a component of the Directorate of Science and Technology (S&T) of the Department of Homeland Security (DHS or the Department), currently has broad responsibility for the Department's activities and programs related to public safety interoperable communications. The Committee, however, is concerned that many of OIC's activities and programs are unrelated to the core scientific and technology missions of the S&T Directorate. Therefore, this section limits OIC's responsibilities to activities compatible with the S&T Directorate's expertise. These activities include supporting the development, promulgation, and regular updating of national voluntary consensus standards for emergency communications as well as research, development, testing, and evaluation of equipment for interoperable communications capabilities. The Office of Emergency Communications in the Directorate of Emergency Management—established by section 561—will carry out OIC's non-science and technology-related responsibilities, such as helping State and local governments acquire interoperable emergency communications capabilities.

Section 105. Intelligence Analysts

This section permits State, local, and tribal governments to use Federal homeland security financial assistance administered by the Department of Homeland Security to hire new staff and contractors to serve as intelligence analysts to facilitate information and intelligence sharing activities. The analysts must be trained and qualified to perform such duties. The Committee seeks to enhance law enforcement capabilities to detect and prevent terrorist activities and ensure the safety and security of our Nation's citizens by strengthening the intelligence and information sharing capabilities among public and private entities. The Committee intends the Office of Grants and Training, in conjunction with the Office of Intelligence and Analysis, to provide certification for both basic analytic training programs and refresher courses for trained intelligence analysts who may be unfamiliar with the unique requirements of analyzing and sharing homeland security information.

Section 106. Re-designation of Directorate for Information Analysis and Infrastructure Protection

This section transfers the Office of Infrastructure Protection from the Directorate for Information Analysis and Infrastructure Protection, re-designates the remaining Office of Information Analysis as the Office of Intelligence and Analysis, and elevates the Assistant Secretary for Information Analysis to the position of Under Secretary for Intelligence and Analysis. This section does not confer any new authority to the Under Secretary for Intelligence and Analysis.

The Committee notes that many of the functions transferred in the redesignated section 201(f) of the Homeland Security Act of 2002 (P.L. 107–296) will be the responsibility of the Assistant Secretary for Infrastructure Protection or the Assistant Secretary for Cybersecurity and Telecommunications.

Section 107. National Academy of Public Administration Study on Implementation of Organizational Reforms

This section directs the Secretary of Homeland Security to enter into a contract to retain the National Academy of Public Administration to conduct a study of the Department of Homeland Security's implementation of the organizational changes made by this Act. The study should begin no later than two (2) months after the date of enactment.

Section 108. GAO Reports on an Inventory and Status of Homeland Security Training

This section directs the Comptroller General of the United States to submit an interim report to Congress, no later than 60 days after enactment, documenting the overall inventory and status of training programs for emergency response providers in the Department of Homeland Security (Department) and other Federal departments and agencies.

This section directs the Comptroller General to submit a final report to Congress on homeland security training no later than 120 days after enactment. Specifically, the report shall, among other things, assess the effectiveness of the structure and organization of such training programs, identify any duplication or redundancy among them, describe how States and local governments have used the Department of Homeland Security's (DHS or Department) terrorism preparedness grants for training purposes, and discuss the role of the Department's emergency response provider training institutions in the design and implementation of terrorism preparedness training courses.

The Committee believes that training is one of the Department's most critical missions. Our Nation's emergency response providers need targeted and effective training to develop and hone the specialized skills needed to fulfill their homeland security responsibilities. The Committee remains committed to ensuring that such training focuses on those emergency response providers most at risk, while ensuring that we structure training systems in a way that maximizes the efficient and effective delivery of training to as many providers as possible. Moreover, the Committee recognizes that the patchwork of Federal, State, and local training programs can result in duplication, inefficiency, and confusion. Therefore, the

Committee seeks an assessment of homeland security training programs to ensure resources are used to maximize our Nation's preparedness and response capabilities and minimize any unnecessary duplication or redundancy associated with such programs.

Section 109. Grants for Training and Exercises to Assist Public Elementary and Secondary Schools

This section permits State, local, or tribal governments to use Federal homeland security financial assistance administered by the Department of Homeland Security, to assist public elementary and secondary schools in developing and implementing training programs and exercises to instruct students to prevent, prepare for, respond to, mitigate against, or recover from acts of terrorism, natural disasters, and other emergencies.

The Committee has learned that State and local governments denied public elementary and secondary schools financial assistance for training and exercises because the governments erroneously believed the schools were ineligible for such assistance under the Homeland Security Act of 2002 (P.L. 107–296). This section, therefore, makes clear that public elementary and secondary schools are indeed eligible for Federal homeland security financial assistance. Because public elementary and secondary schools are already eligible for assistance, this provision is intended only to clarify current law and eliminate any residual confusion.

Section 110. Sense of the Congress on the Project 25 Conformity Assessment Project

This section states that it is the sense of the Congress that, in carrying out the responsibilities and authorities of the Department of Homeland Security relating to the Wireless Public Safety Interoperable Communications (SAFECOM) Program, the Assistant Secretary for Emergency Communications should work with the National Institute of Standards and Technology for the purpose of implementing, as soon as practicable, the Project 25 Compliance Assessment Program.

Section 111. National Pandemic Influenza Exercise

This section directs the Secretary of Homeland Security (Secretary), acting through the Assistant Secretary for Training and Exercises, to conduct a full-scale, national exercise to test the effectiveness and implementation of the National Strategy for Pandemic Influenza (November 1, 2005). In carrying out this exercise, the Secretary must work in coordination with the Chief Medical Officer of the Department of Homeland Security (DHS), and in cooperation with the Secretaries of Health and Human Services, Defense, and Agriculture, and the heads of all other Federal, State, and local government agencies responsible for pandemic influenza preparedness and response.

The Committee believes that exercises are a critical part of preparedness and response. To be truly prepared for pandemic influenza, exercises that most accurately model the most likely scenarios are crucial. Because DHS is in charge of coordinating the nationwide response, it is the Secretary's responsibility to conduct these exercises in conjunction with other relevant Federal agencies.

Section 112. Public-Private Sector Planning and Response Pilot Program

This section directs the Under Secretary for Emergency Management to establish a public-private sector planning and response pilot program to identify a network of critical resources in a region having significant risk of both terrorism and other catastrophic disasters. The Committee believes it is crucial to bring together local emergency managers and leaders from the private sector to identify critical resources that can be activated following a catastrophic incident to improve overall emergency response and recovery efforts.

Section 113. Emergency Management Performance Grants

This section authorizes $360 million for the Emergency Management Performance Grant Program for Fiscal Year 2007. The Committee seeks to ensure that State and local governments receive the Federal assistance necessary to effectively prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies. Given the new catastrophic and evacuation planning requirements required for State, local, and tribal governments under this Act, the Committee feels that the Federal government should provide additional resources for such purposes.

Section 114. Definitions

This section provides a number of definitions. Among other definitions, the term "emergency management" refers to the government function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, respond to, mitigate against, or recover from threatened or actual acts of terrorism, natural disasters, and other emergencies. This section also defines the term "prevention" to mean any activity undertaken to avoid, prevent, or stop threatened or actual acts of terrorism.

This section also amends section 2(6) of the Homeland Security Act of 2002 (P.L. 107–296) to expand the definition of "emergency response provider" to make clear that it includes the fire service and governmental and non-governmental organizations and personnel. Finally, this section defines the term "emergency response support providers" as including Federal, State, and local governmental and non-governmental utilities, public works, transportation, public health and related personnel, organizations, agencies, and authorities.

Section 115. Conforming Amendments

This section makes conforming amendments to the Homeland Security Act of 2002 (P.L. 107–296) and increases the number of Assistant Secretaries within the Department of Homeland Security.

TITLE II—WASTE, FRAUD, AND ABUSE PREVENTION

Section 201. Waste, Fraud, and Abuse Controls

This section requires the Secretary of Homeland Security (Secretary), acting through the Under Secretary for Emergency Management, to ensure that all programs within the Directorate of Emergency Management that administer Federal assistance de-

velop and maintain proper internal management controls to prevent and detect waste, fraud, and abuse. Application databases used by the Directorate to collect information on eligible recipients must also record disbursements. Such tracking shall be designed to highlight and identify ineligible applications. The databases used to collect information from applications must be integrated, and able to track disbursements and payment records.

Moreover, before any existing database or similar application processing system may be used to determine eligibility and disbursement of Federal assistance, it must undergo a review by the Office of the Inspector General of the Department of Homeland Security (Inspector General) to determine the existence and implementation of such internal controls.

Finally, this section requires the Secretary to annually report to Congress that before a database or similar application procedures may be utilized for the purpose of the dispensing of Federal assistance, proper internal controls are in place and operating. Recommendations or findings that remain unresolved between management and the Inspector General for 30 days must be immediately reported to Congress.

The Committee seeks to ensure that the widespread fraud that occurred in the aftermath of Hurricanes Katrina and Rita and the September 11, 2001, attacks will be prevented in future disasters. The Federal Emergency Management Agency (FEMA) had few, if any, internal management controls in place to detect and prevent fraudulent applications for Federal assistance. Thousands of fraudulent applications were submitted using fraudulent social security numbers and fictitious addresses. FEMA also made duplicate payments of Federal assistance to thousands of applicants. The Government Accountability Office (GAO), through its investigations of FEMA's Individual and Households Program (IHP), estimated that FEMA made $1 billion in fraudulent payments for expedited and rental assistance.

Section 202. Assessment and Report Regarding Utilization of Independent Private Sector Inspectors General

This section directs the Undersecretary for Emergency Management, in consultation with the Undersecretary for Management, to assess the role that Independent Private Sector Inspectors General (IPSIG) played in preventing waste, fraud, and abuse in the contracts to remove debris from the World Trade Center site in New York City, New York, after the terrorist attacks of September 11, 2001.

This assessment will examine whether the IPSIG model could be effectively utilized to monitor and provide greater accountability for future Federally-funded contracts—including those for debris removal and the repair or reconstruction of damaged infrastructure—in response to terrorist attacks, natural disasters, or other national emergencies. The Committee believes that the use of IPSIGs could significantly reduce the incidence of waste, fraud, and abuse that occur in response and recovery contracting, and provide a new tool to save taxpayer dollars.

Section 203. Enhanced Accountability for Federal Assistance

This section provides that each State, local, tribal, and non-profit entity that receives Federal assistance funds in response to acts of terrorism, natural disasters, or other emergencies shall report to the pertinent Federal agency six months after the initial disbursement of resources regarding the expenditure of such funds. The report shall include a description of the projects or programs that received Federal assistance; the entity administering the program or project; and the dates and amounts disbursed, allocated, and expended. This section directs the Under Secretary for Emergency Management to determine whether the requirement to report under this section is duplicative of, or can be combined with, other reporting requirements and, if so, the Under Secretary is required to combine such requirements and eliminate such duplication.

Under this section, each Federal agency that disburses Federal assistance funds in response to acts of terrorism, natural disasters, or other emergencies must report to the Department of Homeland Security Inspector General (Inspector General) in his role as Chairman of the President's Council on Integrity and Efficiency Homeland Security Roundtable regarding the expenditure of these Federal funds. The report shall be submitted one year after enactment of the disaster assistance appropriation, and recurrently, every six months until all monies are expended or the Inspector General and the Council determine that such reports are no longer required. The report should include the following: the names and addresses of recipient agencies; the purpose for which resources were provided; and the amounts disbursed, allocated, and expended; and the status of reporting by agencies that received disbursements.

Section 204. Enhanced Information Sharing Among Federal Agencies to Prevent, Waste, Fraud, and Abuse

Under this section, Federal, State, local, or tribal agencies that disburse Federal assistance to respond to, or recover from, acts of terrorism, natural disasters, or other emergencies, must establish procedures to make reasonable efforts to confirm the identities and eligibility of applicants without placing undue burden on applicants. This section also allows Federal, State, local, or tribal agencies to ask, on application materials for grants, loans, services, or other assistance, for applicants' consent to share their personal information with Federal agencies, such as the Internal Revenue Service, in order to enhance the accuracy and expedite the delivery of assistance to applicants. Applicants who do not consent to the sharing of such information shall not be denied assistance or otherwise penalized for refusal to consent.

The Committee intends this section to ensure resources are disbursed expeditiously to eligible applicants while preventing resource disbursements to ineligible recipients. The Committee has learned that some employees or volunteers of State, local, tribal, and non-profit entities charged with disbursing Federal or Federally-supplemented assistance resources did not make reasonable efforts to confirm the eligibility of recipients. Further, protections under the Privacy Act of 1974 (5 U.S.C. § 552a, as amended) and other privacy safeguards made it difficult for disbursing agencies to exercise due diligence checks to ascertain whether applicants for assistance were eligible.

Allowing applicants to waive some of these protections will allow disbursing agencies to access information about applicants collected and maintained by Federal departments and agencies. It also will permit such agencies to provide information on individuals or entities impacted by acts of terrorism, natural disasters, or other emergencies who may have lost documents proving their identity, residence, income, or other eligibility criteria. The Committee believes that allowing access to information about applicants maintained by Federal departments and agencies will also enable disbursing agencies to prevent the disbursement of aid to ineligible applicants by enabling Federal departments and agencies to determine when an applicant has reported false information that conflicts with records maintained by a Federal department or agency.

Section 205. Deputy Inspector General for Response and Recovery

This section establishes the position of Deputy Inspector General for Response and Recovery within the Office of the Inspector General of the Department of Homeland Security. The Deputy Inspector General will work with Inspectors General of other Federal Departments and agencies, as appropriate, to conduct and coordinate audits and investigations of Federal resources for the response to, and recovery from, acts of terrorism, natural disasters, or other emergencies.

This section requires the Deputy Inspector General, within 48 hours of a terrorist attack, natural disaster, or other national emergency, to set up and publicize a Fraud Tip Line to collect allegations of waste, fraud, and abuse of Federal assistance funds. This section also requires all agencies receiving or distributing Federal funds to set up procedures to distinguish and separately track funds related to response and relief efforts.

The Federal response to acts of terrorism, natural disasters, or other national emergencies often involves multiple Federal agencies, which administer a variety of programs, some of which overlap. As a result, multiple Offices of Inspector General have, in the past, been responsible for auditing and overseeing discreet elements of the Federal response to acts of terrorism, natural disasters, or other national emergencies. This oversight and accountability structure provides only limited information and oversight regarding the Federal Government's response.

This section requires the Inspector General of the Department of Homeland Security to appoint the Deputy Inspector General not later than 60 days after enactment. To support the operations of this office, the section also authorizes $11 million for this office in each fiscal year. The Committee finds it would be more effective for a single Deputy Inspector General to have oversight of and responsibility for auditing all disaster relief programs administered by any Federal agency. Therefore, to facilitate Federal oversight and to avoid duplication of effort, this provision directs the Deputy Inspector General to work with auditors and investigators at all levels of government and to coordinate investigative activities at the Federal level with the Federal Bureau of Investigation.

Section 206. Protection of Department of Homeland Security Official Seal and Insignia

This provision would provide the Department of Homeland Security (DHS or Department) with copyright protections over its seal, name, initials, and the titles of its officers. This protection is similar to statutory protections for visual representations of seals of other Federal agencies.

This section would specifically require written permission from the Secretary to use the name, initials, seal or titles of the Department in connection with any advertisement, commercial activity, movie, television show or other audiovisual production, impersonation, Internet domain name, e-mail address, website, merchandise, or solicitation in a manner intended to convey the impression that the Department has approved, endorsed, or authorized such use.

Names, initials, seals or titles protected by this section include: the words "Department of Homeland Security", the initials "DHS", the insignia or seal of the Department, the title "Secretary of Homeland Security," the name, initials, insignia, or seal of any organizational element (including any former such element) of the Department, or the title of any other officer or employee of the Department. This section empowers the Attorney General to initiate civil proceedings to enjoin potentially unauthorized uses of the Department's seal, name, initials, officers' titles, and other representations.

The Committee intends this section to give the Department the ability to control the use of its name, initials, seal, titles, and other representations in order to boost public awareness about its mission and programs and to prevent misrepresentations from creating false impressions about its mission and programs. The Committee recognizes that portrayal of a Federal agency in popular entertainment can be a cost-effective way to educate the public about the agency's mission and programs. But such portrayals also can mischaracterize such missions or programs. Without statutory protection, the Department is less able than other Federal agencies to prevent such mischaracterizations or to take corrective action when it occurs.

The Committee is concerned that the Department has been unable to stop recent efforts to appropriate its name and other representations for private gain. For example, the Committee notes that a Hollywood movie mass-released in 2005 used Transportation Security Administration (TSA) badges and represented TSA baggage screeners without the Department's permission. The Committee believes the Department's ability to withhold permission to use its name, initials, seal, or titles will give it additional leverage to ensure such representations are used in portrayals that accurately reflect its mission and programs and bolster public awareness of the same.

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 omit-

ted is enclosed in black brackets, new matter is printed in italic, 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:

Sec. 1. Short title; table of contents.

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TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Directorate for Information Analysis and Infrastructure Protection; Access to Information

[Sec. 201. Directorate for Information Analysis and Infrastructure Protection.]
Sec. 201. Office of Intelligence and Analysis.

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TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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Sec. 314. Office of Interoperability and Compatibility.

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TITLE IV—DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY

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Subtitle C—Miscellaneous Provisions

* * * * * * *
[Sec. 430. Office for Domestic Preparedness.]

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[TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE

[Sec. 501. Under Secretary for Emergency Preparedness and Response.
[Sec. 502. Responsibilities.
[Sec. 503. Functions transferred.
[Sec. 504. Nuclear incident response.
[Sec. 505. Conduct of certain public health-related activities.
[Sec. 506. Definition.
[Sec. 507. Role of Federal Emergency Management Agency.
[Sec. 508. Use of national private sector networks in emergency response.
[Sec. 509. Use of commercially available technology, goods, and services.]

