

108TH CONGRESS
1ST SESSION

S. 6

To enhance homeland security and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance homeland security and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Comprehensive Homeland Security Act of 2003”.

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

Sec. 1. Short title; table of contents.

TITLE I—FIRST RESPONDER TERRORISM PREPAREDNESS

Sec. 1001. Short title; table of contents.

Sec. 1002. Purpose.

Sec. 1003. Definitions.

- Sec. 1004. First Responders Partnership Grant Program for Public Safety Officers.
- Sec. 1005. Applications.
- Sec. 1006. Authorization of appropriations.

TITLE II—STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE

- Sec. 2001. Staffing for adequate fire and emergency response.
- Sec. 2002. Conforming amendment.

TITLE III—SENSITIVE NUCLEAR FACILITIES

- Sec. 3001. Short title.
- Sec. 3002. Definitions.
- Sec. 3003. Nuclear facility security.
- Sec. 3004. Office of nuclear security and incident response.
- Sec. 3005. Carrying of weapons by licensee employees.
- Sec. 3006. Sensitive radioactive material security.
- Sec. 3007. Unauthorized introduction of dangerous weapons.
- Sec. 3008. Sabotage of nuclear facilities or fuel.
- Sec. 3009. Evaluation of adequacy of enforcement provisions.
- Sec. 3010. Protection of whistleblowers.
- Sec. 3011. Technical and conforming amendment.
- Sec. 3012. Authorization of appropriations.

TITLE IV—RAIL SECURITY ACT

- Sec. 4001. Short title.
- Sec. 4002. Emergency Amtrak assistance.
- Sec. 4003. Rail security.
- Sec. 4004. Rail transportation security risk assessment.

TITLE V—WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT

- Sec. 5001. Short title.
- Sec. 5002. Protection from terrorist and other harmful intentional acts.
- Sec. 5003. Research and review.
- Sec. 5004. Refinement of vulnerability assessment tools for publicly owned treatment works.

TITLE VI—ENHANCING BORDER SECURITY

Subtitle A—Immigration and Naturalization Service

- Sec. 6101. Additional personnel at the Immigration and Naturalization Service.
- Sec. 6102. Technological improvements by the INS to improve border security.

Subtitle B—United States Customs Service

- Sec. 6201. Additional personnel at the United States Customs Service.
- Sec. 6202. Technological improvements by the Customs Service to improve border security.

Subtitle C—Bureau of Border Security

- Sec. 6301. Additional personnel at the Bureau of Border Security.

Sec. 6302. Technological improvements by the Bureau of Border Security to improve border security.

TITLE VII—PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS

Sec. 7001. Sense of Congress on smallpox vaccination.
 Sec. 7002. Aid to States for smallpox vaccination programs.
 Sec. 7003. Smallpox vaccine injury compensation program.
 Sec. 7004. Increase in authorizations for bioterrorism security and preparedness.

TITLE VIII—INFORMATION SECURITY

Subtitle A—Information Technology Fund to Enhance Homeland Defense, Information Security, and Defenses Against Other Threats

Sec. 8101. Establishment of fund.
 Sec. 8102. Selection procedures.
 Sec. 8103. Administration of fund.
 Sec. 8104. Report to Congress.
 Sec. 8105. Authorization of appropriations.

Subtitle B—Protection of Voluntarily Furnished Confidential Information

Sec. 8201. Definitions.
 Sec. 8202. Protection of confidential information.
 Sec. 8203. Report to Congress.
 Sec. 8204. Amendments to Homeland Security Act of 2002.

Subtitle C—Interoperability of Information Systems

Sec. 8301. Interoperability of information systems.

TITLE IX—WEAPONS OF MASS DESTRUCTION

Sec. 9001. Security of certain radiological and nuclear materials.
 Sec. 9002. Assistance for International Atomic Energy Agency regarding safeguard and inspection of nuclear facilities abroad.
 Sec. 9003. Assistance for International Atomic Energy Agency to counter nuclear terrorism.
 Sec. 9004. Acceleration and expansion of materials protection, control, and accounting program.
 Sec. 9005. Border security and export control.
 Sec. 9006. Reuse of Russian nuclear facilities.
 Sec. 9007. Research and development involving alternative use of weapons of mass destruction expertise.
 Sec. 9008. Expansion initiatives for proliferation prevention program.
 Sec. 9009. Acceleration of highly enriched uranium disposition program.
 Sec. 9010. Acceleration of destruction of chemical weapons facilities and infrastructure.
 Sec. 9011. Acceleration of biological materials protection, control, and accounting program.
 Sec. 9012. Russian tactical nuclear weapons.
 Sec. 9013. Authorization of use of cooperative threat reduction funds for projects and activities outside the former Soviet Union.
 Sec. 9014. Repeal of certain limitations on uses of funds.

TITLE X—INTELLIGENCE

Subtitle A—Intelligence Community Leadership

- Sec. 10001. Short title.
- Sec. 10002. Reorganization and improvement of management of intelligence community.
- Sec. 10003. Ten-year term of service for the Director of National Intelligence.
- Sec. 10004. Executive schedule matters.
- Sec. 10005. Conforming and clerical amendments.

Subtitle B—Other Matters

- Sec. 10011. Discharge of certain intelligence activities by the Department of Homeland Security.

TITLE XI—CHEMICAL SECURITY

- Sec. 11001. Short title.
- Sec. 11002. Findings.
- Sec. 11003. Definitions.
- Sec. 11004. Designation of and requirements for high priority categories.
- Sec. 11005. Enforcement.
- Sec. 11006. Recordkeeping and entry.
- Sec. 11007. Penalties.
- Sec. 11008. No effect on requirements under other law.
- Sec. 11009. Authorization of appropriations.

TITLE XII—HOME SECURITY FUNDING

- Sec. 12001. Homeland security funding.

TITLE XIII—SUPPORT FOR LAW ENFORCEMENT

- Sec. 13001. Short title.
- Sec. 13002. Authorizations.
- Sec. 13003. Rural law enforcement retention grant program.
- Sec. 13004. Rural law enforcement technology grant program.
- Sec. 13005. Rural 9–1–1 service.

1 **TITLE I—FIRST RESPONDER**
 2 **TERRORISM PREPAREDNESS**

3 **SEC. 1001. SHORT TITLE.**

- 4 This title may be cited as the “First Responders
 5 Partnership Grant Act of 2003”.

1 **SEC. 1002. PURPOSE.**

2 The purpose of this Act is to support first re-
3 sponders to protect homeland security and prevent
4 and respond to acts of terrorism.

5 **SEC. 1003. DEFINITIONS.**

6 In this title:

7 (1) INDIAN TRIBE.—The term “Indian tribe”
8 has the same meaning as in section 4(e) of the In-
9 dian Self-Determination and Education Assistance
10 Act (25 U.S.C. 450b(e)).

11 (2) LAW ENFORCEMENT OFFICER.—The term
12 “law enforcement officer” means any officer, agent,
13 or employee of a State, unit of local government, or
14 Indian tribe authorized by law or by a government
15 agency to engage in or supervise the prevention, de-
16 tection, or investigation of any violation of criminal
17 law, or authorized by law to supervise sentenced
18 criminal offenders.

19 (3) PUBLIC SAFETY OFFICER.—The term “pub-
20 lic safety officer” means any person serving a public
21 agency with or without compensation as a law en-
22 forcement officer, as a firefighter, or as a member
23 of a rescue squad or ambulance crew.

24 (4) STATE.—The term “State” means each of
25 the 50 States, the District of Columbia, the Com-
26 monwealth of Puerto Rico, the United States Virgin

1 Islands, American Samoa, Guam, and the Northern
2 Mariana Islands.

3 (5) UNIT OF LOCAL GOVERNMENT.—The term
4 “unit of local government” means a county, munici-
5 pality, town, township, village, parish, borough, or
6 other unit of general government below the State
7 level.

8 **SEC. 1004. FIRST RESPONDERS PARTNERSHIP GRANT PRO-**
9 **GRAM FOR PUBLIC SAFETY OFFICERS.**

10 (a) IN GENERAL.—The Director of the Bureau of
11 Justice Assistance is authorized to make grants to States,
12 units of local government, and Indian tribes to support
13 public safety officers in their efforts to protect homeland
14 security and prevent and respond to acts of terrorism.

15 (b) USES OF FUNDS.—Grants awarded under this
16 section shall be—

17 (1) distributed directly to the State, unit of
18 local government, or Indian tribe; and

19 (2) used to fund equipment, training, and facili-
20 ties to support public safety officers in their efforts
21 to protect homeland security and prevent and re-
22 spond to acts of terrorism.

23 (c) MINIMUM AMOUNT.—Unless all eligible applica-
24 tions submitted by any State or unit of local government
25 within such State for a grant under this section have been

1 funded, such State, together with grantees within the
2 State (other than Indian tribes), shall be allocated in each
3 fiscal year under this section not less than 0.75 percent
4 of the total amount appropriated in the fiscal year for
5 grants pursuant to this section, except that the United
6 States Virgin Islands, American Samoa, Guam, and the
7 Northern Mariana Islands shall each be allocated 0.25
8 percent.

9 (d) MAXIMUM AMOUNT.—A qualifying State, unit of
10 local government, or Indian tribe may not receive more
11 than 5 percent of the total amount appropriated in each
12 fiscal year for grants under this section, except that a
13 State, together with the grantees within the State may not
14 receive more than 20 percent of the total amount appro-
15 priated in each fiscal year for grants under this section.

16 (e) MATCHING FUNDS.—The portion of the costs of
17 a program provided by a grant under subsection (a) may
18 not exceed 90 percent. Any funds appropriated by Con-
19 gress for the activities of any agency of an Indian tribal
20 government or the Bureau of Indian Affairs performing
21 law enforcement functions on any Indian lands may be
22 used to provide the non-Federal share of a matching re-
23 quirement funded under this subsection.

1 **SEC. 1005. APPLICATIONS.**

2 (a) IN GENERAL.—To request a grant under this
 3 title, the chief executive of a State, unit of local govern-
 4 ment, or Indian tribe shall submit an application to the
 5 Director of the Bureau of Justice Assistance in such form
 6 and containing such information as the Director may rea-
 7 sonably require.

8 (b) REGULATIONS.—Not later than 90 days after the
 9 date of enactment of this Act, the Director of the Bureau
 10 of Justice Assistance shall promulgate regulations to im-
 11 plement this section (including the information that must
 12 be included and the requirements that the States, units
 13 of local government, and Indian tribes must meet) in sub-
 14 mitting the applications required under this section.

15 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out
 17 this title, \$4,000,000,000 for each of the fiscal years 2003
 18 through 2005.

19 **TITLE II—STAFFING FOR ADE-**
 20 **QUATE FIRE AND EMER-**
 21 **GENCY RESPONSE**

22 **SEC. 2001. STAFFING FOR ADEQUATE FIRE AND EMER-**
 23 **GENCY RESPONSE.**

24 Title III of the Workforce Investment Act of 1998
 25 (Public Law 105–220; 112 Stat. 1080) is amended by
 26 adding at the end the following:

1 **“Subtitle E—Staffing for Adequate**
2 **Fire and Emergency Response**

3 **“SEC. 351. SHORT TITLE.**

4 “‘This subtitle may be cited as the ‘Staffing for Ade-
5 quate Fire and Emergency Response Act of 2003’ or as
6 the ‘SAFER Act of 2003’.

7 **“SEC. 352. PURPOSES.**

8 “‘The purposes of this subtitle are—

9 “(1) to expand on the firefighter assistance
10 grant program under section 33 of the Federal Fire
11 Prevention and Control Act of 1974 (15 U.S.C.
12 2229), in order to ensure adequate funding to in-
13 crease the number of firefighting personnel through-
14 out the Nation;

15 “(2) to substantially increase the hiring of fire-
16 fighters so that communities can—

17 “(A) meet industry minimum standards for
18 providing adequate protection from acts of ter-
19 rorism and hazards; and

20 “(B) enhance the ability of firefighter
21 units to save lives, save property, and effectively
22 respond to all types of emergencies; and

23 “(3) to promote that substantial increase in hir-
24 ing by establishing a program of grants, authorized
25 for 7 years, to provide direct funding to States,

1 units of local government, and Indian tribal organi-
2 zations for firefighter salaries and benefits.

3 **“SEC. 353. DEFINITIONS.**

4 “In this subtitle:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means—

7 “(A) a State, a unit of local government,
8 a tribal organization, or another public entity;
9 or

10 “(B) a multi-jurisdictional or regional con-
11 sortia of entities described in subparagraph (A).

12 “(2) FIREFIGHTER.—The term ‘firefighter’ has
13 the meaning given the term ‘employee in fire protec-
14 tion activities’ in section 3 of the Fair Labor Stand-
15 ards Act of 1938 (29 U.S.C. 203).

16 “(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
17 The terms ‘Indian tribe’ and ‘tribal organization’
18 have the meanings given the terms in section 4 of
19 the Indian Self-Determination and Education Assist-
20 ance Act (25 U.S.C. 450b).

21 “(4) SECRETARY.—The term ‘Secretary’ means
22 the Secretary of Labor, acting after consultation
23 with the Director of the Federal Emergency Man-
24 agement Agency.

1 “(5) STATE.—The term ‘State’ means each of
2 the several States of the United States, the District
3 of Columbia, the Commonwealth of Puerto Rico, the
4 United States Virgin Islands, Guam, American
5 Samoa, and the Commonwealth of the Northern
6 Mariana Islands.

7 **“SEC. 354. AUTHORITY TO MAKE GRANTS.**

8 “(a) DEFINITION.—In this section, the term ‘quali-
9 fying entity’, used with respect to a fiscal year, means any
10 eligible entity (including a State) that has submitted an
11 application under section 355 for the fiscal year that
12 meets the requirements of this subtitle and such additional
13 requirements as the Secretary may prescribe.

14 “(b) GRANT AUTHORIZATION.—The Secretary may
15 make grants to eligible entities to pay for the Federal
16 share of the cost of carrying out projects to hire fire-
17 fighters.

18 “(c) MINIMUM AMOUNT.—

19 “(1) AMOUNT.—For any fiscal year, the Sec-
20 retary shall ensure that the qualifying entities in
21 each State shall receive, through grants made under
22 this section, a total amount that is not less than $\frac{1}{2}$
23 of 1 percent of the amount appropriated under sec-
24 tion 362 for the fiscal year.

1 “(2) EXCEPTION.—Paragraph (1) shall not
2 apply for a fiscal year if the Secretary makes a
3 grant under this section to every qualifying entity
4 for the fiscal year.

5 “(d) GRANT PERIODS.—The Secretary may make
6 grants under this section for periods of 3 years.

7 “(e) FEDERAL SHARE.—

8 “(1) IN GENERAL.—The Federal share of the
9 cost of carrying out a project to hire firefighters
10 under this subtitle shall be not more than 75 per-
11 cent.

12 “(2) NON-FEDERAL SHARE.—The non-Federal
13 share shall be provided—

14 “(A) in cash;

15 “(B) in the case of a State or unit of local
16 government, from assets received through an
17 asset forfeiture program; or

18 “(C) in the case of a tribal organization or
19 the Bureau of Indian Affairs, from any Federal
20 funds made available for firefighting functions
21 to assist an Indian tribe.

22 “(3) WAIVER.—The Secretary may waive the
23 requirements of paragraphs (1) and (2) for an eligi-
24 ble entity.

1 **“SEC. 355. APPLICATIONS.**

2 “(a) IN GENERAL.—To be eligible to receive a grant
3 under this subtitle, an entity shall submit an application
4 to the Secretary at such time, in such manner, and con-
5 taining such information as the Secretary may prescribe.

6 “(b) CONTENTS.—Each such application shall—

7 “(1) include a long-term strategy and detailed
8 implementation plan, for the hiring to be conducted
9 under the grant, that reflects consultation with com-
10 munity groups and appropriate private and public
11 agencies and reflects consideration of a statewide
12 strategy for such hiring;

13 “(2) specify the reasons why the entity is un-
14 able to hire sufficient firefighters to address the en-
15 tity’s needs, without Federal assistance;

16 “(3)(A) specify the average number of fire-
17 fighters employed by the entity during the fiscal
18 year prior to the fiscal year for which the application
19 is submitted; and

20 “(B) outline the initial and planned level of
21 community support for implementing the strategy
22 and plan, including the level of financial and in-kind
23 contributions or other tangible commitments;

24 “(4)(A) specify plans for obtaining necessary
25 support and continuing the employment of a greater
26 number of firefighters than the number specified

1 under paragraph (3)(A), following the conclusion of
2 Federal assistance under this subtitle; and

3 “(B) include an assurance that the entity will
4 continue the employment of firefighters hired with
5 funds made available through the grant for at least
6 1 year after the end of the grant period; and

7 “(5) include assurances that the entity will, to
8 the extent practicable, seek, recruit, and hire mem-
9 bers of racial and ethnic minority groups and women
10 in order to increase the ranks of minorities and
11 women within the entity’s firefighter units.

12 “(c) SMALL JURISDICTIONS.—Notwithstanding any
13 other provision of this subtitle, the Secretary may waive
14 1 or more of the requirements of subsection (b), and may
15 make special provisions to facilitate the expedited submis-
16 sion, processing, and approval of an application under this
17 section, for an eligible entity that is a unit of local govern-
18 ment, or an eligible entity serving a fire district, that has
19 jurisdiction over an area with a population of less than
20 50,000.

21 “(d) PREFERENCE.—In awarding grants under this
22 subtitle, the Secretary—

23 “(1) shall give preference to a unit of local govern-
24 ment; and

1 “(2) may give preference, where feasible, to an
2 eligible entity that submits an application containing
3 a plan that—

4 “(A) provides for hiring (including rehir-
5 ing) career firefighters; and

6 “(B) requires the entity to contribute a
7 non-Federal share of more than 25 percent of
8 the cost of carrying out a project to hire the
9 firefighters.

10 “(e) STATE AND LOCAL APPLICATIONS.—If a unit of
11 local government for a community, and the State in which
12 the community is located, submit applications under this
13 section for a fiscal year to carry out a project in a commu-
14 nity, and the unit of local government and State are quali-
15 fying entities under section 354(a), the Secretary—

16 “(1) shall make a grant under this subtitle to
17 the unit of local government for that year; and

18 “(2) shall not make a grant under this subtitle
19 to the State to carry out a project in that commu-
20 nity for that year.

21 **“SEC. 356. USE OF FUNDS.**

22 “(a) IN GENERAL.—An eligible entity that receives
23 a grant under this subtitle shall use the funds made avail-
24 able through the grant to hire career firefighters. The
25 funds may only be used to increase the number of fire-

1 fighters employed by the agency from the number specified
2 under section 355(b)(3)(A). The funds may be used for
3 salaries and benefits for the firefighters.

4 “(b) HIRING COSTS.—

5 “(1) FISCAL YEAR 2003.—For fiscal year 2003,
6 in hiring any 1 firefighter, the entity may not use
7 more than \$90,000 of such funds.

8 “(2) SUBSEQUENT YEARS.—For each subse-
9 quent fiscal year, in hiring any 1 firefighter, the en-
10 tity may not use more than \$90,000 of such funds,
11 increased or decreased by the same percentage as
12 the percentage by which the Consumer Price Index
13 for All Urban Consumers (United States city aver-
14 age), published by the Secretary of Labor, has in-
15 creased or decreased by September of the preceding
16 fiscal year from such Index for September 2002.

17 “(3) WAIVERS.—The Secretary may waive the
18 requirements of paragraph (1) or (2) for an eligible
19 entity.

