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112TH CONGRESS
1ST SESSION

H. R. 3116

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

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

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A BILL

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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Sec. 3. Definitions.
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TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

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Sec. 403. Purposes of the 9/11 Review Commission.
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1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term ''appropriate congressional com-
5 mittee'' means the Committee on Homeland Security
6 of the House of Representatives and the Committee
7 on Homeland Security and Governmental Affairs of
8 the Senate, and any committee of the House of Rep-
9 resentatives or the Senate having legislative or over-
10 sight jurisdiction under the Rules of the House of
11 Representatives or the Senate, respectively, over the
12 matter concerned.

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

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

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

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

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

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

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

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

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

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

(A) involves an act that—

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

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

(B) appears to be intended—

(i) to intimidate or coerce a civilian population;

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

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

(9) UNITED STATES.—

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

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

SEC. 4. AMENDMENT REFERENCES.

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

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

SEC. 101. UNDER SECRETARY FOR POLICY.

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

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

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

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

"SEC. 601. UNDER SECRETARY FOR POLICY.

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

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

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

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

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

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

"(5) conduct long-range, risk-based, strategic planning for the Department, including overseeing each quadrennial homeland security review required under section 603;

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

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

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

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

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

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

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

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

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

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

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

(3) the strategy of the Department to monitor open source messaging that incite violence, including

Internet websites that disseminate videos, graphics, text calling for violent activities, and to provide counter-messaging to that messaging;

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

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

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

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

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

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

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

"(1) the Chief Financial Officer;

"(2) the Chief Procurement Officer;

"(3) the Chief Information Officer;

"(4) the Chief Human Capital Officer;

"(5) the Chief Administrative Officer; and

"(6) the Chief Security Officer.

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

"(1) the activities of personnel;

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

"(3) the budget and other financial resources.

"(c) COORDINATION WITH HEADS OF AGENCIES.—The chief operating officers of components of the Department shall coordinate with the heads of their respective

agencies while fulfilling their responsibilities under subsection (b) to report directly to the Chief Operating Officers.''.

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

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

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

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

''SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

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

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

''(1) establish, in consultation with the Under Secretary for Management, minimum requirements for training and supporting staff who are deployed abroad;

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

"(3) develop and update, in coordination with all components of the Department engaged in international activities, a strategic plan for the international activities of the Department and establish a process for managing its implementation;

"(4) provide guidance to components of the Department engaged in international activities and to employees of the Department who are deployed overseas, as well as their intent to pursue negotiations with foreign government officials and reviewing resulting draft agreements;

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

"(6) develop, in consultation with the components and, where appropriate, with the Science and Technology Directorate, programs to support the overseas programs conducted by the Department, in-

cluding training, technical assistance, and equipment; and

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

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

"(1) NOTICE OF FOREIGN NEGOTIATIONS.—All components of the Department shall notify the Office of International Affairs of the intent of the component to pursue negotiations with foreign governments.

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

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

ployed outside the United States on behalf of the Department.

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

SEC. 105. ASSISTANT SECRETARY FOR HEALTH AFFAIRS.

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

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

(2) in subsection (c)—

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

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

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

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

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

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

SEC. 106. DEPARTMENT OF HOMELAND SECURITY REORGANIZATION AUTHORITY.

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

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

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

"(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

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

function established or required to be maintained by statute.

"(2) EXCEPTION.—

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

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

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

"(c) PUBLICATION.—Not later than 30 days after the date on which the President or the Secretary makes a transfer, allocation, assignment, consolidation, alteration,

establishment, or discontinuance under this section, the President or the Secretary shall publish in the Federal Register—

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

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

SEC. 107. REPEAL OF OFFICE OF DOMESTIC PREPAREDNESS.

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

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

SEC. 108. QUADRENNIAL HOMELAND SECURITY REVIEW.

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

(1) in subsection (a)—

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

(B) in paragraph (3), by striking "The Secretary shall conduct each quadrennial homeland security review under this subsection" and

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

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

''(b) SCOPE OF REVIEW AND REPORT.—

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

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

''(B) review the capabilities and capacities across the homeland security enterprise, and

the roles of executive agencies, States, local governments, Indian tribes, and private entities in providing those capabilities and capacities;

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

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

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

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

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

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

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

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

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

"(ii) describing the findings and conclusions of the review, including findings and conclusions relating to each issue ad-

1 dressed under subparagraphs (A) through
2 (H) of paragraph (1);
3 ''(iii) detailing any proposed revisions
4 to the national homeland security strategy,
5 including any proposed revisions to the
6 homeland security missions, capabilities
7 and capacities, goals, or objectives of the
8 Nation;
9 ''(iv) detailing how the conclusions
10 under the quadrennial homeland security
11 review will inform efforts to develop capa-
12 bilities and build capacity of States, local
13 governments, Indian tribes, and private en-
14 tities, and of individuals, families, and
15 communities;
16 ''(v) providing proposed changes to
17 the authorities, organization, governance
18 structure, or business processes (including
19 acquisition processes) of the Department
20 in order to better fulfill the responsibilities
21 of the Department; and
22 ''(vi) describing any other matter the
23 Secretary considers appropriate; and
24 ''(B) consistent with the protection of na-
25 tional security and other sensitive matters,

make the report required under subparagraph (A) publicly available on the website of the Department; and

"(C) where appropriate, the Secretary may include as an annex to the report materials prepared pursuant to section 306 of title 5, relating to the preparation of an agency strategic plan, to satisfy, in whole or in part, the reporting requirements of this paragraph.".

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

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

SEC. 109. DEVELOPMENT OF EXPLOSIVES DETECTION CANINE STANDARDS.

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

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

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

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

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

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

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

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

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

"(3) RECOMMENDATIONS.—

"(A) PANEL.—The Secretary shall convene a panel that will develop recommendations for the accreditation and minimum certification standards under this subsection, which shall

consist of canine training subject matter experts, including representatives from the private sector and academia, as designated by the Secretary.

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

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

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

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

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION POLICY

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

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

"SEC. 708. DEPARTMENT ACQUISITIONS AND PROCUREMENT REVIEW.

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

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

''(c) ACQUISITION REVIEW BOARD.—

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

''(2) MEMBERSHIP.—The Secretary shall designate appropriate officers from throughout the De-

1 partment to serve on the Acquisition Review Board,
2 including an appointee to serve as chair of the
3 Board.

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

7 ''(d) INVESTMENT THRESHOLDS.—The Secretary
8 may establish materiality thresholds for the review of in-
9 vestments by the Acquisition Review Board or any subor-
10 dinate board or council.

11 ''(e) REPORTING REQUIREMENT.—The Secretary
12 shall submit to the appropriate congressional committees
13 an annual report, broken down on a quarterly basis, on
14 the activities of the Acquisition Review Board, including
15 detailed descriptions of and statistics on programs and ac-
16 tivities reviewed by the Acquisition Review Board.''.

17 (b) INITIAL REPORT.—Not later than 90 days after
18 the date of enactment of this Act, the Secretary of Home-
19 land Security shall submit a report to the appropriate con-
20 gressional committees on the processes and protocols im-
21 plemented to carry out the review required under the
22 amendment made by subsection (a).

23 (c) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 (6

U.S.C. 101 et seq.) is amended by adding at the end of the items relating to title VII the following:

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

SEC. 202. CAPABILITIES AND REQUIREMENTS COUNCIL.

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

"SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by adding at the end the following:

''(d) ACQUISITION AND RELATED RESPONSIBILITIES.—

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

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

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

''(C) establishing policies for acquisition that implement a risk-based approach, as appropriate, including investment review, program management, procurement of goods and services, research and development, and contract

administration, for all components of the Department;

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

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

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

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

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

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

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

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

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

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

SEC. 204. ACQUISITION PROFESSIONAL CAREER PROGRAM.

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

"SEC. 710. ACQUISITION PROFESSIONAL CAREER PROGRAM.

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding

at the end of the items relating to such title the following new item:

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

SEC. 205. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.

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

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

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

(A) program management;

(B) systems planning, research, development, engineering, and testing;

(C) procurement, including contracting;

(D) industrial property management;

(E) logistics;

(F) quality control and assurance;

(G) manufacturing and production;

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

(I) education, training, and career development;

(J) construction; and

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

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

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

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

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

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

SEC. 206. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.

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

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

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

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

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

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

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

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

SEC. 207. INDEPENDENT VERIFICATION AND VALIDATION.

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

"SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.

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

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

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

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

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

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

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

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

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

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

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

SEC. 208. OTHER TRANSACTION AUTHORITY.

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

(1) in subsection (a), by striking "Until September 30, 2010" and inserting "Until September 30, 2016";

(2) in subsection (b), by striking "Not later than 2 years after the effective date of this Act, and

annually thereafter'' and inserting ''Not later than September 30, 2015''; and

(3) in subsection (d)(1), by striking ''September 30, 2010'' and inserting ''September 30, 2016''.

SEC. 209. REPORT ON COMPETITION.

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

(1) for each component of the Department—

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

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

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

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

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

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

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

TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

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

(a) AMENDMENTS TO ESTABLISH NETWORK.—

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

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

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

(B) in subsection (a), by striking "a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to estab-

lish partnerships with State, local, and regional fusion centers'' and inserting ''a Department of Homeland Security National Network of Fusion Centers Initiative to establish partnerships with State and major urban area fusion centers'';

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

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

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

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

''(3) oversee the maturation and sustainment of the National Network of Fusion Centers, including the development of a fusion center performance

management program and exercises to assess the capability of individual fusion centers, the statewide fusion process, and the national network;

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

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

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

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

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

''(9) serve as the single point of contact to ensure the close communication and coordination be-

tween the National Network of Fusion Centers and the Department;

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

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

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

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

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

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

"(c) RESOURCE ALLOCATION.—

"(1) RESPONSIBILITIES OF UNDER SECRETARY.—

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

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

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

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

"(2) SOURCES OF SUPPORT.—

"(A) IN GENERAL.—Resources allocated under this subsection to fusion centers in the Network shall be provided by the following Department components and offices, in coordina-

tion with the respective component head and in consultation with the principal officials of fusion centers in the Network:

"(i) The Office of Intelligence and Analysis.