TITLE V—EMERGENCY MANAGEMENT

Subtitle A—Directorate of Emergency Management

Sec. 501. Directorate of Emergency Management.
Sec. 502. Responsibilities of the Under Secretary.
Sec. 503. Principal advisor on emergency management.
Sec. 504. Regional offices.
Sec. 505. Chief Medical Officer.
Sec. 506. National Biosurveillance Integration System.
Sec. 507. Office of State, Local, and Tribal Government Coordination.
Sec. 508. Office of National Capital Region Coordination.
Sec. 509. National Advisory Council on Emergency Management.
Sec. 510. Reorganization of Directorate.

Subtitle B—Emergency Preparedness

Sec. 521. Office of Grants and Planning.
Sec. 522. Office of Training and Exercises.
Sec. 523. Essential capabilities.

Sec. 524. Catastrophic planning.
Sec. 525. System assessment and validation for emergency responders program.
Sec. 526. Homeland Security Education Program.
Sec. 527. Office of Public and Community Preparedness.

Subtitle C—Emergency Response

Sec. 541. National incident management system and national response plan integration center.
Sec. 542. Use of national private sector networks in emergency response.
Sec. 543. Nuclear incident response.
Sec. 544. National urban search and rescue response system.
Sec. 545. Metropolitan Medical Response System.
Sec. 546. Emergency Management Assistance Compact authorization.

Subtitle D—Emergency Communications

Sec. 561. Office of Emergency Communications.
Sec. 562. National emergency communications strategy.
Sec. 563. Assessments and reports.
Sec. 564. Coordination of Federal emergency communications grant programs.
Sec. 565. Regional emergency communications coordination.
Sec. 566. Emergency Communications Preparedness Center.
Sec. 567. Urban and other high risk area communications capabilities.
Sec. 568. Integrated national alert and warning system.

Subtitle E—Emergency Logistics

Sec. 581. Prepositioned equipment program.
Sec. 582. National Asset Inventory Program.
Sec. 583. Small business database for Federal contracting related to major disasters and emergency assistance activities.
Sec. 584. Fraud prevention training program.
Sec. 585. Pre-negotiated contracts for delivery of goods and services after emergencies.

Subtitle F—Infrastructure Protection and Cybersecurity

Sec. 591. Office of Infrastructure Protection.
Sec. 592. Office of Cybersecurity and Telecommunications.

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TITLE VII—MANAGEMENT

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Sec. 707. Fraud, waste, and abuse controls.

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TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

[Subtitle A—Coordination with Non-Federal Entities

[Sec. 801. Office for State and Local Government Coordination.]

SUBTITLE B—INSPECTOR GENERAL

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Sec. 813. Deputy Inspector General for Response and Recovery.

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SUBTITLE F—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

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Sec. 856a. Enhanced accountability for Federal assistance.
Sec. 856b. Enhanced information sharing among Federal agencies to prevent fraud, waste, and abuse.

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[*Sec. 882. Office for National Capital Region Coordination.*]

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SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) * * *

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(6) The term "emergency response providers" [includes Federal, State, and local emergency public safety, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.] *includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.*

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(17) The term "emergency management" refers to the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, respond to, mitigate against, or recover from a threatened or actual act of terrorism, natural disaster, or other emergency.

(18) The term "prevention" means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.

(19) The term "emergency support providers" includes Federal, State, and local governmental and nongovernmental utilities, public works, transportation, and public health and related personnel, organizations, agencies, and authorities.

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TITLE I—DEPARTMENT OF HOMELAND SECURITY

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SEC. 103. OTHER OFFICERS.

(a) DEPUTY SECRETARY; UNDER SECRETARIES.—There are the following officers, appointed by the President, by and with the advice and consent of the Senate:

(1) * * *

(2) An Under Secretary for [Information Analysis and Infrastructure Protection] *Intelligence and Analysis*.

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(5) An Under Secretary for Emergency [Preparedness and Response] *Management*.

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[(7) An Under Secretary for Management.]

[(8)] *(7)* A Director of the Office of Counternarcotics Enforcement.

[(9)] *(8)* Not more than [12] *17* Assistant Secretaries.

[(10)] *(9)* A General Counsel, who shall be the chief legal officer of the Department.

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TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Directorate for Information Analysis and Infrastructure Protection; Access to Information

[SEC. 201. DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.]

SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.

(a) [UNDER SECRETARY OF HOMELAND SECURITY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—] *UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—*

(1) IN GENERAL.—There shall be in the Department [a Directorate for Information Analysis and Infrastructure Protection] *an Office of Intelligence and Analysis* headed by [an Under Secretary for Information Analysis and Infrastructure Protection] *an Under Secretary for Intelligence and Analysis*, who shall be appointed by the President, by and with the advice and consent of the Senate.

* * * * * * *

[(b) ASSISTANT SECRETARY FOR INFORMATION ANALYSIS; ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

[(1) ASSISTANT SECRETARY FOR INFORMATION ANALYSIS.—There shall be in the Department an Assistant Secretary for Information Analysis, who shall be appointed by the President.

[(2) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—There shall be in the Department an Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

[(3) RESPONSIBILITIES.—The Assistant Secretary for Information Analysis and the Assistant Secretary for Infrastructure Protection shall assist the Under Secretary for Information Analysis and Infrastructure Protection in discharging the responsibilities of the Under Secretary under this section.]

[(c) DISCHARGE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—] *(b) DISCHARGE OF INTELLIGENCE AND ANALYSIS.—* The Secretary shall ensure that the responsibilities of the Department regarding information analysis [and infrastructure protection] *and intelligence* are carried out through [the Under Secretary for Information Analysis and Infrastructure Protection] *the Under Secretary for Intelligence and Analysis*.

[(d)] *(c)* RESPONSIBILITIES OF UNDER SECRETARY.—Subject to the direction and control of the Secretary, the responsibilities of [the

Under Secretary for Information Analysis and Infrastructure Protection] *the Under Secretary for Intelligence Analysis* shall be as follows:

(1) * * *

[(2) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).]

[(3) To integrate] *(2) To participate in the integration of* relevant information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities.

[(4)] *(3)* To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this section, including obtaining such information from other agencies of the Federal Government.

[(5) To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems.

[(6) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.]

[(7)] *(4)* To administer the Homeland Security Advisory System, including—

(A) * * *

* * * * * * *

[(8)] *(5)* To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and between the Federal Government and State and local government agencies and authorities.

[(9)] *(6)* To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments and private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemp-

tion of, or response to, terrorist attacks against the United States.

[(10)] *(7)* To consult with the Director of Central Intelligence and other appropriate intelligence, law enforcement, or other elements of the Federal Government to establish collection priorities and strategies for information, including law enforcement-related information, relating to threats of terrorism against the United States through such means as the representation of the Department in discussions regarding requirements and priorities in the collection of such information.

[(11)] *(8)* To consult with State and local governments and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

[(12)] *(9)* To ensure that—

(A) * * *

* * * * * * *

[(13)] *(10)* To request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain such information.

[(14)] *(11)* To establish and utilize, in conjunction with the chief information officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

[(15)] *(12)* To ensure, in conjunction with the chief information officer of the Department, that any information databases and analytical tools developed or utilized by the Department—

(A) * * *

* * * * * * *

[(16)] *(13)* To coordinate training and other support to the elements and personnel of the Department, other agencies of the Federal Government, and State and local governments that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

[(17)] *(14)* To coordinate with *the Assistant Secretary for Infrastructure Protection and* elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

[(18)] *(15)* To provide intelligence and information analysis and support to other elements of the Department.

[(19)] *(16)* To perform such other duties relating to such responsibilities as the Secretary may provide.

[(e)] *(d)* STAFF.—

(1) IN GENERAL.—The Secretary shall provide the [Directorate] *Office* with a staff of analysts having appropriate expertise and experience to assist the [Directorate] *Office* in discharging responsibilities under this section.

* * * * * * *

[(f)] *(e)* DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the [Directorate] *Office* in discharging responsibilities under this section, personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

* * * * * * *

[(g)] *(f)* FUNCTIONS TRANSFERRED.—In accordance with title XV, there shall be transferred to the Secretary[, for assignment to the Under Secretary for Information Analysis and Infrastructure Protection under this section,] the functions, personnel, assets, and liabilities of the following:

(1) * * *

* * * * * * *

Subtitle C—Information Security

* * * * * * *

SEC. 223. ENHANCEMENT OF NON-FEDERAL CYBERSECURITY.

In carrying out the responsibilities under section 201, the [Under Secretary for Information Analysis and Infrastructure Protection] *Assistant Secretary for Infrastructure Protection* shall—

(1) * * *

* * * * * * *

SEC. 224. NET GUARD.

The [Under Secretary for Information Analysis and Infrastructure Protection] *Assistant Secretary for Cybersecurity and Telecommunications* may establish a national technology guard, to be known as "NET Guard", comprised of local teams of volunteers with expertise in relevant areas of science and technology, to assist local communities to respond and recover from attacks on information systems and communications networks.

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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—

(1) * * *

* * * * * * *

(3) supporting the [Under Secretary for Information Analysis and Infrastructure Protection] *Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection*, by assessing and testing homeland security vulnerabilities and possible threats;

* * * * * * *

SEC. 314. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.

(a) CLARIFICATION OF RESPONSIBILITIES.—The Director of the Office of Interoperability and Compatibility shall—

(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subparagraphs (D), (E), (F), and (G) of section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

(2) support the creation of national voluntary consensus standards for interoperable emergency communications;

(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

(4) establish requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment;

(5) evaluate and validate new technology concepts in real-world environments to achieve interoperable emergency communications capabilities;

(6) encourage more efficient use of existing resources, including equipment and spectrum, to achieve interoperable emergency communications capabilities;

(7) test and deploy public safety communications systems that are less prone to failure, support new nonvoice services, consume less spectrum, and cost less than existing systems; and

(8) work with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities.

(b) COORDINATION.—The Director shall coordinate with the Assistant Secretary for Emergency Communications with respect to the SAFECOM program.

(c) SUFFICIENCY OF RESOURCES.—The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.

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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.

[(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.]

* * * * * * *

[TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE

[SEC. 501. UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.

[There shall be in the Department a Directorate of Emergency Preparedness and Response headed by an Under Secretary for Emergency Preparedness and Response.

[SEC. 502. RESPONSIBILITIES.

[The Secretary, acting through the Under Secretary for Emergency Preparedness and Response, shall include—

[(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

[(2) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department pursuant to this title)—

[(A) establishing standards and certifying when those standards have been met;

[(B) conducting joint and other exercises and training and evaluating performance; and

[(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

[(3) providing the Federal Government's response to terrorist attacks and major disasters, including—

[(A) managing such response;

[(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department pursuant to this title) the Nuclear Incident Response Team;

[(C) overseeing the Metropolitan Medical Response System; and

[(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

[(4) aiding the recovery from terrorist attacks and major disasters;

[(5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

[(6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan; and

[(7) helping to ensure that emergency response providers acquire interoperable technology.

[SEC. 503. FUNCTIONS TRANSFERRED.

[In accordance with title XV, there shall be transferred to the Secretary the functions, personnel, assets, and liabilities of the following entities:

[(1) The Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto.

[(2) The Integrated Hazard Information System of the National Oceanic and Atmospheric Administration, which shall be renamed "FIRESAT".

[(3) The National Domestic Preparedness Office of the Federal Bureau of Investigation, including the functions of the Attorney General relating thereto.

[(4) The Domestic Emergency Support Teams of the Department of Justice, including the functions of the Attorney General relating thereto.

[(5) The Office of Emergency Preparedness, the National Disaster Medical System, and the Metropolitan Medical Response System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness relating thereto.

[SEC. 504. NUCLEAR INCIDENT RESPONSE.

[(a) IN GENERAL.—At the direction of the Secretary (in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States), the Nuclear Incident Response Team shall operate as an organizational unit of the Department. While so operating, the Nuclear Incident Response Team shall be subject to the direction, authority, and control of the Secretary.

[(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the ordinary responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities in the Nuclear Incident Response Team, or (subject to the provisions of this title) from exercising direction, authority, and control over them when they are not operating as a unit of the Department.

[SEC. 505. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES.

[(a) IN GENERAL.—With respect to all public health-related activities to improve State, local, and hospital preparedness and response to chemical, biological, radiological, and nuclear and other emerging terrorist threats carried out by the Department of Health and Human Services (including the Public Health Service), the Secretary of Health and Human Services shall set priorities and preparedness goals and further develop a coordinated strategy for such activities in collaboration with the Secretary.

[(b) EVALUATION OF PROGRESS.—In carrying out subsection (a), the Secretary of Health and Human Services shall collaborate with the Secretary in developing specific benchmarks and outcome measurements for evaluating progress toward achieving the priorities and goals described in such subsection.

[SEC. 506. DEFINITION.

[In this title, the term "Nuclear Incident Response Team" means a resource that includes—

[(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

[(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.

[SEC. 507. ROLE OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

[(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

[(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

[(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program—

[(A) of mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

[(B) of planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

[(C) of response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

[(D) of recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

[(E) of increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

[(b) FEDERAL RESPONSE PLAN.—

[(1) ROLE OF FEMA.—Notwithstanding any other provision of this Act, the Federal Emergency Management Agency shall remain the lead agency for the Federal Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

[(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the Federal Response Plan to reflect the establishment of and incorporate the Department.

[SEC. 508. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.

[To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

[SEC. 509. USE OF COMMERCIALLY AVAILABLE TECHNOLOGY, GOODS, AND SERVICES.

[It is the sense of Congress that—

[(1) the Secretary should, to the maximum extent possible, use off-the-shelf commercially developed technologies to ensure that the Department's information technology systems allow the Department to collect, manage, share, analyze, and disseminate information securely over multiple channels of communication; and

[(2) in order to further the policy of the United States to avoid competing commercially with the private sector, the Secretary should rely on commercial sources to supply the goods and services needed by the Department.]

TITLE V—EMERGENCY MANAGEMENT

Subtitle A—Directorate of Emergency Management

SEC. 501. DIRECTORATE OF EMERGENCY MANAGEMENT.

(a) UNDER SECRETARY FOR EMERGENCY MANAGEMENT.—

(1) IN GENERAL.—There is in the Department a Directorate of Emergency Management. The head of the Directorate is the Under Secretary for Emergency Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The individual appointed as Under Secretary shall possess a demonstrated ability in and knowledge of emergency management and homeland security.

(3) RESPONSIBILITIES.—The Under Secretary shall assist the Secretary in discharging the responsibilities under section 502.

(b) DEPUTY UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND MITIGATION.—

(1) IN GENERAL.—There is in the Department a Deputy Under Secretary for Emergency Preparedness and Mitigation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The individual appointed as Deputy Under Secretary shall possess a demonstrated ability in and knowledge of emergency preparedness and mitigation.

(3) RESPONSIBILITIES.—The Deputy Under Secretary for Emergency Preparedness and Mitigation shall assist the Under Secretary for Emergency Management in discharging the responsibilities of the Under Secretary.

(c) DEPUTY UNDER SECRETARY FOR EMERGENCY RESPONSE AND RECOVERY.—

(1) IN GENERAL.—There is in the Department a Deputy Under Secretary for Emergency Response and Recovery, who shall be

appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The individual appointed as Deputy Under Secretary shall possess a demonstrated ability in and knowledge of emergency response and recovery.

(3) RESPONSIBILITIES.—The Deputy Under Secretary for Emergency Response and Recovery shall assist the Under Secretary for Emergency Management in discharging the responsibilities of the Under Secretary.

(d) ASSISTANT SECRETARIES FOR EMERGENCY MANAGEMENT.—There are in the Department the following Assistant Secretaries, who shall be appointed by the President, by and with the advice and consent of the Senate:

(1) An Assistant Secretary for Grants and Planning, who shall report directly to the Deputy Under Secretary for Emergency Preparedness and Mitigation.

(2) An Assistant Secretary for Training and Exercises, who shall report directly to the Deputy Under Secretary for Emergency Preparedness and Mitigation.

(3) An Assistant Secretary for Emergency Communications, who shall report directly to the Under Secretary for Emergency Management.

(4) An Assistant Secretary for Infrastructure Protection, who shall report directly to the Under Secretary for Emergency Management.

(5) An Assistant Secretary for Cybersecurity and Telecommunications, who shall report directly to the Under Secretary for Emergency Management.

SEC. 502. RESPONSIBILITIES OF THE UNDER SECRETARY.

(a) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Under Secretary for Emergency Management shall have the primary responsibility within the executive branch of Government for preparing for, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies. Such responsibilities shall include the following:

(1) Serving as the Secretary's principal advisor on emergency preparedness, mitigation, response, and recovery issues.

(2) Carrying out all functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(3) Coordinating the Federal response to acts of terrorism, natural disasters, or other emergencies, including coordination of—

(A) the National Emergency Response Team;

(B) the deployment of the Strategic National Stockpile;

(C) the National Disaster Medical System;

(D) the Nuclear Incident Response Team (when operating as an organizational unit of the Department pursuant to this title);

(E) the Metropolitan Medical Response System;

(F) the Urban Search and Rescue System;

(G) Federal Incident Response Support Teams;

(H) Management Support Teams; and

(I) the Mobile Emergency Response System.

(4) Overseeing and directing all of the activities of the Directorate.

(5) Developing for each fiscal year, and submitting directly to the President, a prepared budget for the Directorate.

(6) Coordinating emergency preparedness, mitigation, response, and recovery activities throughout the Department.

(7) Leading the development of an integrated national emergency management system.

(8) Coordinating preparedness, mitigation, response, and recovery efforts at the Federal level.