20 “(c) SUPPLEMENT, NOT SUPPLANT.—Funds appro-
21 priated pursuant to the authority of this subtitle shall be
22 used to supplement and not supplant other Federal, State,
23 and local public funds expended to hire firefighters.

1 **“SEC. 357. TECHNICAL ASSISTANCE.**

2 “The Secretary may provide technical assistance to
3 eligible entities to further the purposes of this Act.

4 **“SEC. 358. MONITORING AND EVALUATIONS.**

5 “(a) **MONITORING COMPONENTS.**—Each project
6 funded through a grant made under this subtitle shall con-
7 tain a monitoring component, developed pursuant to regu-
8 lations established by the Secretary. The monitoring re-
9 quired by this subsection shall include systematic identi-
10 fication and collection of data about the project through-
11 out the period of the project and presentation of such data
12 in a usable form.

13 “(b) **EVALUATION COMPONENTS.**—The Secretary
14 may require that selected grant recipients under this sub-
15 title conduct local evaluations or participate in a national
16 evaluation, pursuant to regulations established by the Sec-
17 retary. Such local or national evaluations may include as-
18 sessments of the implementation of different projects. The
19 Secretary may require selected grant recipients under this
20 subtitle to conduct local outcome evaluations to determine
21 the effectiveness of projects under this subtitle.

22 “(c) **PERIODIC REPORTS.**—The Secretary may re-
23 quire a grant recipient under this subtitle to submit to
24 the Secretary the results of the monitoring and evalua-
25 tions required under subsections (a) and (b) and such

1 other data and information as the Secretary determines
2 to be reasonably necessary.

3 “(d) **REVOCATION OR SUSPENSION OF FUNDING.**—
4 If the Secretary determines, as a result of the monitoring
5 or evaluations required by this section, or otherwise, that
6 a grant recipient under this subtitle is not in substantial
7 compliance with the terms and requirements of an ap-
8 proved grant application submitted under section 355, the
9 Secretary may revoke the grant or suspend part or all of
10 the funding provided under the grant.

11 **“SEC. 359. ACCESS TO DOCUMENTS.**

12 “For the purpose of conducting an audit or examina-
13 tion of a grant recipient that carries out a project under
14 this subtitle, the Secretary and the Comptroller General
15 of the United States shall have access to any pertinent
16 books, documents, papers, or records of the grant recipient
17 and any State or local government, person, business, or
18 other entity, that is involved in the project.

19 **“SEC. 360. REPORT TO CONGRESS.**

20 “Not later than September 30, 2009, the Secretary
21 shall submit a report to Congress concerning the experi-
22 ences of eligible entities in carrying out projects under this
23 subtitle, and the effects of the grants made under this sub-
24 title. The report may include recommendations for such

1 legislation as the Secretary may consider to be appro-
 2 priate, which may include reauthorization of this subtitle.

3 **“SEC. 361. REGULATIONS.**

4 “The Secretary may issue regulations to carry out
 5 this subtitle.

6 **“SEC. 362. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) IN GENERAL.—There is authorized to be appro-
 8 priated to carry out this subtitle—

9 “(1) \$1,000,000,000 for fiscal year 2003;

10 “(2) \$1,030,000,000 for fiscal year 2004;

11 “(3) \$1,061,000,000 for fiscal year 2005;

12 “(4) \$1,093,000,000 for fiscal year 2006;

13 “(5) \$1,126,000,000 for fiscal year 2007;

14 “(6) \$1,159,000,000 for fiscal year 2008; and

15 “(7) \$1,194,000,000 for fiscal year 2009.

16 “(b) AVAILABILITY.—Funds appropriated under sub-
 17 section (a) for a fiscal year shall remain available until
 18 the end of the second succeeding fiscal year.”.

19 **SEC. 2002. CONFORMING AMENDMENT.**

20 The table of contents in section 1(b) of the Workforce
 21 Investment Act of 1998 (Public Law 105–220; 112 Stat.
 22 936) is amended, in the items relating to title III, by add-
 23 ing at the end the following:

“Subtitle E—Staffing for Adequate Fire and Emergency Response

“Sec. 351. Short title.

“Sec. 352. Purposes.

“Sec. 353. Definitions.

“Sec. 354. Authority to make grants.

“Sec. 355. Applications.

“Sec. 356. Use of funds.

“Sec. 357. Technical assistance.

“Sec. 358. Monitoring and evaluations.

“Sec. 359. Access to documents.

“Sec. 360. Report to Congress.

“Sec. 361. Regulations.

“Sec. 362. Authorization of appropriations.”.

1 **TITLE III—SENSITIVE NUCLEAR** 2 **FACILITIES**

3 **SECTION 3001. SHORT TITLE.**

4 This title may be cited as the “Nuclear Security Act
5 of 2003”.

6 **SEC. 3002. DEFINITIONS.**

7 Section 11 of the Atomic Energy Act of 1954 (42
8 U.S.C. 2014) is amended—

9 (1) by redesignating subsection jj. as subsection
10 ii.; and

11 (2) by adding at the end the following:

12 “(jj) **HOMELAND SECURITY OFFICER.**—The term
13 ‘Homeland Security Officer’ means a Federal official with
14 responsibility for coordinating efforts to maintain home-
15 land security against acts of terrorism, and designated by
16 the President to perform the duties of the Homeland Secu-
17 rity Officer under this Act.

18 “(kk) **PRIVATE SECURITY FORCE.**—The term ‘pri-
19 vate security force’, with respect to a sensitive nuclear fa-
20 cility, means personnel hired or contracted by the licensee

1 of the sensitive nuclear facility to provide security at the
2 sensitive nuclear facility.

3 “(II) SENSITIVE NUCLEAR FACILITY.—

4 “(1) IN GENERAL.—The term ‘sensitive nuclear
5 facility’ means a facility licensed by the Commission
6 (or the portion of a facility used in the conduct of
7 an activity licensed by the Commission).

8 “(2) INCLUSIONS.—The term ‘sensitive nuclear
9 facility’ includes—

10 “(A) an operating commercial nuclear
11 power plant;

12 “(B) an independent spent fuel storage fa-
13 cility;

14 “(C) a commercial nuclear power plant
15 that is being decommissioned or a portion of a
16 commercial nuclear power plant that contains
17 material licensed by the Commission;

18 “(D) a category I fuel cycle facility; and

19 “(E) a gaseous diffusion plant.”.

20 **SEC. 3003. NUCLEAR FACILITY SECURITY.**

21 (a) IN GENERAL.—Chapter 14 of the Atomic Energy
22 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-
23 ing at the end the following:

1 **“SEC. 170C. PROTECTION OF SENSITIVE NUCLEAR FACILI-**
2 **TIES.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ANTITERRORISM TEAM.—The term
5 ‘antiterrorism team’ means the Nuclear Infrastruc-
6 ture Antiterrorism Team established under sub-
7 section (h).

8 “(2) FEDERAL SECURITY COORDINATOR.—The
9 term ‘Federal security coordinator’ means the Fed-
10 eral security coordinator assigned to a sensitive nu-
11 clear facility under subsection (k).

12 “(3) TASK FORCE.—The term ‘task force’
13 means the task force on nuclear infrastructure secu-
14 rity established by subsection (b).

15 “(4) THREAT.—The term ‘threat’ means a
16 threat identified under subsection (c).

17 “(5) THREAT LEVEL.—The term ‘threat level’
18 means a threat level determined under subsection
19 (d).

20 “(b) TASK FORCE ON NUCLEAR INFRASTRUCTURE
21 SECURITY.—

22 “(1) ESTABLISHMENT.—There is established a
23 task force on nuclear infrastructure security.

24 “(2) MEMBERSHIP.—The task force shall be
25 comprised of—

1 “(A) the chairman of the Commission, who
2 shall serve as chairperson of the task force;

3 “(B) the Secretary of Defense;

4 “(C) the Secretary of Transportation;

5 “(D) the Administrator of the Environ-
6 mental Protection Agency;

7 “(E) the Attorney General;

8 “(F) the Secretary of State;

9 “(G) the Director of the Central Intel-
10 ligence Agency;

11 “(H) the Secretary of Health and Human
12 Services;

13 “(I) the Director of the Federal Emer-
14 gency Management Agency; and

15 “(J) the Homeland Security Officer.

16 “(3) DUTIES.—

17 “(A) IN GENERAL.—The task force, in
18 consultation with other Federal, State, and
19 local agencies, stakeholders, and members of
20 the public, as appropriate, shall examine the
21 protection of sensitive nuclear facilities from po-
22 tential terrorist threats.

23 “(B) SECURITY REVIEW.—

24 “(i) IN GENERAL.—The task force
25 shall examine—

1 “(I) the classification of threats
2 as—

3 “(aa) an act—

4 “(AA) by an enemy of
5 the United States (whether
6 a foreign government or
7 other person); or

8 “(BB) otherwise falling
9 under the responsibilities of
10 the Federal Government; or

11 “(bb) an act involving a type
12 of risk that the licensees of the
13 Commission should be respon-
14 sible for guarding against;

15 “(II) coordination of Federal,
16 State, and local security efforts for
17 protection of land, water, and ground
18 access to sensitive nuclear facilities in
19 the event of a terrorist attack or at-
20 tempted terrorist attack;

21 “(III) the adequacy of existing
22 emergency planning zones to protect
23 the public health and safety in the
24 event of a terrorist attack against a
25 sensitive nuclear facility;

1 “(IV) the adequacy and coordina-
2 tion of Federal, State, and local emer-
3 gency planning, evacuation, and other
4 measures to protect the public health
5 and safety in the event of a terrorist
6 attack against a sensitive nuclear fa-
7 cility;

8 “(V) the threats that sensitive
9 nuclear facilities must protect against
10 to prevent acts of radiological sabo-
11 tage and theft of special nuclear ma-
12 terial;

13 “(VI) the system of threat levels,
14 consistent with the Homeland Secu-
15 rity Advisory System, used to cat-
16 egorize the threats against a sensitive
17 nuclear facility, including—

18 “(aa) procedures to ensure
19 coordinated Federal, State, and
20 local responses to changing
21 threat levels for sensitive nuclear
22 facilities;

23 “(bb) monitoring of threats
24 against sensitive nuclear facili-
25 ties; and

1 “(cc) procedures to notify li-
2 censees of a sensitive nuclear fa-
3 cility of changes in threat levels;

4 “(VII) the development, imple-
5 mentation, and revision of security
6 plans for sensitive nuclear facilities;

7 “(VIII) the establishment of the
8 antiterrorism team under subsection
9 (h);

10 “(IX) the hiring and training
11 standards for members of private se-
12 curity forces at sensitive nuclear fa-
13 cilities, in accordance with subsection
14 (i);

15 “(X) the coordination of Federal
16 resources to expedite and improve the
17 process of performing background
18 checks on employees with access to
19 sensitive nuclear facilities; and

20 “(XI) the creation of a program
21 to provide technical assistance and
22 training for the national guard, State
23 law enforcement agencies, and local
24 law enforcement agencies to respond,
25 as appropriate, to threats against a

1 sensitive nuclear facility, including
2 recommendations for the establish-
3 ment of a grant program for State
4 and local governments to carry out
5 any recommended requirements under
6 this section.

7 “(ii) THREATS.—The threats to be ex-
8 amined include—

9 “(I) threats comparable to the
10 events of September 11, 2001;

11 “(II) cyber or biochemical
12 threats;

13 “(III) attacks on a sensitive nu-
14 clear facility by multiple coordinated
15 teams of a large number of individ-
16 uals;

17 “(IV) attacks from several per-
18 sons employed at the sensitive nuclear
19 facility, some of whom may have so-
20 phisticated knowledge of the oper-
21 ations of the sensitive nuclear facility;

22 “(V) attacks from individuals
23 willing to commit suicide to carry out
24 the attacks;

1 “(VI) water-based and air-based
2 attacks;

3 “(VII) attacks using explosive de-
4 vices of considerable size and modern
5 weaponry;

6 “(VIII) fire, especially fire of
7 long duration; and

8 “(IX) any combination of those
9 threats.

10 “(4) REPORT.—

11 “(A) IN GENERAL.—Not later than 120
12 days after the date of enactment of this section,
13 the task force shall submit to the President and
14 Congress, in classified form and unclassified
15 form, a report with recommendations and find-
16 ings.

17 “(B) REVISION.—The task force shall re-
18 vise the recommendations periodically, but not
19 less than once every 3 years.

20 “(c) THREATS TO SENSITIVE NUCLEAR FACILI-
21 TIES.—

22 “(1) IN GENERAL.—Not later than 150 days
23 after the task force submits the report under sub-
24 section (b)(4), the Commission shall promulgate reg-
25 ulations, based on and consistent with the findings

1 and recommendations of the task force, identifying
2 the threats that sensitive nuclear facilities must pro-
3 tect against to prevent acts of radiological sabotage
4 and the theft of special nuclear material at sensitive
5 nuclear facilities.

6 “(2) PROTECTION OF SAFEGUARDS INFORMA-
7 TION.—In promulgating regulations under this sub-
8 section, the Commission shall ensure protection of
9 safeguards information in accordance with section
10 147.

11 “(d) THREAT LEVELS.—Not later than 150 days
12 after the task force submits the report under subsection
13 (b)(4), the Commission shall promulgate regulations,
14 based on and consistent with the findings and rec-
15 ommendations of the task force, establishing a system for
16 the determination of multiple threat levels to describe the
17 threat conditions at sensitive nuclear facilities.

18 “(e) SECURITY PLANS.—

19 “(1) IN GENERAL.—Not later than 1 year after
20 the date on which the Commission establishes the
21 threats under subsection (c), the Commission shall
22 review, based on and consistent with the findings
23 and recommendations of the task force, the security
24 plan for each sensitive nuclear facility to ensure that

1 each sensitive nuclear facility protects against those
2 threats.

3 “(2) ASPECTS OF REVIEW.—The Commission
4 shall ensure that the security plan provides for—

5 “(A) the deployment and capabilities of the
6 private security force at the sensitive nuclear
7 facility for each threat level;

8 “(B) coordination between the private se-
9 curity force and the antiterrorism team for the
10 sensitive nuclear facility, as appropriate for
11 each threat level;

12 “(C) secure operation of vital equipment,
13 such as control room equipment and backup
14 warning systems;

15 “(D) access restrictions;

16 “(E) security cameras, fire protection bar-
17 riers, and other physical security measures;

18 “(F) protection of spent fuel, including op-
19 tions such as placement of spent fuel in dry
20 cask storage;

21 “(G) background security checks for em-
22 ployees and prospective employees; and

23 “(H) coordination among licensees of sen-
24 sitive nuclear facilities and appropriate Federal,
25 state, and local emergency response personnel.

1 “(3) SCHEDULE.—The Commission shall estab-
2 lish a priority schedule for conducting reviews of se-
3 curity plans based on the vulnerability of each sen-
4 sitive nuclear facility and the proximity of the sen-
5 sitive nuclear facility to large population areas.

6 “(4) FINDINGS.—

7 “(A) IN GENERAL.—Not later than 30
8 days after the review of each security plan, the
9 Commission shall submit to Congress and the
10 licensee of each sensitive nuclear facility rec-
11 ommendations, findings, and a schedule for im-
12 plementation of changes to security that shall
13 be made not later than 18 months after comple-
14 tion of the review of the security plan.

15 “(B) FORM.—The report submitted to
16 Congress under subparagraph (A) shall be sub-
17 mitted in classified and unclassified form.

18 “(5) UPGRADES TO SECURITY PLAN.—Not later
19 than 30 days after the review of each security plan,
20 the Commission shall ensure that the licensee of
21 each sensitive nuclear facility revises, as necessary,
22 its security plan consistent with the findings under
23 paragraph (4).

24 “(6) UPGRADES TO SECURITY.—The Commis-
25 sion shall ensure that the licensee of each sensitive

1 nuclear facility makes any changes to security re-
2 quired by the security plan according to the Com-
3 mission schedule.

4 “(f) EMERGENCY RESPONSE PLANS.—

5 “(1) IN GENERAL.—Not later than 150 days
6 after the task force submits the report under sub-
7 section (b)(4), the Commission shall review, based
8 on and consistent with the findings and rec-
9 ommendations of the task force, the emergency re-
10 sponse plans for each sensitive nuclear facility to en-
11 sure that each emergency response plan provides
12 protection for persons living in the emergency re-
13 sponse planning zones.

14 “(2) ASPECTS OF REVIEW.—The Commission
15 shall ensure that each emergency response plan pro-
16 vides for—

17 “(A) the protection of public health and
18 safety, including the ability to implement pro-
19 tective measures;

20 “(B) clear definition and assignment of re-
21 sponsibilities of emergency response personnel;

22 “(C) notification procedures;

23 “(D) communication and coordination
24 among emergency response personnel;

1 “(E) dissemination of information to the
2 public, including both pre-emergency education
3 and in the event of a radiological emergency;

4 “(F) adequate emergency facilities and
5 equipment at and around the sensitive nuclear
6 facility;

7 “(G) the use of methods, systems, and
8 equipment for assessing and monitoring actual
9 or potential impacts of a radiological emer-
10 gency;

11 “(H) appropriate evacuation and sheltering
12 and the prophylactic use of potassium iodide;

13 “(I) means for controlling radiological ex-
14 posures;

15 “(J) appropriate medical services;

16 “(K) plans for recovery and reentry; and

17 “(L) radiological emergency response
18 training.

19 “(3) SCHEDULE.—The Commission shall estab-
20 lish a priority schedule for conducting reviews of
21 emergency response plans for sensitive nuclear facili-
22 ties based on the relative degrees of vulnerability of
23 sensitive nuclear facilities and the proximity of sen-
24 sitive nuclear facilities to large population areas.

25 “(4) FINDINGS.—

1 “(A) IN GENERAL.—Not later than 30
2 days after the review of each emergency re-
3 sponse plan, the Commission shall submit to
4 Congress and the licensee of each sensitive nu-
5 clear facility recommendations and findings.

6 “(B) FORM.—The report submitted to
7 Congress under subparagraph (A) shall be sub-
8 mitted in classified and unclassified form.

9 “(5) UPGRADES TO EMERGENCY RESPONSE
10 PLAN.—Not later than 30 days after completion of
11 the review of each emergency response plan, the
12 Commission shall ensure that the licensee of each
13 sensitive nuclear facility revises, as necessary, the
14 emergency response plan for the sensitive nuclear fa-
15 cility consistent with the findings under paragraph
16 (4).

17 “(g) FEDERAL COORDINATION.—Not later than 90
18 days after the task force submits the report under sub-
19 section (b)(4), the Commission shall promulgate regula-
20 tions, based on and consistent with the findings and rec-
21 ommendations of the task force, establishing the cir-
22 cumstances under which the Commission shall request the
23 President to—

24 “(1) deploy the Coast Guard to a sensitive nu-
25 clear facility;

1 “(2) provide for the protection of air space in
2 the vicinity of a sensitive nuclear facility; or

3 “(3) deploy the antiterrorism team.

4 “(h) NUCLEAR INFRASTRUCTURE ANTITERRORISM
5 TEAM.—

6 “(1) ESTABLISHMENT.—Not later than 1 year
7 after the task force submits the report under sub-
8 section (b)(4), the President shall establish, based
9 on and consistent with the findings and rec-
10 ommendations of the task force, the Nuclear Infra-
11 structure Antiterrorism Team.

12 “(2) PURPOSE.—The purpose of the
13 antiterrorism team shall be to provide protection for
14 the perimeter of sensitive nuclear facilities against
15 the threats identified under subsection (c), in coordi-
16 nation with other Federal, State, local, and private
17 entities, as appropriate, consistent with the security
18 plan for each sensitive nuclear facility.