"(ii) The Office of Infrastructure Protection.

"(iii) The Transportation Security Administration.

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

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

"(vi) The Coast Guard.

"(vii) The Privacy Office of the Department.

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

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

"(B) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Under Secretary for Intelligence and Analysis shall coordinate with appropriate officials throughout the Federal gov-

ernment to ensure the relevant deployment of representatives of other Federal departments and agencies.

"(3) RESOURCE ALLOCATION CRITERIA.—

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

(E) by adding the following at the end of subsection (c)(3)(B):

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

(F) in subsection (e)—

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

"(1) IN GENERAL.—The Secretary shall make it a priority to allocate resources, including deployed personnel, under this section from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to participating State and major urban area fusion centers located in

jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.''; and

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

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

''(f) MASS TRANSIT INTELLIGENCE PRIORITY.—

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

''(2) MASS TRANSIT INTELLIGENCE PRODUCTS.—In performing the responsibilities under sub-

section (d), officers and intelligence analysts assigned to fusion centers in the Network shall, as a primary responsibility, create mass transit intelligence products that—

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

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

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

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

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

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

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

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

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

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

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

(b) MEMORANDUM OF UNDERSTANDING ON FUSION CENTERS.—

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

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

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

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

''Sec. 21GA. Memorandum of understanding on fusion centers.''.

SEC. 302. HOMELAND SECURITY INFORMATION SHARING NETWORKS DEVELOPMENT.

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

(b) PLAN.—

(1) IN GENERAL.—The strategy under subsection (a) shall include a comprehensive plan for

the further development, acquisition, and deployment, and continual operations of—

(A) the Homeland Security Information Network;

(B) the Homeland Secure Data Network; and

(C) the Homeland Top Secret Network.

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

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

(B) development and acquisition schedules;

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

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

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

(F) consideration for any homeland security computer system or database not listed in

paragraph (1) that is currently in development or in operation in any component or office of the Department and that should be merged with or incorporated into one of the networks listed in paragraph (1) to eliminate redundancy, and a schedule for such merger or incorporation; and

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

(i) the Department of Homeland Security Headquarters offices;

(ii) the Department of Homeland Security component headquarters;

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

(iv) the National Network of Fusion Centers;

(v) State and local government entities; and

(vi) other Federal departments and agencies.

(c) REPORTING REQUIREMENT.—The Secretary shall report the strategy required by subsection (a) to the con-

gressional homeland security committees within 30 days after it is completed.

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

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

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

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

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

the position, the position may be converted to the excepted service.''.

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

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

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

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

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

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

TITLE IV—9/11 REVIEW COMMISSION

SEC. 401. SHORT TITLE.

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

SEC. 402. ESTABLISHMENT.

There is established in the legislative branch a National Commission to Review the National Response Since

the Terrorist Attacks of September 11, 2001 (referred to as the ''9/11 Review Commission'').

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

The 9/11 Review Commission shall conduct a comprehensive review of the implementation of the recommendations proposed in the report issued by the National Commission on Terrorist Attacks Upon the United States (commonly known as the ''9/11 Commission''), as established pursuant to section 601 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306). The review of the 9/11 Review Commission shall—

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

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

(3) investigate whether there exists evidence that was not considered by the 9/11 Commission of

any conduct, relationships, or other factors which served in any manner to contribute to, facilitate, support, or assist the hijackers who carried out the terrorist attacks of September 11, 2001; and

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

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

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

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

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

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

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

1 Review Commission or such designated panel may
2 determine advisable.
3 (b) SUBPOENA AUTHORITY.—
4 (1) ISSUANCE.—Upon the agreement of the
5 chairman and the vice chairman, the chairman may
6 issue a subpoena to compel the production of docu-
7 ments or sworn testimony.
8 (2) PROCESS.—Subpoenas issued pursuant to
9 this subsection shall be signed by the chairman or
10 any person designated by the chairman, and may be
11 served by any person designated by the chairman.
12 (3) ENFORCEMENT.—
13 (A) IN GENERAL.—In the event that any
14 person fails to obey a subpoena issued pursuant
15 to paragraph (1), the United States district
16 court for the judicial district in which the sub-
17 poenaed person resides, is served, or may be
18 found, or where the subpoena is returnable,
19 may issue an order requiring such person to ap-
20 pear at any designated place to testify or to
21 produce documentary or other evidence. Any
22 person failing to obey the order of the court
23 may be held in contempt of the court.
24 (B) ADDITIONAL ENFORCEMENT.—In the
25 case of any failure of any witness to comply

with any subpoena or to testify when summoned under authority of this section, the chairman may certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194).

(c) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

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

(f) ASSISTANCE FROM FEDERAL AGENCIES.—

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

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph

(1), the heads of Federal departments and agencies may provide to the 9/11 Review Commission such services, funds, facilities, staff, and other support services as such heads may determine advisable and as may be authorized by law.

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

SEC. 406. COMPENSATION.

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

SEC. 407. APPOINTMENT OF STAFF.

(a) IN GENERAL.—The chairman, in consultation with the vice chairman and in accord with any rule agreed upon by the 9/11 Review Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the 9/11 Review Commission to carry out its functions, without regard to

the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

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

(c) STAFF AS FEDERAL EMPLOYEES.—

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

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

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

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

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

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

SEC. 409. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

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

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

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

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

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

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

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

(b) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the 9/11 Review

Commission shall submit to the President and appropriate congressional committees (as such term is defined in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a final report, together with a classified annex if such is determined appropriate, containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by the chairman and vice chairman.

(c) TERMINATION.—

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

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

SEC. 411. FUNDING.

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

(b) DURATION OF AVAILABILITY.—Amounts made available to the 9/11 Review Commission under this sec-

tion shall remain available until the termination of the 9/11 Review Commission.

TITLE V—PREPAREDNESS AND RESPONSE

Subtitle A—WMD Preparedness and Response

SEC. 501. HOMELAND SECURITY BIODEFENSE STRATEGY.

(a) BIODEFENSE REVIEW AND STRATEGY.—

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

"TITLE XXI—WEAPONS OF MASS DESTRUCTION

"SEC. 2101. BIODEFENSE STRATEGY.

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

''(b) COMPONENTS.—The strategy shall—

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

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

''(3) be sufficiently detailed to guide prioritization of Department investments in and

strategic approach to biodefense-related research, development, planning, and preparedness; and

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

"(c) ANNUAL REVIEW.—

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

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

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

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

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

through budgetary, management, or other refinements.

"SEC. 2102. SUBMISSIONS TO CONGRESS.

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

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

''TITLE XXI—WEAPONS OF MASS DESTRUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

"(1) coordinate with other relevant Department components;

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

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

"(c) REPORT.—

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

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

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

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

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

"(B) such assessment.".

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

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

SEC. 503. RISK ASSESSMENTS.

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

"SEC. 2104. RISK ASSESSMENTS.

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

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

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

"(b) METHODOLOGY.—

"(1) IN GENERAL.—The Secretary shall—

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

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

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

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

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

"(1) the threat assessments and determinations by the Secretary regarding agents and toxins pursu-

ant to section 319F–2 of the Public Health Service Act;

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

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

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

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

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

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

"(2) ensure that written procedures are in place to guide the development and review of risk assess-

ments through coordinated efforts of relevant Federal agencies;

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

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

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

"Sec. 2104. Risk Assessments.".

SEC. 504. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

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

"SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

"(a) IN GENERAL.—The Administrator shall assist State, local, and tribal authorities in improving and promoting individual and community preparedness and collective response to weapons of mass destruction and terrorist

attacks involving chemical, biological, radiological, and nuclear materials against the United States, by—

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

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

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

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

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

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

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

1 biological, radiological, and nuclear materials against the
2 United States.

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

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

"Sec. 526. Individual and community preparedness.".

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

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

17 **"SEC. 2105. DETECTION OF BIOLOGICAL ATTACKS.**

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

22 "(1) deploy detection capabilities to areas,
23 based on risks identified by Department assess-
24 ments, to indicate the presence of biological agents;

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

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

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

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

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

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

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

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

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

"(A) evaluates biological threat detection assays, their protocols for use, and their associated response algorithms for confirmation of biological threat agents, taking performance

measures and concepts of operation into consideration;

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

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

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

"(E) is updated as necessary; and

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

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

"(B) operational testing and evaluation; and

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

1 "(c) CONTRACT AUTHORITY.—The Secretary may
2 enter into contracts with participating laboratories and
3 programs for—
4 "(1) the provision of laboratory services or
5 other biosurveillance activities as appropriate for
6 purposes of this section on a fee-for-service basis or
7 on a prepayment or other similar basis; and
8 "(2) administrative and other costs related to
9 hosting program personnel and equipment in these
10 laboratories or programs.
11 "(d) DEFINITIONS.—In this section:
12 "(1) The term 'participating laboratory' means
13 a laboratory that has been accepted as a member of
14 the Laboratory Response Network for Bioterrorism
15 that—
16 "(A) is fully equipped to detect and re-
17 spond quickly to acts of biological terrorism;
18 "(B) provides biocontainment and micro-
19 biological analysis in support of the Department
20 and relevant law enforcement agencies with re-
21 sponsibilities for investigating biological inci-
22 dents; and
23 "(C) supports threat agent characteriza-
24 tion studies and assay evaluation, research and
25 development.

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

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

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

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

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

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

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

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

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

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

SEC. 507. COMMUNICATIONS PLANNING.

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

"SEC. 527. COMMUNICATIONS PLANNING.

"(a) COMMUNICATIONS PLAN.—

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

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

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

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

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

"(ii) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by an incident, including information regarding an evacuation, sheltering in

place, hospital surge operations, health, and safety;

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

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

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

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

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

"(D) DISSEMINATION AND TECHNICAL ASSISTANCE.—The Administrator shall ensure that all pre-scripted messages and message templates developed under this paragraph are made available to State, local, and tribal authorities so that those authorities may incor-

porate them, as appropriate, into their emergency plans. The Administrator shall also make available relevant technical assistance to those authorities to support communications planning.