(9) Working with all State, local, tribal, and private sector emergency managers, emergency response providers, and emergency support providers on all matters pertaining to acts of terrorism, natural disasters, and other emergencies, including training, exercises, and lessons learned.

(10) Implementing national strategies and policies in all matters pertaining to emergency management and the protection of critical infrastructure.

(11) Establishing priorities for directing, funding, and conducting national preparedness programs, activities, and services for preventing, protecting against, mitigating against, responding to, and recovering from acts of terrorism, natural disasters, and other emergencies.

(12) Coordinating communications and systems of communications relating to homeland security by and between all levels of government.

(13) Directing and supervising homeland security financial assistance awarded by the Department to State, local, and tribal governments.

(14) Serving as an advocate for emergency preparedness across all government sectors, the private sector, and the public.

(15) Helping to ensure the acquisition of operable and interoperable communications capabilities by Federal, State, and local governments and emergency response providers.

(16) Aiding the recovery from acts of terrorism, natural disasters, and other emergencies.

(17) Minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector.

(18) Performing such other duties relating to such responsibilities as the Secretary may require.

(b) FUNCTIONS TRANSFERRED.—

(1) TRANSFER.—There are transferred to the Under Secretary for Emergency Management—

(A) the functions, personnel, assets, and liabilities of the Federal Emergency Management Agency; and

(B) the functions, personnel, assets, and liabilities of the Directorate of Preparedness.

(2) RESPONSIBILITIES.—The Under Secretary shall carry out the responsibilities of the Director of the Federal Emergency Management Agency and the responsibilities of the Under Secretary for Preparedness.

(c) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—The Secretary shall perform the functions of the following entities through the Under Secretary for Emergency Management:

(1) The Integrated Hazard Information System (which the Secretary shall rename "FIRESAT") of the National Oceanic and Atmospheric Administration.

(2) The National Domestic Preparedness Office of the Federal Bureau of Investigation, including the functions of the Attorney General relating thereto.

(3) The Domestic Emergency Response Teams of the Department of Justice, including the functions of the Attorney General relating thereto.

(4) The Office of Emergency Preparedness, the National Disaster Medical System, and the Metropolitan Medical Response System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness relating thereto.

(5) The United States Fire Administration and the United States Fire Academy.

(d) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.

(e) SUFFICIENCY OF RESOURCES.—The Secretary shall provide to the Under Secretary for Emergency Management the resources and staff necessary to carry out the responsibilities of the Directorate of Emergency Management under this section.

SEC. 503. PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.

(a) IN GENERAL.—The Under Secretary for Emergency Management shall serve as the principal advisor to the President for all matters pertaining to emergency management in the United States.

(b) CABINET STATUS.—During the effective period of an Incident of National Significance declared by the Secretary under the National Response Plan, the Under Secretary for Emergency Management shall serve as a Cabinet Officer for the duration of such Incident of National Significance.

(c) APPOINTMENT OF PRINCIPAL FEDERAL OFFICIAL.—Notwithstanding any provision of the National Response Plan or Homeland Security Presidential Directive 5, the Secretary, in coordination with the Under Secretary for Emergency Management, shall designate the Principal Federal Official for purposes of the National Response Plan.

(d) RETENTION OF AUTHORITY.—Nothing in this section shall be construed as affecting the authority of the Secretary under this Act.

SEC. 504. REGIONAL OFFICES.

(a) IN GENERAL.—In accordance with section 706, there is in the Directorate a Regional Office of Emergency Management for each region of the United States.

(b) MANAGEMENT OF REGIONAL OFFICES.—

(1) REGIONAL DIRECTOR.—Each Regional Office shall be headed by a Regional Director for Emergency Management, who shall be appointed by the Secretary, in consultation with State, local, and tribal governments in the region. Except as provided in subsection (c)(3), each Regional Director for Emergency Management shall report directly to the Under Secretary for Emergency Management.

(2) DEPUTY REGIONAL DIRECTOR.—There shall be in each Regional Office a Deputy Regional Director for Emergency Management, who shall be appointed by the Secretary, in consultation with State, local, and tribal governments in the region. The Deputy Regional Director for Emergency Management for a Regional Office shall report directly to the Regional Director for Emergency Management for that Regional Office.

(3) QUALIFICATIONS.—Each individual appointed as Regional Director or Deputy Regional Director for Emergency Management must possess a demonstrated ability in and knowledge of emergency management and possess familiarity with the geographical area and demographic characteristics of the population served by the Regional Office.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to the direction and control of the Secretary and in consultation with the Regional Advisory Council on Emergency Management under subsection (e), each Regional Director for Emergency Management shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, emergency support providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities under this section.

(2) CORE RESPONSIBILITIES.—The core responsibilities of each Regional Director are as follows:

(A) Ensuring coordination and integration of regional preparedness, mitigation, response, and recovery activities and programs, including planning, training, exercises, and professional development.

(B) Participating in regional emergency management activities.

(C) Identifying critical gaps in preparedness and reporting such gaps to the Assistant Secretary for Grants and Planning.

(D) Identifying critical gaps in critical infrastructure and reporting such gaps to the Assistant Secretary for Infrastructure Protection.

(E) Organizing, in consultation with the Assistant Secretary for Training and Exercises, regional training and exercise programs.

(F) Facilitating the dissemination and implementation of lessons learned and best practices.

(G) Improving general information sharing and other forms of coordination.

(H) Encouraging, in coordination with the Director of the Office of Public and Community Preparedness, public and community preparedness efforts.

(I) Assisting in the development of regional capabilities needed for a national catastrophic response system.

(J) Monitoring, in coordination with the Assistant Secretary for Grants and Planning, the use of Federal homeland security assistance awarded by the Department to State, local, and tribal governments.

(K) Pre-identifying Joint Field Office locations in areas with large populations or in areas at high risk to acts of terrorism, natural disasters, or other emergencies.

(L) Fostering the development of mutual aid and other cooperative agreements pertaining to emergency management.

(M) Identifying critical gaps in regional capabilities to respond to the needs of at-risk communities, as described in section 527(e).

(N) Performing such other duties relating to such responsibilities as the Secretary may require.

(3) INCIDENTS OF NATIONAL SIGNIFICANCE.—

(A) APPOINTMENT OF REGIONAL DIRECTOR AS PRINCIPAL FEDERAL OFFICIAL OR FEDERAL COORDINATING OFFICER.—During the effective period of an Incident of National Significance declared by the Secretary under the National Response Plan, if the Regional Director is appointed Principal Federal Official or Federal Coordinating Officer, the Deputy Regional Director shall assume the responsibilities of the Regional Director during such incident.

(B) RESPONSIBILITIES OF PRINCIPAL FEDERAL OFFICIAL.—In addition to the responsibilities of the Principal Federal Official under the National Response Plan, such Official shall, with respect to the Incident of National Significance—

(i) establish and direct a Joint Field Office and any other coordination structure that is needed for such incident;

(ii) possess the authority to make any necessary operational decisions, in accordance with existing Federal law, without obtaining approval from the Secretary;

(iii) coordinate and direct, as appropriate, Federal response assets deployed within the operational area;

(iv) serve as the primary point of contact between the Department, the Department of Defense, and States for contingency planning; and

(v) act as the primary point of contact and situational awareness locally for the Secretary of Homeland Security.

(d) TRAINING AND EXERCISE REQUIREMENTS.—

(1) TRAINING.—The Secretary shall require each Regional Director and Deputy Regional Director for Emergency Management to complete Principal Federal Officer training not later than 60 days after the date on which the Regional Director or Deputy Regional Director is appointed. In addition, the Secretary shall require each Regional Director and Deputy Regional Director to periodically, but not less than annually, undergo specific training to complement the qualifications of the Regional Director or Deputy Regional Director. Such training shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Secretary.

(2) EXERCISES.—The Secretary shall require each Regional Director and Deputy Regional Director for Emergency Management to regularly participate in regional or national exercises.

(e) REGIONAL ADVISORY COUNCILS ON EMERGENCY MANAGEMENT.—

(1) ESTABLISHMENT.—There is in each Regional Office a Regional Advisory Council on Emergency Management. Each Advisory Council shall report to the Regional Director of the Regional Office.

(2) MEMBERSHIP.—

(A) The Regional Director shall appoint the following members to the Advisory Council of that Regional Director's Regional Office—

(i) subject matter experts from across the Federal Government, including representatives from the Departments of Defense, Energy, Health and Human Services, and Transportation;

(ii) subject matter experts from components of the Directorate, including the Offices of Grants and Planning, Training and Exercises, Public and Community Preparedness, Infrastructure Protection, Response, and Recovery;

(iii) subject matter experts from other components of the Department, including the Coast Guard, United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, and the United States Secret Service;

(iv) subject matter experts representing emergency managers, emergency response providers, and emergency support providers; and

(v) subject matter experts from the private sector, including nongovernmental organizations, educational institutions, social action agencies, and faith-based organizations.

(B) State, local, and tribal governments within the geographic area served by the Regional Office shall appoint officials, including Adjutants General and emergency managers, as members of the Advisory Council.

(3) TERMS OF OFFICE.—

(A) IN GENERAL.—The term of office of each member of the Advisory Council shall be 3 years.

(B) INITIAL APPOINTMENTS.—Of the members initially appointed to the Advisory Council—

(i) one-third shall be appointed for a term of one year; and

(ii) one-third shall be appointed for a term of two years.

(4) CHAIR.—At the first meeting of the Advisory Council, the members of the Advisory Council appointed under paragraph (2) shall elect a chair of the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet at least biannually at the call of the chair. Each member shall be given appropriate notice of the call of each meeting, whenever possible not less than 15 days before the meeting.

(6) REGIONAL FACTORS.—The size and composition of each Advisory Council shall be determined by—

(A) the size of the region associated with the Advisory Council;

(B) the propensity of that region to experience natural disasters and other emergencies;

(C) the risk of acts of terrorism within the region; and

(D) State, local, and tribal preparedness, as measured against the National Preparedness Goal.

(7) RESPONSIBILITIES.—The Advisory Council shall carry out the following responsibilities:

(A) Advise the Regional Director on emergency management issues specific to that region.

(B) Identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, mitigation, response, or recovery more complicated or difficult.

(C) Advise the Regional Director on developing a process of peer review for catastrophic emergency plans submitted under section 524.

(D) Advise the Regional Director of any weaknesses or deficiencies in preparedness, mitigation, response, and recovery for any State, local, or tribal government within the region of which the Advisory Council is aware.

(E) Assist the Regional Director in establishing a process to secure goods and services through coordinated, pre-negotiated contracts by Federal, State, local, and tribal governments.

(F) Provide recommendations on other matters pertaining to emergency management.

(G) Provide such advice as the Regional Director requests.

(f) COORDINATION.—Each Regional Director for Emergency Management shall coordinate all activities conducted under this section with other Federal departments and agencies, and shall not have authority over other agencies of the Department, including the Coast Guard, the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, or the United States Secret Service.

(g) RETENTION OF AUTHORITIES.—

(1) FEDERAL COORDINATING OFFICER.—Nothing in this section shall be construed as affecting any authority of the Federal Coordinating Officer under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201 et seq.).

(2) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—Nothing in this section shall be construed as limiting the power of State, local, and tribal governments.

(h) DEADLINE AND USE OF EXISTING OFFICES.—

(1) DEADLINE.—The Secretary shall establish the Regional Offices required under this section not later than one year after the date of the enactment of the National Emergency Management Reform and Enhancement Act of 2006.

(2) USE OF EXISTING FIELD OFFICES.—In establishing the Regional Offices required under this section, the Secretary shall, to the extent practicable, co-locate and consolidate field offices of the Department that are in existence as of the date of the enactment of such Act.

(i) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Notwithstanding section 871(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 Advisory Council.

(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 505. 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. The Chief Medical Officer shall report directly to the Under Secretary for Emergency Management.

(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to acts of terrorism, natural disasters, and other emergencies, including the following:

(1) Serving as the Secretary's principal advisor on medical and public health issues.

(2) Coordinating the biosurveillance and detection activities of the Department.

(3) Ensuring that decision support tools link biosurveillance and detection information to near real-time response actions at the State, local, and tribal level.

(4) Ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support.

(5) Serving as the Department's primary point of contact with the Departments of Agriculture, Defense, Health and Human Services, Transportation, and Veterans Affairs, and other Federal departments or agencies, on medical and public health issues.

(6) Serving as the Department's primary point of contact with respect to medical and public health matters.

(7) Discharging, in coordination with the Under Secretary for Science and Technology, responsibilities of the Department related to Project Bioshield.

(8) Establishing doctrine and priorities for the National Disaster Medical System and supervising its medical components, consistent with the National Response Plan and the National Incident Management System.

(9) Establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System.

(10) Assessing and monitoring long-term health issues of emergency managers, emergency response providers, and emergency support providers.

(11) Developing and updating guidelines for State, local, and tribal governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks.

(12) Identifying, in consultation with the Secretary of Health and Human Services, appropriate medical equipment and sup-

plies for inclusion in the force packages under the Prepositioned Equipment Program under section 581.

(13) Developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients.

(14) Performing such other duties relating to such responsibilities as the Secretary may require.

(d) DEPUTY.—There is in the Department a Deputy Chief Medical Officer, who shall be appointed by the Secretary and who shall assist the Chief Medical Officer in carrying out the responsibilities under subsection (c).

(e) QUALIFICATIONS.—The individual appointed as Deputy Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

(f) LONG-TERM HEALTH ASSESSMENT PROGRAM.—

(1) IN GENERAL.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers, emergency response providers, and emergency support providers following Incidents of National Significance declared by the Secretary under the National Response Plan.

(2) COOPERATIVE AGREEMENTS.—In carrying out the program under this subsection, the Chief Medical Officer shall enter into cooperative agreements, as necessary, with medical institutions in the areas affected by such Incidents of National Significance.

SEC. 506. NATIONAL BIOSURVEILLANCE INTEGRATION SYSTEM.

(a) ESTABLISHMENT.—The Secretary, acting through the Chief Medical Officer, shall establish a National Biosurveillance Integration System (referred to in this section as the "NBIS") to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international) into 1 comprehensive system.

(b) REQUIREMENTS.—The NBIS shall be designed to detect, as early as possible, a biological event that presents a risk to the United States or the infrastructure or key assets of the United States. The NBIS shall—

(1) consolidate data from all relevant surveillance systems maintained by the Department and other governmental and private sources, both foreign and domestic;

(2) use an information technology system that uses the best available statistical and other analytical tools to automatically identify and characterize biological events in as close to real-time as possible; and

(3) process and protect sensitive data consistent with requirements of applicable privacy laws including the Health Insurance Portability and Accountability Act of 1996.

(c) RESPONSIBILITIES OF THE CHIEF MEDICAL OFFICER.—

(1) IN GENERAL.—The Chief Medical Officer shall—

(A) establish an entity to perform all operations and assessments related to the NBIS;

(B) continuously monitor the availability and appropriateness of data feeds and solicit new surveillance systems with data that would enhance biological situational awareness or overall NBIS performance;

(C) continuously review and seek to improve the statistical and other analytical methods utilized by NBIS;

(D) establish a procedure to enable States and local government entities to report suspicious events that could warrant further assessments using NBIS;

(E) receive and consider all relevant homeland security information; and

(F) provide technical assistance, as appropriate, to all Federal, regional, State, and local government entities and private sector entities that contribute data relevant to the operation of NBIS.

(2) ASSESSMENTS.—The Chief Medical Officer shall—

(A) continuously evaluate available data for evidence of a biological event; and

(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event has occurred.

(3) INFORMATION SHARING.—The Chief Medical Officer shall—

(A) in the event that a biological event is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event to appropriate Federal, regional, State, and local response entities in a timely manner to support decisionmaking;

(B) provide reports on NBIS assessments to Federal, regional, State, and local governments and any private sector entities, as considered appropriate by the Secretary; and

(C) use available information sharing networks internal to the Department, as well as those within the intelligence community and operation centers, for distributing NBIS incident or situational awareness reports.

(d) NOTIFICATION OF CHIEF MEDICAL OFFICER.—The Secretary shall ensure that the Chief Medical Officer is notified of any threat of a biological event and receives all classified and unclassified reports related to threats of biological events in a timely manner.

(e) ADMINISTRATIVE AUTHORITIES.—

(1) HIRING OF EXPERTS.—The Chief Medical Officer shall hire individuals with the necessary expertise to develop and operate the NBIS system.

(2) DETAIL OF PERSONNEL.—Upon the request of the Chief Medical Officer, 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 Directorate of Emergency Management to assist the Chief Medical Officer in carrying out this section.

(3) PRIVACY.—The Chief Medical Officer shall ensure all applicable privacy regulations are strictly adhered to in the operation of the NBIS and the sharing of any information related to the NBIS.

(f) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Chief Medical Officer shall—

(1) establish an interagency coordination council to facilitate interagency cooperation to advise the Chief Medical Officer on recommendations to enhance the biosurveillance capabilities of the Department; and

(2) invite officials of Federal agencies that conduct biosurveillance programs, including the Department of Health and Human Services, the Department of Agriculture, the Environment Protection Agency, and the Department of Defense, to serve on such council.

(g) ANNUAL REPORT REQUIRED.—Not later than December 31 of each year, the Chief Medical Officer shall submit to Congress a report that contains each of the following:

(1) A list of departments, agencies, and private or nonprofit entities participating in the NBIS and the data each entity contributes to the NBIS.

(2) An implementation plan for the NBIS that includes cost, schedule, and key milestones.

(3) The status of the implementation of the NBIS.

(4) The schedule for obtaining access to any relevant biosurveillance information not compiled in NBIS as of the date on which the report is submitted.

(5) A description of the incident reporting or decisionmaking protocols in effect as of the date on which the report is submitted and any changes made to such protocols during the period beginning on the date on which the report for the preceding year was submitted and ending on the date on which the report is submitted.