19 “(i) TRAINING PROGRAM.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the task force submits the report under sub-
22 section (b)(4)(B), the President shall establish,
23 based on and consistent with findings and rec-
24 ommendations of the task force, a program to pro-
25 vide technical assistance and training for the Na-

1 tional Guard and State and local law enforcement
2 agencies in responding to threats against a sensitive
3 nuclear facility.

4 “(2) GRANTS.—The President may provide
5 grants, consistent with the findings and rec-
6 ommendations of the task force, to State and local
7 governments to assist in carrying out this section.

8 “(3) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated such sums
10 as are necessary to carry out this subsection.

11 “(j) EMPLOYEE SECURITY.—

12 “(1) REVIEW.—Not later than 90 days after
13 the task force submits the report under subsection
14 (b)(4), the Commission, taking into consideration
15 recommendations of the task force, shall review and
16 update the hiring and training standards for employ-
17 ees of a sensitive nuclear facility.

18 “(2) CRIMINAL AND SECURITY BACKGROUND
19 CHECKS.—The Commission shall require that—

20 “(A) each employee at a sensitive nuclear
21 facility pass a criminal and security background
22 check; and

23 “(B) criminal and security background
24 checks be updated on a periodic basis, as appro-
25 priate.

1 “(3) DISQUALIFICATION OF INDIVIDUALS WHO
2 PRESENT NATIONAL SECURITY RISKS.—The Com-
3 mission, based on and consistent with the findings
4 and recommendations of the task force, shall estab-
5 lish qualifications and procedures, in addition to any
6 criminal and security background check conducted
7 under paragraph (2), to ensure that no individual
8 who presents a threat to national security is em-
9 ployed at a sensitive nuclear facility.

10 “(k) FEDERAL SECURITY COORDINATORS.—

11 “(1) IN GENERAL.—Not later than 120 days
12 after the task force submits the report under sub-
13 section (b)(4), the Commission, based on and con-
14 sistent with findings and recommendations of the
15 task force, shall promulgate regulations for the hir-
16 ing and training of Federal security coordinators.

17 “(2) ASSIGNMENT OF FEDERAL SECURITY CO-
18 ORDINATORS.—Not later than 60 days after the
19 Commission promulgates regulations under para-
20 graph (1), the Commission shall assign a Federal se-
21 curity coordinator, under the employment of the
22 Commission, at each sensitive nuclear facility.

23 “(3) RESPONSIBILITIES.—The Federal security
24 coordinator shall be responsible for—

1 **“SEC. 212. OFFICE OF NUCLEAR SECURITY AND INCIDENT**
2 **RESPONSE.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ANTITERRORISM TEAM.—The term
5 ‘antiterrorism team’ has the meaning given the term
6 in section 170C(a) of the Atomic Energy Act of
7 1954.

8 “(2) ASSISTANT DIRECTOR.—The term ‘Assist-
9 ant Director’ means the Assistant Director for Secu-
10 rity Response.

11 “(3) DIRECTOR.—The term ‘Director’ means
12 the Director of Nuclear Security and Incident Re-
13 sponse appointed under subsection (c).

14 “(4) MOCK TERRORIST TEAM.—The term ‘mock
15 terrorist team’ means the mock terrorist team de-
16 scribed in subsection (d)(3).

17 “(5) OFFICE.—The term ‘Office’ means the Of-
18 fice of Nuclear Security and Incident Response es-
19 tablished by subsection (b).

20 “(6) SENSITIVE NUCLEAR FACILITY.—The term
21 ‘sensitive nuclear facility’ has the meaning given the
22 term in section 11 of the Atomic Energy Act of
23 1954 (42 U.S.C. 2014).

24 “(7) THREAT.—The term ‘threat’ has the
25 meaning given the term in section 170C(a) of the
26 Atomic Energy Act of 1954.

1 “(8) UNIT.—The term ‘Unit’ means the Secu-
2 rity Response Unit established under subsection
3 (d)(1).

4 “(b) ESTABLISHMENT OF OFFICE.—There is estab-
5 lished in the Commission the Office of Nuclear Security
6 and Incident Response.

7 “(c) DIRECTOR.—

8 “(1) APPOINTMENT.—The Commission may ap-
9 point and terminate a Director of Nuclear Security
10 and Incident Response to head the Office.

11 “(2) DUTIES.—The Director shall perform any
12 duties delegated by the Commission to the Director,
13 including—

14 “(A) carrying out security, safeguards, and
15 incident responses relating to—

16 “(i) any facility owned or operated by
17 a Commission licensee or certificate holder;

18 “(ii) any property owned or in the
19 possession of a Commission licensee or cer-
20 tificate holder that—

21 “(I) is significant to the common
22 defense and security; or

23 “(II) is being transported to or
24 from a facility described in clause (i);

25 and

1 “(iii) performing any other activity of
2 a Commission licensee or certificate holder
3 that is significant to the common defense
4 and security;

5 “(B) for a facility or material licensed or
6 certified under the Atomic Energy Act of 1954
7 (42 U.S.C. 2011 et seq.)—

8 “(i) developing contingency plans for
9 dealing with threats, thefts, and sabotage;
10 and

11 “(ii) monitoring, reviewing, and evalu-
12 ating security and safeguards;

13 “(C) recommending upgrades to internal
14 accounting systems for special nuclear and
15 other materials licensed or certified under the
16 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
17 seq.);

18 “(D) developing and recommending stand-
19 ards and amendments to the standards of the
20 Commission relating to the duties described in
21 subparagraphs (A) through (C); and

22 “(E) carrying out any other safeguards
23 and physical security functions that the Com-
24 mission determines to be appropriate.

1 “(3) CONSULTATION.—In carrying out the du-
2 ties under paragraph (2), the Director shall, to the
3 maximum extent practicable, consult and coordinate
4 with—

5 “(A) other officers of the Commission; and

6 “(B) other Federal agencies.

7 “(d) SECURITY RESPONSE UNIT.—

8 “(1) ESTABLISHMENT.—There is established in
9 the Office the Security Response Unit.

10 “(2) HEAD OF UNIT.—The Unit shall be head-
11 ed by an Assistant Director for Security Response.

12 “(3) MOCK TERRORIST TEAM.—The personnel
13 of the Unit shall include a mock terrorist team com-
14 prised of—

15 “(A) a number of individuals, consistent
16 with the threat, who have advanced knowledge
17 of special weapons and tactics comparable to
18 special operations forces of the Armed Forces;

19 “(B) nuclear engineers, as appropriate;

20 “(C) individuals with knowledge of the op-
21 erations of the sensitive nuclear facility who are
22 capable of actively disrupting the normal oper-
23 ations of the sensitive nuclear facility; and

1 “(D) any other individual that the Com-
2 mission determines should be a member of the
3 mock terrorist team.

4 “(4) SECURITY RESPONSE EVALUATIONS.—

5 “(A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this section, the
7 Commission shall establish a security response
8 evaluation program to assess the ability of each
9 sensitive nuclear facility to defend against the
10 threats in accordance with the security plan for
11 the sensitive nuclear facility.

12 “(B) FREQUENCY OF EVALUATIONS.—Not
13 less than once every 3 years, the Commission
14 shall conduct and document security response
15 evaluations at each sensitive nuclear facility to
16 assess the ability of the private security force,
17 in cooperation with the antiterrorism team, at
18 the sensitive nuclear facility to defend against
19 the threat.

20 “(C) SECURITY EXEMPTION.—The Com-
21 mission may suspend activities under this sec-
22 tion if the Commission determines that the se-
23 curity response evaluations would compromise
24 security at any sensitive nuclear facility in ac-
25 cordance with a heightened threat level.

1 “(D) ACTIVITIES.—The security response
2 evaluation shall include force-on-force exercises
3 by the mock terrorist team against the sensitive
4 nuclear facility that simulate air, water, and
5 land assaults, as appropriate.

6 “(E) PERFORMANCE CRITERIA.—The
7 Commission shall establish performance criteria
8 for judging the security response evaluations.

9 “(F) CORRECTIVE ACTION.—

10 “(i) IN GENERAL.—When any of the
11 performance criteria established under sub-
12 paragraph (E) are not satisfied—

13 “(I) the licensee shall promptly
14 correct any defects in performance
15 identified by the Commission in the
16 security response evaluation; and

17 “(II) the Commission shall con-
18 duct an additional security response
19 evaluation within 6 months to confirm
20 that the licensee satisfies the perform-
21 ance criteria established under sub-
22 paragraph (E).

23 “(ii) 2 CONSECUTIVE FAILURES TO
24 SATISFY ALL PERFORMANCE CRITERIA.—

1 “(I) IN GENERAL.—If a sensitive
2 nuclear facility fails to satisfy all of
3 the performance criteria established
4 under subparagraph (E) in 2 consecu-
5 tive security response evaluations, the
6 Commission shall issue an order speci-
7 fying the corrective actions that must
8 be taken by the licensee of the sen-
9 sitive nuclear facility.

10 “(II) FAILURE TO TAKE CORREC-
11 TIVE ACTION.—If the licensee of a
12 sensitive nuclear facility does not take
13 the corrective action specified by the
14 Commission within 30 days after the
15 date of issuance of an order under
16 subclause (I), the Commission shall
17 assess a civil penalty under section
18 234.

19 “(G) REPORTS.—Not less often than once
20 every year, the Commission shall submit to
21 Congress and the President a report, in classi-
22 fied form and unclassified form, that describes
23 the results of each security response evaluation
24 under this paragraph for the previous year.

25 “(e) EMERGENCY RESPONSE EXERCISES.—

1 “(1) IN GENERAL.—Not less than once every 2
2 years, the Commission, in coordination with the Di-
3 rector of the Federal Emergency Management Agen-
4 cy, shall conduct emergency response exercises to
5 evaluate the ability of Federal, State, and local
6 emergency response personnel to respond to a radio-
7 logical emergency at the sensitive nuclear facility in
8 accordance with the emergency response plans.

9 “(2) ACTIVITIES.—The emergency response ex-
10 ercises shall evaluate—

11 “(A) the response capabilities, response
12 times, and coordination and communication ca-
13 pabilities of the response personnel;

14 “(B) the effectiveness and adequacy of
15 emergency response and evacuation plans; and

16 “(C) the availability of potassium iodide or
17 other prophylactic medicines.

18 “(3) REVISION OF EMERGENCY RESPONSE
19 PLANS.—The Commission shall ensure that the
20 emergency response plan for a sensitive nuclear fa-
21 cility is revised to correct for any deficiencies identi-
22 fied by an evaluation under this subsection.

23 “(4) REPORTS.—Not less than once every year,
24 the Commission shall submit to the President and

1 Congress a report, in classified form and unclassified
2 form, that describes—

3 “(A) the results of each emergency re-
4 sponse exercise under this subsection conducted
5 in the previous year; and

6 “(B) each revision of an emergency re-
7 sponse plan made under paragraph (3) for the
8 previous year.

9 “(f) EFFECT.—Nothing in this section limits any au-
10 thority of the Department of Energy relating to the safe
11 operation of facilities under the jurisdiction of the Depart-
12 ment.”.

13 (b) CONFORMING AMENDMENTS.—Title II of the En-
14 ergy Reorganization Act of 1974 is amended—

15 (1) in section 203(b) (42 U.S.C. 5843(b))—

16 (A) in paragraph (1), by striking “licens-
17 ing and regulation involving” and inserting “li-
18 censing, regulation, and, except as otherwise
19 provided under section 212, carrying out safety
20 reviews, safeguards, and physical security of”;
21 and

22 (B) in paragraph (2), by striking “and
23 safeguards”; and

24 (2) in section 204(b) (42 U.S.C. 5844(b))—

25 (A) in paragraph (1)—

1 (i) by striking “including” and insert-
2 ing “not including”; and

3 (ii) by striking “and materials.” and
4 inserting “and materials, to the extent that
5 the safeguards and security functions are
6 delegated to the Office of Nuclear Security
7 and Incident Response under section
8 212.”; and

9 (B) in paragraph (2)—

10 (i) by striking “and safeguards”; and

11 (ii) by striking “, as amended,” and
12 all that follows through the period and in-
13 serting “(42 U.S.C. 2011 et seq.)”.

14 **SEC. 3005. CARRYING OF WEAPONS BY LICENSEE EMPLOY-**
15 **EES.**

16 Chapter 14 of title I of the Atomic Energy Act of
17 1954 (42 U.S.C. 2201 et seq.) (as amended by section
18 3003(a)) is amended—

19 (1) in section 161, by striking subsection k. and
20 inserting the following:

21 “k. authorize—

22 “(1) to carry a firearm in the performance of
23 official duties such of its members, officers, and em-
24 ployees, such of the employees of its contractors and
25 subcontractors (at any tier) engaged in the protec-

1 tion of property under the jurisdiction of the United
2 States located at facilities owned by or contracted to
3 the United States or being transported to or from
4 such facilities, and such of the employees of persons
5 licensed or certified by the Commission (including
6 employees of contractors of licensees or certificate
7 holders) engaged in the protection of facilities owned
8 or operated by a Commission licensee or certificate
9 holder that are designated by the Commission or in
10 the protection of property of significance to the com-
11 mon defense and security located at facilities owned
12 or operated by a Commission licensee or certificate
13 holder or being transported to or from such facili-
14 ties, as the Commission considers necessary, in view
15 of site-specific conditions, in the interest of the com-
16 mon defense and security; and

17 “(2) to carry and use any other weapons, de-
18 vices, or ammunition in the performance of officials
19 duties, any employees of persons licensed or certified
20 by the Commission (including employees of contrac-
21 tors of licensees or certificate holders) who are
22 trained and qualified as guards and whose duty is
23 the protection of facilities or property described in
24 paragraph (1), regardless of whether the employees

1 are Federal, State, or local law enforcement offi-
2 cers;” and

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

4 **“SEC. 170D. CARRYING OF WEAPONS.**

5 “(a) **AUTHORITY TO MAKE ARREST.—**

6 “(1) **IN GENERAL.—**A person authorized under
7 section 161k. to carry a firearm, other weapon, de-
8 vice, or ammunition may, while in the performance
9 of, and in connection with, official duties, detain or
10 arrest an individual without a warrant for any of-
11 fense against the United States committed in the
12 presence of the person or for any felony under the
13 laws of the United States if the person has a reason-
14 able ground to believe that the individual has com-
15 mitted or is committing such a felony.

16 “(2) **LIMITATION.—**An employee of a contractor
17 or subcontractor or of a Commission licensee or cer-
18 tificate holder (or a contractor of a licensee or cer-
19 tificate holder) authorized to make an arrest under
20 paragraph (1) may make an arrest only after the
21 Commission, licensee, or certificate holder has ap-
22 plied for and been granted authorization from the
23 Commission—

1 “(A) when the individual is within, or is in
2 flight directly from, the area in which the of-
3 fense was committed; and

4 “(B) in the enforcement of—

5 “(i) a law regarding the property of
6 the United States in the custody of the De-
7 partment of Energy, the Commission, or a
8 contractor of the Department of Energy or
9 Commission or a licensee or certificate
10 holder of the Commission;

11 “(ii) a law applicable to facilities
12 owned or operated by a Commission li-
13 censee or certificate holder that are des-
14 ignated by the Commission under section
15 161k.;

16 “(iii) a law applicable to property of
17 significance to the common defense and se-
18 curity that is in the custody of a licensee
19 or certificate holder or a contractor of a li-
20 censee or certificate holder of the Commis-
21 sion; or

22 “(iv) any provision of this Act that
23 subjects an offender to a fine, imprison-
24 ment, or both.

1 “(3) OTHER AUTHORITY.—The arrest authority
2 conferred by this section is in addition to any arrest
3 authority under other law.

4 “(4) GUIDELINES.—

5 “(A) IN GENERAL.—The Secretary and the
6 Commission, with the approval of the Attorney
7 General, shall issue guidelines to implement sec-
8 tion 161k. and this subsection.

9 “(B) EFFECTIVE DATE.—The authority to
10 carry and use weapons, devices, or ammunition
11 provided to employees described in section
12 161k.(2) and the authority provided to those
13 employees under this subsection shall not be ef-
14 fective until the date on which guidelines issued
15 under subparagraph (A) become effective.”.

16 **SEC. 3006. SENSITIVE RADIOACTIVE MATERIAL SECURITY.**

17 (a) AMENDMENT.—Chapter 14 of the Atomic Energy
18 Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by sec-
19 tion 3006) is amended by adding at the end the following:

20 **“SEC. 170E. SENSITIVE RADIOACTIVE MATERIAL SECURITY.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) SENSITIVE RADIOACTIVE MATERIAL.—

23 “(A) IN GENERAL.—The term ‘sensitive
24 radioactive material’ means—

25 “(i) a material—

1 “(I) that is a source material, by-
2 product material, or special nuclear
3 material; and

4 “(II) that is any other radio-
5 active material (regardless of whether
6 the material is or has been licensed or
7 otherwise regulated under this Act)
8 produced or made radioactive before
9 or after the date of enactment of this
10 section; and

11 “(ii) that is in such a form or quan-
12 tity or concentration that the Commission
13 determines, based on and consistent with
14 the recommendations of the task force,
15 should be classified as ‘sensitive radioactive
16 material’ that warrants improved security
17 and protection against loss, theft, or sabo-
18 tage.

19 “(B) EXCLUSION.—The term ‘sensitive ra-
20 dioactive material’ does not include nuclear fuel
21 or spent nuclear fuel.

22 “(2) SECURITY THREAT.—The term ‘security
23 threat’ means—

24 “(A) a threat of sabotage or theft of sen-
25 sitive radioactive material;

1 “(B) a threat of use of sensitive radio-
2 active material in a radiological dispersal de-
3 vice; and

4 “(C) any other threat of terrorist or other
5 criminal activity involving sensitive radioactive
6 material that could harm the health or safety of
7 the public due primarily to radiological prop-
8 erties of the sensitive radioactive material, as
9 determined by the Commission based on and
10 consistent with the recommendations of the
11 task force.

12 “(3) TASK FORCE.—The term ‘task force’ has
13 the meaning given the term in section 170C(a).

14 “(b) DUTIES.—

15 “(1) IN GENERAL.—The task force shall—

16 “(A) evaluate the security of sensitive ra-
17 dioactive material against security threats; and

18 “(B) recommend administrative and legis-
19 lative actions to be taken to provide the max-
20 imum practicable degree of security against se-
21 curity threats.

22 “(2) CONSIDERATIONS.—In carrying out para-
23 graph (1), the task force shall make recommenda-
24 tions to—

1 “(A) determine the radioactive materials
2 that should be classified as sensitive radioactive
3 materials;

4 “(B) develop a classification system for
5 sensitive radioactive materials that—

6 “(i) is based on the potential for use
7 by terrorists of sensitive radioactive mate-
8 rial and the extent of the threat to public
9 health and safety posed by that potential;
10 and

11 “(ii) takes into account—

12 “(I) radioactivity levels of sen-
13 sitive radioactive material;

14 “(II) the dispersibility of sen-
15 sitive radioactive material;

16 “(III) the chemical and material
17 form of sensitive radioactive material;

18 and

19 “(IV) other appropriate factors;

20 “(C) develop a national system for recovery
21 of sensitive radioactive material that is lost or
22 stolen, taking into account the classification
23 system established under subparagraph (B);

1 “(D) provide for the storage of sensitive
2 radioactive material that is not currently in use
3 in a safe and secure manner;

4 “(E) develop a national tracking system
5 for sensitive radioactive material, taking into
6 account the classification system established
7 under subparagraph (B);

8 “(F) develop methods to ensure the return
9 or proper disposal of sensitive radioactive mate-
10 rial;

11 “(G) modify current export controls on
12 sensitive radioactive materials so that, to the
13 extent feasible, exports from the United States
14 of sensitive radioactive materials are made only
15 to foreign recipients that are willing and able to
16 control the sensitive radioactive materials in the
17 same manner as recipients in the United
18 States; and

19 “(H) establish procedures to improve the
20 security of sensitive radioactive material in use,
21 transportation, and storage.