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

"(b) TERRORISM THREAT AWARENESS.—

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

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

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

"(2) THREAT BULLETINS.—

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

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

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

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

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

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

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

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

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

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

"Sec. 527. Communications planning.".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) enable members of the first responder and first provider community to submit recommendations

of areas in which guidance is needed and could be developed under subsection (a)(1);

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

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

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

SEC. 509. PLUME MODELING.

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

"SEC. 2107. PLUME MODELING.

"(a) DEVELOPMENT.—

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

"(2) SCOPE.—The Secretary shall—

"(A) identify Federal, State, and local needs regarding plume models and ensure the rapid development and distribution of integrated plume models that meet those needs to

appropriate officials of the Federal Government and State, local, and tribal authorities to enable immediate response to a chemical, biological, or radiological attack or event;

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

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

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

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

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

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

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

"Sec. 2107. Plume modeling.".

SEC. 510. DISASTER RECOVERY.

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

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

"(a) RISK ASSESSMENT.—

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

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

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

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

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

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

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

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

"(a) ESTABLISHMENT OF GUIDANCE.—Within 24 months from the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal departments and agencies, shall develop and issue guidance for clean-up and restoration of indoor and out-

door areas, including subways and other mass transportation facilities, that have been exposed to chemical, biological, radiological, or nuclear materials.

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

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

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

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

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

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

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

"(7) air sampling procedures;

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

"(9) waste disposal.

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

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

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

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

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

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

"(2) inventory existing relevant guidance;

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

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

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

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

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

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

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

"(3) nongovernmental organizations and private industry.

"SEC. 2110. EXERCISES.

"To facilitate environmental recovery from a chemical, biological, radiological, or nuclear attack or other incident involving chemical, biological, radiological, or nuclear materials and to foster collective response to terrorism, the Secretary shall develop exercises in consultation with State, local, and tribal authorities and other appropriate Federal agencies, and, as appropriate, in collaboration with national level exercises, including exercises

that address, to the best knowledge available at the time, analysis, indoor environmental cleanup methods, and decontamination standards, including those published in the guidance documents required by section 2109.''.

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

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

Subtitle B—Grants

SEC. 521. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

Section 2008(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(2)) is amended by inserting ''train-

ing conducted in conjunction with a national laboratory or research facility and'' after ''including''.

SEC. 523. NOTIFICATION OF HOMELAND SECURITY GRANT AWARDS.

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

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

SEC. 524. TRANSPARENCY IN HOMELAND SECURITY GRANT FUNDING.

Subtitle B of title XX of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

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

''(a) IN GENERAL.—The Assistant Administrator of the Grant Programs Directorate, or an official otherwise designated by the Administrator, shall serve as the Au-

1 thorization Liaison Officer within the Federal Emergency
2 Management Agency.

3 "(b) REPORTING TO CONGRESS.—The Authorization
4 Liaison Officer shall provide timely information on all
5 grants administered by the Federal Emergency Manage-
6 ment Agency upon request to the appropriate congres-
7 sional committees.

8 "(c) SEMIANNUAL REPORTING.—

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

19 "(2) SCOPE OF REPORTS.—The Authorization
20 Liaison Officer shall ensure, to the greatest extent
21 practicable, that each report under this subsection
22 includes a full accounting of funds awarded by the
23 Department under all homeland security grant pro-
24 grams administered by the Federal Emergency Man-
25 agement Agency for the previous five fiscal years,

ending with the year in which the report is provided, including—

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

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

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

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

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

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

"(d) MEASURES AND METRICS.—

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

"(2) BIANNUAL BRIEFINGS.—After the development and implementation of such performance measures and metrics, the Assistant Administrator shall provide biannual briefings to the appropriate congressional committees on the expenditure of grant funds and the Assistant Administrator's findings based on the metrics, including an assessment of the extent which funding under the Homeland Security Grant Program has contributed to building and sustaining State and local preparedness and response capabilities to address terrorism threats and other emergencies.".

SEC. 525. METROPOLITAN MEDICAL RESPONSE SYSTEM.

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

"SEC. 528. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

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

"(b) FINANCIAL ASSISTANCE.—

1 "(1) AUTHORIZATION OF GRANTS.—

2 "(A) IN GENERAL.—The Secretary,
3 through the Administrator, may make grants
4 under this section to State and local govern-
5 ments to assist in preparing for and responding
6 to mass casualty incidents resulting from acts
7 of terrorism and natural disasters.

8 "(B) CONSULTATION.—In developing guid-
9 ance for grants authorized under this section,
10 the Administrator shall consult with the Assist-
11 ant Secretary for Health Affairs of the Depart-
12 ment.

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

18 "(A) to strengthen medical surge capacity;

19 "(B) to strengthen mass prophylaxis capa-
20 bilities including development and maintenance
21 of an initial pharmaceutical stockpile sufficient
22 to protect first responders, their families, and
23 immediate victims from a chemical or biological
24 event;

1 "(C) to strengthen chemical, biological, ra-
2 diological, nuclear, and explosive detection, re-
3 sponse, and decontamination capabilities;
4 "(D) to develop and maintain mass triage
5 and pre-hospital treatment plans and capabili-
6 ties;
7 "(E) for planning;
8 "(F) to support efforts to strengthen infor-
9 mation sharing and collaboration capabilities of
10 regional, State, and urban areas in support of
11 public health and medical preparedness;
12 "(G) for medical supplies management and
13 distribution;
14 "(H) for training and exercises;
15 "(I) for integration and coordination of the
16 activities and capabilities of public health per-
17 sonnel and medical care providers with those of
18 other emergency response providers as well as
19 other Federal agencies, the private sector, and
20 nonprofit organizations, for the forward move-
21 ment of patients; and
22 "(J) for such other activities as the Ad-
23 ministrator provides.
24 "(3) ELIGIBILITY.—

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

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

"(4) DISTRIBUTION OF FUNDS.—

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

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

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

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

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

"(c) PERFORMANCE MEASURES.—The Administrator, in coordination with the Assistant Secretary for

1 Health Affairs, and the National Metropolitan Medical
2 Response System Working Group, shall issue performance
3 measures within one year after the date of enactment of
4 this section that enable objective evaluation of the per-
5 formance and effective use of funds provided under this
6 section in any jurisdiction.

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

11 "(1) 10 Metropolitan Medical Response System
12 Program grant managers, who shall—

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

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

19 "(C) include—

20 "(i) 3 selected by the Administrator;
21 and

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

24 "(2) 3 State officials who are responsible for
25 administration of State programs that are carried

1 out with grants under this section, who shall be se-
2 lected by the Administrator.

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

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

"Sec. 528. Metropolitan Medical Response System Program.".

12 (c) METROPOLITAN MEDICAL RESPONSE PROGRAM
13 REVIEW.—

14 (1) IN GENERAL.—The Administrator of the
15 Federal Emergency Management Agency, the Assist-
16 ant Secretary for Health Affairs of the Department,
17 and the National Metropolitan Medical Response
18 System Working Group shall conduct a review of the
19 Metropolitan Medical Response System Program au-
20 thorized under this section, including an examination
21 of—

22 (A) the extent to which the goals and ob-
23 jectives are being met;

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

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

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

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

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

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

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

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

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

(4) DEFINITION.—In this subsection the term ''National Metropolitan Medical Response System Working Group'' has the meaning that term has in section 528 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

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

SEC. 526. TRANSIT SECURITY GRANT PROGRAM.

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

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

(2) by adding at the end the following:

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

(b) USES OF FUNDS.—Section 1406(b)(1)(J) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(b)(1)(J)) is amended by striking ''evacuation improvements'' and inserting ''consequence management investments, including investments with respect to evacuation improvements, route designation and signage, and public assistance materials''.

(c) OPERATIONAL ALLOWANCES.—Section 1406(m)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(m)(1)) is amended—

(1) in subparagraph (D) by striking ''and'' at the end;

(2) in subparagraph (E)—

(A) by striking ''10 percent'' and inserting ''50 percent''; and

(B) by striking ''subsection (b)(2).'' and inserting ''subsection (b)(2); and''; and

(3) by adding at the end the following:

''(F) $400,000,000 for fiscal year 2012, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2).''.

Subtitle C—Communications

SEC. 541. SENSE OF CONGRESS REGARDING INTEROPERABILITY.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (in this section referred to as the ''9/11 Commission'') determined that the inability of first responders to communicate effectively on September 11, 2001 was a critical obstacle to an effective multijurisdictional response.

(2) More than 10 years have passed since the terrorist attacks of September 11, 2001, and many jurisdictions across the country still experience difficulties communicating that may contribute to confusion, delays, or added risks when responding to a terrorist attack or natural disaster.

(3) In the years since September 11, 2001, the need for a national wireless first responder interoperable communications network has remained, but the Nation has not yet completed building this vital resource for public safety.

(4) The earthquake that originated in Virginia on August 23, 2011, and affected areas throughout the East Coast jammed commercial communications and data networks, making them incapable of handling the mission critical communications needs of first responders even if provided with priority access.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal resources should be allocated to improve first responder interoperable communications and the D Block spectrum should be reallocated for the construction of a national interoperable public safety wireless broadband network as expeditiously as possible.

SEC. 542. ROLES AND RESPONSIBILITIES WITH RESPECT TO POLICY AND GUIDANCE FOR COMMUNICATIONS-RELATED EXPENDITURES WITH GRANT FUNDS.

(a) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF EMERGENCY COMMUNICATIONS.—Section 1801(c) of the Homeland Security Act of 2002 (6 U.S.C. 571(c)) is amended by striking ''and'' after the semicolon

at the end of paragraph (14), striking the period at the end of paragraph (15) and inserting "; and", and adding at the end the following:

"(16) provide guidance on interoperable emergency communications to the Administrator of the Federal Emergency Management Agency in accordance with the memorandum of understanding required under section 1811.".

(b) AUTHORIZATION FOR MEMORANDUM OF UNDERSTANDING ON EMERGENCY COMMUNICATIONS.—

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

"SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMERGENCY COMMUNICATIONS.

"The Administrator of the Federal Emergency Management Agency shall execute a memorandum of understanding with the Director of the Office of Emergency Communications delineating the roles and responsibilities of each office with respect to policy and guidance for communications-related expenditures with grant funds.".