(6) A list of any Federal, State, or local government entities that have direct or indirect access to the information that is integrated into the NBIS.

(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Chief Medical Officer under this section shall not affect an 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) BIOLOGICAL EVENT.—The term "biological event" means—

(1) an act of terrorism that uses material of biological origins; or

(2) a naturally occurring outbreak of an infectious disease that may affect national security.

SEC. 507. OFFICE OF STATE, LOCAL, AND TRIBAL GOVERNMENT COORDINATION.

(a) ESTABLISHMENT.—There is in the Directorate of Emergency Management an Office of State, Local, and Tribal Government Coordination to oversee and coordinate programs of the Directorate for and relationships with national organizations representing State, local, and tribal governments.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary.

(c) RESPONSIBILITIES.—The Director of the Office of State, Local, and Tribal Government Coordination shall, in consultation with the Regional Directors for Emergency Management appointed under section 504(b), carry out the following responsibilities:

(1) Coordinating the activities of the Directorate relating to State, local, and tribal government.

(2) Assessing and advocating for the resources needed by State, local, and tribal governments to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

(3) Providing State, local, and tribal governments with regular information, research, and technical support to assist local efforts in securing the homeland.

(4) Developing a process for receiving meaningful and timely consultation from State, local, and tribal governments to assist in the development of an integrated national emergency management system.

(5) Scheduling regular meetings with representatives selected by State, local, and tribal governments.

(6) Ensuring the coordination of the planning, reporting, and certification requirements imposed on State, local, and tribal governments by the Directorate, identifying duplicative reporting and certification requirements that can be eliminated, and determining whether some reports can be used or adapted to be used to satisfy multiple reporting obligations.

SEC. 508. OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is in the Directorate of Emergency Management the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Under Secretary for Emergency Management.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

(b) RESPONSIBILITIES.—The Director of the Office of National Capital Region Coordination shall carry out the following responsibilities:

(1) Overseeing and coordinating the activities of the Department relating to the National Capital Region, including cooperation with the Office for State, Local, and Tribal Government Coordination.

(2) Assessing and advocating for the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies.

(3) Providing State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and re-

gional authorities in the National Capital Region in preventing, preparing for, responding to, mitigating against, and recovering from acts of terrorism, natural disasters, and other emergencies.

(4) Developing a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government.

(5) Coordinating with Federal agencies in the National Capital Region on emergency preparedness to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities.

(6) Coordinating with Federal, State, local, and regional agencies and private sector entities in the National Capital Region on emergency preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among such agencies and entities.

(7) Serving as a liaison between the Federal Government and State, local, and regional authorities and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Director shall submit to Congress an annual report that includes the following:

(1) The identification of any resources required to fully implement homeland security efforts in the National Capital Region.

(2) An assessment of the progress made by the National Capital Region in implementing homeland security efforts.

(3) The recommendations of the Director with respect any additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing in this section shall be construed as limiting the power of any State, local, or tribal government.

SEC. 509. NATIONAL ADVISORY COUNCIL ON EMERGENCY MANAGEMENT.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary shall establish an advisory body pursuant to section 871(a), to be known as the National Advisory Council on Emergency Management.

(b) RESPONSIBILITIES.—The Advisory Council shall assist the Secretary in implementing subsection (c).

(c) REQUIREMENT TO REVIEW, REVISE, OR REPLACE CERTAIN DOCUMENTS.—The Secretary shall periodically, but not less than biennially, review, revise, or replace—

(1) the National Response Plan;

(2) the National Incident Management System;

(3) the National Preparedness Guidance;

(4) the National Preparedness Goal;

(5) the Targeted Capabilities List;

(6) the Universal Task List;

(7) the National Infrastructure Protection Plan;

(8) the National Planning Scenarios;

(9) any successor to any document under any of paragraphs (1) through (8); and

(10) any other national initiatives on acts of terrorism, natural disasters, and other emergencies that affects emergency

managers, emergency response providers, and emergency support providers as necessary.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which the Advisory Council is established under subsection (a), and not later than every two years thereafter, the Advisory Council shall submit to the Secretary a report on the recommendations of the Advisory Council for reviewing, revising, or replacing such national initiatives.

(2) CONTENTS.—Each report shall—

(A) include a priority ranking of essential capabilities for emergency preparedness in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, the needs of emergency response providers;

(B) set forth a methodology by which any State, local, or tribal government will be able to determine the extent to which it possesses or has access to the essential capabilities that State, local, and tribal governments having similar risks should obtain;

(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to training and equipment for emergency response providers;

(D) include such additional matters as the Secretary may specify in order to further the emergency preparedness capabilities of emergency response providers; and

(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment prepared by and available from the Chief Intelligence Officer and the Assistant Secretary for Infrastructure Protection or other relevant information as determined by the Secretary.

(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Advisory Council shall ensure that its recommendations for essential capabilities for emergency preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Council shall consist of 30 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of emergency managers, emergency response providers, and emergency support providers from State, local, and tribal governments, including as appropriate—

(A) members selected from the emergency management and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel;

(B) health scientists, emergency and inpatient medical providers, and public health professionals, including—

(i) experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism;

(ii) experts in providing mental health care during emergency response operations; and

(iii) experts in stockpiling medical equipment and supplies and medical logistics;

(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;

(D) State and local officials with expertise in terrorism preparedness and emergency management, including Adjutants General, subject to the condition that if any such official is an elected official representing 1 of the two major political parties, an equal number of elected officials shall be selected from each such party; and

(E) members selected from the emergency support field, including public works, utilities, and transportation personnel who are routinely engaged in emergency response.

(2) COORDINATION WITH THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND TRANSPORTATION.—In the selection of members of the Advisory Council who are health or emergency medical services professionals, the Secretary shall coordinate such selection with the Secretaries of Health and Human Services and Transportation.

(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Department to serve as ex officio members of the Advisory Council. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

(4) TERMS OF OFFICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of office of each member of the Advisory Council shall be 3 years.

(B) INITIAL APPOINTMENTS.—Of the members initially appointed to the Advisory Council—

(i) one-third shall be appointed for a term of one year; and

(ii) one-third shall be appointed for a term of two years.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Notwithstanding section 871(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 Advisory Council.

(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 510. REORGANIZATION OF DIRECTORATE.

The Secretary may not allocate or reallocate functions among the officers of the Directorate of Emergency Management or establish, consolidate, alter, or discontinue organizational units within the Directorate of Emergency Management under the authority of section 872 until the date that is 120 days after the date on which the Secretary submits to Congress a report describing the proposed allocation, reallocation, establishment, consolidation, alteration or discontinuance.

Subtitle B—Emergency Preparedness

SEC. 521. OFFICE OF GRANTS AND PLANNING.

(a) IN GENERAL.—There is in the Department an Office of Grants and Planning under the authority of the Under Secretary for Emergency Management.

(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Grants and Planning.

(c) RESPONSIBILITIES.—The Assistant Secretary for Grants and Planning shall carry out the following responsibilities:

(1) Administering Department grant programs that enhance the capacity of State, regional, local, and tribal governments to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies.

(2) Ensuring coordination of the homeland security assistance programs of the Federal Government.

(3) Establishing incentives for the efficient administration of Federal homeland security assistance.

(4) Evaluating the effectiveness of funded Department programs and disseminating lessons learned, as appropriate.

(5) Reviewing and revising, in consultation with the NIC (as that term is used in section 541) and the National Advisory Council on Emergency Management, on a periodic basis, but not less than biennially, preparedness documents and capabilities-based planning tools, related to catastrophic acts of terrorism, natural disasters, and other emergencies, including—

(A) the National Preparedness Goal;

(B) the Targeted Capabilities List;

(C) the Universal Task List;

(D) the National Planning Scenarios; and

(E) any other document or tool in support of Homeland Security Presidential Directive 8 or any other Homeland Security Presidential Directive related to the national emergency management system.

(6) Establishing, in coordination with State, local, and tribal governments, a clear and accountable process for achieving, maintaining, and enhancing national preparedness for catastrophic acts of terrorism, natural disasters, and other emergencies.

(7) Providing technical assistance to State, local, and tribal governments on catastrophic planning and preparedness.

(8) Developing performance measures and metrics for assessing national preparedness.

(9) Assessing, on a periodic basis, but not less than annually, the effectiveness of preparedness capabilities at the Federal, State, local, and tribal levels.

(10) Developing priorities for Federal homeland security assistance to State, local, and tribal governments on the basis of such periodic assessments.

(11) Implementing a shared resource planning system to facilitate collaborative plan development.

(12) Reviewing, in coordination with appropriate Federal departments and agencies, all Federal preparedness activities.

(13) Performing such other duties relating to such responsibilities as the Secretary may require.

(d) ANNUAL STATUS REPORTS.—Not later than 60 days after the last day of each fiscal year, the Secretary shall provide to Congress a status report on the Nation's level of preparedness during that fiscal year, including State, local, and tribal capabilities, the amount and use of grants awarded by the Department to State, local, and tribal governments, the readiness of Federal response assets, the utilization of mutual aid, and an assessment of how the Federal homeland security assistance programs support the National Preparedness Goal.

SEC. 522. OFFICE OF TRAINING AND EXERCISES.

(a) IN GENERAL.—There is in the Department an Office of Training and Exercises under the authority of the Under Secretary for Emergency Management.

(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Training and Exercises.

(c) RESPONSIBILITIES.—The Assistant Secretary for Training and Exercises shall—

(1) establish specific requirements for training programs and exercises for Federal, State, regional, local, and tribal government officials, emergency response providers, emergency support providers, and other entities as appropriate;

(2) design, develop, perform, and evaluate training programs and exercises at all levels of government to enhance and test the Nation's capability to prevent, prepare for, mitigate against, respond to, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies;

(3) establish common supporting methodology for training programs and exercises;

(4) define and implement performance measures for training programs and exercises;

(5) coordinate the training and exercise activities of the Department;

(6) serve as the primary point of contact in the Department for homeland security training and exercises for other Federal departments and agencies;

(7) identify, analyze, and monitor the implementation of best practices and lessons learned with respect to training and exercises;

(8) establish a comprehensive program for the professional development and education of homeland security personnel at all levels of government, nongovernmental organizations, and emergency management personnel in the private sector; and

(9) perform such other duties relating to such responsibilities as the Secretary may require.

(d) TRANSFER.—

(1) IN GENERAL.—The Assistant Secretary for Training and Exercises shall have authority over the following:

(A) The Center for Domestic Preparedness.

(B) The National Emergency Training Center.

(C) The National Exercise and Evaluation Program.

(2) NOBLE TRAINING CENTER.—The Noble Training Center is transferred to the Center for Domestic Preparedness. The Center for Domestic Preparedness shall integrate the Noble Training Center into the program structure of the Center for Domestic Preparedness.

(e) NATIONAL EXERCISE PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall carry out a National Exercise Program for the purpose of testing, evaluating, and enhancing the capabilities of Federal, State, regional, local, and tribal government entities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(2) CONTENTS OF PROGRAM.—The National Exercise Program—

(A) shall enhance coordination for preparedness between all levels of government, emergency response providers, emergency support providers, nongovernmental organizations, international governments and organizations, and the private sector;

(B) shall be—

(i) multidisciplinary in nature, including, as appropriate, information analysis and cybersecurity components;

(ii) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(iii) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(iv) evaluated against performance measures and followed by corrective action to solve identified deficiencies; and

(v) assessed to learn best practices, which the Secretary shall share with appropriate Federal, State, regional, local, and tribal personnel, authorities, and training institutions for emergency managers, emergency response providers, and emergency support providers; and

(C) shall provide assistance to State, regional, local, and tribal governments with the design, implementation, and evaluation of exercises that—

(i) conform to the requirements under subparagraph (B);

(ii) are consistent with any applicable State or urban area homeland security strategy or plan;

(iii) support implementation of—

(I) the National Incident Management System;

(II) the National Response Plan;

(III) the National Preparedness Goal;

(IV) the National Preparedness Guidance;

(V) the National Infrastructure Protection Plan; and

(VI) any other similar national initiatives; and

(iv) provide for systematic evaluation of readiness.

(3) NATIONAL LEVEL EXERCISES.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall periodically but not less than biennially, perform national exercises for the following purposes:

(A) To involve in national exercises high-ranking officials from—

(i) Federal, State, local, tribal, and international governments;

(ii) nongovernmental organizations, including faith-based organizations;

(iii) the private sector; and

(iv) others as the Secretary considers appropriate.

(B) To test and evaluate, in coordination with the Attorney General and the Secretary of Defense, the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

(C) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond in a coordinated and unified manner to catastrophic acts of terrorism, natural disasters, and other emergencies.

(D) To test and evaluate the readiness of Federal, State, local, and tribal governments to recover from catastrophic acts of terrorism, natural disasters, and other emergencies.

(4) COORDINATION AND CONSULTATION.—In carrying out the National Exercise Program, the Secretary shall—

(A) coordinate with—

(i) components of the Department that have expertise in exercises, including the Coast Guard, the United States Secret Service, United States Customs and Border Protection, and United States Immigration and Customs Enforcement; and

(ii) such other Federal departments and agencies as the Secretary determines are appropriate; and

(B) consult regularly with—

(i) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers (including such providers located in both urban and rural areas);

(ii) Federal, State, and local training institutions for emergency managers, emergency response providers, and emergency support providers; and

(iii) State and local officials, including Adjutants General, with expertise in terrorism preparedness and emergency management.

(5) TOP OFFICIAL PREVENTION EXERCISES.—Not later than one year after the date of enactment of the National Emergency Management Reform and Enhancement Act of 2006, the Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a program through which the Secretary carries out periodically but not less than biennially a national terrorism prevention exercise for the purposes of—

(A) involving in national exercises high-ranking officials from Federal, State, local, tribal, and international governments, as the Secretary considers appropriate; and

(B) testing and evaluating, in coordination with the Attorney General and the Secretary of Defense, the capability of Federal, State, local, and tribal government entities to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism.

(6) NATIONAL EXERCISE STRATEGY.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall develop a multi-year national homeland security exercise plan and submit the plan to the Homeland Security Council for review and approval.

(f) NATIONAL TRAINING PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall carry out a National Training Program for the purpose of enhancing the capabilities of the Nation's emergency managers, emergency response providers, and emergency support providers to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(2) REQUIREMENTS.—The National Training Program shall provide training that—

(A) reaches multiple disciplines, including Federal, State, and local government officials, emergency managers, emergency response providers, emergency support providers, the private sector, international governments and organizations, and other entities as the Secretary considers appropriate;

(B) provides training at the awareness, performance, and management and planning levels;

(C) utilizes multiple training mediums and methods, including—

(i) direct delivery;

(ii) train-the-trainer;

(iii) computer-based training;

(iv) web-based training; and

(v) video teleconferencing;

(D) is consistent with any applicable State or urban area homeland security strategy or plan;

(E) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Preparedness Goal, the National Preparedness Guidance, the National Infrastructure Protection Plan, and other such national initiatives;

(F) is evaluated against clear and consistent performance measures; and

(G) to the greatest extent practicable, utilizes State, regional, and tribal training institutions.

(3) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

(A) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for training; and

(B) ensure that the training provided under the National Training Program is consistent with such standards.

(4) TRAINING PARTNERS.—In developing and delivering training under the National Training Program, the Secretary shall—

(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers, emergency response providers, or emergency support providers; and

(B) utilize, as appropriate, training courses provided by community colleges, State and local public safety academies, State and private universities, and other facilities.

(5) COORDINATION AND CONSULTATION.—In carrying out the National Training Program, the Secretary shall—

(A) coordinate with—

(i) components of the Department that have expertise in training, including the Coast Guard, the United States Secret Service, the United States Fire Administration, and the Federal Law Enforcement Training Center; and

(ii) such other Federal departments and agencies as the Secretary determines are appropriate; and

(B) consult regularly with—

(i) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers (including such providers located in both urban and rural areas); and

(ii) State and local officials, including Adjutants General, with expertise in terrorism preparedness and emergency management.

(g) REMEDIAL ACTION MANAGEMENT PROGRAM.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a Remedial Action Management Program to—

(1) identify and analyze training, exercises, and real-world events for lessons learned and best practices;

(2) generate after action reports for Incidents of National Significance as declared by the Secretary under the National Response Plan;

(3) disseminate lessons learned and best practices;

(4) monitor the implementation of lessons learned and best practices;

(5) conduct remedial action tracking and long-term trend analysis; and

(6) certify that—

(A) recipients of Federal homeland security assistance have implemented lessons learned and best practices, as appropriate; and

(B) ensure that no recipient uses any Federal homeland security assistance without such certification.

(h) NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.—There is in the Department a National Domestic Preparedness Consortium that—

(1) includes as members—

(A) the Center for Domestic Preparedness;

(B) the New Mexico Institute of Mining and Technology;

(C) Louisiana State University;

(D) the Texas A&M University System; and

(E) the Nevada Test Site of the Department of Energy.

(2) identifies, develops, tests, and delivers training to State, local, and tribal emergency response providers;

(3) provides onsite and mobile training at the performance and management and planning levels; and

(4) facilitates the delivery of awareness level training by the training partners of the Department.

(i) NATIONAL EXERCISE SIMULATION CENTER.—There is in the Department a National Exercise Simulation Center that uses a mix of live, virtual, and constructive simulations to—

(1) prepare elected officials, emergency managers, emergency response providers, and emergency support providers at all levels of Government to operate cohesively;

(2) provide a learning environment for the homeland security personnel of all Federal departments and agencies;

(3) assist in the development of operational procedures and exercises, particularly those based on catastrophic incidents; and

(4) allow incident commanders to exercise decisionmaking in a simulated environment.

SEC. 523. ESSENTIAL CAPABILITIES.