22 “(3) PROCEDURES TO IMPROVE SECURITY.—
23 The procedures to improve the security of sensitive
24 radioactive material under paragraph (2)(H) may in-
25 clude—

1 “(A) periodic audits or inspections by the
2 Commission to ensure that sensitive radioactive
3 material is properly secured and can be fully ac-
4 counted for;

5 “(B) evaluation by the Commission of se-
6 curity measures taken by persons that possess
7 sensitive radioactive material;

8 “(C) imposition of increased fines for viola-
9 tions of regulations relating to security and
10 safety measures applicable to licensees that pos-
11 sess sensitive radioactive material;

12 “(D) conduct of background checks on in-
13 dividuals with access to sensitive radioactive
14 material;

15 “(E) measures to ensure the physical secu-
16 rity of facilities in which sensitive radioactive
17 material is stored; and

18 “(F) screening of shipments of sensitive
19 radioactive material to facilities that are par-
20 ticularly at risk for sabotage to ensure that the
21 shipments do not contain explosives.

22 “(c) REPORT.—Not later than 90 days after the date
23 of enactment of this section, and not less frequently than
24 once every 3 years thereafter, the task force shall submit
25 to the President and Congress a report in unclassified

1 form (with a classified annex, if necessary) describing the
2 administrative and legislative actions recommended under
3 subsection (b)(1).

4 “(d) ADMINISTRATIVE ACTION.—Not later than 60
5 days after the date of submission of the report under sub-
6 section (b), the Commission shall, based on and consistent
7 with the recommendations of the task force, take such ac-
8 tions as are appropriate to—

9 “(1) revise the system for licensing sensitive ra-
10 dioactive materials based on and consistent with the
11 recommendations of the task force; and

12 “(2) ensure that States that have entered into
13 an agreement under section 274b. establish compat-
14 ible programs in a timely manner.”.

15 **SEC. 3007. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
16 **WEAPONS.**

17 Section 229a. of the Atomic Energy Act of 1954 (42
18 U.S.C. 2278a(a)) is amended in the first sentence by in-
19 serting “or subject to the licensing authority of the Com-
20 mission or to certification by the Commission under this
21 Act or any other Act” before the period at the end.

22 **SEC. 3008. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

23 Section 236a. of the Atomic Energy Act of 1954 (42
24 U.S.C. 2284(a)) is amended—

1 (1) in the first sentence, by striking “or who in-
2 tentionally and willfully attempts” and inserting “or
3 who attempts or conspires”;

4 (2) in paragraph (2), by striking “storage facil-
5 ity” and inserting “storage, treatment, or disposal
6 facility”;

7 (3) in paragraph (3)—

8 (A) by striking “such a utilization facility”
9 and inserting “a utilization facility licensed
10 under this Act”; and

11 (B) by striking “or” at the end;

12 (4) in paragraph (4)—

13 (A) by striking “facility licensed” and in-
14 serting “or nuclear fuel fabrication facility li-
15 censed or certified”; and

16 (B) by striking the period at the end and
17 inserting “; or”; and

18 (5) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) any production, utilization, waste storage,
21 waste treatment, waste disposal, uranium enrich-
22 ment, or nuclear fuel fabrication facility subject to
23 licensing or certification under this Act during con-
24 struction of the facility, if the destruction or damage
25 caused or attempted to be caused could adversely af-

1 and

2 (2) by adding at the end of the item relating to
3 chapter 14 the following:

“Sec. 170B. Uranium supply.

“Sec. 170C. Protection of sensitive nuclear facilities.

“Sec. 170D. Carrying of weapons.

“Sec. 170E. Sensitive Radioactive Material Security.”.

4 **SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this title.

7 **TITLE IV—RAIL SECURITY ACT**

8 **SEC. 4001. SHORT TITLE.**

9 This title may be cited as the “Rail Security Act of
10 2003”.

11 **SEC. 4002. EMERGENCY AMTRAK ASSISTANCE.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to the Secretary of Transportation for the use of
14 Amtrak—

15 (1) \$515,000,000 for systemwide security up-
16 grades, including the reimbursement of extraor-
17 dinary security-related costs determined by the Sec-
18 retary to have been incurred by Amtrak since Sep-
19 tember 11, 2001, and including the hiring and train-
20 ing additional police officers, canine-assisted security
21 units, and surveillance equipment;

22 (2) \$777,000,000 to be used to complete New
23 York tunnel life safety projects and rehabilitate tun-

1 nels in Washington, D.C., and Baltimore, Maryland;
2 and

3 (3) \$101,000,000 to be used for increasing the
4 accessibility of Penn Station, New York City.

5 (b) AVAILABILITY OF APPROPRIATED FUNDS.—

6 Amounts appropriated pursuant to subsection (a) shall re-
7 main available until expended.

8 (c) PLAN REQUIRED.—The Secretary may not make
9 amounts available to Amtrak for obligation or expenditure
10 under subsection (a)—

11 (1) for implementing systemwide security up-
12 grades until Amtrak has submitted to the Secretary,
13 and the Secretary has approved, a plan for such up-
14 grades;

15 (2) for completing the tunnel life safety and re-
16 habilitation projects until Amtrak has submitted to
17 the Secretary, and the Secretary has approved, an
18 engineering and financial plan for such projects;

19 (3) for completing the projects described in sub-
20 section (a)(3) until Amtrak has submitted to the
21 Secretary and the Secretary has approved, a plan for
22 such projects; and

23 (4) Amtrak has submitted to the Secretary such
24 additional information as the Secretary may require
25 in order to ensure full accountability for the obliga-

1 tion or expenditure of amounts made available to
2 Amtrak for the purpose for which the funds are pro-
3 vided.

4 (d) 50 PERCENT TO BE SPENT OUTSIDE THE
5 NORTHEAST CORRIDOR.—The Secretary shall ensure that
6 up to 50 percent of the amounts appropriated pursuant
7 to subsection (a)(1) is obligated or expended for projects
8 outside the Northeast Corridor.

9 (e) ASSESSMENTS BY DOT INSPECTOR GENERAL.—

10 (1) INITIAL ASSESSMENT.—Within 60 days
11 after the date of enactment of this Act, the Inspec-
12 tor General of the Department of Transportation
13 shall transmit to the Senate Committee on Com-
14 merce, Science, and Transportation and the House
15 of Representatives Committee on Transportation
16 and Infrastructure a report—

17 (A) identifying any overlap between capital
18 projects for which funds are provided under
19 such funding documents, procedures, or ar-
20 rangements and capital projects included in
21 Amtrak’s 20-year capital plan; and

22 (B) indicating any adjustments that need
23 to be made in that plan to exclude projects for
24 which funds are appropriated pursuant to sub-
25 section (a).

1 (2) OVERLAP REVIEW.—The Inspector General
2 shall, as part of the Department’s annual assess-
3 ment of Amtrak’s financial status and capital fund-
4 ing requirements review the obligation and expendi-
5 ture of funds under each such funding document,
6 procedure, or arrangement to ensure that the ex-
7 penditure and obligation of those funds are con-
8 sistent with the purposes for which they are provided
9 under this Act.

10 (f) COORDINATION WITH EXISTING LAW.—Amounts
11 made available to Amtrak under this section shall not be
12 considered to be Federal assistance for purposes of part
13 C of subtitle V of title 49, United States Code.

14 **SEC. 4003. RAIL SECURITY.**

15 (a) SECRETARY OF TRANSPORTATION.—Section
16 20103(a) of title 49, United States Code, is amended by
17 striking “safety” and inserting “safety, including the secu-
18 rity of railroad operations,”.

19 (b) RAIL POLICE OFFICERS.—Section 28101 of title
20 49, United States Code, is amended by striking “the rail
21 carrier” each place it appears and inserting “any rail car-
22 rier”.

23 (c) REVIEW OF RAIL REGULATIONS.—Within 180
24 days after the date of enactment of this Act, the Secretary
25 of Transportation, in consultation with the Federal Rail-

1 road Administration's Rail Safety Advisory Committee,
2 shall review existing rail regulations of the Department
3 of Transportation for the purpose of identifying areas in
4 which those regulations need to be revised to improve rail
5 safety and security.

6 **SEC. 4004. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
7 **MENT.**

8 (a) IN GENERAL.—

9 (1) IN GENERAL.—The Secretary of Transpor-
10 tation shall assess the security risks associated with
11 rail transportation and develop prioritized rec-
12 ommendations for—

13 (A) improving the security of rail tunnels,
14 rail bridges, rail switching areas, and other
15 areas identified by the Secretary as posing sig-
16 nificant rail-related risks to public safety and
17 the movement of interstate commerce, taking
18 into account the impact that any proposed secu-
19 rity measure might have on the provision of rail
20 service; and

21 (B) dealing with the immediate and long-
22 term economic impact of measures that may be
23 required to address those risks.

24 (2) EXISTING PRIVATE AND PUBLIC SECTOR
25 EFFORTS.—The assessment shall include a review of

1 any actions already taken to address identified secu-
2 rity issues by both public and private entities.

3 (b) CONSULTATION; USE OF EXISTING RE-
4 SOURCES.—In carrying out the assessment required by
5 subsection (a), the Secretary shall—

6 (1) consult with rail management, rail labor,
7 and public safety officials (including officials respon-
8 sible for responding to emergencies); and

9 (2) utilize, to the maximum extent feasible, the
10 resources and assistance of—

11 (A) the Federal Railroad Administration’s
12 Rail Safety Advisory Committee; and

13 (B) the Transportation Research Board of
14 the National Academy of Sciences.

15 (c) REPORT.—

16 (1) CONTENTS.—Within 180 days after the
17 date of enactment of this Act, the Secretary shall
18 transmit to the Senate Committee on Commerce,
19 Science, and Transportation and the House of Rep-
20 resentatives Committee on Transportation and In-
21 frastructure a report, without compromising national
22 security, containing—

23 (A) the assessment and prioritized rec-
24 ommendations required by subsection (a); and

1 (B) any proposals the Secretary deems ap-
2 propriate for providing Federal financial, tech-
3 nological, or research and development assist-
4 ance to railroads to assist the railroads in re-
5 ducing the likelihood, severity, and con-
6 sequences of deliberate acts of crime or ter-
7 rorism toward rail employees, rail passengers,
8 rail shipments, or rail property.

9 (2) **FORMAT.**—The Secretary may submit the
10 report in both classified and redacted formats if the
11 Secretary determines that such action is appropriate
12 or necessary.

13 **TITLE V—WATER INFRASTRUC-**
14 **TURE SECURITY AND RE-**
15 **SEARCH DEVELOPMENT**

16 **SEC. 5001. SHORT TITLE.**

17 This title may be cited as the “Wastewater Treat-
18 ment Works Security and Safety Act”.

19 **SEC. 5002. PROTECTION FROM TERRORIST AND OTHER**
20 **HARMFUL INTENTIONAL ACTS.**

21 Title II of the Federal Water Pollution Control Act
22 (33 U.S.C. 1281 et seq.) is amended by adding at the end
23 the following:

1 **“SEC. 222. PROTECTION FROM TERRORIST AND OTHER**
2 **HARMFUL INTENTIONAL ACTS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) COVERED TREATMENT WORKS.—

5 “(A) IN GENERAL.—The term ‘covered
6 treatment works’ means a treatment works
7 that—

8 “(i) serves at least 25,000 individuals;

9 or

10 “(ii) as determined by the Adminis-
11 trator before March 1, 2003, based on the
12 factors described in subparagraph (B), pre-
13 sents a sufficient security risk to remain
14 subject to this section.

15 “(B) FACTORS FOR INCLUSION OF TREAT-
16 MENT WORKS.—The factors referred to in sub-
17 paragraph (A) are—

18 “(i) the likelihood that the treatment
19 works will be the target of a harmful inten-
20 tional act;

21 “(ii) the consequences that would re-
22 sult if the treatment works were the target
23 of a harmful intentional act; and

24 “(iii) such other security factors as
25 the Administrator determines to be nec-
26 essary to protect—

1 “(I) public health, safety, and
2 welfare;

3 “(II) critical infrastructure; and

4 “(III) national security.

5 “(2) EMERGENCY RESPONSE PLAN.—The term
6 ‘emergency response plan’ means a plan that a cov-
7 ered treatment works is required to prepare or re-
8 vise, and submit to the Administrator, under sub-
9 section (c).

10 “(3) HARMFUL INTENTIONAL ACT.—The term
11 ‘harmful intentional act’ means a terrorist attack or
12 other intentional act carried out with respect to a
13 covered treatment works that is intended—

14 “(A) to substantially disrupt the ability of
15 the covered treatment works to provide safe and
16 reliable—

17 “(i) conveyance and treatment of
18 wastewater; and

19 “(ii) disposal of effluent;

20 “(B) to damage critical infrastructure;

21 “(C) to have an adverse effect on the envi-
22 ronment; or

23 “(D) to otherwise pose a significant threat
24 to public health or safety.

1 “(4) VULNERABILITY ASSESSMENT.—The term
2 ‘vulnerability assessment’ means an assessment that
3 a covered treatment works is required to conduct
4 and submit to the Administrator under subsection
5 (b)(1).

6 “(b) VULNERABILITY ASSESSMENTS.—

7 “(1) COVERED TREATMENT WORKS.—

8 “(A) IN GENERAL.—Using appropriate
9 tools (such as available vulnerability self-assess-
10 ment tools), each covered treatment works shall
11 conduct and submit to the Administrator an as-
12 sessment of the vulnerability of the covered
13 treatment works to a harmful intentional act.

14 “(B) DEADLINE FOR SUBMISSION.—Each
15 covered treatment works shall submit a vulner-
16 ability assessment to the Administrator—

17 “(i) in the case of a covered treatment
18 works described in subsection (a)(1)(A)(i),
19 by not later than July 1, 2003; and

20 “(ii) in the case of a covered treat-
21 ment works described in subsection
22 (a)(1)(A)(ii), by such date as shall be de-
23 termined by the Administrator.

1 “(2) REQUIRED ELEMENTS.—At a minimum, a
2 vulnerability assessment shall consist of a review
3 of—

4 “(A) the pipes and constructed convey-
5 ances, physical barriers, treatment, storage, and
6 disposal facilities, and electronic, computer, and
7 other automated systems, that are used by the
8 covered treatment works;

9 “(B) the use, storage, or handling of var-
10 ious chemicals at the covered treatment works;

11 “(C) plans and procedures of the covered
12 treatment works, to ensure, to the maximum
13 extent practicable, continued provision of serv-
14 ice; and

15 “(D) critical records and documents of the
16 covered treatment works.

17 “(c) EMERGENCY RESPONSE PLAN.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after a covered treatment works completes a vulner-
20 ability assessment in accordance with subsection (b),
21 the covered treatment works shall prepare or revise,
22 as necessary, and submit to the Administrator, an
23 emergency response plan that incorporates the re-
24 sults of the vulnerability assessment.

1 “(2) REQUIRED ELEMENTS.—The emergency
2 response plan shall include plans, procedures, identi-
3 fication of equipment, and other activities that
4 can—

5 “(A) be implemented or used in the event
6 of a harmful intentional act carried out with re-
7 spect to the covered treatment works; and

8 “(B) reduce or significantly lessen the im-
9 pacts of a harmful intentional act carried out
10 with respect to the covered treatment works.

11 “(3) COORDINATION WITH LOCAL EMERGENCY
12 PLANS.—In preparing or revising emergency re-
13 sponse plans under this subsection, a covered treat-
14 ment works shall, to the maximum extent prac-
15 ticable, coordinate with local emergency plans.

16 “(4) RECORD MAINTENANCE.—Each covered
17 treatment works shall maintain a copy of the emer-
18 gency response plan prepared or revised under para-
19 graph (1), and any additional revisions to such a
20 plan completed after the date referred to in para-
21 graph (1), for a period of not less than 5 years after
22 the date on which the plan or revisions are sub-
23 mitted to the Administrator.

24 “(d) REQUIREMENTS RELATING TO VULNERABILITY
25 ASSESSMENTS AND EMERGENCY RESPONSE PLANS.—

1 “(1) PROVISION OF VULNERABILITY ASSESS-
2 MENTS TO STATE AND LOCAL GOVERNMENTS.—No
3 covered treatment works shall be required under
4 State or local law to provide a vulnerability assess-
5 ment or emergency response plan to any State, re-
6 gional, or local governmental entity unless the State
7 or local government has in effect a law that requires
8 submission of such an assessment or plan to the
9 State, regional, or local governmental entity.

10 “(2) EXEMPTION OF INFORMATION FROM DIS-
11 CLOSURE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), all information provided to
14 the Administrator under subsections (b) and
15 (c), and all information derived from that infor-
16 mation, shall be exempt from disclosure under
17 section 552 of title 5, United States Code.

18 “(B) NO EXCEPTION.—Subparagraph (A)
19 does not apply to information contained in a
20 vulnerability assessment or emergency response
21 plan that identifies—

22 “(i) the covered treatment works sub-
23 mitting the vulnerability assessment or
24 emergency response plan; or

1 “(ii) the date of completion of the vul-
2 nerability assessment or emergency re-
3 sponse plan.

4 “(3) PROTOCOLS TO PROTECT VULNERABILITY
5 ASSESSMENTS AND EMERGENCY RESPONSE PLANS
6 FROM UNAUTHORIZED DISCLOSURE.—

7 “(A) IN GENERAL.—Not later than March
8 1, 2003, the Administrator, in consultation with
9 appropriate Federal law enforcement and intel-
10 ligence officials, shall develop such protocols as
11 are necessary to protect vulnerability assess-
12 ments and emergency response plans from un-
13 authorized disclosure.

14 “(B) PROTOCOLS.—The protocols shall en-
15 sure that—

16 “(i) each copy of a vulnerability as-
17 sessment or emergency response plan, and
18 all information contained in or derived
19 from the vulnerability assessment or emer-
20 gency response plan, is kept in a secure lo-
21 cation;

22 “(ii) only individuals designated by
23 the Administrator have access to the copies
24 of the vulnerability assessments and emer-
25 gency response plans; and

1 “(iii) no copy of a vulnerability assess-
2 ment, part of a vulnerability assessment or
3 emergency response plan, or information
4 contained in or derived from a vulnerability
5 assessment or emergency response plan, is
6 available to any individual other than an
7 individual designated by the Administrator
8 under clause (ii).

9 “(4) CRIMINAL PENALTIES FOR UNAUTHORIZED
10 DISCLOSURE.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), any individual referred to in
13 paragraph (3)(B)(ii) who acquires a copy of a
14 vulnerability assessment or emergency response
15 plan, a part of a vulnerability assessment or
16 emergency response plan, or any information
17 contained in or derived from a vulnerability as-
18 sessment or emergency response plan, and who
19 knowingly or recklessly reveals the copy, part,
20 or information (other than in accordance with
21 subparagraph (B)) shall—

22 “(i) be imprisoned not more than 1
23 year, fined in accordance with chapter 227
24 of title 18, United States Code (applicable
25 to class A misdemeanors), or both; and

1 “(ii) if employed by the Federal Gov-
2 ernment, be removed from Federal employ-
3 ment for the lifetime of the individual.