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

"Sec. 1811. Memorandum of Understanding on Emergency Communications.".

Subtitle D—Miscellaneous Provisions

SEC. 561. AUDIT OF THE NATIONAL LEVEL EXERCISE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct—

(1) an audit of expenses associated with the 2010 and 2011 National Level Exercises, including costs of planning and executing the exercise scenario; and

(2) a review of whether the Federal Emergency Management Agency is incorporating lessons learned from national exercises into training, planning, and other operations.

(b) REPORT.—The Inspector General shall submit a report on the findings of the audit and review to the appropriate congressional committees.

SEC. 562. FEMA REPORT TO CONGRESS ON SOURCING AND DISTRIBUTION OF DISASTER RESPONSE GOODS AND SERVICES.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the appropriate congressional committees a report on the Agency's progress

in improving sourcing for disaster response goods and services, including on—

(1) the adoption of a single-point ordering concept as recommended by the Department of Homeland Security Inspector General;

(2) investment in information technology systems to support single-point ordering and make sourcing and supply movement transparent as recommended by the Department of Homeland Security Inspector General;

(3) development of an overarching strategy for the sourcing of disaster response goods and services; and

(4) other steps taken by the Agency to promote efficiency in sourcing and distribution, and to eliminate duplication and waste of essential goods and services during response to a disaster.

SEC. 563. RURAL RESILIENCE INITIATIVE.

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

"SEC. 2111. RURAL RESILIENCE INITIATIVE.

''(a) IN GENERAL.—The Under Secretary for Science and Technology of the Department of Homeland Security shall conduct research intended to assist State, local, and

tribal leaders and the private sector in developing the tools and methods to enhance rural preparation for, and response and resilience to, terrorist attacks and other incidents.

"(b) INCLUDED ACTIVITIES.—Activities under this section may include—

"(1) research and implementation through outreach activities with rural communities;

"(2) an examination of how communities employ resilience capabilities and response assets;

"(3) development and use of a community resilience baseline template for determining the resilience capacity of a rural community;

"(4) a plan to address community needs for resilience;

"(5) an education program for community leaders and first responders about their resilience capacity and mechanisms for mitigation, including via distance learning; and

"(6) a mechanism by which this research can serve as a model for adoption by communities across the Nation.".

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

"Sec. 2111. Rural resilience initiative.".

SEC. 564. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—

(1) in subsection (c), by inserting ''(including medical readiness training)'' after ''deliver training'';

(2) in subsection (d)(1)—

(A) in subparagraph (C), by striking ''and'' at the end; and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) $62,500,000 for fiscal year 2012; and''; and

(3) in subsection (d)(2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) $22,000,000 for fiscal year 2012.''.

SEC. 565. TECHNICAL CORRECTION.

Section 525(a) of the Homeland Security Act of 2002 (6 U.S.C. 321n(a)) is amended by inserting '', acting through the Administrator,'' after ''Secretary''.

TITLE VI—BORDER SECURITY PROVISIONS

SEC. 601. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security.

(2) MAJOR VIOLATOR.—The term ''major violator'' means a person or entity that is or has engaged in serious criminal activities at any land, air, or sea port of entry, including possession of narcotics, smuggling of prohibited products, human smuggling, weapons possession, use of fraudulent United States documents, and other offenses serious enough to result in arrest.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 602. STRATEGY TO ACHIEVE OPERATIONAL CONTROL OF THE BORDER.

(a) STRATEGY TO SECURE THE BORDER BETWEEN THE PORTS OF ENTRY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive strategy for gaining, within five years, operational control of the international borders between the ports of entry of the United States. The strategy shall include an analysis of the following:

(1) Staffing requirements for all border security functions.

(2) Investment in infrastructure, including pedestrian fencing, vehicle barriers, and roads.

(3) The use of unmanned aerial vehicles, camera technology, sensors, and other innovative technology as the Secretary may determine.

(4) Cooperative agreements with international, State, local, tribal, and other Federal law enforcement agencies that have jurisdiction on the northern border and southern border.

(5) Other means designed to detect, respond to, and interdict unlawful cross-border activity and to reduce the level of violence.

(6) A schedule for implementing security measures, including a prioritization for future investments.

(7) A comprehensive technology plan for major surveillance and detection technology programs, including a justification and rationale for technology choices and deployment locations.

(b) SECURING THE BORDER AT PORTS OF ENTRY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop metrics to measure the effectiveness of security at ports of entry, which shall consider, at minimum, the following:

(1) The number of infractions related to personnel and cargo committed by major violators who are apprehended by U.S. Customs and Border Protection at such ports of entry.

(2) The estimated number of such infractions committed by major violators who are not so apprehended.

(3) The required number of U.S. Customs and Border Protection Officers, Agricultural Specialists,

and Canine Enforcement Officers necessary to achieve operational control at such ports of entry.

(4) Infrastructure improvements required to achieve operational control at such ports of entry, including the installation of nonintrusive detection equipment, radiation portal monitors, biometrics, and other sensors and technology that the Secretary determines necessary.

(5) The deployment of resources based on the overall commercial and passenger traffic, cargo volume, and threat environment at such ports of entry.

(c) EVALUATION BY NATIONAL LABORATORY.—The Secretary shall submit a request to a Department of Energy national laboratory with appropriate expertise in border security to evaluate the suitability and statistical validity of the measurement system required under subsection (b) for analyzing progress in the interdiction of unlawful crossings and contraband at ports of entry.

(d) CONSIDERATION OF ALTERNATIVE BORDER SECURITY STANDARDS.—If in developing the strategic plan required under subsection (a) the Secretary determines to measure security between ports of entry by a standard other than operational control, the Secretary shall submit a request to a Department of Energy national laboratory with appropriate expertise in border security to evaluate

the suitability and statistical validity of the measurement system required under subsection (b) for analyzing progress in the interdiction of unlawful crossings and contraband at ports of entry.

(e) REPORTS.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the following:

(1) A resource allocation model for current and future year staffing requirements that includes optimal staffing levels at all land, air, and sea ports of entry and an explanation of U.S. Customs and Border Protection methodology for aligning staffing levels and workload to threats and vulnerabilities across all mission areas.

(2) Detailed information on the level of manpower data available at all land, air, and sea ports of entry, including the number of canine and agricultural officers assigned to each such port of entry.

SEC. 603. MAINTAINING BORDER PATROL STAFFING.

(a) IN GENERAL.—Subject to the availability of appropriations, for each of fiscal years 2012 and 2013, the Secretary shall maintain a force of not fewer than 21,300 Border Patrol agents and sufficient support staff for such

agents, including mechanics, administrative support, and surveillance personnel.

(b) NORTHERN BORDER.—Of the Border Patrol agents referred to in subsection (a), not fewer than 2,200 of such agents shall be assigned to the northern border.

SEC. 604. JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established in United States Immigration and Customs Enforcement (ICE) a program known as a Border Enforcement Security Task Force (referred to as ''BEST'').

(b) PURPOSE.—The purpose of the BEST program is to establish units to enhance border security by addressing and reducing border security threats and violence by—

(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

(c) COMPOSITION AND DESIGNATION.—

(1) COMPOSITION.—BEST units may be comprised of personnel from—

(A) United States Immigration and Customs Enforcement;

(B) United States Customs and Border Protection;

(C) the Coast Guard;

(D) other Federal agencies, as appropriate;

(E) appropriate State law enforcement agencies;

(F) foreign law enforcement agencies, as appropriate;

(G) local law enforcement agencies from affected border cities and communities; and

(H) appropriate tribal law enforcement agencies.

(2) DESIGNATION.—The Secretary is authorized to establish BEST units in jurisdictions where such units can contribute to the BEST program's missions. Prior to establishing a BEST unit, the Assistant Secretary shall consider the following factors:

(A) Whether the area where the BEST unit would be established is significantly impacted by cross-border threats.

(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit.

(C) The extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions of the country.

(D) Whether or not an Integrated Border Enforcement Team already exists in the area where the BEST unit would be established.

(d) OPERATION.—After making a designation under subsection (d)(2), and in order to provide Federal assistance to the area so designated, the Secretary may—

(1) obligate such sums as are appropriated for the BEST program;

(2) direct the assignment of Federal personnel to the BEST program, subject to the approval of the head of the department or agency that employs such personnel; and

(3) take other actions to assist State, local, tribal, and foreign jurisdictions to participate in the BEST program.

(e) REPORT.—Not later than 180 days after the date of the establishment of the BEST program under subsection (b) and annually thereafter, the Secretary shall submit to Congress a report on the effectiveness of the BEST program in enhancing border security and reducing

the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

SEC. 605. COST-EFFECTIVE TRAINING FOR BORDER PATROL AGENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the basic training provided by United States Customs and Border Protection to Border Patrol agents to ensure that such training is being conducted as efficiently and cost-effectively as possible.

(b) CONTENTS OF REVIEW.—The review shall include the following:

(1) An evaluation of the appropriateness of the length and content of the basic training curriculum provided by the Federal Law Enforcement Training Center to new Border Patrol agents.

(2) An evaluation of the appropriateness and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Fed-

eral Law Enforcement Training Center to train one new Border Patrol agent.

(3) A cost and effectiveness of training comparison with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) Recommendations to increase the number of Border Patrol agents trained per year, and to reduce the per-agent costs of basic training—

(A) through utilization of comparable training programs sponsored by State and local agencies, non-profit organizations, universities, and the private sector;

(B) by allowing Border Patrol agents to take proficiency tests, enroll in long distance learning programs, and waive such courses as Spanish language instruction or physical fitness; or

(C) by any other means the Comptroller General considers appropriate.

SEC. 606. BORDER SECURITY ON CERTAIN FEDERAL LANDS.

(a) SUPPORT FOR BORDER SECURITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, U.S. Customs and Border Protec-

tion shall have access to Federal lands for security activities, including—

(A) routine motorized patrols; and

(B) the deployment of temporary tactical infrastructure.

(2) OPERATION.—The security activities described in paragraph (1) shall be conducted, to the maximum extent practicable, in a manner that the Secretary determines will best protect the natural and cultural resources on Federal lands.