(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

(1) IN GENERAL.—Building upon the National Preparedness Goal, the Secretary, acting through the Assistant Secretary for Grants and Planning, shall regularly update, revise, or replace essential capabilities for State, local, and tribal government emergency preparedness, in consultation with the following:

(A) The National Advisory Council on Emergency Management under section 509.

(B) Components of the Department, including the Under Secretary for Science and Technology, the Chief Intelligence Officer, the Director for Operations Coordination, the Assistant Secretary for Policy, the Assistant Secretary for Transportation Security, the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cybersecurity and Telecommunications, the Commissioner of United States Customs and Border Protection, and the Commandant of the Coast Guard.

(C) The Secretary of Health and Human Services.

(D) Other appropriate Federal departments and agencies.

(E) State, local, and tribal emergency response providers.

(F) State, local, and tribal emergency support providers.

(G) State, local, and tribal prevention and emergency management officials, including Adjutants General.

(H) Consensus-based standardmaking organizations responsible for setting standards relevant to emergency managers, emergency response providers, and emergency support providers.

(2) DEADLINES.—The Secretary shall update, revise, or replace the essential capabilities under paragraph (1) not later than 30 days after receiving the report submitted by the National Advisory Council on Emergency Management under section 509(d).

(3) REPORT ON PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a report containing a detailed description of the essential capabilities is provided promptly to State and tribal governments and to Congress. The States shall make the description of the essential capabilities available as appropriate to local governments within their jurisdictions.

(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities meet the following objectives:

(1) Essential capabilities shall describe specifically the planning, personnel, equipment, training, and exercises that State, local, or tribal governments should possess or have access to for purposes of the Department's goals for emergency preparedness based on—

(A) the National Preparedness Goal and supporting directives, policies, and guidelines;

(B) the most current risk assessment available from the Chief Intelligence Officer of the threats of terrorism against the United States;

(C) the risks faced by different types of communities, including communities of various sizes, geographies, and other distinguishing characteristics; and

(D) the principles of regional coordination and mutual aid among State, local, and tribal governments.

(2) Essential capabilities shall be sufficiently flexible so as to allow State, local, and tribal government officials to establish priorities based on local or regional needs while reaching nationally determined emergency preparedness levels within a specified time period.

(3) Essential capabilities shall be designed to enable the measurement of progress toward specific emergency preparedness goals.

(c) FACTORS TO BE CONSIDERED.—

(1) IN GENERAL.—In updating, revising, or replacing essential capabilities for State, local, or tribal governments under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders.

(2) BASIS FOR CONSIDERATION.—Such consideration shall be based upon the most current risk assessment available from the Chief Intelligence Officer and the Assistant Secretary for Infrastructure Protection of the threats of terrorism against the United States and the needs described in the National Preparedness Goal and the directives, policies, and guidelines supporting the National Preparedness Goal.

SEC. 524. CATASTROPHIC PLANNING.

(a) CATASTROPHIC EMERGENCY PLANS REQUIRED.—The Secretary, acting through the Assistant Secretary for Grants and Planning and in consultation with the Assistant Secretary for Training and Exercises, shall require any State or urban area that submits an application to the Secretary for Federal homeland security financial assistance administered by the Department to maintain a catastrophic emergency plan to be implemented in the event of an act of terrorism, natural disaster, or other emergency. The Secretary shall require the State or urban area to update, implement, and exercise the catastrophic emergency plan as necessary.

(b) REQUIREMENTS.—Each catastrophic emergency plan required under this section, with respect to a State or urban area, shall include—

(1) evacuation and sheltering in place procedures for the general population of the State or urban area;

(2) the procedures in place to address the pre-positioning of food, medical and fuel supplies;

(3) the evacuation and sheltering in place procedures for populations with special needs, including persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals;

(4) sheltering options for displaced populations;

(5) the augmentation of response resources;

(6) regional planning, mutual aid agreements, and requests for assistance that can meet urgent needs;

(7) the adequacy of delivery networks for critical services and supplies;

(8) the degree to which the plan is mutually supportive among contiguous jurisdictions and States;

(9) the use of all available and appropriate transportation modes and resources, including the identification of routes of egress and ingress, and destinations;

(10) the changes in authorities or regulations which may be necessary for the plan to meet the demands of a catastrophic event;

(11) contingency plans for the survivability, sustainability, and interoperability of emergency communications systems;

(12) procedures for disseminating timely and accurate public alerts and warnings;

(13) procedures and policies for the continuity of operations for government and other essential services; and

(14) search and rescue procedures for populations with special needs, including persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals.

(c) CONSISTENCY.—A catastrophic emergency plan required under this section shall be consistent with, and support the implementation of—

(1) any applicable State or urban area homeland security strategy or plan; and

(2) the National Incident Management System, the National Response Plan, the National Preparedness Goal, the National Preparedness Guidance, the National Infrastructure Protection

Plan, and other such national initiatives as may be determined by the Secretary.

(d) PEER REVIEW CERTIFICATION.—

(1) DEVELOPMENT OF REGIONAL PLANS.—Each Regional Director for Emergency Management under section 504, in coordination with the Assistant Secretary for Grants and Planning, shall develop a process of peer review for any catastrophic emergency plan submitted under subsection (a) by a State or urban area in the geographical area in which the Regional Office directed by that Regional Director for Emergency Management is located.

(2) DEADLINE FOR SUBMISSION OF PLANS.—Not later than one year after the date of the enactment of the National Emergency Management Reform and Enhancement Act of 2006, each Regional Director for Emergency Management shall submit a plan to the National Advisory Council on Emergency Management describing the peer review process developed by the Regional Director for Emergency Management. The National Advisory Council on Emergency Management shall review and approve or disapprove each such plan.

(e) REMEDIAL ACTION.—Not later than 90 days after completion of exercises under subsection (a), the Secretary, in consultation with the Assistant Secretary for Training and Exercises, shall develop a lessons learned and remedial action strategy for catastrophic planning.

(f) CONSULTATION.—In developing the catastrophic emergency plan required under this section, a State or urban area shall consult with and seek appropriate comments from—

(1) local governments within the urban area or State;

(2) a geographic and substantive cross section of emergency managers, emergency response providers, and emergency support providers within the urban area or State (including, in the case of a State, such providers from both urban and rural areas within the State); and

(3) locally governed multijurisdictional councils of governments and regional planning commissions.

SEC. 525. SYSTEM ASSESSMENT AND VALIDATION FOR EMERGENCY RESPONDERS PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Under Secretary for Science and Technology, shall establish a System Assessment and Validation for Emergency Responders Program to provide high quality, impartial, and operationally relevant evaluations and validations of critical emergency response provider-related equipment and systems and provide such evaluations and validations to emergency response providers in an operationally useful form.

(b) REQUIREMENTS.—The program established under subsection (a) shall—

(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not previously third-party certified to a national voluntary census standard adopted by the Department, including—

(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

(B) such other equipment or systems as the Secretary determines are appropriate;

(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

(3) assess and validate the performance of products within a system and systems within systems; and

(4) provide information and feedback to emergency response providers through a well-maintained, Internet-accessible database.

(c) ASSESSMENT AND VALIDATION PROCESS.—The assessment and validation of emergency response provider equipment and systems shall utilize multiple evaluation techniques, including—

(1) operational assessments of equipment performance on vehicle platforms;

(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

(d) COORDINATION.—In assessing and validating personnel protective equipment under this section, the Secretary shall, to the extent practicable, coordinate with the Director of the National Institute for Occupational Safety and Health.

SEC. 526. HOMELAND SECURITY EDUCATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary for Training and Exercises, shall establish a graduate-level Homeland Security Education Program in the National Capital Region to provide educational opportunities to senior Federal officials and selected State and local officials with homeland security and emergency management responsibilities.

(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Secretary shall use existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, exercise systems and other curriculum components already being delivered by Federal, State, and private universities and educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute.

(c) STUDENT ENROLLMENT.—

(1) SOURCES.—The student body of the Program shall include officials from Federal, State, tribal, and local governments, and from other sources designated by the Under Secretary for Emergency Management.

(2) ENROLLMENT PRIORITIES AND SELECTION CRITERIA.—The Under Secretary for Emergency Management shall establish

policies governing student enrollment priorities and selection criteria that are consistent with the mission of the Program.

(3) DIVERSITY.—The Secretary shall take reasonable steps to ensure that the student body represents racial, gender, and ethnic diversity.

(d) SERVICE COMMITMENT.—

(1) IN GENERAL.—Before any employee selected for the Program may be assigned to such education, the employee shall agree in writing to—

(A) continue in the service of the agency sponsoring the employee during the two-year period beginning on the date on which the employee completes the program, unless the employee is involuntarily separated from the service of that agency for reasons other than reduction in force; and

(B) pay to the Government the amount of the additional expenses incurred by the Government in connection with the employee's education if the employee is voluntarily separated from the service to the agency before the end of the period described in subparagraph (A).

(2) PAYMENT OF EXPENSES.—

(A) EXEMPTION.—An employee who leaves the service of the sponsoring agency to enter into the service of another agency in any branch of the Government shall not be required to make a payment under paragraph (1)(B), unless the head of the agency that sponsored the education of the employee notifies the employee before the date on which the employee enters the service of the other agency that payment is be required under that paragraph.

(B) AMOUNT OF PAYMENT.—If an employee is required to make a payment under paragraph (1)(B), the agency that sponsored the education of the employee shall determine the amount of the payment, except that such amount may not exceed the pro rata share of the expenses incurred for the time remaining in the two-year period.

(3) RECOVERY OF PAYMENT.—If an employee who is required to make a payment under this subsection does not make the payment, a sum equal to the amount of the expenses incurred by the Government for the education of that employee is recoverable by the Government from the employee or his estate by—

(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owing to the Government.

SEC. 527. OFFICE OF PUBLIC AND COMMUNITY PREPAREDNESS.

(a) IN GENERAL.—There is in the Directorate of Emergency Management an Office of Public and Community Preparedness.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Assistant Secretary for Grants and Planning.

(c) COMPONENTS.—The Office of Public and Community Preparedness shall consist of the following:

(1) The various component programs of the Citizen Corps, including Community Emergency Response Teams, Fire Corps,

Volunteers in Police Service, USA on Watch, and the Medical Reserve Corps.

(2) The Internet website known as Ready.gov and the components of that website, including Ready Businesses, Ready Kids, and Listo.

(3) Such other duties relating to community, public, and citizen preparedness as the Secretary may provide.

(d) RESPONSIBILITIES.—The Director of the Office of Public and Community Preparedness, in coordination with and support of the Regional Directors of Emergency Management under section 504, shall have the primary responsibility within the Department for assisting the efforts of State, local, and tribal governments in preparing citizens and communities in the United States for acts of terrorism, natural disasters, and other emergencies, including primary responsibility for each of the following:

(1) Coordinating and supporting public and community preparedness efforts at all levels of Government.

(2) Serving as the principal advisor to the Secretary on public and community preparedness issues.

(3) Developing guidance on citizen preparedness for grants to State, local, and tribal governments.

(4) Providing, through the Regional Offices under section 504, State, local, and tribal Citizen Corps Councils with tools, information, and technical assistance to connect local and national citizen preparedness efforts.

(5) Directing, managing, and implementing all programs associated with the entities under subsection (c).

(6) Establishing specialized preparedness programs for at-risk communities under subsection (e).

(7) Ensuring coordination with private sector entities, faith-based groups, other nongovernmental organizations, special needs groups, emergency managers, emergency response providers, emergency support providers, and international organizations, in order to promote citizen preparedness and participation.

(8) Developing a comprehensive program of public service announcements for use on a national basis or, in consultation with State, local, or tribal governments, on a regional, State, or local basis.

(9) Assisting in the implementation of national strategies for public and community preparedness, including the development of individual preparedness skills and capabilities, including assembling preparedness kits, developing emergency communications plans, training in basic fist aid, and learning how to react to a variety of emergencies.

(e) AT-RISK COMMUNITIES.—In carrying out the responsibilities under this section, the Director shall consider the unique preparedness challenges faced by persons with disabilities, health problems, language barriers, and income barriers, the elderly, children, and individuals with pets, service animals, or farm animals.

(f) NATIONAL CITIZEN CORPS COUNCIL.—

(1) IN GENERAL.—There is in the Directorate a National Citizen Corps Council. The Under Secretary for Emergency Management or a designee shall serve as chair of the Council.

(2) MEMBERSHIP.—The Council shall consist of national leaders of organizations and associations representing at risk communities described under subsection (e), emergency managers, emergency response providers, emergency support providers, community and volunteer service providers, government, and the private sector.

(3) RESPONSIBILITIES.—The responsibilities of the Council are as follows:

(A) To work together at the national level and encourage members of the Council at the State, local, and tribal level to collaborate in support of the Citizen Corps.

(B) To identify opportunities for Federal, State, local, and tribal organizations to collaborate to accomplish the shared goals of the Citizen Corps programs.

(C) To encourage the development and support of local Citizen Corps Councils and to advance the Citizen Corps mission across the country.

(D) To exchange facts and information on programs to promote public awareness, training, safety, and volunteer service opportunities and on safety and preparedness messages to be conveyed to the public.

(E) To develop and disseminate messages on safety and emergency preparedness that will be effective in engaging communities and individuals in the Citizen Corps.

(F) To serve as the catalyst for engaging others within their areas of expertise to promote the Citizen Corps mission.

(4) MEETINGS.—The Under Secretary for Emergency Management or a designee shall convene meetings of the National Citizen Corps Council at the discretion of the Under Secretary or at the direction of the Secretary.

(g) COORDINATION.—The Director shall—

(1) coordinate with other Federal entities, as appropriate, including the Departments of Health and Human Services, Justice, Commerce, and Education, the Environmental Protection Agency, and the Corporation for National and Community Service, to enhance public and community preparedness;

(2) coordinate with State, local, and tribal governments; and

(3) subject to the availability of appropriations, make grants and enter into contracts and cooperative agreements with other Federal agencies and nongovernmental organizations, as may be necessary and proper to carry out the responsibilities of the Director under this section.

Subtitle C—Emergency Response

SEC. 541. NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN INTEGRATION CENTER.

(a) IN GENERAL.—There is in the Directorate of Emergency Management a National Incident Management System and National Response Plan Integration Center (referred to in this section as the "NIC").

(b) DIRECTOR.—The NIC shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report directly to the Deputy Under Secretary for Response and Recovery.

(c) RESPONSIBILITIES.—The Director, in consultation with the Assistant Secretary for Grants and Planning, the Assistant Secretary for Training and Exercises, the heads of other appropriate Federal departments and agencies, and the National Advisory Council on Emergency Management under section 509, shall establish a mechanism for ensuring ongoing management and maintenance of the National Incident Management System (NIMS), the National Response Plan (NRP), any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive related to incident management and response. The responsibilities of the Director shall include the following:

(1) Revising, as appropriate, the NIMS and the NRP not later than 90 days after the enactment of this section with respect to—

(A) clarifying the roles and responsibilities of the Principal Federal Official, the Federal Coordinating Officer, the Federal Resource Coordinator, and the Disaster Recovery Manager;

(B) developing procedures for the timely activation of each such role;

(C) establishing, in consultation with the Director for Public and Community Preparedness and the Director of the Corporation for National and Community Service, as part of the NRP an emergency support function with respect to volunteers and donations;

(D) realigning the emergency support functions of the NRP so as to be consistent with the NIMS;

(E) developing doctrine and procedures relating to the management of acts of terrorism, natural disasters, and other emergencies affecting multiple State;

(F) improving the utilization of Federal, State, local, and tribal resources, including the deployment of emergency response providers, specialized equipment, and supplies;

(G) finalizing and releasing the Catastrophic Incident Supplement to the NRP;

(H) ensuring the effective use of emergency response providers at emergency scenes;

(I) conforming the NRP and NIMS to the provisions of this Act; and

(J) reviewing other matters pertaining to the NIMS and the NRP as the Secretary may require.

(2) Developing a national program for NIMS and NRP education and awareness, including specific instruction on the purposes of the NIMS and the NRP and responsibilities of the NIC.

(3) Promoting the compatibility between national voluntary consensus standards for the NIMS and the NRP and such standards developed by other public, private, or professional groups.

(4) Facilitating the development and publication of materials and standardized templates to support the implementation and continuous refinement of the NIMS and the NRP.

(5) Developing performance measures and assessment criteria for the various components of the NIMS and the NRP and compliance requirements and compliance timelines for implementation by Federal, State, local, and tribal entities.

(6) Establishing a peer review process for NIMS compliance certifications that verifies the satisfaction of training, planning, exercising, and other activities.

(7) Defining, in consultation with the Assistant Secretary for Training and Exercises, the general training requirements and the national training standards and course curricula associated with the NIMS and the NRP.

(8) Facilitating the development of national voluntary consensus standards, guidelines, and protocols for incident management training and exercises, including consideration of existing exercise and training programs at all levels of government.

(9) Facilitating the establishment and maintenance of a publication management system for documents supporting the NIMS and the NRP and other related publications and materials related to the NIMS and the NRP, including the development or coordination of general publications.

(10) Reviewing and certifying, in coordination with accrediting organizations and in consultation with Federal, State, local, tribal, private-sector, and nongovernmental entities, the discipline-specific publication management requirements submitted by professional organizations and associations.

(11) Facilitating the development and publication of national voluntary consensus standards, guidelines, and protocols for the qualification and certification of emergency managers, emergency response providers, and emergency support providers, as appropriate.

(12) Reviewing and approving, in coordination with appropriate national professional organizations and with input from Federal, State, local, tribal, private-sector, and other nongovernmental entities, the discipline-specific qualification and certification requirements submitted by organizations and associations representing emergency managers, emergency response providers, and emergency support providers.