4 “(B) EXCEPTIONS.—Any individual re-
5 ferred to in paragraph (3)(B)(ii)—

6 “(i) may disclose a copy, a part, or in-
7 formation referred to in subparagraph
8 (A)—

9 “(I) to any individual designated
10 by the Administrator under paragraph
11 (3)(B)(ii); or

12 “(II) for use under seal in any
13 administrative or judicial proceeding
14 relating to imposition of a penalty for
15 failure to comply with this section; or

16 “(ii) if the individual is an officer or
17 employee of the United States, may discuss
18 the contents of a vulnerability assessment
19 or emergency response plan with a State or
20 local official who the Administrator deter-
21 mines needs to know those contents.

22 “(5) PROVISION OF INFORMATION TO CON-
23 GRESS.—Nothing in this subsection authorizes any
24 person to withhold any information from Congress
25 or from any committee or subcommittee of Congress.

1 “(e) GRANTS FOR COMPLIANCE AND BASIC SECUR-
2 RITY ENHANCEMENTS.—

3 “(1) IN GENERAL.—The Administrator, in co-
4 ordination with State and local governments, may
5 make grants to covered treatment works—

6 “(A) to assist in compliance with sub-
7 sections (b) and (c); and

8 “(B) to pay the costs of implementing
9 basic security enhancements of critical impor-
10 tance, and otherwise addressing significant
11 threats of harmful intentional acts, identified
12 under a vulnerability assessment.

13 “(2) TYPES OF BASIC SECURITY ENHANCE-
14 MENTS.—The basic security enhancements referred
15 to in paragraph (1)(B) are—

16 “(A) purchase and installation of equip-
17 ment for detection of intruders;

18 “(B) purchase and installation of fencing,
19 gating, lighting, or security cameras;

20 “(C) tamperproofing of manhole covers,
21 fire hydrants, and valve boxes;

22 “(D) rekeying of doors and locks;

23 “(E) improvements to electronic, computer,
24 and other automated systems and remote secu-
25 rity systems;

1 “(F) participation in training programs,
2 and purchase of training manuals and guidance
3 materials, relating to security against harmful
4 intentional acts;

5 “(G) improvements in the use, storage, or
6 handling of chemicals;

7 “(H) security screening of employees of
8 the covered treatment works or employees of
9 contractor support services; and

10 “(I) such other equipment and activities as
11 the Administrator determines to be appropriate.

12 “(3) PROHIBITED EXPENDITURES.—The basic
13 security enhancements referred to in paragraph
14 (1)(B) do not include expenditures for—

15 “(A) personnel costs; or

16 “(B) monitoring, operation, or mainte-
17 nance of facilities, equipment, or systems.

18 “(f) GRANTS TO ADDRESS IMMEDIATE AND URGENT
19 SECURITY NEEDS.—The Administrator may make grants
20 to covered treatment works to assist in responding to and
21 alleviating any vulnerability to a harmful intentional act
22 that the Administrator determines presents an immediate
23 and urgent security need.

24 “(g) ASSISTANCE TO SMALL COVERED TREATMENT
25 WORKS.—

1 “(1) GUIDANCE.—The Administrator shall pro-
2 vide guidance to covered treatment works serving a
3 population of fewer than 10,000 individuals on
4 how—

5 “(A) to conduct vulnerability assessments;

6 “(B) to prepare emergency response plans;

7 and

8 “(C) to address threats posed by harmful
9 intentional acts.

10 “(2) GRANTS.—The Administrator may make
11 grants to covered treatment works described in para-
12 graph (1) to carry out activities in accordance with
13 the guidance provided under paragraph (1).

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section
16 \$185,000,000 for the period of fiscal years 2003 through
17 2007, of which not more than—

18 “(1) \$125,000,000 for fiscal year 2003, and
19 such sums as are necessary for each of fiscal years
20 2004 through 2007, may be used to carry out sub-
21 section (e);

22 “(2) \$20,000,000 for the period of fiscal years
23 2003 and 2004 may be used to carry out subsection
24 (f); and

1 “(3) \$15,000,000 for fiscal year 2003 and such
2 sums as are necessary for each of fiscal years 2004
3 through 2007, may be used to carry out subsection
4 (g)(2).”.

5 **SEC. 5003. RESEARCH AND REVIEW.**

6 Title II of the Federal Water Pollution Control Act
7 (33 U.S.C. 1281 et seq.) (as amended by section 5002)
8 is amended by adding at the end the following:

9 **“SEC. 223. RESEARCH AND REVIEW.**

10 “(a) DEFINITIONS.—In this section, the terms ‘cov-
11 ered treatment works’ and ‘harmful intentional act’ have
12 the meanings given the terms in section 222(a).

13 “(b) REVIEW BY ADMINISTRATOR.—Not later than
14 2 years after the date of enactment of this section, the
15 Administrator, in coordination with appropriate Federal
16 agencies, shall research and review (or enter into a con-
17 tract or cooperative agreement to provide for research and
18 review of)—

19 “(1) means by which terrorists or other individ-
20 uals or groups could carry out harmful intentional
21 acts; and

22 “(2) means by which alternative processes of
23 conveying, treating, and disposing of wastewater
24 could be provided in the event of the destruction, im-

1 pairment, or disruption of covered treatment works
2 as the result of harmful intentional acts.

3 “(c) MEANS OF CARRYING OUT HARMFUL INTEN-
4 TIONAL ACTS.—Means referred to in subsection (b)(1) in-
5 clude—

6 “(1) means by which pipes and other con-
7 structed conveyances used in covered treatment
8 works could be destroyed or otherwise prevented
9 from providing adequate conveyance, pretreatment,
10 treatment, and disposal of wastewater meeting appli-
11 cable public health standards;

12 “(2) means by which conveyance, pretreatment,
13 treatment, storage, and disposal facilities used by, or
14 in connection with, covered treatment works could be
15 destroyed or otherwise prevented from providing
16 adequate treatment of wastewater meeting applicable
17 public health standards;

18 “(3) means by which pipes, constructed convey-
19 ances, pretreatment, treatment, storage, and dis-
20 posal systems that are used in connection with treat-
21 ment works could be altered or affected so as to
22 pose a threat to public health, public safety, or the
23 environment;

24 “(4) means by which pipes, constructed convey-
25 ances, pretreatment, treatment, storage, and dis-

1 positional systems that are used in connection with covered
2 treatment works could be reasonably protected
3 from harmful intentional acts;

4 “(5) means by which pipes, constructed conveyances,
5 pretreatment, treatment, storage, and disposal systems could be
6 reasonably secured from use as a means of transportation by terrorists
7 or other individuals or groups who intend to threaten public
8 health or safety; and

9 “(6) means by which information systems, including process
10 controls and supervisory control, data acquisition, and cyber systems,
11 at covered treatment works could be disrupted by terrorists or
12 other individuals or groups.

13 “(d) CONSIDERATIONS.—In carrying out the review
14 under this section, the Administrator—

15 “(1) shall ensure that the review reflects the
16 needs of covered treatment works of various sizes
17 and various geographic areas of the United States;
18 and

19 “(2) may consider the vulnerability of, or potential for
20 forced interruption of service for, a region or service area, including
21 the National Capital Area.

22 “(e) INFORMATION SHARING.—As soon as practicable after the review
23 carried out under this section has

1 been evaluated by the Administrator, the Administrator
 2 shall disseminate to covered treatment works information
 3 on the results of the review through the Information Shar-
 4 ing and Analysis Center or other appropriate means.

5 “(f) FUNDING.—There is authorized to be appro-
 6 priated to carry out this section \$15,000,000 for the pe-
 7 riod of fiscal years 2003 through 2007.”.

8 **SEC. 5004. REFINEMENT OF VULNERABILITY ASSESSMENT**
 9 **TOOLS FOR PUBLICLY OWNED TREATMENT**
 10 **WORKS.**

11 Title II of the Federal Water Pollution Control Act
 12 (33 U.S.C. 1281 et seq.) (as amended by section 5003)
 13 is amended by adding at the end the following:

14 **“SEC. 224. REFINEMENT OF VULNERABILITY ASSESSMENT**
 15 **TOOLS FOR PUBLICLY OWNED TREATMENT**
 16 **WORKS.**

17 “(a) GRANTS.—The Administrator may make grants
 18 to 1 or more nonprofit organizations for the improvement
 19 of vulnerability self-assessment tools for publicly owned
 20 treatment works.

21 “(b) ELIGIBLE ACTIVITIES.—

22 “(1) IN GENERAL.—Grants provided under this
 23 section may be used for—

24 “(A) developing and distributing vulner-
 25 ability self-assessment software upgrades;

1 tion and Naturalization Service authorized by the Uniting
2 and Strengthening America by Providing Appropriate
3 Tools Required to Intercept and Obstruct Terrorism (USA
4 PATRIOT ACT) Act of 2001 (Public Law 107–56) and
5 the Enhanced Border Security and Visa Entry Reform Act
6 of 2002 (Public Law 107–173).

7 (b) INS INVESTIGATIVE PERSONNEL.—Subject to
8 the availability of appropriations, during each of the fiscal
9 years 2003 through 2006, the Attorney General shall in-
10 crease the number of investigative and associated support
11 staff of the Immigration and Naturalization Service by the
12 equivalent of not less than 250 full-time employees over
13 the number of investigators and associated support staff
14 in the Immigration and Naturalization Service authorized
15 by the Uniting and Strengthening America by Providing
16 Appropriate Tools Required to Intercept and Obstruct
17 Terrorism (USA PATRIOT ACT) Act of 2001 (Public
18 Law 107–56) and the Enhanced Border Security and Visa
19 Entry Reform Act of 2002 (Public Law 107–173).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section, including such sums
23 as may be necessary to provide facilities, attorney per-
24 sonnel, support staff, and other resources needed to sup-

1 port the increased number of inspectors, investigative
2 staff, and associated support staff.

3 **SEC. 6102. TECHNOLOGICAL IMPROVEMENTS BY THE INS**
4 **TO IMPROVE BORDER SECURITY.**

5 (a) IN GENERAL.—The Immigration and Naturaliza-
6 tion Service shall improve border security by—

7 (1) making improvements in technology (includ-
8 ing infrastructure support, computer security, and
9 information technology development) relating to bor-
10 der security;

11 (2) expanding, utilizing, and improving tech-
12 nology relating to border security; and

13 (3) facilitating the flow of commerce and per-
14 sons at ports of entry, including improving and ex-
15 panding programs for preenrollment and
16 preclearance.

17 (b) WAIVER OF FEES.—

18 (1) IN GENERAL.—Federal agencies involved in
19 border security may waive all or part of enrollment
20 fees for technology-based programs to encourage
21 participation by United States citizens and aliens in
22 such programs.

23 (2) MODIFICATION OF OTHER FEES.—Any
24 agency that waives any fee under paragraph (1) may
25 modify its fees for other services to enable the agen-

1 cy to recover the amounts waived from other enti-
2 ties.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
4 tion to funds otherwise available for such purposes, there
5 are authorized to be appropriated \$250,000,000 for each
6 of the fiscal years 2003 through 2006 to the Immigration
7 and Naturalization Service to carry out the provisions
8 under subsection (a).

9 **Subtitle B—United States Customs**
10 **Service**

11 **SEC. 6201. ADDITIONAL PERSONNEL AT THE UNITED**
12 **STATES CUSTOMS SERVICE.**

13 (a) IN GENERAL.—Subject to the availability of ap-
14 propriations, during each of the fiscal years 2003 through
15 2006, the Secretary of Homeland Security shall increase
16 the number of personnel in the United States Customs
17 Service by the equivalent of not less than 250 full-time
18 employees over the number of personnel in the United
19 States Customs Service as of January 24, 2003.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section, including such sums
23 as may be necessary to provide facilities, attorney per-
24 sonnel, support staff, and other resources needed to sup-

1 port the increased number of personnel in the United
2 States Customs Service.

3 **SEC. 6202. TECHNOLOGICAL IMPROVEMENTS BY THE CUS-**
4 **TOMS SERVICE TO IMPROVE BORDER SECU-**
5 **RITY.**

6 (a) IN GENERAL.—The United States Customs Serv-
7 ice shall improve border security by—

8 (1) making improvements in technology (includ-
9 ing infrastructure support, computer security, and
10 information technology development) relating to bor-
11 der security;

12 (2) expanding, utilizing, and improving tech-
13 nology relating to border security; and

14 (3) facilitating the flow of commerce and per-
15 sons at ports of entry, including improving and ex-
16 panding programs for preenrollment and
17 preclearance.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
19 tion to funds otherwise available for such purposes, there
20 are authorized to be appropriated \$250,000,000 for each
21 of the fiscal years 2003 through 2006 to the Department
22 of Homeland Security to carry out the provisions under
23 subsection (a).

1 **Subtitle C—Bureau of Border**
2 **Security**

3 **SEC. 6301. ADDITIONAL PERSONNEL AT THE BUREAU OF**
4 **BORDER SECURITY.**

5 (a) IN GENERAL.—Subject to the availability of ap-
6 propriations, during each of the fiscal years 2003 through
7 2006, the Secretary of Homeland Security shall increase
8 the number of personnel in the Bureau of Border Security
9 by the equivalent of not less than 250 full-time employees
10 over the number of personnel in the Bureau of Border Se-
11 curity as of January 24, 2003.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as may be
14 necessary to carry out this section, including such sums
15 as may be necessary to provide facilities, attorney per-
16 sonnel, support staff, and other resources needed to sup-
17 port the increased number of personnel in the Bureau of
18 Border Security.

19 **SEC. 6302. TECHNOLOGICAL IMPROVEMENTS BY THE BU-**
20 **REAU OF BORDER SECURITY TO IMPROVE**
21 **BORDER SECURITY.**

22 (a) IN GENERAL.—The Bureau of Border Security,
23 of the Department of Homeland Security, shall improve
24 border security by—

1 (1) making improvements in technology (includ-
2 ing infrastructure support, computer security, and
3 information technology development) relating to bor-
4 der security;

5 (2) expanding, utilizing, and improving tech-
6 nology relating to border security; and

7 (3) facilitating the flow of commerce and per-
8 sons at ports of entry, including improving and ex-
9 panding programs for preenrollment and
10 preclearance.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
12 tion to funds otherwise available for such purposes, there
13 are authorized to be appropriated \$250,000,000 for each
14 of the fiscal years 2003 through 2006 to the Department
15 of Homeland Security to carry out the functions under
16 subsection (a).

17 **TITLE VII—PUBLIC HEALTH SE-**
18 **CURITY AND BIOTERRORISM**
19 **PREPAREDNESS**

20 **SEC. 7001. SENSE OF CONGRESS ON SMALLPOX VACCINA-**
21 **TION.**

22 The sense of Congress is as follows:

23 (1) The President has determined that to pro-
24 tect Americans against the threat of a smallpox at-
25 tack, there is a need for a program for smallpox vac-

1 cination announced December 13, 2002. The plan is
2 to vaccinate military personnel, civilians, and small-
3 pox response teams. Smallpox response teams will
4 include health care workers and first responders.

5 (2) Military vaccination has already begun. Ci-
6 vilian vaccination is scheduled to begin January 24,
7 2003.

8 (3) As part of the program for smallpox vac-
9 cination, the President should—

10 (A) guarantee medical care, compensation
11 for injuries, and other protections for individ-
12 uals who are vaccinated; and

13 (B) provide adequate resources for States
14 and hospitals to administer the program fairly,
15 safely, and without adverse consequences to
16 other critical public health needs.

17 (4) The facts about smallpox vaccine are as fol-
18 lows:

19 (A) Smallpox was eradicated in 1980. The
20 United States stopped routine vaccinations in
21 1972.

22 (B) The President has determined that the
23 threat of an attack using smallpox warrants a
24 National Smallpox Vaccination Program.

1 (C) Smallpox vaccine contains a live virus
2 called vaccinia, which is similar to the smallpox
3 virus and can spread to another part of the
4 body or to other people from the vaccine site.

5 (D) Past experience indicates that for
6 every 1,000,000 vaccinated, between 15 and 52
7 people will suffer life-threatening consequences,
8 and 1 or 2 will die.

9 (E) Pregnant women, babies, and people
10 with eczema or weakened immune systems
11 should not receive the vaccine, making proper
12 medical screening of candidates for the vaccine
13 critical.

14 (F) In a recent trial of 200 healthy, young
15 adults who received the vaccine, one-third of
16 participants missed at least 1 day of work or
17 school, 75 had high fevers, and several took
18 antibiotics.

19 (G) Administration of the smallpox vaccine
20 is different from administration of other vac-
21 cines and many health professionals have never
22 administered the vaccine.

23 (5) To administer the President's smallpox vac-
24 cination program, there is an urgent need—

1 (A) for emergency appropriations to States
2 for purposes including administering the vac-
3 cine, education about the vaccine, medical
4 screening of candidates for the vaccine, medical
5 surveillance of vaccine recipients, medical treat-
6 ment of those injured directly or indirectly by
7 the vaccine, efforts to mitigate the impact of
8 lost productivity due to individuals' adverse re-
9 actions to the vaccine, and planning, coordina-
10 tion, and evaluation of smallpox vaccine activi-
11 ties;

12 (B) to ensure that those who are injured
13 from the vaccine (whether directly or indirectly)
14 have access to and compensation for the health
15 care they need;

16 (C) to set up effective safeguards for ad-
17 ministering the vaccine, including education for
18 those administering the vaccine, education for
19 prospective recipients of the vaccine, proper
20 medical screening and confidentiality protec-
21 tions for medical information, education for
22 vaccine recipients on how to prevent accidental
23 transmission, post-vaccination medical surveil-
24 lance and treatment, the supply of safe needles
25 for vaccine administration, the provision of ade-

1 quate vaccinia immune globulin (VIG) to treat
2 adverse reactions, and mandatory centralized
3 reporting of adverse consequences;

4 (D) to protect civilian workers from disclo-
5 sure of medical information, from discrimina-
6 tion in the workplace if they refuse to be vac-
7 cinated, and from lost wages and benefits, ad-
8 verse employment consequences, or other losses
9 if they miss work as a result of the vaccine; and

10 (E) to ensure that adequate protocols for
11 protecting vulnerable patients from exposure to
12 accidental transmission from a health care
13 worker who has been vaccinated are followed.

14 (6) The Homeland Security Act of 2002 shield-
15 ed from liability those who manufacture or admin-
16 ister smallpox vaccine under that Act. Individuals
17 who are harmed by the vaccine or their survivors
18 must sue the Federal Government for compensation
19 for their injuries under the Federal Tort Claims Act.
20 Under that Act, individuals who are injured are re-
21 quired to prove negligence in order to be com-
22 pensated. Since smallpox vaccination may cause in-
23 juries even without negligence, many of those
24 harmed by the vaccine may be unable to collect any
25 compensation under this stringent standard and

1 thus will never receive compensation for their inju-
2 ries. To provide a fairer and more complete system
3 for those who are vaccinated, including workers who
4 voluntarily put themselves at risk to protect Amer-
5 ica, Congress should establish, in addition to the tort
6 claims system, a system to compensate those injured
7 by the vaccine, including those who are injured by
8 contact with someone who has received the vaccine.
9 The compensation system should be adequately
10 funded. It should include both a no-fault component
11 for those individuals who experience foreseeable ad-
12 verse reactions already known to be associated with
13 the vaccine, and a mechanism for proving causation
14 for those individuals who suffer unforeseen con-
15 sequences from the vaccine.

16 (7) The Homeland Security Act of 2002 failed
17 to protect from liability a vaccinated person who
18 transmits vaccinia accidentally. This section should
19 be amended to protect these people from liability.
20 The section also failed to protect hospitals that did
21 not administer the vaccine, but employ vaccinated
22 health workers. The section should be amended to
23 clarify which hospitals are covered.