(b) LIMITATION REGARDING INTERMINGLED PRIVATE AND STATE LAND.—This section shall not apply to any private or State-owned land within the boundaries of Federal lands.

(c) FEDERAL LANDS DEFINED.—In this section, the term ''Federal lands'' includes all land, including a component of the National Wilderness Preservation System, under the control of any Federal department or agency with legal jurisdiction over such land that is located within 150 miles of the Southwest border.

SEC. 607. BORDER SECURITY INFRASTRUCTURE AND TECHNOLOGY.

(a) IN GENERAL.—The Commissioner, in collaboration with the Under Secretary for Science and Technology, shall identify equipment and technology described in sub-

section (b) that would enhance the security of the northern and southern borders.

(b) EQUIPMENT AND TECHNOLOGY DESCRIBED.—The equipment and technology referred to in subsection (a) shall include equipment and technology designed to—

(1) detect anomalies such as tunnels and breaches in perimeter security;

(2) detect the use of unauthorized vehicles;

(3) detect low-flying aircraft;

(4) employ unmanned vehicles; or

(5) otherwise strengthen the ability to detect and deter unlawful entries between ports of entry.

(c) CONSULTATION.—In carrying out this section, the Commissioner shall consult with the Assistant Secretary of Defense for Research and Engineering to leverage existing research and development of relevant equipment and technologies.

SEC. 608. NORTHERN BORDER CANINE TEAMS.

(a) DEPLOYMENT OF CANINES.—Not later than one year after the date of the enactment of this Act, the Secretary shall deploy no less than one additional canine enforcement team, capable of detecting narcotics, at each of the 5 busiest northern ports of entry as determined by traffic volume, and at other ports of entry as the Secretary determines appropriate.

(b) ACQUISITION OF CANINES.—In acquiring canine assets required under subsection (a), the Secretary shall, to the greatest extent possible, acquire canines that are bred in the United States.

(c) REPORTING REQUIREMENT.—One year after the deployment of additional canines under subsection (a), the Secretary shall provide information to the appropriate congressional committees analyzing the effectiveness of the canine enforcement teams in enhancing operational control and reducing the unlawful trafficking of drugs, or for other homeland security missions, with comparisons to relevant statistics measuring similar activity in prior years.

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

SEC. 609. UNMANNED VEHICLES PILOT PROGRAM.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Commissioner, in cooperation with the Under Secretary of Homeland Security for Science and Technology, shall initiate a six-month pilot program to test the use of autonomous unmanned vehicles.

(b) LOCATION.—The pilot program shall, at a minimum, test the effectiveness of autonomous unmanned vehicles to patrol—

(1) the maritime environment along the northern border; and

(2) the land environment along the southern border.

(c) REPORT.—Not later than six months after the date of the completion of the pilot program, the Under Secretary of Homeland Security for Science and Technology shall submit to the appropriate congressional committees a report on the effectiveness and scalability of the use of autonomous unmanned vehicles to patrol the locations described in subsection (b).

(d) USE OF AVAILABLE FUNDING.—The Secretary may use funding already appropriated for the Innovative Technology Pilot Program to pay for the pilot described in this section.

SEC. 610. REPORT ON UNMANNED AERIAL VEHICLES.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that analyzes and compares the costs and missions of different aviation assets, including unmanned aerial vehicles, utilized by U.S. Cus-

toms and Border Protection and the Coast Guard, to assess the cost efficiencies and operational advantages provided by unmanned aerial vehicles as compared to manned aerial vehicles.

(b) REQUIRED DATA.—The report required under subsection (a) shall include a detailed assessment of costs for operating each type of asset described in such report, including—

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

(5) costs associated with the acquisition of each type of such asset; and

(6) any other relevant costs necessary to provide a holistic analysis and to identify potential cost savings.

SEC. 611. STUDENT VISA SECURITY IMPROVEMENT.

(a) ENHANCED STUDENT VISA BACKGROUND CHECKS.—Section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended by adding at the end the following new paragraph:

"(9) STUDENT VISAS.—In administering the program under this subsection, the Secretary, not

later than 180 days after the date of the enactment of the Student Visa Security Improvement Act, shall—

"(A) prescribe regulations to require employees assigned under paragraph (1) to review the applications of all applicants recommended by Department of State personnel for visas under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and conduct in-person interviews where appropriate, prior to final adjudication, with special emphasis on determining whether applicants are inadmissible under section 212(a)(3)(B) of such Act (8 U.S.C. 1182(a)(3)(B)) (relating to terrorist activities);

"(B) ensure that employees assigned under paragraph (1) conduct on-site reviews of any applications and supporting documentation for visas under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) that they deem appropriate prior to final adjudication; and

"(C) update, in consultation with the Secretary of State, the memorandum of understanding between the Department of Homeland Security and the Department of State regarding implementation of this section to clarify the roles and responsibilities of employees assigned under paragraph (1) specifically with regard to the duties prescribed by this paragraph.".

(b) STUDENT AND EXCHANGE VISITOR PROGRAM.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (11); and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) STUDENT AND EXCHANGE VISITOR PROGRAM.—In administering the program under paragraph (4), the Secretary shall, not later than one year after the date of the enactment of the Student Visa Security Improvement Act—

"(A) prescribe regulations to require an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program to ensure that each covered stu-

1 dent or exchange visitor enrolled at the institu-
2 tion or attending the exchange visitor pro-
3 gram—
4 "(i) is an active participant in the
5 program for which the covered student or
6 exchange visitor was issued a visa to enter
7 the United States;
8 "(ii) is not unobserved for any pe-
9 riod—
10 "(I) exceeding 30 days during
11 any academic term or program in
12 which the covered student or exchange
13 visitor is enrolled; or
14 "(II) exceeding 60 days during
15 any period not described in subclause
16 (I); and
17 "(iii) is reported to the Department
18 within 10 days of—
19 "(I) transferring to another insti-
20 tution or program;
21 "(II) changing academic majors;
22 or
23 "(III) any other changes to infor-
24 mation required to be maintained in

the system described in paragraph (4);

"(B) notwithstanding subparagraph (A), require each covered student or exchange visitor to be observed at least once every 60 days; and

"(C) prescribe regulations defining what constitutes the commencement of participation of a covered student in a designated exchange visitor program (as defined in section 641(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(h))).

"(6) ENHANCED ACCESS.—The Secretary shall provide access to the Student and Exchange Visitor Information System (hereinafter in this subsection referred to as the 'SEVIS'), or other equivalent or successor program or system, to appropriate employees of an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program if—

"(A) at least two authorized users are identified at each participating institution or exchange visitor sponsor;

"(B) at least one additional authorized user is identified at each such institution or sponsor for every 200 covered students or ex-

1 change visitors enrolled at the institution or
2 sponsor; and
3 "(C) each authorized user is certified by
4 the Secretary as having completed an appro-
5 priate training course provided by the Depart-
6 ment for the program or system.
7 "(7) PROGRAM SUPPORT.—The Secretary shall
8 provide appropriate technical support options to fa-
9 cilitate use of the program or system described in
10 paragraph (4) by authorized users.
11 "(8) SEVIS DATA.—The system described in
12 paragraph (4) shall include—
13 "(A) verification that a covered student's
14 performance meets the minimum academic
15 standards of the institution in which such stu-
16 dent is enrolled; and
17 "(B) timely entry of any information re-
18 quired by paragraph (5) regarding covered stu-
19 dents and exchange visitors enrolled at institu-
20 tions or exchange program sponsors.
21 "(9) SAVINGS CLAUSE.—Nothing in this section
22 shall prohibit the Secretary or any institution or ex-
23 change program sponsor participating in the Stu-
24 dent Exchange Visitor Program from requiring more

1 frequent observations of covered students or ex-
2 change visitors.
3 ''(10) DECERTIFICATION.—The Secretary is au-
4 thorized, without notice, to decertify any approved
5 institution or exchange visitor program sponsor if
6 such institution or exchange visitor program sponsor
7 is engaged in egregious criminal activities or is a
8 threat to national security.''; and
9 (2) by adding at the end the following new sub-
10 section:
11 ''(d) DEFINITIONS.—For purposes of this section:
12 ''(1) The term 'covered student' means a stu-
13 dent who is a nonimmigrant pursuant to subpara-
14 graph (F), (J), or (M) of section 101(a)(15) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)).
17 ''(2) The term 'observed' means positively iden-
18 tified by physical or electronic means.
19 ''(3) The term 'authorized user' means an indi-
20 vidual nominated by an institution participating in
21 the Student and Exchange Visitor Program and con-
22 firmed by the Secretary as not appearing on any ter-
23 rorist watch list.''.
24 (c) COMPTROLLER GENERAL REVIEW.—The Comp-
25 troller General shall conduct a review of the fees for the

1 Student and Exchange Visitor Program of the Depart-
2 ment of Homeland Security. The Comptroller General
3 shall include in such review data from fiscal years 2007
4 through 2011 and shall consider fees collected by the De-
5 partment and all expenses associated with the review,
6 issuance, maintenance, data collection, and enforcement
7 functions of the Student and Exchange Visitor Program.

8 **SEC. 612. ASIA-PACIFIC ECONOMIC COOPERATION BUSI-**
9 **NESS TRAVEL CARDS.**

10 (a) IN GENERAL.—The Secretary of Homeland Secu-
11 rity, in coordination with the Secretary of State, may issue
12 Asia-Pacific Economic Cooperation Business Travel Cards
13 (in this section referred to as ''ABT Cards'') to any eligi-
14 ble person, including—

15 (1) business leaders; and

16 (2) United States Government officials engaged
17 in Asia-Pacific Economic Cooperation (APEC) busi-
18 ness.

19 (b) ELIGIBILITY.—To be eligible for an ABT Card
20 under this section, an individual must be approved and
21 in good standing in an international trusted traveler pro-
22 gram of the Department of Homeland Security.

23 (c) INTEGRATION WITH EXISTING TRAVEL PRO-
24 GRAMS.—The Secretary shall, to the extent practicable, in-
25 tegrate application procedures for, and issuance, suspen-

1 sion, and revocation of, ABT Cards with other appropriate
2 international trusted traveler programs conducted by the
3 Department.