(13) Facilitating the establishment and maintenance of a documentation and database system related to qualification, certification, and credentialing of emergency managers, emergency response providers, and emergency support providers and nongovernmental organizations, including reviewing and approving, in coordination with appropriate national professional organizations and with input from the Federal, State, local, tribal, private-sector and nongovernmental entities, of the discipline-specific requirements.

(14) Establishing a data maintenance system to provide emergency managers with the detailed qualification, experience, and training information needed to credential personnel for prescribed national emergency management positions.

(15) Coordinating minimum professional certification standards and facilitation of the design and implementation of a credentialing system that can be used nationwide.

(16) Facilitating the development and issuance of national standards for the typing of resources.

(17) Facilitating the definition and maintenance of the information framework required to guide the development of NIMS

information systems, including the development of data standards for—

(A) incident notification and situation reports;

(B) status reporting;

(C) analytical data;

(D) geospatial information;

(E) wireless communications;

(F) identification and authentication; and

(G) incident reports, including lessons learned reports.

(18) Performing such other duties relating to such responsibilities as the Secretary may require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000, for each of fiscal years 2007 through 2010.

SEC. 542. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.

To the maximum extent practicable, the Secretary, acting through the Under Secretary for Emergency Management, shall use national private sector networks and infrastructure for emergency response to acts of terrorism, natural disasters, and other emergencies.

SEC. 543. NUCLEAR INCIDENT RESPONSE.

(a) NUCLEAR INCIDENT RESPONSE TEAM.—In connection with actual or threatened acts of terrorism, natural disasters, or other emergencies in the United States—

(1) the Nuclear Incident Response Team shall operate as an organizational unit of the Department; and

(2) while so operating, the Secretary shall have direction, authority, and control of the Nuclear Incident Response Team.

(b) RESPONSIBILITIES.—In addition to the authority under subsection (a), the Secretary, acting through the Under Secretary for Emergency Management, shall at all times carry out the following responsibilities:

(1) Establishing standards for performance of the Nuclear Incident Response Team and, when such standards have been met, certifying that they have been met.

(2) Conducting joint and other exercises and training and evaluating performance.

(3) Providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities that participate in the Nuclear Incident Response Team, or (subject this section) from exercising direction, authority, and control over such entities when they are not operating as a unit of the Department.

(d) DEFINITION.—In this section, the term "Nuclear Incident Response Team" means a resource that includes—

(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical

assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.

SEC. 544. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.—There is in the Directorate of Emergency Management an emergency response system known as the National Urban Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State, local, and tribal governments in responding to acts of terrorism, natural disasters, and other emergencies.

(b) ADMINISTRATION OF THE SYSTEM.—

(1) TASK FORCE PARTICIPATION.—The Under Secretary for Emergency Management shall select eligible urban search and rescue teams that are sponsored by State and local government entities to participate as task forces in the System. The Under Secretary shall determine the criteria for such participation.

(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Under Secretary shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team's participation as a task force in the System.

(3) URBAN SEARCH AND RESCUE TEAM PERSONNEL.—Personnel of an urban search and rescue team that participates as a task force under this section may be—

(A) personnel of the State or local government sponsor; or

(B) personnel of any other Federal, State, or local government entity that enters into a participation agency agreement with the State or local government sponsor of the team.

(4) MANAGEMENT AND TECHNICAL TEAMS.—The Under Secretary shall maintain such management and other technical teams as are necessary to administer the System.

(c) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Under Secretary shall establish and maintain an advisory committee to provide expert recommendations to the Under Secretary with respect to administering the System.

(2) COMPOSITION.—The advisory committee shall be geographically diverse, and shall include, at a minimum—

(A) the chief officer or senior executive from each of at least three State or local governments that sponsor urban search and rescue teams selected to participate in the System as task forces;

(B) the senior emergency manager from each of at least two States in which such local governments are located; and

(C) at least one representative selected by the leaders of the task forces.

(3) TERMINATION.—The advisory committee shall terminate on the date that is two years after the date of the enactment of

the National Emergency Management Reform and Enhancement Act of 2006.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $40,000,000 for each of fiscal years 2007 through 2009; and

(2) such sums as may be necessary for each fiscal year after fiscal year 2009.

SEC. 545. METROPOLITAN MEDICAL RESPONSE SYSTEM.

(a) IN GENERAL.—There is in the Department a Metropolitan Medical Response System. Under the System, the Assistant Secretary for Grants and Planning shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively during the initial hours of a public health crisis or mass-casualty event caused by an act of terrorism, natural disaster, or other emergency.

(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

(1) Medical surge capacity.

(2) Mass prophylaxis.

(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

(4) Emergency communications capabilities.

(5) Information sharing and collaboration capabilities.

(6) Regional collaboration.

(7) Triage and pre-hospital treatment.

(8) Medical supply management and distribution.

(9) Fatality management.

(10) Such other activities as the Secretary may provide.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2007 through 2010.

SEC. 546. EMERGENCY MANAGEMENT ASSISTANCE COMPACT AUTHORIZATION.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management, may make grants for the purposes of administering the Emergency Management Assistance Compact consented to by Public Law 104–321.

(b) USES.—A grant under this section shall be used—

(1) to carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

(2) to coordinate with the Department and other Federal Government agencies;

(3) to coordinate with State and local government entities and their respective national associations; or

(4) to administer the operations of the Emergency Management Assistance Compact.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each fiscal year. Amounts appropriated under this section shall remain available for 3 fiscal years.

Subtitle D—Emergency Communications

SEC. 561. OFFICE OF EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—There is in the Department an Office of Emergency Communications, which shall be under the authority of the Under Secretary for Emergency Management.

(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Emergency Communications.

(c) RESPONSIBILITIES.—The Assistant Secretary for Emergency Communications shall—

(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 5 of the National Emergency Management Reform and Enhancement Act of 2006;

(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program;

(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;

(4) coordinate, as appropriate, with the Assistant Secretary for Cybersecurity and Telecommunications, regarding the administration of the National Communications System;

(5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies;

(6) provide technical assistance to State, regional, local, and tribal officials with respect to use of interoperable emergency communications capabilities;

(7) facilitate the creation of Regional Emergency Communications Coordination Working Groups under section 565;

(8) promote the development of standard operating procedures with respect to use of interoperable emergency communications capabilities for incident response and facilitate the sharing of information on best practices (including from governments abroad) for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

(9) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

(10) assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in ensuring the operability of the telecommunications functions and responsibilities of the Federal Government;

(11) establish requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment;

(12) help to establish an integrated national public alert and warning system that incorporates legacy systems; and

(13) review, in consultation with Assistant Secretary for Grants and Planning, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans.

(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—There is transferred to the Secretary the authority to administer, through the Assistant Secretary for Emergency Communications, the following:

(1) The SAFECOM Program.

(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

(3) The Interoperable Communications Technical Assistance Program.

(e) COORDINATION.—The Assistant Secretary shall coordinate, as appropriate, with the Director of the Office for Interoperability and Compatibility the responsibilities described in section 104 of the National Emergency Management Reform and Enhancement Act of 2006.

(f) SUFFICIENCY OF RESOURCES PLAN.—

(1) REPORT.—Not later than days 60 days after the enactment of this section, the Secretary shall submit to Congress a report on the resources and staff necessary to carry out the responsibilities under this subtitle.

(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 30 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.

SEC. 562. NATIONAL EMERGENCY COMMUNICATIONS STRATEGY.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall, not later than one year after the completion of the baseline assessment under section 563, and in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, emergency support responders, and the private sector, develop a National Emergency Communications Strategy to achieve interoperable emergency communications.

(b) CONTENTS.—The national strategy shall—

(1) include a national interoperable emergency communication inventory that—

(A) identifies for each Federal department and agency—

(i) the channels and frequencies used;

(ii) the nomenclature used to refer to each channel or frequency used; and

(iii) the types of communications system and equipment used;

(B) identifies the interoperable emergency communication systems in use for public safety systems in the United States; and

(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable communications system;

(2) include, in consultation with the National Institute of Standards and Technology, a process for expediting national

voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments to operate at all threat levels;

(4) address both short-term and long-term solutions to achieving Federal, State, local, and tribal interoperable emergency communications systems, including provision of existing and emerging technologies that facilitate operability, interoperability, coordination, and integration among existing emergency communications systems;

(5) identify how Federal Government departments and agencies that respond to acts of terrorism, natural disasters, and other emergencies can work effectively with State, local, and tribal governments, in all States, and such other entities as are necessary to implement the strategy;

(6) include measures to identify and overcome all obstacles to achieving interoperable emergency communications; and

(7) set goals and establish timeframes for the achievement of an emergency, command-level communication system based on existing equipment across the United States and develop a timetable for a nationwide interoperable emergency communications system.

SEC. 563. ASSESSMENTS AND REPORTS.

(a) BASELINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.—Not later than one year after the date of the enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments, to—

(1) define the range of operable and interoperable emergency communications capabilities needed for specific events;

(2) assess the current capabilities to meet such communications needs; and

(3) identify the gap between such current capabilities and defined requirements.

(b) PROGRESS REPORTS.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall submit to Congress a report on the progress of the Department in implementing and achieving the goals of this subtitle, including—

(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

(2) a determination of the degree to which interoperable emergency communications has been achieved to date and ascertain the needs that remain for interoperability to be achieved;

(3) an assessment of the ability of communities to provide and maintain interoperable emergency communications among emergency managers, emergency response providers, emergency support providers, and government officials in the event of acts of terrorism, natural disasters, or other emergencies, including Incidents of National Significance declared by the Secretary

under the National Response Plan, and where there is substantial damage to ordinary communications infrastructure or sustained loss of electricity;

(4) a list of best practices among communities for providing and maintaining interoperable emergency communications in the event of acts of terrorism, natural disasters, or other emergencies; and

(5) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of acts of terrorism, natural disasters, or other emergencies.

SEC. 564. COORDINATION OF FEDERAL EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

(a) ASSESSMENT OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through Assistant Secretary for Emergency Communications, shall assess Federal grants and standards programs managed by other Federal departments and agencies to—

(1) integrate and coordinate Federal grant guidelines for the use of Federal homeland security assistance relating to interoperable emergency communications;

(2) assess and make recommendations to ensure that such guidelines are consistent with the mission of the Office of Emergency Communications; and

(3) assess and make recommendations to ensure conformity with the goals and objectives identified in the National Emergency Communications Strategy.

(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Assistant Secretary for Emergency Communications, may prohibit any State, local, or tribal government from using Federal homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities, if—

(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plans as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

(B) as of the date that is three years after the date of the enactment of this section, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

(2) STANDARDS.—The Secretary, in coordination with other Federal departments and agencies with responsibility for standards shall develop, promulgate, and revise national voluntary consensus standards on interoperable emergency communications within 4 years after the date of the enactment of this section, if the requirements of paragraph (1)(B) have not been satisfied.

(c) TRANSFER OF FUNCTIONS.—Not later than 60 days after the date of the enactment of this subsection, the President shall transfer to the Assistant Secretary for Emergency Communications the func-

tions authorized by section 3006 of the Deficit Reduction Act of 2006 (Public Law 109–71; 120 Stat. 24), including the authority to borrow under 3006(b) of that Act.

SEC. 565. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.

(a) IN GENERAL.—There is in each Regional Office under section 504 a Regional Emergency Communications Coordination Working Group (in this section referred to as an "RECC Working Group").

(b) SUBJECT MATTER EXPERTS.—The RECC Working Group shall consist of the following:

(1) NON-FEDERAL.—Organizations representing the interests of the following:

(A) State officials.

(B) Local officials.

(C) State police departments.

(D) Local police departments.

(E) Local fire departments.

(F) Public safety answering points (9–1–1 services).

(G) Communications equipment vendors (including broadband data service providers).

(H) Hospitals.

(I) Public utility services.

(J) Local exchange carriers.

(K) Local broadcast media.

(L) Wireless carriers.

(M) Satellite communications services.

(N) Emergency evacuation transit services.

(O) Ambulance services.

(P) HAM and amateur radio operators.

(Q) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.

(R) Local emergency managers or homeland security directors.

(S) Other emergency response providers or emergency support providers as deemed appropriate.

(2) FEDERAL.—Representatives from the Department and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

(c) DUTIES.—The duties of each RECC Working Group shall include—

(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Strategy;

(2) reporting annually to the Assistant Secretary for Emergency Communications on the status of its region in building a robust and sustainable interoperable voice and data emergency communications network and on the progress of the region in meeting the goals of the National Emergency Communications Strategy under section 562 when such Strategy in complete;

(3) coordinating the establishment of an effective multijurisdictional, multi-agency emergency communications network for use during acts of terrorism, natural disasters, and other emergencies through the expanded use of emergency management and public safety communications mutual aid agreements; and

(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to acts of terrorism, natural disasters, and other emergencies.

SEC. 566. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.

(a) ESTABLISHMENT.—There is established the Emergency Communications Preparedness Center (in this section referred to as the "Center").

(b) OPERATION.—

(1) IN GENERAL.—The Secretary, the Chairman of the Federal Communication Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, "Emergency Communications Preparedness Center (ECPC) Charter".

(2) CHAIR.—The Secretary shall be the Chair of the Center.

(c) FUNCTIONS.—The Center shall—

(1) serve as the focal point for interagency efforts to address operable and interoperable communications;

(2) serve as a clearinghouse with respect to all relevant information regarding intergovernmental efforts to achieve nationwide interoperable emergency communications capabilities;

(3) ensure cooperation among the relevant Federal Government departments and agencies to improve effectiveness in the communication and implementation of the goals of the National Emergency Communications Strategy, including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies;

(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the efforts of Federal departments and agencies to implement the National Emergency Communications Strategy; and

(5) perform such other functions as the President may assign.

(d) REPORT.—Not later than 180 days after the date of the enactment of this section, the President shall transmit to the Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

SEC. 567. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from terrorist attack.

(b) MINIMUM CAPABILITIES.—The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of government, emergency response pro-

viders, emergency support providers, the private sector, and other organizations with emergency response capabilities—

(1) to communicate with each other in the event of an emergency;

(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 321); and

(3) to be consistent with any applicable State or Urban Area homeland strategy or plan.

SEC. 568. INTEGRATED NATIONAL ALERT AND WARNING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Emergency Communications, and in coordination with the head of any Federal department or agency that possesses or acquires alert and warning capabilities, including the Departments of Commerce and Defense and the Federal Communications Commission, shall develop, manage, operate, and coordinate an integrated national public alert and warning system that incorporates legacy systems.

(b) REQUIREMENTS.—Such system shall—

(1) be operational within 3 years of the date of enactment of this section;

(2) ensure effective collaboration with State, local, and tribal governments;

(3) complement and provide interoperability with State, local, and tribal public alert and warning systems;

(4) ensure the interoperability of commercially available equipment for radio and data communications systems;

(5) carry alert and warning messages for acts of terrorism, natural disasters, and other emergencies;

(6) conduct regular internal training and exercises on generating and disseminating public alert and warning messages;

(7) support public education and outreach to increase community awareness of the integrated national alert and warning system;

(8) incorporate, to the maximum extent possible, technologies and systems that warn and support the unique needs faced by persons with disabilities or language barriers;

(9) develop public–private partnerships to—

(A) leverage government and industry needs, capabilities, and resources necessary to delivery effective disaster warnings;

(B) facilitate the development, promulgation, and regular updating of national voluntary consensus standards for public alert and warning technologies;

(C) identify, in consultation with the Assistant Secretary for Infrastructure Protection and the Assistant Secretary for Cybersecurity and Telecommunications, critical infrastructure and key resources necessary to provide accurate, survivable, and sustainable public alerts and warnings;

(D) incorporate private sector threat information sharing into Federal, State, and local alert and warning systems; and

(E) ensure continuity of operations plans are in place to minimize the disruption to communications infrastructure used for the dissemination of public alerts and warnings;

(10) promulgate standard operating procedures and protocols for the integrated national public alert and warning system; and

(11) identify and incorporate existing, new, and emerging technologies, including the utilization of both satellite and ground based alert and warning distribution networks to provide redundant, timely, and accurate public alerts and warnings.

(c) IMPLEMENTATION PLAN.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall develop an implementation plan for this section within 180 days after the enactment of this section.

Subtitle E—Emergency Logistics

SEC. 581. PREPOSITIONED EQUIPMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Regional Directors, shall establish a Prepositioned Equipment Program to preposition standardized emergency equipment in selected geographic areas to sustain and replenish critical assets used by State, local, or tribal governments in response to, or rendered inoperable by the effects of, acts of terrorism, natural disasters, or other emergencies.

(b) FORCE PACKAGES.—As part of the Program, the Secretary shall establish a number of force packages. Each force package shall—

(1) contain preposition-standardized equipment and frequently used off-the-shelf items;

(2) be strategically located and maintained at logistics centers in no less than 11 regions and, to the extent practicable, co-located with the push packages of the Strategic National Stockpile;

(3) be rapidly deployable to any major population area within at least 12 hours; and

(4) be easily transportable by air, land, or water.

(c) TYPES OF EQUIPMENT INCLUDED.—Each force package shall include—

(1) personal protective equipment;

(2) detection equipment;

(3) decontamination equipment;

(4) search and rescue equipment;

(5) medical equipment and supplies;

(6) communications equipment;

(7) mobile shelters;

(8) mobile medical facilities; and

(9) any additional devices, tools, supplies, and material most likely needed by initial on-scene emergency response providers.

(d) SUPPORT TEAMS.—Each force package shall be staffed by qualified and trained personnel who reside in the region. Such personnel shall—

(1) be available to respond to emergencies when necessary;

(2) provide life-cycle management and maintenance of equipment; and

(3) perform associated logistics, including equipment maintenance and calibration.