24 (8) Implementation of the President's smallpox
25 vaccination program depends upon significant State

1 and local government participation. The President
 2 should provide resources to those entities to accom-
 3 plish his smallpox vaccination goals. To assist State
 4 and local governments with this burden, Congress
 5 should establish emergency grants for carrying out
 6 smallpox vaccinations pursuant to the President’s
 7 plan.

8 **SEC. 7002. AID TO STATES FOR SMALLPOX VACCINATION**
 9 **PROGRAMS.**

10 Part B of title III of the Public Health Service Act
 11 (42 U.S.C. 243 et seq.) is amended by inserting after sec-
 12 tion 319C–2 the following:

13 **“SEC. 319C–3. AID TO STATES FOR SMALLPOX VACCINATION**
 14 **PROGRAMS.**

15 “(a) IN GENERAL.—The Secretary shall award
 16 grants to eligible entities to enable such entities to carry
 17 out activities under the National Smallpox Vaccination
 18 Program.

19 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
 20 a grant under subsection (a), an entity shall—

21 “(1) be a State or political subdivision of a
 22 State (as provided for in subsection (e)); and

23 “(2) prepare and submit to the Secretary an
 24 application at such time, and in such manner, and

1 containing such information as the Secretary may
2 require.

3 “(c) USE OF FUNDS.—An entity shall use amounts
4 received under a grant under subsection (a) to carry out
5 activities under the National Smallpox Vaccination Pro-
6 gram, including—

7 “(1) administering vaccines to individuals;

8 “(2) providing educational services and mate-
9 rials concerning vaccinations;

10 “(3) providing for the medical screening of pro-
11 posed candidates for a vaccine;

12 “(4) providing for the medical surveillance of
13 vaccine recipients;

14 “(5) providing medical treatment to address the
15 immediate medical needs of individuals who suffer
16 illness or injury, directly or indirectly, as a result of
17 the vaccine;

18 “(6) providing assistance for individuals who
19 lose wages and benefits as a result of the smallpox
20 vaccine and to entities that suffer lost productivity
21 as a result of employees injured by such vaccine;

22 “(7) planning, coordination, and evaluation of
23 smallpox vaccine activities; and

24 “(8) other activities determined appropriate by
25 the Secretary.

1 “(d) AMOUNT OF GRANT.—

2 “(1) IN GENERAL.—For each fiscal year for
3 which amounts are appropriated under subsection
4 (f), the Secretary shall, in an amount determined in
5 accordance with paragraphs (2) through (4), make
6 an award under subsection (a) to each eligible enti-
7 ty.

8 “(2) BASE AMOUNT.—In determining the
9 amount of an award pursuant to paragraph (1), the
10 Secretary shall first determine an amount the Sec-
11 retary considers appropriate for the entity (referred
12 to in this paragraph as the ‘base amount’), except
13 that such amount may not be greater than the min-
14 imum amount determined under paragraph (4).

15 “(3) INCREASE ON BASIS OF POPULATION.—
16 After determining the base amount for an entity
17 under paragraph (2), the Secretary shall increase
18 the base amount by an amount equal to the product
19 of—

20 “(A) the amount appropriated under sub-
21 section (f) for the fiscal year, less an amount
22 equal to the sum of all base amounts deter-
23 mined for the entities under paragraph (2), and
24 less the amount, if any, reserved by the Sec-
25 retary under subsection (e); and

1 “(B) subject to subsection (e)(3), the per-
2 centage constituted by the ratio of an amount
3 equal to the population of the entity over an
4 amount equal to the total population of the en-
5 tities (as indicated by the most recent data col-
6 lected by the Bureau of the Census).

7 “(4) MINIMUM AMOUNT.—Subject to the
8 amount appropriated under subsection (f), an award
9 pursuant to paragraph (1) for an entity shall be the
10 greater of the base amount as increased under para-
11 graph (3), or the minimum amount under this para-
12 graph. The minimum amount under this paragraph
13 is—

14 “(A) in the case of each of the several
15 States, the District of Columbia, and the Com-
16 monwealth of Puerto Rico, an amount equal to
17 the lesser of—

18 “(i) \$5,000,000; or

19 “(ii) if the amount appropriated under
20 subsection (f) is less than \$667,000,000,
21 an amount equal to 0.75 percent of the
22 amount appropriated under such sub-
23 section, less the amount, if any, reserved
24 by the Secretary under subsection (e); or

1 “(B) in the case of each of American
2 Samoa, Guam, the Commonwealth of the
3 Northern Mariana Islands, and the Virgin Is-
4 lands, an amount determined by the Secretary
5 to be appropriate, except that such amount may
6 not exceed the amount determined under sub-
7 paragraph (A).

8 “(e) POLITICAL SUBDIVISIONS.—

9 “(1) IN GENERAL.—The Secretary may, before
10 making awards pursuant to subsection (d), reserve
11 from the amount appropriated under subsection (f)
12 for a fiscal year an amount determined necessary by
13 the Secretary to make awards under subsection (a)
14 to political subdivisions that have a substantial num-
15 ber of residents, have a substantial local infrastruc-
16 ture for responding to public health emergencies,
17 and face a high degree of risk from bioterrorist at-
18 tacks or other public health emergencies. Not more
19 than three political subdivisions may receive awards
20 pursuant to this paragraph.

21 “(2) RELATIONSHIP TO FORMULA GRANTS.—In
22 the case of a State that will receive an award pursu-
23 ant to subsection (d), and in which there is located
24 a political subdivision that will receive an award pur-
25 suant to paragraph (1), the Secretary shall, in deter-

1 mining the amount under subsection (d)(3) for the
2 State, subtract from the population of the State an
3 amount equal to the population of such political sub-
4 division.

5 “(3) CONTINUITY OF FUNDING.—In deter-
6 mining whether to make an award pursuant to para-
7 graph (1) to a political subdivision, the Secretary
8 may consider, as a factor indicating that the award
9 should be made, that the political subdivision re-
10 ceived public health funding from the Secretary for
11 fiscal year 2002.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to provide grants under
14 subsection (a), \$1,000,000,000 for fiscal year 2004, and
15 such sums as may be necessary for each of fiscal years
16 2005 and 2006.

17 “(g) DEFINITION.—In this section, the term ‘Na-
18 tional Smallpox Vaccination Program’ means the program
19 to vaccinate health care workers, first responders, military
20 personnel, and the public as announced by the President
21 on December 13, 2002, including any future modifications
22 to such program.”.

1 **SEC. 7003. SMALLPOX VACCINE INJURY COMPENSATION**
2 **PROGRAM.**

3 “To provide compensation to individuals who suffer
4 illness or injury, directly or indirectly, as a result of the
5 administration of a vaccine under the National Smallpox
6 Vaccination Program (as defined in section 7002(g)),
7 there are authorized to be appropriated \$750,000,000 for
8 fiscal year 2004, and such sums as may be necessary for
9 each of fiscal years 2005 and 2006.

10 **SEC. 7004. INCREASE IN AUTHORIZATIONS FOR BIOTER-**
11 **RORISM SECURITY AND PREPAREDNESS.**

12 (a) **PLANNING AND COORDINATION.**—Section
13 2811(h) of the Public Health Service Act (42 U.S.C.
14 300hh–11(h)) is amended by striking “through 2006” and
15 inserting “and 2003, \$150,000,000 for fiscal year 2004,
16 and such sums as may be necessary for each of fiscal years
17 2005 and 2006”.

18 (b) **CDC LABORATORIES AND PERSONNEL.**—Section
19 319D(c)(1)(B) of the Public Health Service Act (42
20 U.S.C. 247d–4(c)(1)(B)) is amended by striking “through
21 2006” and inserting “and 2003, \$379,000,000 for fiscal
22 year 2004, and such sums as may be necessary for each
23 of fiscal years 2005 and 2006”.

24 (c) **CURRICULUM DEVELOPMENT FOR HEALTH CARE**
25 **PERSONNEL.**—Section 319F(g)(3) of the Public Health
26 Service Act (42 U.S.C. 247d–6(g)(3)) is amended—

1 (1) by striking “In carrying” and inserting the
2 following:

3 “(A) IN GENERAL.—In carrying”; and

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

5 “(B) AUTHORIZATION OF APPROPRIA-
6 TIONS.—There are authorized to be appro-
7 priated for grants, contracts, and cooperative
8 agreements under this paragraph,
9 \$100,000,000 for fiscal year 2004, and such
10 sums as may be necessary for each of fiscal
11 years 2005 and 2006.”.

12 (d) STRATEGIC NATIONAL STOCKPILE.—Section
13 121(e) of the Public Health Security and Bioterrorism
14 Preparedness and Response Act of 2002 (42 U.S.C.
15 300hh–12(e)) is amended—

16 (1) in paragraph (1), by striking “and such
17 sums” and all that follows and inserting “, such
18 sums as may be necessary for fiscal year 2003,
19 \$350,000,000 for fiscal year 2004, and such sums
20 as may be necessary for each of fiscal years 2005
21 and 2006.”; and

22 (2) by adding at the end the following:

23 “(3) ANTHRAX VACCINE EVALUATION AND PRO-
24 CUREMENT.—For the purpose of enabling the Sec-
25 retary to conduct an evaluation on the need to pro-

1 cure an anthrax vaccination and for such procure-
2 ment, there are authorized to be appropriated
3 \$350,000,000 for fiscal year 2004, and such sums
4 as may be necessary for each of fiscal years 2005
5 and 2006.”.

6 (e) COUNTERMEASURE RESEARCH AND DEVELOP-
7 MENT.—Section 319F of the Public Health Service Act
8 (42 U.S.C. 247d–6) is amended by adding at the end the
9 following:

10 “(k) AUTHORIZATION OF APPROPRIATIONS FOR NIH
11 RESEARCH.—There are authorized to be appropriated—

12 “(1) for research conducted by the National In-
13 stitutes of Health under this section,
14 \$1,500,000,000 for fiscal year 2004, and such sums
15 as may be necessary for each of fiscal years 2005
16 and 2006; and

17 “(2) for buildings and facilities improvement
18 activities, \$521,000,000 for fiscal year 2004, and
19 such sums as may be necessary for each of fiscal
20 years 2005 and 2006.

21 The Secretary shall consult with the Secretary of Home-
22 land Security in prioritizing the research to be conducted
23 with amounts appropriated under this subsection.”.

24 (f) GRANTS TO IMPROVE STATE, LOCAL, AND HOS-
25 PITAL PREPAREDNESS AND RESPONSE.—Section 319C–

1 1(j) of the Public Health Service Act (42 U.S.C. 247d–
2 3a(j)) is amended—

3 (1) in paragraph (1)—

4 (A) by redesignating subparagraph (B) as
5 subparagraph (C); and

6 (B) by inserting after subparagraph (A),
7 the following:

8 “(B) FISCAL YEAR 2004.—

9 “(i) AUTHORIZATIONS.—For the pur-
10 pose of carrying out this section, there is
11 authorized to be appropriated
12 \$1,500,000,000 for fiscal year 2004, of
13 which \$1,500,000,000 is authorized to be
14 appropriated for awards pursuant to para-
15 graph (3) (subject to the authority of the
16 Secretary to make awards pursuant to
17 paragraphs (4) and (5)).

18 “(ii) CONTINGENT ADDITIONAL AU-
19 THORIZATION.—If a significant change in
20 circumstances warrants an increase in the
21 amount authorized to be appropriated
22 under clause (i) for fiscal year 2004, there
23 are authorized to be appropriated such
24 sums as may be necessary for such year

1 for carrying out this section, in addition to
2 the amount authorized in clause (i).”; and
3 (C) in subparagraph (C), as so redesignated,
4 by striking “2004 through” and inserting
5 “2005 and”;

6 (2) in paragraph (3)—

7 (A) in the paragraph heading, by striking
8 “FOR FISCAL YEAR 2003”; and

9 (B) in subparagraph (A), by striking “fiscal
10 year 2003” and inserting “each of fiscal
11 years 2003 and 2004”;

12 (3) in paragraph (4)(A), by striking “fiscal year
13 2003” and inserting “each of fiscal years 2003 and
14 2004”;

15 (4) in paragraph (5)(A), by striking “fiscal year
16 2003” and inserting “each of fiscal years 2003 and
17 2004”; and

18 (5) in paragraph (6), by striking “fiscal year
19 2003” and inserting “each of fiscal years 2003 and
20 2004”.

21 (g) PARTNERSHIPS FOR COMMUNITY AND HOSPITAL
22 PREPAREDNESS.—Section 319C–2(i) of the Public Health
23 Service Act (42 U.S.C. 247d–3b(i)) is amended by striking
24 “such sums” and all that follows and inserting
25 “\$2,000,000,000 for fiscal year 2004, and such sums as

1 may be necessary for each of fiscal years 2005 and
2 2006.”.

3 (h) PROTECTION AGAINST ADULTERATION OF
4 FOOD.—Section 302(f) of the Public Health Security and
5 Bioterrorism Preparedness and Response Act of 2002 (21
6 U.S.C. 321 note) is amended by striking “and such sums”
7 and all that follows and inserting “such sums as may be
8 necessary for fiscal year 2003, \$200,000,000 for fiscal
9 year 2004, and such sums as may be necessary for each
10 of fiscal years 2005 and 2006”.

11 (i) OTHER FOOD AND DRUG ADMINISTRATION RE-
12 LATED PROVISIONS.—Subtitle B of title V of the Public
13 Health Security and Bioterrorism Preparedness and Re-
14 sponse Act of 2002 (Public Law 107–188) is amended by
15 adding at the end the following:

16 **“SEC. 524. BIOTERRORISM VACCINE REVIEW.**

17 “To enable the Secretary of Health and Human Serv-
18 ices, acting through the Commissioner of Food and Drugs,
19 to conduct reviews of the safety and efficacy of existing
20 or proposed bioterrorism vaccines, there are authorized to
21 be appropriated \$100,000,000 for fiscal year 2004, and
22 such sums as may be necessary for each of fiscal years
23 2005 and 2006.

1 **“SEC. 525. ENHANCED SECURITY.**

2 “To provide for additional security for facilities and
 3 operations of the Food and Drug Administration, there
 4 are authorized to be appropriated \$7,000,000 for fiscal
 5 year 2004, and such sums as may be necessary for each
 6 of fiscal years 2005 and 2006.”.

7 **TITLE VIII—INFORMATION**
 8 **SECURITY**

9 **Subtitle A—Information Tech-**
 10 **nology Fund to Enhance Home-**
 11 **land Defense, Information Secu-**
 12 **rity, and Defenses Against**
 13 **Other Threats**

14 **SEC. 8101. ESTABLISHMENT OF FUND.**

15 (a) **IN GENERAL.**—There is established in the Treas-
 16 ury of the United States an Information Technology Fund
 17 (referred to in this subtitle as the “Fund”).

18 (b) **PURPOSE.**—The Fund is established to provide
 19 expenditures for information technology and related serv-
 20 ices for Federal agencies.

21 (c) **PROJECT EXAMPLES.**—Projects approved under
 22 section 8103 may include efforts—

- 23 (1) to improve the information security systems
 24 of the Federal Government;
 25 (2) to protect critical infrastructure;

1 (3) to provide stronger defenses against natural
2 and man-made threats to the Nation; and

3 (4) to enable Federal agencies to take advan-
4 tage of information technology in sharing informa-
5 tion and conducting transactions with each other
6 and with State and local governments in furtherance
7 of the goals described in paragraphs (1) through (3).

8 **SEC. 8102. SELECTION PROCEDURES.**

9 (a) **IN GENERAL.**—The Director of the Office of
10 Management and Budget (referred to in this subtitle as
11 “the Director”) shall establish procedures for accepting
12 and reviewing proposals for funding under this subtitle.

13 (b) **CONSULTATION.**—In establishing procedures and
14 reviewing proposals under this subtitle, the Director shall
15 consult with interagency councils, including—

- 16 (1) the Chief Information Officers Council;
17 (2) the Chief Financial Officers Council; and
18 (3) procurement councils.

19 (c) **PROPOSAL REQUIREMENTS.**—When reviewing
20 proposals and managing the Fund, the Director shall ob-
21 serve and incorporate the following procedures:

- 22 (1) A project requiring substantial involvement
23 or funding from a department must be approved by
24 a senior official with agency-wide authority on behalf

1 of the Secretary or agency head, who shall report di-
2 rectly to the Secretary or agency head.

3 (2) Agencies must demonstrate measurable mis-
4 sion benefits commensurate with the proposed costs.

5 (3) Funded projects must adhere to funda-
6 mental capital planning and processes.

7 (4) Agencies must assess the results of funded
8 projects.

9 (5) Proposals shall identify resource commit-
10 ments from other agencies and shall include plans
11 for continuing the project after all funds made avail-
12 able from the Fund have been exhausted.

13 (6) After considering the recommendations of
14 the interagency councils, the Director shall have sole
15 discretion to determine which of the projects shall
16 receive financial assistance from the Fund.

17 (d) SELECTION CRITERIA.—In evaluating each pro-
18 posal requesting funding, the Director shall consider the
19 extent to which—

20 (1) the proposal ensures proper security and
21 protects privacy; and

22 (2) the proposal has performance objectives
23 that tie to agency missions and strategic goals.

1 (e) ADDITIONAL CRITERIA.—The Director shall se-
2 lect projects for funding that satisfy 1 or more of the fol-
3 lowing criteria:

4 (1) The proposal improves the Federal Govern-
5 ment’s information security systems.

6 (2) The proposal will improve the protection of
7 the Nation’s critical infrastructure.

8 (3) The proposal will aid in the defense of the
9 Nation against natural and man-made threats.

10 (4) The proposal will enable Federal agencies to
11 take advantage of information technology in sharing
12 information and conducting transactions with each
13 other and with State and local governments in fur-
14 therance of the goals under paragraphs (1) through
15 (3).

16 **SEC. 8103. ADMINISTRATION OF FUND.**

17 (a) IN GENERAL.—The Administrator of the General
18 Services Administration shall administer the Fund to sup-
19 port agency spending projects approved by the Director
20 that will improve the Nation’s defenses through enhanced
21 information technology.

22 (b) LIMITATION ON TRANSFERS FROM FUND.—An
23 agency may not receive a transfer from the Fund until
24 not less than 15 days after the Director has submitted
25 the notification under subsection (c) to—

1 (1) the Committees on Appropriations of the
2 Senate and the House of Representatives;

3 (2) the Committee on Governmental Affairs of
4 the Senate;

5 (3) the Committee on Government Reform of
6 the House of Representatives; and

7 (4) the appropriate authorizing committees of
8 the Senate and the House of Representatives.

9 (c) CONTENTS OF NOTIFICATION.—The notification
10 under subsection (b) shall describe—

11 (1) how the funds to be expended by the recipi-
12 ent agency are to be allocated; and

13 (2) how the expenditures will further the pur-
14 poses of this section.

15 (d) USE OF FUNDS.—The Administrator of the Gen-
16 eral Services Administration may use amounts from the
17 Fund to pay—

18 (1) the salaries of up to 10 Federal employees
19 to administer the Fund; and

20 (2) other expenses necessary to administer the
21 Fund.

22 **SEC. 8104. REPORT TO CONGRESS.**

23 (a) IN GENERAL.—The Director shall report annu-
24 ally to Congress on the operation of the Fund.

1 (b) CONTENTS.—The report under subsection (a)
2 shall describe—

3 (1) all projects which the Director has approved
4 for funding from the Fund; and

5 (2) the results achieved to date for the projects
6 under paragraph (1).

7 **SEC. 8105. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Fund
9 \$1,000,000,000 for fiscal year 2003, which shall remain
10 available until September 30, 2004.