4 (d) COOPERATION WITH PRIVATE ENTITIES.—In
5 carrying out this section, the Secretary may consult with
6 appropriate private sector entities.

7 (e) REGULATIONS.—The Secretary may prescribe
8 such regulations as may be necessary to implement this
9 section.

10 (f) FEES.—

11 (1) IN GENERAL.—The Secretary may charge a
12 fee for the issuance of ABT Cards and any associ-
13 ated costs which shall be set at a level that will en-
14 sure recovery of the full costs of providing and ad-
15 ministering the ABT Cards.

16 (2) ACCOUNT FOR COLLECTIONS.—The Sec-
17 retary may establish a fund for the collection of fees
18 under paragraph (1), which shall be made available
19 to pay the costs incurred to administer.

20 (3) LIMITATION.—The Secretary shall ensure
21 that the total amount of any fee available to be used
22 under paragraph (4) in any fiscal year does not ex-
23 ceed the costs associated with carrying out this sec-
24 tion in such fiscal year.

(g) TERMINATION OF PROGRAM.—The Secretary, in consultation with the Secretary of State, may terminate activities under this section if the Secretary deems it in the interest of the United States to do so.

TITLE VII—SCIENCE AND TECHNOLOGY

Subtitle A—Directorate of Science and Technology

SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY STRATEGIC PLAN.

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

"SEC. 318. STRATEGIC PLAN.

"(a) REQUIREMENT FOR STRATEGY.—The Under Secretary for Science and Technology shall develop, and update as necessary, a strategy to guide the activities of the Directorate of Science and Technology. The strategy shall be risk-based and aligned with other strategic guidance provided by—

"(1) the National Strategy for Homeland Security;

"(2) the Quadrennial Homeland Security Review;

"(3) the Capabilities and Requirements Council established under section 709; and

"(4) other relevant strategic planning documents, as determined by the Under Secretary.

"(b) CONTENTS.—The strategy required by subsection (a) shall be prepared in accordance with applicable Federal requirements and guidelines, and shall include the following:

"(1) Long-term strategic goals, objectives, and metrics of the Directorate.

"(2) Analysis of how the research programs of the Directorate support achievement of those strategic goals and objectives.

"(3) A description of how the activities and programs of the Directorate meet the requirements or homeland security capability gaps identified by customers within and outside of the Department, including the first responder community.

"(4) The role of the Department's risk analysis activities and programs of the Directorate.

"(5) A technology transition strategy for the programs of the Directorate.

"(6) A description of the policies of the Directorate on the management, organization, and personnel of the Directorate.

"(c) SUBMISSION OF PLAN TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees the strategy developed under subsection (a) and any update to the strategy.".

(b) DEADLINE.—The Under Secretary for Science and Technology shall develop and submit to the appropriate congressional committees the initial strategy required under the amendment made by subsection (a) by not later than 1 year after the date of enactment of this Act.

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

"Sec. 318. Strategic plan.".

SEC. 702. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

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

"SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

"(a) IN GENERAL.—The Under Secretary for Science and Technology shall develop, and revise at least every 5 years, a 5-year research and development plan for the activities of the Directorate of Science and Technology.

"(b) CONTENTS.—The 5-year research and development plan developed under subsection (a) shall—

1 "(1) define the Directorate's research, develop-
2 ment, testing, and evaluation activities, priorities,
3 performance metrics, and key milestones and
4 deliverables for the 5-fiscal-year period from 2013
5 through 2017, and for each 5-fiscal-year period
6 thereafter;
7 "(2) link the activities identified in paragraph
8 (1) to the goals and objectives described in the stra-
9 tegic plan developed under section 318, the research
10 requirements established in section 320, and the
11 operational capability needs as determined by the
12 Capabilities and Requirements Council established
13 under section 709;
14 "(3) describe, for each activity of the strategic
15 plan, the planned annual funding levels for the pe-
16 riod covered by the plan; and
17 "(4) indicate joint investments with other Fed-
18 eral partners where applicable.
19 "(c) SCOPE OF THE PLAN.—The Under Secretary
20 shall ensure that each plan developed under subsection
21 (a)—
22 "(1) reflects input from a wide range of stake-
23 holders; and
24 "(2) takes into account how research and devel-
25 opment by other Federal, State, private sector, and

nonprofit institutions contributes to the achievement of the priorities identified in the plan, and avoids unnecessary duplication with these efforts.

"(d) REPORTS.—At the time the President submits each annual budget request, the Under Secretary shall provide a report to the appropriate congressional committees on the status and results to date of implementation of the current 5-year research and development plan, including—

"(1) a summary of the research and development activities for the previous fiscal year in each topic area;

"(2) the annual expenditures in each topic area;

"(3) an assessment of progress of the research and development activities based on the performance metrics and milestones set forth in the plan; and

"(4) any changes to the plan.".

(b) DEADLINE.—The Under Secretary for Science and Technology shall develop and submit to the appropriate congressional committees the first 5-year homeland security research and development plan required under subsection (a), for fiscal years 2013 through 2017, by not later than 1 year after the date of enactment of this Act.

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

"Sec. 319. 5-year research and development plan.".

SEC. 703. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

"(a) IN GENERAL.—The Under Secretary for Science and Technology shall establish and implement a process to identify, prioritize, fund, and task the basic and applied homeland security research and development activities of the Directorate of Science and Technology.

"(b) PROCESS.—The process established under subsection (a) shall—

"(1) account for Departmentwide priorities as defined by the Capabilities and Requirements Council established under section 709;

"(2) be responsive to near-, mid-, and long-term needs, including unanticipated needs to address emerging threats;

1 "(3) utilize gap analysis and risk assessment
2 tools where available and applicable;
3 "(4) include protocols to assess—
4 "(A) off-the-shelf technology to determine
5 if an identified homeland security capability gap
6 can be addressed through the acquisition proc-
7 ess instead of commencing research and devel-
8 opment of technology to address that capability
9 gap; and
10 "(B) research and development activities
11 pursued by other executive agencies, to deter-
12 mine if technology can be leveraged to address
13 an identified homeland security capability gap;
14 "(5) provide for documented and validated re-
15 search and development requirements;
16 "(6) establish roles and responsibilities for the
17 Under Secretary for Science and Technology, the
18 Under Secretary for Policy, the Under Secretary for
19 Management, and the heads of operational compo-
20 nents of the Department;
21 "(7) strengthen first responder participation in
22 identifying and prioritizing homeland security tech-
23 nological gaps, including by—
24 "(A) soliciting feedback from appropriate
25 national associations and advisory groups rep-

resenting the first responder community and first responders within the components of the Department; and

"(B) establishing and promoting a publicly accessible portal to allow the first responder community to help the Directorate develop homeland security research and development goals;

"(8) institute a mechanism to publicize the Department's funded and unfunded homeland security technology priorities for the purpose of informing the Federal, State, and local governments, first responders, and the private sector;

"(9) establish considerations to be used by the Directorate in selecting appropriate research entities, including the national laboratories, federally funded research and development centers, university-based centers, and the private sector, to carry out research and development requirements; and

"(10) include any other criteria or measures the Secretary considers necessary for the identification and prioritization of research requirements.".

(b) DEADLINE.—The Under Secretary for Science and Technology shall establish and begin implementing the process required by the amendment made by sub-

1 section (a) by not later than 180 days after the date of
2 enactment of this Act.

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

"Sec. 320. Identification and prioritization of research and development requirements.".

6 **SEC. 704. RESEARCH AND DEVELOPMENT PROGRESS.**

7 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)
8 is further amended by adding at the end the following new
9 section:

10 **"SEC. 321. MONITORING PROGRESS.**

11 "(a) IN GENERAL.—The Under Secretary for Science
12 and Technology shall monitor the progress of the research,
13 development, testing, and evaluation activities undertaken
14 by the Directorate of Science and Technology, and shall
15 provide, at a minimum on a biannual basis, regular up-
16 dates on that progress to relevant customers of those ac-
17 tivities.

18 "(b) REQUIREMENTS OF PROGRESS UPDATES.—In
19 order to provide the progress updates required under sub-
20 section (a), the Under Secretary shall develop a system
21 that—

22 "(1) monitors progress toward project mile-
23 stones identified by the Under Secretary;

"(2) maps progress toward deliverables identified in the 5-year plan required under section 319;

"(3) generates up-to-date reports to customers that transparently disclose the status and progress of research, development, testing, and evaluation efforts of the Directorate;

"(4) evaluates the extent to which a technology or service produced as a result of the Directorate's programs has addressed homeland security capability gaps and requirements as determined by the Capabilities and Requirements Council established under section 709; and

"(5) allows the Under Secretary to report the number of products and services developed by the Directorate that have been transitioned into acquisition programs and resulted in successfully fielded technologies.

"(c) EVALUATION METHODS.—

"(1) EXTERNAL INPUT, CONSULTATION, AND REVIEW.—The Under Secretary shall implement procedures to engage outside experts in assisting in the evaluation of the progress of research and development programs or activities of the Directorate, including through—

"(A) consultation with experts, including scientists and practitioners, to gather independent expert peer opinion and advice on a project or on specific issues or analyses conducted by the Directorate; and

"(B) periodic, independent, external review to assess the quality and relevance of the Directorate's programs and projects.

"(2) CUSTOMER FEEDBACK.—The Under Secretary shall establish a formal process to collect feedback from customers of the Directorate on the performance of the Directorate, that includes—

"(A) appropriate methodologies through which customers can assess the quality and usefulness of technology and services delivered by the Directorate;

"(B) development of metrics for measuring customer satisfaction and the usefulness of any technology or service provided by the Directorate; and

"(C) standards for high-quality customer service.".

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

"Sec. 321. Monitoring progress.".

SEC. 705. ACQUISITION AND OPERATIONS SUPPORT.

(a) RESPONSIBILITIES AND AUTHORITIES OF THE UNDER SECRETARY.—Section 302 (6 U.S.C. 183) is amended by striking ''and'' after the semicolon at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ''; and'', and by adding at the end the following new paragraph:

''(15) providing science-based, analytic capability and capacity across the Department to—

''(A) support technological assessments of major acquisition programs throughout the acquisition lifecycle;

''(B) help define appropriate technological requirements and perform feasibility analysis;

''(C) assist in evaluating new and emerging technologies against capability gaps;

''(D) support evaluation of alternatives; and

''(E) improve the use of technology Departmentwide.''.