(e) PROCEDURES FOR DEPLOYMENT OF FORCE PACKAGES.—The Secretary, acting through the Under Secretary, shall deploy force packages to State, local, and tribal officials when—

(1) a State or local government entity, through the Governor of the State, or a tribal government entity, makes a request for the transfer deployment of a force package; and

(2) the Under Secretary approves such request.

(f) COORDINATION.—In carrying out the Prepositioned Equipment Program under this section, the Secretary shall coordinate with the Secretaries of Defense and Health and Human Services and with the heads of such other Federal departments and agencies as the Secretary determines are appropriate.

SEC. 582. NATIONAL ASSET INVENTORY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the heads of other appropriate Federal departments and agencies, shall establish a National Asset Inventory Program for the purpose of managing and deploying Federal capabilities in response to acts of terrorism, natural disasters, and other emergencies.

(b) INVENTORY.—In accordance with the requirements of section 611(h)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(h)(1)(C)), the National Asset Inventory Program shall develop and maintain an inventory of Federal response capabilities and corresponding assets and resources. Such inventory shall include—

(1) the performance parameters of each capability;

(2) the timeframe within which each capability can be available for deployment to an incident;

(3) the readiness of each capability to respond to domestic incidents; and

(4) the availability of such capability.

(c) MILITARY CAPABILITIES.—The Secretary of Defense shall provide to the Secretary a description of the functions and capabilities of any entity of the Department of Defense that may be used to provide support to civil authorities in responding to acts of terrorism, natural disasters, or other emergencies.

(d) DATABASE.—The Secretary, acting through the Under Secretary for Emergency Management, shall establish an inventory database to allow—

(1) real-time exchange of information regarding capabilities, assets, and resources, readiness, or the compatibility of equipment;

(2) easy identification and rapid deployment during an incident; and

(3) the sharing of inventories across jurisdictions.

(e) FORCE PACKAGES.—The Secretary, acting though the Under Secretary for Emergency Management, shall certify on an annual basis that Federal departments and agencies with primary or supporting agency responsibilities under an emergency support function of the National Response Plan have developed and maintained force packages of rapidly deployable Federal capabilities.

(f) LOGISTICS SUPPORT CENTERS.—The Secretary, acting through the Under Secretary and in coordination with other Federal depart-

ments and agencies and State, local, and tribal governments, shall identify physical locations in selected geographic areas that could be used as logistics support centers for receiving, staging, and integrating Federal capabilities in the event of acts of terrorism, natural disasters, and other emergencies.

(g) COORDINATION.—In carrying out the activities of the program under this section, the Under Secretary shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

SEC. 583. SMALL BUSINESS DATABASE FOR FEDERAL CONTRACTING RELATED TO MAJOR DISASTERS AND EMERGENCY ASSISTANCE ACTIVITIES.

(a) ESTABLISHMENT OF DATABASE.—The Secretary, acting through the Under Secretary for Emergency Management and in coordination with the Regional Directors under section 504, shall establish and maintain a database that contains information about small business entities for purposes of Federal contracting related to assistance activities conducted in response to and recovery from acts of terrorism, natural disasters, and other emergencies.

(b) INCLUDED INFORMATION.—The database under subsection (a) shall include the following information about each small business entity included in the database:

(1) The name of the small business entity.

(2) The location of the small business entity.

(3) The area served by the small business entity.

(4) The type of good or service provided by the small business entity.

(5) Whether the small business entity is—

(A) a small business entity owned and controlled by socially and economically disadvantaged individuals;

(B) a small business entity owned and controlled by women; or

(C) a small business entity owned and controlled by service-disabled veterans.

(c) SOURCE OF INFORMATION.—

(1) SUBMISSION.—The database may only contain such information about a small business entity as is submitted by the small business entity.

(2) ATTESTATION.—Each small business entity submitting information to the database shall submit—

(A) an attestation that the information submitted is true; and

(B) documentation supporting such attestation.

(3) VERIFICATION.—The Secretary shall verify only that the documentation submitted by each small business entity supports the information submitted by that small business entity.

(d) AVAILABILITY OF DATABASE.—The Secretary shall make the database generally available on the Internet website of the Department.

(e) CONSULTATION OF DATABASE.—Before awarding a Federal contract for a disaster-related activity, a component of the Department shall consult the database established under this section.

(f) DATABASE INTEGRATION.—The Secretary shall integrate the database established under this section into any other procurement-related database maintained by the Secretary.

(g) DEFINITIONS.—For purposes of this section, the terms "small business entity", "small business entity owned and controlled by socially and economically disadvantaged individuals", "small business entity owned and controlled by women", and "small business entity owned and controlled by service-disabled veterans" shall have the meanings given the terms "small business concern", "small business concern owned and controlled by socially and economically disadvantaged individuals", "small business concern owned and controlled by women", and "small business concern owned and controlled by service-disabled veterans" respectively under the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 584. FRAUD PREVENTION TRAINING PROGRAM.

(a) TRAINING PROGRAM REQUIRED.—The Secretary, acting through the Under Secretary for Emergency Management, shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal assistance funds and services during the response to or recovery from acts of terrorism, natural disasters, or other emergencies and ways to identify such potential waste, fraud, and abuse.

(b) INDIVIDUALS ELIGIBLE FOR TRAINING.—Under the training program required under subsection (a), the Secretary may provide training to—

(1) employees, contractors, and volunteers of the Federal Government;

(2) employees and volunteers of any State, local, or tribal government entity; and

(3) employees and volunteers of nonprofit organizations that assist in the administration of Federal assistance funds and services provided in response to acts of terrorism, natural disasters, or other national emergencies.

(c) INFORMATION SHARING.—Any State, local, or tribal government entity or nonprofit entity that provides Federal assistance funds or services to individuals affected by acts of terrorism, natural disasters, or other emergencies may share information with the Federal Government, in a manner consistent with Federal Privacy Act protections, about any recipient of such assistance, at the request of the head of a Federal department or agency, for the purpose of preventing fraud and abuse of Federal assistance.

SEC. 585. PRE-NEGOTIATED CONTRACTS FOR DELIVERY OF GOODS AND SERVICES AFTER EMERGENCIES.

(a) IN GENERAL.—The Undersecretary for Emergency Management, in accordance with the process for coordinated, pre-negotiated contracts established pursuant to section 504(e)(7)(E), shall have, and may delegate to any Regional Director for Emergency Management, the authority to enter into contracts for the delivery of necessary goods or services relating to the response to or recovery from acts of terrorism, natural disasters, or other emergencies affecting the geographical area served by the Regional Office of that Regional Director.

(b) NECESSARY GOODS AND SERVICES.—The necessary goods and services referred to in subsection (a) include the following:

(1) Debris removal and other disaster clean-up needs.

(2) The provision of food, water, ice, and first aid supplies.

(3) Meals-ready-to-eat.

(4) The provision of such other goods and services as determined appropriate by the each Regional Director in coordination with the applicable Regional Advisory Council on Emergency Management.

(c) PREFERENCE FOR CONTRACTS WITH SMALL BUSINESSES.—To the greatest extent practicable, in entering into a contract under subsection (a), the Under Secretary, or the relevant delegated Regional Director for Emergency Management, shall give a preference to a small business entity, as that term is defined in section 583.

(d) COMPETITIVE PROCEDURES.—In entering into a contract under this section, the Under Secretary, or the relevant delegated Regional Director for Emergency Management, shall use competitive procedures, to the maximum extent practicable, except as otherwise provided by law.

(e) CONSULTATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Under Secretary, or the relevant delegated Regional Director for Emergency Management, shall consult with the head of a Federal department or agency with respect to any contract entered into by the head of such department or agency using funds made available for preparedness, mitigation, response, and recovery with respect to acts of terrorism, natural disasters, and other emergencies.

(f) RELATIONSHIP TO FEDERAL ASSISTANCE.—In the case of a contract that has been negotiated by the relevant Regional Director for Emergency Management acting under authority delegated by the Under Secretary, the existence of a contract entered into under this section shall not prevent a State, local, or tribal government from receiving or using Federal assistance for the provision of necessary goods and services relating to response or recovery.

Subtitle F—Infrastructure Protection and Cybersecurity

SEC. 591. OFFICE OF INFRASTRUCTURE PROTECTION.

(a) IN GENERAL.—There is in the Department an Office of Infrastructure Protection under the authority of the Under Secretary for Emergency Management.

(b) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The head of the Office shall be the Assistant Secretary for Infrastructure Protection. The Assistant Secretary shall report directly to the Under Secretary for Emergency Management.

(c) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall carry out the responsibilities of the Department regarding infrastructure protection. Such responsibilities shall include the following:

(1) To identify and carry out comprehensive risk assessments of key resources and critical infrastructure of the United States, to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

(2) To develop and maintain a comprehensive national plan for securing the key resources and critical infrastructure of the United States, in accordance with Homeland Security Presidential Directive 7.

(3) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Departments and agencies and in consultation with State, local, and tribal government agencies and authorities, and the private sector.

(4) To assess the preparedness capabilities of critical infrastructure to mitigate against, respond to, and recover from acts of terrorism and other catastrophic emergencies, including natural disasters.

(5) To coordinate and implement, as appropriate, preparedness efforts to ensure that critical infrastructure and key resources efforts are fully integrated and coordinated with the response and recovery activities of the Department.

(6) To establish and maintain partnerships and information sharing processes with Federal, State, local, and tribal governments, the private sector, and international governments and organizations to enhance coordination of critical infrastructure and key resource efforts.

(7) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, local, and tribal law enforcement agencies, and the private sector, as appropriate.

(8) To provide the Secretary with an annual summary of national critical infrastructure protection efforts and priorities and to provide, in consultation with the Assistant Secretary for Grants and Planning, recommendations for Federal critical infrastructure protection funding.

(9) In carrying out responsibilities under paragraphs (1) and (2), to consult with other Federal, State, local, and tribal government agencies and authorities as appropriate.

(10) To perform other such duties relating to such responsibilities as the Secretary may provide.

(d) INTEGRATION CENTER.—

(1) IN GENERAL.—There is an Integration Center in the Office of Infrastructure Protection, which shall be staffed by the Office of Infrastructure Protection, the Office of Cybersecurity and Telecommunications, and the Office of Intelligence and Analysis.

(2) RESPONSIBILITIES.—The Integration Center shall—

(A) be responsible for the integration of relevant threat, consequence, and vulnerability information, analysis, and assessments (whether such information, analysis, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other Federal departments and agencies, State, local, and tribal government agencies and authorities, the private sector, and other entities; and

(B) develop and disseminate analytical products that combine homeland security information with critical infrastructure and key resource vulnerability and consequence information.

(3) CRITICAL INFRASTRUCTURE INFORMATION.—The Secretary shall ensure that the Department makes full and efficient use of open-source information to analyze United States critical infrastructure from the perspective of terrorists using publicly available information.

(e) STAFF.—

(1) IN GENERAL.—The Secretary shall ensure that the Office has staff that possess appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

(2) PRIVATE SECTOR STAFF.—Staff under this subsection may include individuals from the private sector.

(3) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

(f) DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal departments and agencies may be detailed to the Department for the performance of analytic functions and related duties.

(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(g) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.

SEC. 592. OFFICE OF CYBERSECURITY AND TELECOMMUNICATIONS.

(a) IN GENERAL.—There is in the Department an Office of Cybersecurity and Telecommunications under the authority of the Under Secretary for Emergency Management.

(b) ASSISTANT SECRETARY FOR CYBERSECURITY AND TELECOMMUNICATIONS.—The head of the Office shall be the Assistant Secretary for Cybersecurity and Telecommunications. The Assistant Secretary shall report directly to the Under Secretary for Emergency Management.

(c) RESPONSIBILITIES OF ASSISTANT SECRETARY.—The Assistant Secretary shall carry out the responsibilities of the Department regarding cybersecurity and telecommunications. Such responsibilities shall include the following:

(1) To establish and manage—

(A) a national cybersecurity response system that includes the ability to—

(i) analyze the effect of cybersecurity threat information on national critical infrastructure identified under Homeland Security Presidential Directive 7; and

(ii) aid in the detection and warning of potential vulnerability or attack that could cause widespread disruption, and in the restoration of, cybersecurity infrastructure in the aftermath of such attacks;

(B) a national cybersecurity threat and vulnerability reduction program that facilitates and coordinates with busi-

nesses and organizations to conduct risk assessments on information technology and deal with vulnerabilities that would have a national effect on critical infrastructure and that coordinates the mitigation of such vulnerabilities;

(C) a continuity of operations program to plan and allocate resources for the continuation of critical information operations in the event of a large scale disruption of the information infrastructure and to coordinate a response;

(D) a reconstitution program to ensure that priorities, procedures, and resources are in place to reconstitute information infrastructures in the government and private sector that are critical to the orderly functioning of the economy, health of the population, and national security;

(E) a resiliency program that will support basic and fundamental research to improve the reliability of network protocols as well as provide for reasonable security controls and that will work with the private sector to improve the security of key network protocols and develop more secure, reliable successors;

(F) a national public-private cybersecurity awareness, training, and education program that promotes Internet security awareness among all enduser groups, including the education community, students, businesses, and government entities, and helps coordinate cybersecurity awareness initiatives;

(G) a Government cybersecurity program to coordinate and consult with Federal, State, and local governments to enhance their cybersecurity programs; and

(H) a national security and international cybersecurity cooperation program to help foster Federal efforts to enhance international cybersecurity awareness and cooperation.

(2) To coordinate and to leverage existing efforts within the private sector on the program under paragraph (1) as appropriate and to promote cybersecurity information sharing, vulnerability assessment, and threat warning regarding critical infrastructure.

(3) To coordinate with other directorates and offices within the Department and with other Federal agencies, as appropriate, on the cybersecurity aspects of their missions.

(4) To carry out, in coordination with the Assistant Secretary for Emergency Communications, as appropriate, the duties of the National Communications System.

(5) To coordinate with the Under Secretary to ensure that the National Response Plan developed includes appropriate measures for the recovery of the cybersecurity elements of critical infrastructure.

(6) To develop processes for information sharing with the private sector, consistent with section 214, that—

(A) promote voluntary cybersecurity best practices, standards, and benchmarks that are responsive to rapid technology changes and to the security needs of critical infrastructure; and

(B) consider roles of Federal, State, local, and foreign governments, appropriate standards bodies, and the private sector, including the insurance industry and auditors.

(7) To coordinate with the Chief Information Officer of the Department in establishing a secure information sharing architecture and information sharing processes, including with respect to the Department's operation centers.

(8) To consult with the Electronic Crimes Task Force of the United States Secret Service on private sector outreach and information activities.

(9) To consult with the Office for Training and Exercises to ensure that realistic cybersecurity scenarios are incorporated into training exercises, including tabletop and recovery exercises.

(10) To consult and coordinate with the Assistant Secretary for Infrastructure Protection, the Under Secretary for Science and Technology, and, where appropriate, with other relevant Federal departments and agencies, on the security of digital control systems, such as Supervisory Control and Data Acquisition systems.

(11) To consult and coordinate with the Under Secretary for Science and Technology on cybersecurity research and development requirements.

(d) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on the programs under this section and the specific funding requirements of each priority and objective of the Secretary with respect to such programs. For each priority or objective the Secretary shall describe how the private sector is involved in each such program.

(e) DEADLINE FOR NOMINATION.—Not later than 90 days after the date of the enactment of this section, the President shall nominate an individual to serve as the Assistant Secretary for Cybersecurity and Telecommunications.

(f) STAFF.—

(1) IN GENERAL.—The Secretary shall provide the Office with staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

(2) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

(g) DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal departments and agencies may be detailed to the Department for the performance of analytic functions and related duties.

(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the Federal department or agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(h) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any ap-

plicable provision of an annual Homeland Security Appropriations Act relating to the reprogramming or transfer of funds.

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TITLE VII—MANAGEMENT

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SEC. 707. FRAUD, WASTE, AND ABUSE CONTROLS.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Emergency Management, shall ensure that—

(1) all programs within the Directorate administering Federal assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;

(2) application databases used by the Directorate to collect information on eligible recipients must record disbursements;

(3) such tracking is designed to highlight and identify ineligible applications; and

(4) the databases used to collect information from applications for such assistance must be integrated with the disbursements and payment records.

(b) AUDITS AND REVIEWS REQUIRED.—The Secretary shall ensure that any existing database or similar application processing system in effect on the date of the enactment of this section for Federal assistance programs administered by the Department undergo a review by the Inspector General of the Department to determine the existence and implementation of such internal controls required under this section, before such database application may be used to determine eligibility and disbursement of Federal assistance.

(c) CERTIFICATION REQUIRED.—The Secretary, acting through the Under Secretary for Emergency Management, shall certify to the Congress on an annual basis that proper internal controls required under this section are in place and operational before a database or similar application processing system may be utilized for the purpose of the dispensing of Federal assistance.

(d) REPORT TO CONGRESS.—Recommendations or findings that remain unresolved between program administrators and the Inspector General of the Department for 30 days must be immediately reported to Congress by the Inspector General of the Department.

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TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

[Subtitle A—Coordination with Non-Federal Entities

[SEC. 801. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

[(a) ESTABLISHMENT.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

[(b) RESPONSIBILITIES.—The Office established under subsection (a) shall—

[(1) coordinate the activities of the Department relating to State and local government;

[(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

[(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland; and

[(4) develop a process for receiving meaningful input from State and local government to assist the development of the national strategy for combating terrorism and other homeland security activities.]

Subtitle B—Inspector General

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SEC. 813. DEPUTY INSPECTOR GENERAL FOR RESPONSE AND RECOVERY.

(a) ESTABLISHMENT.—There is established the position of Deputy Inspector General for Response and Recovery within the Office of the Inspector General of the Department.

(b) APPOINTMENT.—The Deputy Inspector General shall be appointed—

(1) by the Inspector General of the Department; and

(2) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(c) REPORTING AND STATUS AS SES POSITION.—The Deputy Inspector General shall—

(1) report to, and be under the direct authority and supervision of, the Inspector General; and

(2) serve as a career member of the Senior Executive Service.