11 **Subtitle B—Protection of Volun-**
12 **tarily Furnished Confidential**
13 **Information**

14 **SEC. 8201. DEFINITIONS.**

15 In this subtitle, the following definitions shall apply:

16 (1) **CRITICAL INFRASTRUCTURE.**—The term
17 “critical infrastructure” has the meaning given that
18 term in section 1016(e) of the USA PATRIOT ACT
19 of 2001 (42 U.S.C. 5195(e)).

20 (2) **DEPARTMENT.**—The term “Department”
21 means the Department of Homeland Security.

22 (3) **FURNISHED VOLUNTARILY.**—

23 (A) **DEFINITION.**—The term “furnished
24 voluntarily” means a submission of a record
25 that—

1 (i) is made to the Department in the
2 absence of authority of the Department re-
3 quiring that record to be submitted; and

4 (ii) is not submitted or used to satisfy
5 any legal requirement or obligation or to
6 obtain any grant, permit, benefit (such as
7 agency forbearance, loans, or reduction or
8 modifications of agency penalties or rul-
9 ings), or other approval from the Govern-
10 ment.

11 (B) BENEFIT.—In this paragraph, the
12 term “benefit” does not include any warning,
13 alert, or other risk analysis by the Department.

14 **SEC. 8202. PROTECTION OF CONFIDENTIAL INFORMATION.**

15 (a) IN GENERAL.—A record pertaining to the vulner-
16 ability of and threats to critical infrastructure (such as
17 attacks, response, and recovery efforts) that is furnished
18 voluntarily to the Department shall not be made available
19 under section 552 of title 5, United States Code, if—

20 (1) the provider would not customarily make
21 the record available to the public; and

22 (2) the record is designated and certified by the
23 provider, in a manner specified by the Department,
24 as confidential and not customarily made available
25 to the public.

1 (b) RECORDS SHARED WITH OTHER AGENCIES.—

2 (1) IN GENERAL.—

3 (A) RESPONSE TO REQUEST.—An agency
4 in receipt of a record that was furnished volun-
5 tarily to the Department and subsequently
6 shared with the agency shall, upon receipt of a
7 request under section 552 of title 5, United
8 States Code, for the record—

9 (i) not make the record available; and

10 (ii) refer the request to the Depart-
11 ment for processing and response in ac-
12 cordance with this section.

13 (B) SEGREGABLE PORTION OF RECORD.—

14 Any reasonably segregable portion of a record
15 shall be provided to the person requesting the
16 record after deletion of any portion which is ex-
17 empt under this section.

18 (2) DISCLOSURE OF INDEPENDENTLY FUR-
19 NISHED RECORDS.—Notwithstanding paragraph (1),
20 nothing in this section shall prohibit an agency from
21 making available under section 552 of title 5, United
22 States Code, any record that the agency receives
23 independently of the Department, regardless of
24 whether or not the Department has a similar or
25 identical record.

1 (c) WITHDRAWAL OF CONFIDENTIAL DESIGNA-
2 TION.—The provider of a record that is furnished volun-
3 tarily to the Department under subsection (a) may at any
4 time withdraw, in a manner specified by the Department,
5 the confidential designation.

6 (d) PROCEDURES.—The Secretary shall prescribe
7 procedures for—

8 (1) the acknowledgement of receipt of records
9 furnished voluntarily;

10 (2) the designation, certification, and marking
11 of records furnished voluntarily as confidential and
12 not customarily made available to the public;

13 (3) the care and storage of records furnished
14 voluntarily;

15 (4) the protection and maintenance of the con-
16 fidentiality of records furnished voluntarily; and

17 (5) the withdrawal of the confidential designa-
18 tion of records under subsection (c).

19 (e) EFFECT ON STATE AND LOCAL LAW.—Nothing
20 in this section shall be construed as preempting or other-
21 wise modifying State or local law concerning the disclosure
22 of any information that a State or local government re-
23 ceives independently of the Department.

1 **SEC. 8203. REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of the enactment of this Act, the Comptroller
4 General of the United States shall submit to the commit-
5 tees of Congress specified in subsection (b) a report on
6 the implementation of this subtitle, including—

7 (1) the number of persons in the private sector,
8 and the number of State and local agencies, that
9 furnished voluntarily records to the Department
10 under this section;

11 (2) the number of requests for access to records
12 granted or denied under this section; and

13 (3) such recommendations as the Comptroller
14 General considers appropriate regarding improve-
15 ments in the collection and analysis of sensitive in-
16 formation held by persons in the private sector, or
17 by State and local agencies, relating to
18 vulnerabilities of and threats to critical infrastruc-
19 ture, including the response to such vulnerabilities
20 and threats.

21 (b) COMMITTEES OF CONGRESS.—The committees of
22 Congress specified in this paragraph are—

23 (1) the Committees on the Judiciary and Gov-
24 ernmental Affairs of the Senate; and

1 (2) the Committees on the Judiciary and Gov-
2 ernment Reform and Oversight of the House of Rep-
3 resentatives.

4 (c) FORM.—The report required under subsection (a)
5 shall be submitted in unclassified form, but may include
6 a classified annex.

7 **SEC. 8204. AMENDMENTS TO HOMELAND SECURITY ACT OF**
8 **2002.**

9 The Homeland Security Act of 2002 (Public Law
10 107–296) is amended—

11 (1) by striking section 214;

12 (2) in section 232(b)(2), by striking “(which
13 shall be exempt from the provisions of the Federal
14 Advisory Committee Act (5 U.S.C. App.))”;

15 (3) in section 311, by striking subsection (i),
16 and redesignating subsection (j) as subsection (i);
17 and

18 (4) by striking section 871.

19 **Subtitle C—Interoperability of**
20 **Information Systems**

21 **SEC. 8301. INTEROPERABILITY OF INFORMATION SYSTEMS.**

22 (a) DEFINITIONS.—In this section, the following defi-
23 nitions shall apply:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the Office of Management and Budg-
3 et.

4 (2) ENTERPRISE ARCHITECTURE.—The term
5 “enterprise architecture”—

6 (A) means—

7 (i) a strategic information asset base,
8 which defines the mission;

9 (ii) the information necessary to per-
10 form the mission;

11 (iii) the technologies necessary to per-
12 form the mission; and

13 (iv) the transitional processes for im-
14 plementing new technologies in response to
15 changing mission needs; and

16 (B) includes—

17 (i) a baseline architecture;

18 (ii) a target architecture; and

19 (iii) a sequencing plan.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of the Department of Homeland Secu-
22 rity.

23 (b) RESPONSIBILITIES OF SECRETARY.—The Sec-
24 retary shall—

1 (1) endeavor to make the information tech-
2 nology systems of the Department of Homeland Se-
3 curity, including communications systems, effective,
4 efficient, secure, and appropriately interoperable;

5 (2) in furtherance of paragraph (1), oversee
6 and ensure the development and implementation of
7 an enterprise architecture for Department-wide in-
8 formation technology, with timetables for implemen-
9 tation;

10 (3) as the Secretary considers necessary, over-
11 see and ensure the development and implementation
12 of updated versions of the enterprise architecture
13 under paragraph (2); and

14 (4) report to Congress on the development and
15 implementation of the enterprise architecture under
16 paragraph (2) in—

17 (A) each implementation progress report
18 required under the Homeland Security Act of
19 2002; and

20 (B) each biennial report required under
21 the Homeland Security Act of 2002.

22 (c) RESPONSIBILITIES OF DIRECTOR OF OFFICE OF
23 MANAGEMENT AND BUDGET.—

1 (1) IN GENERAL.—The Director, in consulta-
2 tion with the Secretary and affected entities, shall
3 develop—

4 (A) a comprehensive enterprise architec-
5 ture for information systems, including commu-
6 nications systems, to achieve interoperability be-
7 tween and among information systems of agen-
8 cies with responsibility for homeland security;
9 and

10 (B) a plan to achieve interoperability be-
11 tween and among information systems, includ-
12 ing communications systems, of agencies with
13 responsibility for homeland security and those
14 of State and local agencies with responsibility
15 for homeland security.

16 (2) TIMETABLES.—The Director, in consulta-
17 tion with the Secretary and affected entities, shall
18 establish timetables for development and implemen-
19 tation of the enterprise architecture and plan under
20 paragraph (1).

21 (3) IMPLEMENTATION.—The Director, in con-
22 sultation with the Secretary and acting under the re-
23 sponsibilities of the Director under law (including
24 the Clinger-Cohen Act of 1996), shall—

1 (A) ensure the implementation of the en-
2 terprise architecture developed under paragraph
3 (1)(A); and

4 (B) coordinate, oversee, and evaluate the
5 management and acquisition of information
6 technology by agencies with responsibility for
7 homeland security to ensure interoperability
8 consistent with the enterprise architecture de-
9 veloped under subsection (1)(A).

10 (4) UPDATED VERSIONS.—The Director, in con-
11 sultation with the Secretary, shall oversee and en-
12 sure the development of updated versions of the en-
13 terprise architecture and plan developed under para-
14 graph (1), as necessary.

15 (5) REPORT.—The Director, in consultation
16 with the Secretary, shall annually report to Congress
17 on the development and implementation of the enter-
18 prise architecture and plan under paragraph (1).

19 (6) CONSULTATION.—The Director shall con-
20 sult with information systems management experts
21 in the public and private sectors, in the development
22 and implementation of the enterprise architecture
23 and plan under paragraph (1).

24 (7) PRINCIPAL OFFICER.—The Director shall
25 designate, with the approval of the President, a prin-

1 ciproal officer in the Office of Management and Budget,
2 whose primary responsibility shall be to carry out
3 the duties of the Director under this subsection.

4 (d) AGENCY COOPERATION.—The head of each agency
5 with responsibility for homeland security shall fully co-
6 operate with the Director in the development of a com-
7 prehensive enterprise architecture for information systems
8 and in the management and acquisition of information
9 technology consistent with the comprehensive enterprise
10 architecture developed under subsection (c).

11 (e) CONTENT.—The enterprise architecture devel-
12 oped under subsection (c), and the information systems
13 managed and acquired under the enterprise architecture,
14 shall possess the characteristics of—

15 (1) rapid deployment;

16 (2) a highly secure environment, providing data
17 access only to authorized users; and

18 (3) the capability for continuous system up-
19 grades to benefit from advances in technology while
20 preserving the integrity of stored data.

1 **TITLE IX—WEAPONS OF MASS**
2 **DESTRUCTION**

3 **SEC. 9001. SECURITY OF CERTAIN RADIOLOGICAL AND NU-**
4 **CLEAR MATERIALS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) a potential threat is posed by radiological
8 and nuclear materials and waste, other than highly
9 enriched uranium and weapons grade plutonium, in
10 use or storage around the world; and

11 (2) the President should, in consultation with
12 the Group of 8 nations—

13 (A) develop a program to study and iden-
14 tify the threats posed by such materials and
15 waste; and

16 (B) carry out a program to undertake such
17 actions as are appropriate to minimize such
18 threats.

19 (b) PROGRAM REQUIRED.—(1) The Secretary of
20 State shall, in consultation with the Secretary of Energy
21 and the Nuclear Regulatory Commission, carry out a pro-
22 gram to secure and consolidate, or eliminate, as appro-
23 priate, radiological and nuclear materials and waste re-
24 ferred to in subsection (a) that are located outside the

1 United States and are determined to present a potential
2 threat.

3 (2) The program shall include elements as follows:

4 (A) An identification of the categories of radio-
5 logical and nuclear materials and waste covered by
6 the program, including an order of priority for se-
7 curing each category of such materials and waste.

8 (B) An estimate of the number of sites at which
9 such materials and waste are present.

10 (C) An assessment of the effort required to se-
11 cure and consolidate, or eliminate, as appropriate,
12 such materials and waste at each such site.

13 (D) An assessment of the nature of the threat
14 presented by such materials and waste.

15 (c) REPORT.—Not later than one year after the date
16 of enactment of this Act, the Secretary of State shall sub-
17 mit to Congress a report on the status of the program
18 required by subsection (b). The report shall set forth—

19 (1) a description of the funds required to assist
20 countries in carrying out the program; and

21 (2) a description of the participation of the
22 Group of 8 countries in the development or imple-
23 mentation of the program, including any commit-
24 ment of any such country to provide financial assist-
25 ance to carry out the program.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—(1)

2 There is authorized to be appropriated for the Department
3 of State, \$50,000,000 to carry out the program required
4 by subsection (b), of which—

5 (A) \$10,000,000 shall be available to develop
6 the program; and

7 (B) \$40,000,000 shall be available to imple-
8 ment and carry out the program.

9 (2) There is authorized to be appropriated for the De-
10 partment of Energy \$10,000,000 to provide technical as-
11 sistance to the Secretary of State in developing and car-
12 rying out the program required by subsection (b).

13 (3) There is authorized to be appropriated for the
14 Nuclear Regulatory Commission \$10,000,000 to provide
15 technical assistance to the Secretary of State in developing
16 and carrying out the program required by subsection (b).

17 (4) Subject to paragraph (5), the amounts authorized
18 to be appropriated by paragraphs (1), (2), and (3) shall
19 remain available until expended.

20 (5) Not more than 50 percent of the amount author-
21 ized to be appropriated by paragraph (1)(B) that remains
22 available as of the commencement of the second year of
23 the program required by subsection (b) may be available
24 for the program in that year until the Secretary of State
25 secures a commitment from the international community

1 to provide at least 50 percent of the costs of the program
2 in that year.

3 **SEC. 9002. ASSISTANCE FOR INTERNATIONAL ATOMIC EN-**
4 **ERGY AGENCY REGARDING SAFEGUARD AND**
5 **INSPECTION OF NUCLEAR FACILITIES**
6 **ABROAD.**

7 (a) DEPARTMENT OF STATE.—There is authorized to
8 be appropriated for the Department of State, \$40,000,000
9 to provide assistance to the International Atomic Energy
10 Agency for improving safeguard activities at nuclear facili-
11 ties abroad, including increased inspection and monitoring
12 of such facilities to ensure compliance with the Nuclear
13 Nonproliferation Treaty and any relevant resolutions of
14 the United Nations.

15 (b) DEPARTMENT OF ENERGY.—There is authorized
16 to be appropriated for the Department of Energy for the
17 National Nuclear Security Administration, \$35,000,000 to
18 provide technical and other assistance to the International
19 Atomic Energy Agency to support increased safeguard
20 and inspection activities at nuclear facilities abroad.

21 (c) AVAILABILITY.—The amounts authorized to be
22 appropriated by subsections (a) and (b) shall remain avail-
23 able until expended.

24 (d) REPORT.—Not later than 10 days after the date
25 of obligation of any funds authorized to be appropriated

1 by subsection (a) or (b), the Secretary of State or the Ad-
2 ministrator for Nuclear Security, as the case may be, shall
3 submit to Congress a report on the obligation.

4 (e) NUCLEAR NONPROLIFERATION TREATY DE-
5 FINED.—In this section, the term “Nuclear Nonprolifera-
6 tion Treaty” means the Treaty on the Nonproliferation
7 of Nuclear Weapons, as opened for signature July 1,
8 1968.

9 **SEC. 9003. ASSISTANCE FOR INTERNATIONAL ATOMIC EN-**
10 **ERGY AGENCY TO COUNTER NUCLEAR TER-**
11 **RORISM.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The International Atomic Energy Agency
15 (IAEA) is in a unique position to address and en-
16 courage increased security at nuclear facilities
17 abroad.

18 (2) The IAEA has adopted a standard, known
19 as The Physical Protection of Nuclear Material and
20 Facilities (INFCIRC/225/Rev.4), relating to the se-
21 curity of highly enriched uranium (HEU) and pluto-
22 nium (Pu).

23 (b) IMPLEMENTATION OF STANDARD.—(1) The Sec-
24 retary of State shall, in conjunction with the Secretary of
25 Defense, the Secretary of Energy, and the Nuclear Regu-

1 latory Commission, work with the International Atomic
2 Energy Agency and the Group of 8 countries to carry out
3 a program to implement the standard of the International
4 Atomic Energy Agency known as The Physical Protection
5 of Nuclear Material and Facilities (INFCIRC/225/Rev.4),
6 relating to the security of highly enriched uranium and
7 plutonium, or an equivalent standard.

8 (2) Activities under the program under paragraph (1)
9 may include specific, targeted incentives intended to en-
10 courage countries that cannot undertake the expense of
11 conforming to the standard referred to in that paragraph
12 to relinquish their highly enriched uranium or plutonium,
13 including incentives in which a country, group of coun-
14 tries, or international body—

15 (A) purchase such materials and provide for
16 their security (including by removal to another loca-
17 tion);

18 (B) undertake the costs of decommissioning fa-
19 cilities that house such materials;

20 (C) in the case of research reactors, convert
21 such reactors to low-enriched uranium reactors; or

22 (D) upgrade the security of facilities that house
23 such materials in order to meet stringent security
24 standards that are established for purposes of the
25 program based upon agreed best practices.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—(1)

2 There is authorized to be appropriated for the Department
3 of State, \$60,000,000 to provide assistance to the Inter-
4 national Atomic Energy Agency to carry out the program
5 under subsection (b), including the provision of incentives
6 referred to in paragraph (2) of that subsection under the
7 program.

8 (2) Subject to paragraph (3), the amount authorized
9 to be appropriated by paragraph (1) shall remain available
10 until expended.

11 (3) Not more than \$30,000,000 of the amount au-
12 thorized to be appropriated by paragraph (1) may be used
13 by the International Atomic Energy Agency to provide in-
14 centives under the program under subsection (b) until the
15 Agency obtains a commitment from the international com-
16 munity to provide at least \$30,000,000 for purposes of
17 such incentives or to otherwise implement the standard re-
18 ferred to in subsection (b)(1), or an equivalent standard.

19 **SEC. 9004. ACCELERATION AND EXPANSION OF MATERIALS**
20 **PROTECTION, CONTROL, AND ACCOUNTING**
21 **PROGRAM.**

22 (a) IN GENERAL.—The Administrator for Nuclear
23 Security shall use amounts authorized to be appropriated
24 by subsection (b) to accelerate and expand the Inter-
25 national Materials Protection, Control, and Accounting

1 program of the National Nuclear Security Administration
2 for the purpose of achieving one or more of the following:

3 (1) Acceleration of such ongoing projects under
4 the program as the Administrator considers appro-
5 priate.

6 (2) Response to unforeseen or emergency cir-
7 cumstances under the program.

8 (3) Implementation of initiatives program-wide
9 to ensure that the security upgrades and tech-
10 nologies provided under the program are maintained
11 and sustained on a long-term basis by the countries
12 receiving such upgrades and technologies, including
13 training and manufacturing initiatives.

14 (4) Facilitation of cooperative development of
15 new technologies or methodologies to improve per-
16 manent or interim security at sites covered by the
17 program.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—(1)
19 There is authorized to be appropriated for the Department
20 of Energy for the National Nuclear Security Administra-
21 tion, \$20,000,000 to carry out this section.

22 (2) The amount authorized to be appropriated by
23 paragraph (1) shall remain available until expended.

1 **SEC. 9005. BORDER SECURITY AND EXPORT CONTROL.**

2 (a) PROGRAM REQUIRED.—The President shall carry
3 out a program to improve border security and strengthen
4 export controls in Russia, the states of the former Soviet
5 Union, and Eastern Europe, and in any other country or
6 region that the President considers appropriate, in order
7 to decrease the potential for the spread of weapons of
8 mass destruction and related materials and equipment.

9 (b) COMMENCEMENT DEADLINE.—The program re-
10 quired by subsection (a) shall commence not later than
11 60 days after the date of the enactment of this Act.

12 (c) PARTICIPATION OF FEDERAL AGENCIES.—The
13 President shall ensure the participation in the program
14 required by subsection (a) of appropriate personnel of the
15 Department of State, the Department of Defense, the De-
16 partment of Energy, the Bureau of Customs, and such
17 other Federal agencies having an expertise in border secu-
18 rity or export controls as the President considers appro-
19 priate.