(b) TECHNOLOGY READINESS ASSESSMENT PROCESS.—Section 308 (6 U.S.C. 188) is amended by adding at the end the following new subsection:

''(d) TECHNOLOGY READINESS ASSESSMENT PROCESS.—

"(1) IN GENERAL.—The Under Secretary for Science and Technology shall establish a formal, systematic, metrics-based process to comprehensively evaluate technology maturity and reduce technical risks, that includes—

"(A) an independent assessment of the performance, maturity, suitability, and supportability of a technology and associated risks;

"(B) technology readiness evaluations to establish technology readiness levels as a measure of the maturity of the technology; and

"(C) provision of a report containing the findings and conclusions of each assessment conducted under the process provided, to the appropriate customers and personnel of the Department.

"(2) APPLICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the process shall be applied to—

"(i) technology developed by the Directorate; and

"(ii) technology being procured or considered by any component of the De-

partment as part of a major acquisition program.

"(B) LIMITATION.—The Under Secretary shall not apply the process to—

"(i) radiological or nuclear detection and countermeasure technologies developed or procured by the Department; and

"(ii) procurement of information technology.".

SEC. 706. OPERATIONAL TEST AND EVALUATION.

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

"SEC. 713. OPERATIONAL TEST AND EVALUATION.

"(a) ESTABLISHMENT.—There is established within the Department a Director of Operational Test and Evaluation.

"(b) RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—The Director of Operational Test and Evaluation—

"(1) shall advise the Secretary, the Under Secretary for Management, the Under Secretary for Science and Technology, and the heads of other relevant components of the Department regarding all

activities related to operational test and evaluation in the Department; and

"(2) shall—

"(A) prescribe operational test and evaluation policies and procedures for the Department, which shall include policies to ensure that operational testing is done at facilities that already have relevant and appropriate safety and material certifications to the extent such facilities are available;

"(B) ensure the effectiveness, reliability, and suitability of operational testing and evaluation activities planned and conducted by or on behalf of components of the Department in major acquisition programs of the Department;

"(C) review and approve all operational test plans and evaluation procedures for major acquisition programs of the Department;

"(D) provide the Department with independent and objective assessments of the adequacy of operational testing and evaluation activities conducted by or on behalf of the Department for major acquisition programs of the Department; and

"(E) coordinate operational testing conducted jointly by more than one component of the Department.

"(c) ACCESS TO INFORMATION.—The Director of Operational Test and Evaluation—

"(1) shall have prompt and full access to test and evaluation and acquisition documents, data, and test results of the Department that the Director considers necessary in order to carry out the duties under this section; and

"(2) may designate observers to be present during the preparation for and the conducting of any operational test and evaluation within the Department.

"(d) LIMITATION.—The Director is not required to carry out operational testing.".

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

"Sec. 713. Operational test and evaluation.".

SEC. 707. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 322. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

"(a) IN GENERAL.—The Under Secretary for Science and Technology may make available to any person, for an appropriate fee, the services of any testing facility owned by the Federal Government and operated by the Directorate for Science and Technology for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

"(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary shall ensure that the testing at such facilities of materials, equipment, models, computer software, or other items not owned by the Federal Government do not cause personnel or other resources of the Federal Government to be diverted from scheduled Federal Government tests or otherwise interfere with Federal Government mission requirements.

"(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed by a person with services made available under subsection (a) and any associated data provided by the person for the conduct of the tests—

"(1) are trade secrets and commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code; and

"(2) may not be disclosed outside the Federal Government without the consent of the person for which the tests are performed.

"(d) FEES.—The fee for using the services of a facility under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel, that are incurred by the Federal Government to provide for the testing.

"(e) USE OF FEES.—Any fee collected under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology and shall be used to directly support the research and development activities of the Department.".

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

"Sec. 322. Availability of testing facilities and equipment.".

SEC. 708. BIOFORENSICS CAPABILITIES.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 323. BIOFORENSICS CAPABILITIES.

"(a) BIOFORENSICS ANALYSIS CENTER.—There is authorized in the Department a bioforensics analysis cen-

1 ter to provide support for law enforcement and intel-
2 ligence-related investigations and actions to—
3 "(1) provide definitive bioforensics analysis in
4 support of the executive agencies with primary re-
5 sponsibilities for preventing, deterring, responding
6 to, attributing, and recovering from biological at-
7 tacks; and
8 "(2) undertake other related bioforensics activi-
9 ties.
10 "(b) PAYMENT FOR SERVICES.—The center shall
11 charge and retain fees to reimburse the cost of any service
12 provided to an executive agency that requested such serv-
13 ice.
14 "(c) DETAILEE PROGRAM.—Subject to the avail-
15 ability of appropriations, the Secretary may implement a
16 program under which executive agencies as considered ap-
17 propriate by the Secretary provide personnel, on a
18 reimburseable basis, to the center for the purpose of—
19 "(1) providing training and other educational
20 benefits for such stakeholders to help them to better
21 understand the policies, procedures, and laws gov-
22 erning national bioforensics activities; and
23 "(2) bolstering the capabilities and information
24 sharing activities of the bioforensics analysis center

1 authorized under subsection (a) with national bio-
2 security and biodefense stakeholders.''.
3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) is further amended by adding at the end
5 of the items relating to title III the following new item:
''Sec. 323. Bioforensics capabilities.''.

6 **SEC. 709. HOMELAND SECURITY SCIENCE AND TECH-**
7 **NOLOGY FELLOWS PROGRAM.**

8 (a) IN GENERAL.—Title III of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended
10 by adding at the end the following new section:

11 **''SEC. 324. HOMELAND SECURITY SCIENCE AND TECH-**
12 **NOLOGY FELLOWS PROGRAM.**

13 ''(a) ESTABLISHMENT.—The Secretary, acting
14 through the Under Secretary for Science and Technology,
15 shall establish a fellows program, to be known as the
16 Homeland Security Science and Technology Fellows Pro-
17 gram, under which the Under Secretary shall facilitate the
18 temporary placement of scientists in relevant scientific or
19 technological fields for up to 2 years in components of the
20 Department with a need for scientific and technological
21 expertise.
22 ''(b) UTILIZATION OF FELLOWS.—
23 ''(1) IN GENERAL.—Under the Program, the
24 Under Secretary may employ fellows—

1 "(A) for the use of the Directorate of
2 Science and Technology; or
3 "(B) for the use of a Department compo-
4 nent outside such Directorate, under an agree-
5 ment with the head of such a component under
6 which the component will reimburse the Direc-
7 torate for the costs of such employment.
8 "(2) RESPONSIBILITIES.—Under such an
9 agreement—
10 "(A) the Under Secretary shall—
11 "(i) solicit and accept applications
12 from individuals who are currently enrolled
13 in or who are graduates of postgraduate
14 programs in scientific and engineering
15 fields related to the promotion of securing
16 the homeland, including—
17 "(I) biological, chemical, physical,
18 behavioral, social, health, medical, and
19 computational sciences;
20 "(II) geosciences;
21 "(III) all fields of engineering;
22 and
23 "(IV) such other disciplines as
24 are determined relevant by the Sec-
25 retary;

1 "(ii) screen applicant candidates and
2 interview them as appropriate to ensure
3 that they possess the appropriate level of
4 scientific and engineering expertise and
5 qualifications;
6 "(iii) provide a list of qualified appli-
7 cants to the heads of Department compo-
8 nents seeking to utilize qualified fellows;
9 "(iv) subject to the availability of ap-
10 propriations, pay financial compensation to
11 such fellows;
12 "(v) coordinate with the Chief Secu-
13 rity Officer to facilitate and expedite provi-
14 sion of security clearances to fellows, as
15 appropriate; and
16 "(vi) otherwise administer all aspects
17 of the employment of fellows with the De-
18 partment; and
19 "(B) the head of the component utilizing a
20 fellow shall—
21 "(i) select the fellow from the list of
22 qualified applicants provided by the Under
23 Secretary;

"(ii) reimburse the Under Secretary for the costs of employing the fellow selected, including administrative costs; and

"(iii) be responsible for the day-to-day management of the fellow.

"(c) APPLICATIONS FROM NONPROFIT ORGANIZATIONS.—The Under Secretary may accept an application under subsection (b)(2)(A) that is submitted by a nonprofit organization on behalf of individuals whom such nonprofit organization has determined may be qualified applicants under the program.".

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

"Sec. 324. Homeland Security Science and Technology Fellows Program.".

SEC. 710. HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

Section 311 of the Homeland Security Act of 2002 (6 U.S.C. 191) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—There is established within the Directorate of Science and Technology a Science and Technology Advisory Committee (in this section referred to as the 'Advisory Committee'). The Advisory Committee

shall meet no fewer than 2 times each year and make recommendations with respect to the activities of the Under Secretary for Science and Technology, including—

"(1) identifying research and development areas of potential importance to the security of the Nation; and

"(2) providing advice in developing and updating the strategic plan under section 318 and the 5-year homeland security research and development plan under section 319."; and

(2) in subsection (j), by striking "2008" and inserting "7 years after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012".

SEC. 711. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

Section 305 (6 U.S.C. 184) is amended—

(1) by inserting "(a) ESTABLISHMENT.—" before the first sentence; and

(2) by adding at the end the following new subsections:

"(b) CONFLICTS OF INTEREST.—The Secretary shall review and revise, as appropriate, the policies of the Department relating to personnel conflicts of interest to ensure that such policies specifically address employees of

1 federally funded research and development centers estab-
2 lished under this section who are in a position to make
3 or materially influence research findings or agency deci-
4 sionmaking.

5 ''(c) ANNUAL REPORTS.—Each federally funded re-
6 search and development center established under this sec-
7 tion shall transmit to the Secretary and appropriate con-
8 gressional committees an annual report describing the ac-
9 tivities of the center in support of the Department.''.