(d) DUTIES.—

(1) AUDITS AND INVESTIGATIONS.—The Deputy Inspector General shall, in coordination with Inspectors General of other departments, as appropriate, conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for response to and recovery from an act of terrorism, natural disaster, or other emergency by the Federal Government, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private nongovernmental entities; and

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of such funds.

(2) FRAUD TIP LINE.—The Deputy Inspector General shall ensure that not more than 48 hours after a terrorist attack, natural disaster, or other national emergency, the Office of the Inspector General institutes and publicizes a Fraud Tip Line to facilitate the collection of allegations of waste, fraud, and abuse of Federal assistance funds.

(3) AVOIDANCE OF DUPLICATION.—The Deputy Inspector General shall ensure, to the greatest extent possible, that the activities of the Deputy Inspector General do not duplicate audits and investigations of Inspectors General and other auditors of Federal departments and agencies, and State and local government entities.

(4) COORDINATION WITH FBI.—The Deputy Inspector General shall ensure that investigative activities under this section are coordinated with the Federal Bureau of Investigation.

(e) FINANCIAL MANAGEMENT MATTERS.—In order to assist the Deputy Inspector General for the purposes of carrying out this section, all agencies receiving or distributing Federal funds to respond to acts of terrorism, natural disasters, or other emergencies shall establish and maintain budgetary procedures to distinguish funds related to response and relief efforts from other agency funds.

(f) FUNDING.—There is authorized to be appropriated for operations of the Office of the Deputy Inspector General $11,000,000 for each fiscal year.

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Subtitle F—Federal Emergency Procurement Flexibility

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SEC. 856a. ENHANCED ACCOUNTABILITY FOR FEDERAL ASSISTANCE.

(a) RECIPIENTS OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Each State, local, tribal, and nonprofit entity that receives Federal assistance funds in response to acts of terrorism, natural disasters, or other emergencies shall report to the pertinent Federal agency six months after the initial disbursement of resources regarding the expenditure of such funds.

(2) CONTENTS.—The report shall include a description of—

(A) the projects or programs that received Federal assistance;

(B) the entity administering the program or project; and

(C) the dates and amounts disbursed, allocated, and expended.

(3) MINIMIZING REPORTING BURDEN.—The Under Secretary for Emergency Management shall determine whether the requirement to report under this section is duplicative of or can be combined with other reporting requirements and, if so, the Under Secretary shall combine such requirements and eliminate such duplication.

(b) FEDERAL ASSISTANCE DISBURSING AGENCIES.—

(1) IN GENERAL.—Each Federal agency that disburses Federal assistance funds in response to an act of terrorism, a natural disaster, or another emergency shall submit to the Inspector General of the Department, acting in the Inspector General's role as chairman of the President's Council on Integrity and Efficiency Homeland Security Roundtable, a report on the expenditure of such funds.

(2) CONTENTS.—Each report required under paragraph (1) shall include—

(A) names and addresses of recipient agencies;

(B) the purpose for which resources were provided;

(C) the amounts disbursed, allocated, and expended; and

(D) the status of reporting by agencies that received disbursements (as set forth under subparagraph (A).

(3) DEADLINE.—Each report submitted under paragraph (1) shall be submitted not later than one year after the date of the enactment of the appropriations Act that makes available the Federal assistance funds covered by the report, and on a recurrent basis every six months thereafter until such time as all such funds are expended or the Inspector General and such Council determine that such reports are no longer required.

SEC. 856b. ENHANCED INFORMATION SHARING AMONG FEDERAL AGENCIES TO PREVENT FRAUD, WASTE, AND ABUSE.

(a) CONFIRMATION OF IDENTITY AND ELIGIBILITY OF APPLICANTS.—Any Federal, State, local, or tribal agency that disburses Federal grants, loans, services, and other assistance in response to or for the recovery from acts of terrorism, natural disasters, or other emergencies, shall make reasonable efforts to confirm the identity and eligibility of the applicant for such assistance without placing undue burden on the applicant.

(b) CONSENT TO ACCESS.—

(1) INCLUSION ON APPLICATION MATERIALS.—The Federal, State, local, or tribal agency may include provisions on application materials for grants, loans, services, and other assistance that would allow access to Internal Revenue Service information (IRS Form 8821 Tax Information Authorization) and other relevant Federal databases, to allow government agencies to

share information and enhance the accuracy and expedite the delivery of assistance to applicants.

(2) CONSENT NOT REQUIRED.—Any applicant who declines to consent to the sharing of such information shall not be denied assistance or otherwise penalized for that reason.

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Subtitle H—Miscellaneous Provisions

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SEC. 875. MISCELLANEOUS AUTHORITIES.

(a) * * *

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

(1) IN GENERAL.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including 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 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", the insignia or seal of the Department, or the title "Secretary of Homeland Security".

(B) The name, initials, insignia, or seal of any organizational element (including any former such element) of the Department, or the title of any other officer or employee of the Department, notice of which has been published by the Secretary of Homeland Security in accordance with paragraph (3).

(2) CIVIL ACTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice that 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 States to enjoin such act 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 restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

(3) NOTICE AND PUBLICATION.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notices from time to time as the Secretary determines appropriate in the public interest and shall publish such amendments in the Federal Register.

(4) AUDIOVISUAL PRODUCTION.—For the purpose of this subsection, the term "audiovisual production" means the production of a work that consists of a series of related images that 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 tapes, in which the work is embodied.

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[SEC. 882. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

[(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

[(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

[(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

[(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Office for State and Local Government Coordination;

[(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

[(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

[(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

[(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

[(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, informa-

tion sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

[(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

[(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

[(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

[(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

[(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

[(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.]

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PUBLIC HEALTH SERVICE ACT

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TITLE XXVIII—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

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Subtitle B—Emergency Preparedness and Response

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SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.

(a) * * *

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(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing for the Assistant Secretary for Public Health Emergency Preparedness and the operations of the National Disaster Medical System, other than purposes for which amounts in the Public Health Emergency Fund under section 319 are available, there are authorized to be appropriated [such sums as may be necessary for each of the fiscal years 2002 through 2006.] *$85,000,000 for each of the fiscal years 2007 through 2010.*

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NATIONAL SECURITY ACT OF 1947

TITLE I—COORDINATION FOR NATIONAL SECURITY

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APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

SEC. 106. (a) * * *

(b) CONCURRENCE OF DNI IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.—(1) * * *

(2) Paragraph (1) applies to the following positions:

(A) * * *

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[(I) The Assistant Secretary of Homeland Security for Information Analysis.**]**

(I) The Under Secretary of Homeland Security for Intelligence and Analysis.

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SECTION 7306 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SEC. 7306. CRITICAL INFRASTRUCTURE AND READINESS ASSESSMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Under section 201 of the Homeland Security Act of 2002 (6 U.S.C 121), the Department of Homeland Security,through the **[**Under Secretary for Information Analysis and Infrastructure Protection**]** *Under Secretary for Intelligence and Analysis*, has the responsibility—

(A) * * *

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MINORITY VIEWS

H.R. 5351, the National Emergency Management Reform and Enhancement Act reflects long-standing efforts by the Democrats on the House Homeland Security Committee to reorganize, refocus, and reform the Federal Emergency Management Agency (FEMA). In February of 2006, Democrats on the Committee released a report on FEMA reform and a legislative solution designed to address some of the fundamental problems affecting federal emergency management. (See "Redirecting FEMA Toward Success," available at http://hsc-democrats.house.gov/HS/Investigations+and+Reports). This report found that in spite of the uniqueness of each national disaster, there are certain characteristics that mark every successful federal response throughout the history of FEMA. The report suggested the following structural changes to ensure the effectiveness of future responses:

1. FEMA must be led by a director statutorily required to possess experience in emergency management;
2. The FEMA director must report directly to the President during incidents of national significance; and
3. FEMA must operate in accord with the emergency management cycle—requiring the re-unification of preparedness, response, recovery, and mitigation efforts.

On March 1, 2006, Ranking Member Bennie G. Thompson, along with 12 original co-sponsors, introduced H.R. 4840, the "PREPARE Act," to implement the recommendations from the report. We are pleased that these Democratic ideas now enjoy bipartisan support and are the foundation of H.R. 5351, the National Emergency Management Reform and Enhancement Act.

With that said, the simple truth is that Congress, having created the Department of Homeland Security, should not now have to be faced with legislating additional changes because of poor internal reorganizations ordered by the Secretary of Homeland Security. This legislation is necessary because the Administration mishandled the process of integrating FEMA into the new Department. While many experts advocated for a Department of Homeland Security with a robust FEMA at its core, this vision never came to pass. FEMA (which was also known as the Emergency Preparedness & Response Directorate) was never given authority to manage the more than $3.5 billion in preparedness grants and training for emergency responders.

The efforts to ensure effective emergency management capability were further undermined when, as part of his Second Stage Review (2SR), Secretary Chertoff split preparedness and response into separate directorates. Specifically, Secretary Chertoff abolished the EP&R Directorate, made FEMA a separate operational response and recovery unit reporting directly to the Secretary, and transferred FEMA's remaining preparedness functions to a new Direc-

torate of Preparedness. Thus, FEMA was stripped of many of its remaining preparedness grant programs—and with that, the ability to maintain its once-strong relationships with state, local, and private sector emergency managers and responders. The result was that in the days after Hurricane Katrina struck, federal emergency managers were in the awkward position of exchanging business cards with their state and local counterparts.

Time and again, Republican Administrations have used FEMA as a dumping ground for political cronies. The serial disregard for FEMA has given us Directors such as Wallace Stickney, Louis Giuffrida and Michael Brown. It was President Clinton who recognized both the importance of emergency management experience and the need for qualified leadership.

We are pleased that the Majority has recognized and is willing to codify the common-sense requirement that FEMA's leadership be selected based on what an individual knows, not who he or she knows. We are also pleased that the Majority has recognized that FEMA's regional office structure needs to be re-energized and strengthened. Finally, we appreciate the Majority's recognition of the importance of a well-funded, autonomous and all-hazards FEMA.

In addition to the PREPARE Act, Democrats have long championed the need for a substantive federal interoperability plan. In 2004, Ms. Lowey proposed the basis for what was included in the interoperability strategy component of the bill. Democrats have consistently pushed the Department to make interoperability a priority, and this legislation represents the first time the Majority has agreed to move forward on the Democratic proposal.

We are also pleased that the bill includes an authorization of the Chief Medical Officer's office, which will have primary responsibility within the Department for medical issues related to acts of terrorism, natural disasters, and other emergencies. This language in the bill closely mirrors legislation drafted by Mr. Langevin, H.R. 4632, the "Chief Medical Officer Authorization Act." H.R. 5351 also includes provisions throughout, which were put forth by Mr. Langevin that ensure that disabilities groups are involved in the emergency planning process.

In order to enhance H.R. 5351, Democratic Members of the Committee offered numerous amendments which were accepted by the Majority prior to markup and which were incorporated into the Amendment in the Nature of a Substitute offered jointly by Chairman King and Ranking Member Thompson. These amendments greatly strengthened H.R. 5351 and are discussed below.

Ranking Member Thompson offered language to give the Director of FEMA oversight authority for contracts to preposition necessary goods and services in case of an Incident of National Significance, and to ensure small business participation in these contracts.

Mr. Pascrell and Ms. Sanchez offered amendments that resulted in the authorization of $360 million for the successful Emergency Management Performance Grant program. This grant program is critical to state and local emergency managers to plan for any type of disaster. While we believe that the authorization for this crucial—and effective—program should be even higher, we are very pleased with the Committee's bipartisan support for this program.

Mr. Etheridge offered three amendments, two of which seek to mitigate the significant reporting and certification obligations that come with grants and other assistance that the Department provides. Specifically, these amendments require that the Department take steps to identify and eliminate duplicative reporting and certifications imposed upon state and local recipients of federal grants and assistance. It also requires that the Department determine whether some existing reports can be adapted to fulfill multiple reporting obligations. Mr. Etheridge's third amendment addressed the eligibility of public elementary and secondary schools for federal homeland security grants. In the past, such schools have been wrongly denied homeland security grants because the Homeland Security Act of 2002 does not specifically state their eligibility. This amendment makes clear that such schools are—and always have been—eligible for homeland security grants.

Ms. Sanchez offered an amendment which resulted in authorizing $40 million for Urban Search and Rescue teams, twice the current funding level, and an amendment requiring the Department to report to Congress on the efficacy of these and other grant programs. Another amendment offered by Ms. Sanchez will increase the focus of the Department's infrastructure protection activities as they relate to natural disasters. While we agree that the Department must continue to concentrate on preventing, preparing for, and responding to acts of terrorism, it must also begin to take an all hazards approach with regard to critical infrastructure protection. As Hurricanes Katrina and Rita demonstrated, catastrophic natural disasters can severely impact the United States and our economy. We believe, however, that there is room for improvement both in the language of the bill and the Department itself.

Mr. Markey, along, with Ms. Sanchez, offered an amendment which authorized $60 million for the Metropolitan Medical Response System (MMRS). The MMRS is comprised of local teams that develop or enhance existing emergency preparedness systems to effectively respond to a public health crisis, especially an event involving a weapon of mass destruction.

The majority also agreed to incorporate an amendment offered by Ms. Harman which establishes a public-private sector planning and response pilot program to identify a network of critical resources in a region having significant risk of both terrorism and catastrophic disaster. Mr. DeFazio's amendment, mandating a deadline by which the Department completes of the baseline study on interoperable communications system and networks nationwide, was also incorporated into the amendment in the nature of a substitute.

We recognize that FEMA—and the federal government—needs to prepare for the next crisis, not just reacting to the last disaster. To this end, Ms. Lowey presented language requiring a National Pandemic Influenza Exercise Program. This exercise will simulate the response to a nation-wide outbreak of highly pathenogenic influenza in birds, and a response to a nation-wide outbreak of highly pathenogenic influenza in humans. Ms. Lowey also offered amendment language directing the Government Accountability Office provide Congress with a staffing and resources assessment for an effective office for emergency communications.

Ms. Lowey also introduced an amendment stating the sense of Congress that in carrying out the responsibilities and authorities of the Department relating to the SAFECOM Program, the Assistant Secretary of Homeland Security for Emergency Communications work with the National Institute of Standards and Technology to implementing Project 25 Compliance Assessment Program.

Ms. Lofgren offered an amendment which will strengthen the office of the Assistant Secretary for Cyber-Security. Previously, this position had not been authorized. This bill authorizes the position, and defines the Assistant Secretary's role and responsibilities.

Ms. Jackson-Lee offered several provisions to the bill that were aimed at improving the Regional offices' familiarity with the demographic population they serve, specifying the qualification requirements of the Chief Medical Officer and the Deputy Chief Medical Officer, and increasing the meeting requirements of the Advisory Council from every other year to twice-a-year. The Committee also adopted a provision suggested by Ms. Jackson-Lee that clarifies that private sector members of the Advisory Council include non-governmental organizations, educational institutions, social action agencies, and faith-based organizations. In the interest of increasing transparency at the Department, the Committee incorporated language that calls for the Department to post on its website the report regarding the Independent Private Sector Inspectors General's effectiveness in preventing waste, fraud, and abuse in contracts of goods and services regarding the September 11, 2001 terrorism attacks. Ms. Jackson-Lee language regarding the creation of a database of minority vendors and contractors was reflected in the provisions offered by Mr. Thompson.

In order to ensure the independence and strengthened role of the FEMA Director/Undersecretary for Emergency Management, Mr. Meek offered an amendment which gives the FEMA Director/Undersecretary for Emergency Management a role in the selection of the Principal Federal Officer (PFO). Specifically, the agreed-to language provides that when a PFO is appointed, the Secretary of Homeland Security shall coordinate with the FEMA Director/Undersecretary for Emergency. Previously, under the National Response Plan, the PFO was selected by the Secretary.

Ms. Christensen raised the question of whether the Bill addresses Territorial, as well as State, local, and tribal governments. The Committee Report reflects that bill does address Territorial governments, and the definition of "States" in the Homeland Security Act includes Territories of the United States.

In addition to working with the Majority on the overall content of H.R. 5351, we are pleased that the Majority incorporated many additional ideas to improve this bill.

None of the amendments discussed above were introduced separately in markup because they were integrated into the amendment in the nature of a substitute.

A few proposals were not accepted. Mr. DeFazio offered an amendment that would have limited the number of political appointees within FEMA. As discussed above, FEMA has too often been the dumping ground for political cronies, and the Department as a whole is top-heavy with such appointees.

Ms. Lowey offered and withdrew an amendment which would have authorized $5 billion over the next five years for the purchase of interoperable communication equipment. The President's FY 2007 budget proposed to eliminate the COPS Interoperability Grant Program, the only grant program specifically dedicated to purchasing interoperable communications equipment. While experts say that the problem of interoperability could range anywhere from $15 billion to $100 billion nationwide, other Homeland Security Grant Programs that can be used to purchase this equipment have been severely cut by the Administration and Congress.

We appreciate the spirit of cooperation that resulted in H.R. 5351. This is a bill that will ensure a FEMA that is better prepared to respond to acts of terrorism, natural disasters and other emergencies.

BENNIE G. THOMPSON, Ranking Member.
BOB ETHERIDGE, Ranking Member.
KENDRICK B. MEEK, Ranking Member.
LORETTA SANCHEZ, Ranking Member.
BILL PASCRELL, Ranking Member.
JAMES R. LANGEVIN, Ranking Member.
ED MARKEY, Member.
JANE HARMAN, Member.
NITA LOWEY, Member.
DONNA M. CHRISTIAN-CHRISTENSEN, Member.
PETER DEFAZIO, Member.
SHEILA JACKSON-LEE, Member.

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