10 **SEC. 712. CRITERIA FOR DESIGNATION AS A UNIVERSITY-**
11 **BASED CENTER FOR HOMELAND SECURITY.**

12 Section 308(b)(2)(B) (6 U.S.C. 188(b)(2)(B)) is
13 amended—

14 (1) in the matter preceding clause (i), by strik-
15 ing ''in—'' and inserting ''in one or more of the fol-
16 lowing:'';

17 (2) in clause (iii), by inserting before the period
18 at the end the following: '', including medical readi-
19 ness training and research, and community resil-
20 iency for public health and healthcare critical infra-
21 structure''; and

22 (3) in clause (iv), by striking ''and nuclear'' and
23 inserting ''nuclear, and explosive''.

SEC. 713. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after section 846 (as added by section 303(a)) the following:

"SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

"(a) IN GENERAL.—To the extent necessary to ensure that the Department has the personnel required to carry out the mission of the Science and Technology Directorate, the Secretary may—

"(1) make appointments to scientific or engineering positions within such Directorate that require an advanced degree without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, other than sections 3303 and 3328 of such title; and

"(2) fix the pay of any personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) LIMITATION.—

"(1) IN GENERAL.—Not more than 5 percent of the occupied positions within the Directorate of Science and Technology may at any time consist of positions occupied by personnel appointed under this section.

"(2) COUNTING RULE.—For purposes of applying the limitation set forth in paragraph (1), determinations under this subsection shall be made on a full-time equivalent basis.

"(c) TERMINATION.—The authority to make appointments under this section shall cease to be available after January 1, 2017.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is further amended by inserting after the item relating to section 846 (as added by section 303(b)) the following:

"Sec. 847. Authority for flexible personnel management at the Science and Technology Directorate.".

Subtitle B—Domestic Nuclear Detection Office

SEC. 721. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new sections:

"SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

''In carrying out radiological and nuclear research, development, testing and evaluation activities required under section 1902, the Director for the Domestic Nuclear Detection Office shall—

''(1) have authorities and carry out responsibilities consistent with those established under sections 302, 305, 308, 309, 320, and 321 for all radiological and nuclear research, development, testing, and evaluation programs of the Department; and

''(2) utilize an appropriate iterative combination of physical tests and computer modeling to provide an analytical basis for assessing detector performance of major radiological and nuclear detection acquisition programs of the Department.

"SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) IN GENERAL.—In carrying out the responsibilities under paragraphs (3), (5), (8), and (9) of section 1902(a), the Director shall maintain awareness of the Global Nuclear Detection Architecture (in this section referred to as 'GNDA') and its assets, including availability of equipment and trained personnel, types of equipment, equipment detection events and data, relevant intelligence information, and other information as needed.

"(b) DATA EXCHANGE.—To support the activities under subsection (a), the Director and heads of agencies in the GNDA shall ensure that widely accepted, consensus-based data exchange standards are applied to detection and communications systems incorporated into the GNDA, to the extent practicable.".

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

"Sec. 1908. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.
"Sec. 1909. Awareness of the Global Nuclear Detection Architecture.".

SEC. 722. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is further amended by adding at the end the following:

"SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) IN GENERAL.—In carrying out the responsibilities of the office under section 1902(a)(4)(A), the Director shall provide support for planning, organization and sustainment, equipment, training, exercises, and operational assessments, to State, local, and tribal entities to assist in implementing preventive radiological and nuclear detection capabilities.

"(b) DOMESTIC INTERIOR PROGRAMS.—

"(1) SECURING THE CITIES.—The Director for Domestic Nuclear Detection shall establish and maintain a program to enhance, through State, local, tribal, and private entities, the Nation's ability to detect and prevent a radiological or nuclear attack in high-risk United States cities, as determined by the Secretary.

"(2) SURGE CAPABILITIES.—The Director shall coordinate development of a surge capability for radiological and nuclear detection systems that can be deployed within the United States rapidly in response to intelligence or warnings that includes procurement of appropriate technology, training, exercises, operational assessments, maintenance, and support.

"(3) INTEGRATION.—The programs under subsections (a) and (b) shall be integrated into the global nuclear detection architecture and inform architecture studies, technology gaps, and research activities of the Domestic Nuclear Detection Office.".

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

"Sec. 1910. Domestic implementation of the global nuclear detection architecture.".

SEC. 723. RADIATION PORTAL MONITOR ALTERNATIVES.

The Director of the Domestic Nuclear Detection Office shall analyze and report to the appropriate congressional committees by not later than 90 days after the date of enactment of this Act on existing and developmental alternatives that could provide an enhanced capability to currently deployed radiation portal monitors, the criteria to measure the operational effectiveness of those alternatives, and the expected timeframe and costs to fully develop and deploy those alternatives.

SEC. 724. CONTRACTING AND GRANTMAKING AUTHORITIES.

Section 1906 of the Homeland Security Act of 2002 (6 U.S.C. 596) is amended by striking "paragraphs (6) and (7) of".

SEC. 725. DOMESTIC NUCLEAR DETECTION IMPLEMENTATION PLAN.

(a) IN GENERAL.—The Secretary shall develop a 5-year plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture.

(b) CONTENTS.—The 5-year plan developed under subsection (a) shall—

(1) define the roles and responsibilities of each component of the Department in support of the domestic detection architecture, including any existing or planned programs to prescreen cargo or conveyances overseas;

(2) identify and describe the specific investments being made or planned by the Department components for the 5-year fiscal period to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to address known vulnerabilities and gaps, including associated costs and timeframes;

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture,

including specific investments planned for the 5-year fiscal period; and

(5) explain the process used to define, analyze, and enhance the future domestic component of the global nuclear detection architecture.

(c) DEADLINE.—The Secretary shall submit to the appropriate congressional committees the plan required under subsection (a) by not later than 180 days after the date of enactment of this Act.

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

SEC. 801. SHORT TITLE.

This title may be cited as the ''See Something, Say Something Act of 2011''.

SEC. 802. AMENDMENT TO THE HOMELAND SECURITY ACT OF 2002.

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

"SEC. 890B. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

"(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.—

"(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

"(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that the person made that report.

"(b) IMMUNITY FOR RESPONSE.—

"(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by section (d)(1)(A) not entitled to assert the defense of qualified immunity shall nonetheless be immune from civil liability under Federal,

State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

"(2) SAVINGS CLAUSE.—Nothing in this subsection shall—

"(A) affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available; and

"(B) be construed as affecting any such defense, privilege, or immunity.

"(c) ATTORNEY FEES AND COSTS.—Any authorized official or other person found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

"(d) DEFINITIONS.—In this section:

"(1) AUTHORIZED OFFICIAL.—The term 'authorized official' means—

"(A) any officer, employee, or agent of the Federal government with responsibility for preventing, protecting against, disrupting, or responding to a 'covered activity;' or

"(B) any Federal, State, or local law enforcement officer.

"(2) COVERED ACTIVITY.—The term 'covered activity' means any suspicious transaction, activity,

or occurrence indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).''.

(b) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 890B. Immunity for reports of suspected terrorist activity or suspicious behavior and response.''.

TITLE IX—MISCELLANEOUS

SEC. 901. REDESIGNATION AND MOVEMENT OF MISCELLANEOUS PROVISIONS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by redesignating subtitle H of title VIII (relating to miscellaneous provisions) as title XXIII of such Act, transferring such title to appear at the end of the Act, striking sections 889 and 890 (consisting of amendments to existing law, which have executed), and redesignating the other sections of such title as section 2301 through 2320, respectively.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 506(b) (6 U.S.C. 316(b)), by striking ''section 872'' and inserting ''section 2302'';

(2) in section 508(a) (6 U.S.C. 318(a)), by striking ''section 871'' and inserting ''section 2301'';

(3) in section 508(d)(1) (6 U.S.C. 318(d)), by striking ''section 871(a)'' and inserting ''section 2301(a)'';

(4) in section 702(b)(2) (6 U.S.C. 432(b)(2)), by striking ''section 874(b)(2)'' each place it appears and inserting ''section 2304(b)(2)'';

(5) in section 702(b)(2)(E) (6 U.S.C. 432(b)(2)), by striking ''section 874'' and inserting ''section 2304'';

(6) in section 702(b)(4)(A) (6 U.S.C. 432(b)(4)(A)), by striking ''section 872(a)'' and inserting ''section 2302(a)'';

(7) in section 702(b)(4)(B) (6 U.S.C. 432(b)(4)(B)), by striking ''section 872(b)'' and inserting ''section 2302(b)'';

(8) in section 702(a)(4) (6 U.S.C. 347(a)(4)), by striking ''section 874'' and inserting ''section 2304''; and

(9) in section 843(b)(1)(B)(i)) (6 U.S.C. 413(b)(1)(B)(i)), by striking ''section 878'' and inserting ''section 2308''.

1 (c) CLERICAL AMENDMENTS.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 (6
3 U.S.C. 101 et seq.) is amended—
4 (1) by striking the items relating to subtitle H
5 of title VIII; and
6 (2) by adding at the end the following new
7 items:

"TITLE XXIII—MISCELLANEOUS PROVISIONS

"Sec. 2301. Advisory committees.
"Sec. 2302. Reorganization.
"Sec. 2303. Use of appropriated funds.
"Sec. 2304. Future Year Homeland Security Program.
"Sec. 2305. Miscellaneous authorities.
"Sec. 2306. Military activities.
"Sec. 2307. Regulatory authority and preemption.
"Sec. 2308. Counternarcotics officer.
"Sec. 2309. Office of International Affairs.
"Sec. 2310. Prohibition of the Terrorism Information and Prevention System.
"Sec. 2311. Review of pay and benefit plans.
"Sec. 2312. Office for National Capital Region Coordination.
"Sec. 2313. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections.
"Sec. 2314. Federal Law Enforcement Training Center.
"Sec. 2315. Joint Interagency Task Force.
"Sec. 2316. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.
"Sec. 2317. Coordination with the Department of Health and Human Services under the Public Health Service Act.
"Sec. 2318. Preserving Coast Guard mission performance.
"Sec. 2319. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.
"Sec. 2320. Immunity for reports of suspected terrorist activity or suspicious behavior and response.".

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