20 (d) COORDINATION.—(1) The Secretary of State
21 shall have primary responsibility for coordinating the im-
22 plementation of the program required by subsection (a).

23 (2) The Secretary shall carry out the responsibility
24 under paragraph (1) through a coordinating council estab-
25 lished by the Secretary from among senior officials of the
26 Federal agencies referred to in subsection (c).

1 (3) The coordinating council shall be chaired by an
2 official designated by the Secretary from among the offi-
3 cials comprising the coordinating council.

4 (e) PROGRAM PLAN.—(1) The program required by
5 subsection (a) shall be carried out in accordance with a
6 program plan developed by the Secretary of State, in con-
7 sultation with the National Security Council and the co-
8 ordinating council established under subsection (d)(2).

9 (2) The program plan under paragraph (1) shall—

10 (A) specify the responsibilities under the pro-
11 gram of each Federal agency participating in the
12 program; and

13 (B) identify the budgetary requirements of each
14 such agency for such participation.

15 (3) The program plan shall, to the maximum extent
16 practicable, avoid duplication in activities and responsibil-
17 ities under the program among the Federal agencies par-
18 ticipating in the program.

19 (f) BUDGETING.—The Secretary of State shall sub-
20 mit to Congress each year, together with the budget of
21 the President for the fiscal year beginning in such year
22 under section 1105 of title 31, United States Code, a sepa-
23 rate statement of the amounts required during such fiscal
24 year by each Federal agency participating in the program

1 required by subsection (a) for its participation in the pro-
2 gram during such fiscal year.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—(1)

4 There is authorized to be appropriated for the Department
5 of State, \$50,000,000 to carry out the program required
6 by subsection (a).

7 (2) Except as provided in paragraph (3), the amount
8 authorized to be appropriated by paragraph (1) shall re-
9 main available until expended.

10 (3) The Secretary may transfer funds authorized to
11 be appropriated by paragraph (1) to the head of any Fed-
12 eral agency participating in the program in order to defray
13 the costs of such Federal agency in participating in the
14 program. Amounts transferred under this paragraph shall
15 be merged with amounts authorized to be appropriated to
16 the recipient agency for the costs concerned, and shall be
17 available for the same purposes, and for the same period,
18 as amounts with which merged.

19 **SEC. 9006. REUSE OF RUSSIAN NUCLEAR FACILITIES.**

20 (a) IN GENERAL.—The Secretary of Energy shall
21 work with the Minister of Atomic Energy of Russia to
22 carry out a program to shut-down or convert to non-de-
23 fense work one or more nuclear weapons assembly and dis-
24 assembly facilities in Russia.

1 (b) DESIGNATION OF FACILITIES.—The Secretary of
2 Energy and Minister of Atomic Energy of Russia shall
3 jointly designate each facility to be covered by the program
4 under subsection (a).

5 (c) ADVICE AND RECOMMENDATIONS.—(1) Not later
6 than two months after the designation of a facility under
7 subsection (b), the Secretary of Energy shall establish a
8 commission to provide advice and recommendations on the
9 shut-down or conversion of the facility to non-defense
10 work.

11 (2) Each commission under paragraph (1) shall con-
12 sist of such personnel, including Russian nationals, as the
13 Secretary considers appropriate for its work. The names
14 of each member of each commission shall be made public
15 upon designation under this paragraph.

16 (3)(A) Each member of a commission under para-
17 graph (1) who is not an officer or employee of the Federal
18 Government shall be compensated at a rate equal to the
19 daily equivalent of the annual rate of basic pay prescribed
20 for level IV of the Executive Schedule under section 5315
21 of title 5, United States Code, for each day (including
22 travel time) during which such member is engaged in the
23 performance of the duties of such commission. All mem-
24 bers of a commission who are officers or employees of the
25 United States shall serve without compensation in addi-

1 tion to that received for their services as officers or em-
2 ployees of the United States.

3 (B) The members of a commission shall be allowed
4 travel expenses, including per diem in lieu of subsistence,
5 at rates authorized for employees of agencies under sub-
6 chapter I of chapter 57 of title 5, United States Code,
7 while away from their homes or regular places of business
8 in the performance of services for such commission.

9 (4) The Federal Advisory Committee Act (5 U.S.C.
10 App.) shall not apply to any activities of a commission
11 under paragraph (1).

12 (5) The meetings of any commission under paragraph
13 (1) shall, to the maximum extent practicable, be open to
14 the public.

15 (d) PROPOSED FACILITY REUSE PLAN.—(1) Not
16 later than six months after the designation of a facility
17 under subsection (b), the commission for the facility under
18 subsection (c) shall submit to the Secretary of Energy and
19 the Minister of Atomic Energy of Russia a proposed plan
20 on the shut-down or conversion of the facility to non-de-
21 fense work.

22 (2) A proposed plan under paragraph (1) may include
23 one or more of the elements specified in subsection (f).

24 (3) Any proposed plan submitted under paragraph
25 (1) shall be made public upon its submittal.

1 (e) FINAL FACILITY REUSE PLAN.—(1) Not later
2 than nine months after receiving a proposed plan for a
3 facility under subsection (d), the Secretary of Energy and
4 the Minister of Atomic Energy of Russia shall jointly de-
5 velop a final plan on the shut-down or conversion of the
6 facility to non-defense work.

7 (2) A final plan for a facility under paragraph (1)
8 shall include the following:

9 (A) Any of the elements specified in subsection
10 (f).

11 (B) Assurances of access to the facility nec-
12 essary to carry out the final plan.

13 (C) Resolution of any matters relating to liabil-
14 ity and taxation.

15 (D) An estimate of the costs of the United
16 States, and of Russia, under the final plan.

17 (E) The commitment of Russia to pay at least
18 15 percent of the costs of the final plan.

19 (F) Milestones for the final plan, including a
20 deadline for the shut-down or conversion of the facil-
21 ity to non-defense work.

22 (G) Appropriate auditing and accounting mech-
23 anisms.

1 (f) PLAN ELEMENTS.—The plan for a facility under
2 subsection (d) or (e) may include one or more of the fol-
3 lowing elements:

4 (1) A retraining program for facility employees.

5 (2) Economic incentives to attract and facilitate
6 commercial ventures in connection with the facility.

7 (3) A site preparation plan.

8 (4) Technical exchange and training programs.

9 (5) The participation of a redevelopment man-
10 ager and of business, legal, financial, or other appro-
11 priate experts.

12 (6) Promotional or marketing plans.

13 (7) Provision for startup funds, loans, or
14 grants, or other venture capital or financing.

15 (g) LIMITATION ON AVAILABILITY OF FUNDS.—No
16 amount authorized to be appropriated by subsection (h)
17 may be available for a facility under the program under
18 subsection (a) unless the deadlines for the preparation of
19 the proposed facility reuse plan for the facility under sub-
20 section (d) and for the preparation of the final facility
21 reuse plan for the facility under subsection (e) are both
22 met.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—(1)
24 There is authorized to be appropriated to the Department
25 of Energy, \$60,000,000 to carry out this section, of which

1 not more than \$4,000,000 may be available to any par-
2 ticular commission under subsection (c).

3 (2) The amount authorized to be appropriated by
4 paragraph (1) shall remain available until expended.

5 **SEC. 9007. RESEARCH AND DEVELOPMENT INVOLVING AL-**
6 **TERNATIVE USE OF WEAPONS OF MASS DE-**
7 **STRUCTION EXPERTISE.**

8 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
9 any other provision of law and subject to subsection (c),
10 any funds available to a department or agency of the Fed-
11 eral Government may be used to conduct non-defense re-
12 search and development in Russia and the states of the
13 former Soviet Union on technologies specified in sub-
14 section (b) utilizing scientists in Russia and the states of
15 the former Soviet Union who have an expertise in—

16 (1) nuclear weapons; or

17 (2) chemical or biological weapons, but only if
18 such scientists no longer engage, or have never en-
19 gaged, in activities relating to such weapons.

20 (b) **TECHNOLOGIES.**—The technologies specified in
21 this subsection are technologies on the following:

22 (1) Environmental restoration and monitoring.

23 (2) Proliferation detection.

24 (3) Health and medicine, including research.

25 (4) Energy.

1 (c) LIMITATION.—Funds may not be used under sub-
2 section (a) for research and development if the Secretary
3 of State, in consultation with the Secretary of Defense and
4 the Secretary of Energy, determines that such research
5 and development will—

6 (1) pose a threat to the security interests of the
7 United States; or

8 (2) further materially any defense technology.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—(1)
10 There is authorized to be appropriated to the Department
11 of State, \$20,000,000 for the following purposes:

12 (A) To make determinations under subsection
13 (c).

14 (B) To defray any increase in costs incurred by
15 the Department, or any other department or agency
16 of the Federal Government, for research and devel-
17 opment, or demonstration, as a result of research
18 and development conducted under this section.

19 (2) The amount authorized to be appropriated by
20 paragraph (1) shall remain available until expended.

21 (3) Any amount transferred to a department or agen-
22 cy of the Federal Government pursuant to paragraph
23 (1)(B) shall be merged with amounts available to such de-
24 partment or agency to cover the costs concerned, and shall

1 be available for the same purposes, and for the same pe-
2 riod, as amounts with which merged.

3 **SEC. 9008. EXPANSION INITIATIVES FOR PROLIFERATION**
4 **PREVENTION PROGRAM.**

5 (a) USE OF FUNDS FOR EXPANSION AUTHORIZED.—

6 The Administrator for Nuclear Security may use amounts
7 authorized to be appropriated by subsection (b) to carry
8 out activities under the Initiatives for Proliferation Pre-
9 vention program at facilities designated for shut-down or
10 conversion to non-defense work under section 9006(b).

11 (b) AUTHORIZATION OF APPROPRIATIONS.—(1)

12 There is authorized to be appropriated for the Department
13 of Energy for the National Nuclear Security Administra-
14 tion for the Initiatives for Proliferation Prevention pro-
15 gram, \$25,000,000 for use authorized by subsection (a).

16 (2) The amount authorized to be appropriated by
17 paragraph (1) shall remain available until expended.

18 **SEC. 9009. ACCELERATION OF HIGHLY ENRICHED URANIUM**
19 **DISPOSITION PROGRAM.**

20 (a) USE OF FUNDS FOR ACCELERATION AUTHOR-

21 IZED.—The Secretary of Energy may use amounts author-
22 ized to be appropriated by subsection (b) to accelerate the
23 program to accelerate the disposition of highly enriched
24 uranium authorized by section 3157 of the National De-

1 fense Authorization Act for Fiscal Year 2003 (Public Law
2 107–314).

3 (b) AUTHORIZATION OF APPROPRIATIONS.—(1)

4 There is authorized to be appropriated for the Department
5 of Energy for the National Nuclear Security Administra-
6 tion for defense nuclear nonproliferation, \$40,000,000 for
7 use authorized by subsection (a).

8 (2) The amount authorized to be appropriated by
9 paragraph (1) shall remain available until expended.

10 **SEC. 9010. ACCELERATION OF DESTRUCTION OF CHEMICAL**

11 **WEAPONS FACILITIES AND INFRASTRUC-**

12 **TURE.**

13 (a) USE OF FUNDS FOR ACCELERATION OF DE-
14 STRUCTION.—Notwithstanding any limitation under sec-
15 tion 1302 of the National Defense Authorization Act for
16 Fiscal Year 2003 (Public Law 107–314), the Secretary
17 of Defense shall use amounts authorized to be appro-
18 priated by subsection (b) to accelerate the program to se-
19 cure and destroy former chemical weapons facilities and
20 infrastructure in the states of the former Soviet Union.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—(1)

22 There is authorized to be appropriated for the Department
23 of Defense for operation and maintenance for Cooperative
24 Threat Reduction programs, \$15,000,000 to carry out
25 subsection (a).

1 (2) The amount authorized to be appropriated by
2 paragraph (1) is in addition to any other amounts author-
3 ized to be appropriated for fiscal year 2003 for the De-
4 partment of Defense for operation and maintenance for
5 Cooperative Threat Reduction programs.

6 **SEC. 9011. ACCELERATION OF BIOLOGICAL MATERIALS**
7 **PROTECTION, CONTROL, AND ACCOUNTING**
8 **PROGRAM.**

9 (a) USE OF FUNDS FOR ACCELERATION OF PRO-
10 GRAM.—Notwithstanding any limitation under section
11 1302 of the National Defense Authorization Act for Fiscal
12 Year 2003 (Public Law 107–314), the Secretary of De-
13 fense shall use amounts authorized to be appropriated by
14 subsection (c) to accelerate the program to account for,
15 secure, consolidate, and destroy biological materials in
16 Russia and the states of the former Soviet Union.

17 (b) AGREEMENTS AUTHORIZED.—In carrying out ac-
18 tivities pursuant to subsection (a), the Secretary may
19 enter into cooperative agreements on non-defense research
20 with scientists and institutes formerly engaged in biologi-
21 cal weapons activities.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—(1)
23 There is authorized to be appropriated for the Department
24 of Defense for operation and maintenance for Cooperative

1 Threat Reduction programs, \$25,000,000 to carry out
2 subsection (a).

3 (2) The amount authorized to be appropriated by
4 paragraph (1) is in addition to any other amounts author-
5 ized to be appropriated for fiscal year 2003 for the De-
6 partment of Defense for operation and maintenance for
7 Cooperative Threat Reduction programs.

8 **SEC. 9012. RUSSIAN TACTICAL NUCLEAR WEAPONS.**

9 (a) REPORT REQUIRED.—Not later than six months
10 after the date of the enactment of this Act, the President
11 shall submit to Congress a report setting forth the fol-
12 lowing:

13 (1) A description of the number, location, con-
14 dition, and security of Russian tactical nuclear
15 weapons.

16 (2) An assessment of the threat posed by the
17 theft of Russian tactical nuclear weapons.

18 (3) A plan for developing with Russia a cooper-
19 ative program to secure, consolidate, and dismantle,
20 as appropriate, Russian tactical nuclear weapons.

21 (b) PROGRAM.—The Secretary of Defense and the
22 Secretary of Energy shall jointly work with Russia to es-
23 tablish a cooperative program, based on the report under
24 subsection (a), to secure, consolidate, and dismantle, as
25 appropriate, Russian tactical nuclear weapons in order to

1 achieve reductions in the total number of Russian tactical
2 nuclear weapons.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—(1)

4 There is authorized to be appropriated for the Department
5 of Defense, \$25,000,000 to carry out this section.

6 (2) There is authorized to be appropriated for the De-
7 partment of Energy, \$25,000,000 to carry out this sec-
8 tion.

9 **SEC. 9013. AUTHORIZATION OF USE OF COOPERATIVE**
10 **THREAT REDUCTION FUNDS FOR PROJECTS**
11 **AND ACTIVITIES OUTSIDE THE FORMER SO-**
12 **VIET UNION.**

13 (a) COOPERATIVE THREAT REDUCTION PROGRAMS
14 AND FUNDS.—For purposes of this section:

15 (1) Cooperative Threat Reduction programs
16 are—

17 (A) the programs specified in section
18 1501(b) of the National Defense Authorization
19 Act for Fiscal Year 1997 (Public Law 104–201;
20 110 Stat. 2731; 50 U.S.C. 2362 note); and

21 (B) any other similar programs, as des-
22 ignated by the Secretary of Defense, to address
23 critical emerging proliferation threats in the
24 states of the former Soviet Union that jeop-
25 ardize United States national security.

1 (2) Cooperative Threat Reduction funds, for a
2 fiscal year, are the funds authorized to be appro-
3 priated for Cooperative Threat Reduction programs
4 for that fiscal year.

5 (b) AUTHORIZATION OF USE OF CTR FUNDS FOR
6 THREAT REDUCTION ACTIVITIES OUTSIDE THE FORMER
7 SOVIET UNION.—(1) Notwithstanding any other provision
8 of law and subject to the succeeding provisions of this sec-
9 tion, the Secretary of Defense may obligate and expend
10 Cooperative Threat Reduction funds for fiscal year 2003,
11 or Cooperative Threat Reduction funds for a fiscal year
12 before fiscal year 2003 that remain available for obligation
13 as of the date of the enactment of this Act, for prolifera-
14 tion threat reduction projects and activities outside the
15 states of the former Soviet Union if the Secretary deter-
16 mines that such projects and activities will—

17 (A) assist the United States in the resolution of
18 critical emerging proliferation threats; or

19 (B) permit the United States to take advantage
20 of opportunities to achieve long-standing United
21 States nonproliferation goals.

22 (2) The amount that may be obligated under para-
23 graph (1) in any fiscal year for projects and activities de-
24 scribed in that paragraph may not exceed \$50,000,000.

1 (c) AUTHORIZED USES OF FUNDS.—The authority
2 under subsection (b) to obligate and expend Cooperative
3 Threat Reduction funds for a project or activity includes
4 authority to provide equipment, goods, and services for the
5 project or activity, but does not include authority to pro-
6 vide cash directly to the project or activity.

7 (d) SOURCE AND REPLACEMENT OF FUNDS USED.—
8 (1) The Secretary shall, to the maximum extent prac-
9 ticable, ensure that funds for projects and activities under
10 subsection (b) are derived from funds that would otherwise
11 be obligated for a range of Cooperative Threat Reduction
12 programs, so that no particular Cooperative Threat Re-
13 duction program is the exclusive or predominant source
14 of funds for such projects and activities.

15 (2) If the Secretary obligates Cooperative Threat Re-
16 duction funds under subsection (b) in a fiscal year, the
17 first budget of the President that is submitted under sec-
18 tion 1105(a) of title 31, United States Code, after such
19 fiscal year shall set forth, in addition to any other amounts
20 requested for Cooperative Threat Reduction programs in
21 the fiscal year covered by such budget, a request for Coop-
22 erative Threat Reduction funds in the fiscal year covered
23 by such budget in an amount equal to the amount so obli-
24 gated. The request shall also set forth the Cooperative
25 Threat Reduction program or programs for which such

1 funds would otherwise have been obligated, but for obliga-
2 tion under subsection (b).

3 (3) Amounts authorized to be appropriated pursuant
4 to a request under paragraph (2) shall be available for
5 the Cooperative Threat Reduction program or programs
6 set forth in the request under the second sentence of that
7 paragraph.

8 (e) LIMITATION ON OBLIGATION OF FUNDS.—Except
9 as provided in subsection (f), the Secretary may not obli-
10 gate and expend Cooperative Threat Reduction funds for
11 a project or activity under subsection (b) until 30 days
12 after the date on which the Secretary submits to the con-
13 gressional defense committees a report on the purpose for
14 which the funds will be obligated and expended, and the
15 amount of the funds to be obligated and expended.

16 (f) EXCEPTION.—(1) The Secretary may obligate and
17 expend Cooperative Threat Reduction funds for a project
18 or activity under subsection (b) without regard to sub-
19 section (e) if the Secretary determines that a critical
20 emerging proliferation threat warrants immediate obliga-
21 tion and expenditure of such funds.

22 (2) Not later than 72 hours after first obligating
23 funds for a project or activity under paragraph (1), the
24 Secretary shall submit to the congressional defense com-
25 mittees a report containing a detailed justification for the

1 obligation of funds. The report on a project or activity
2 shall include the following:

3 (A) A description of the critical emerging pro-
4 liferation threat to be addressed, or the long-stand-
5 ing United States nonproliferation goal to be
6 achieved, by the project or activity.

7 (B) A description of the agreement, if any,
8 under which the funds will be used, including wheth-
9 er or not the agreement provides that the funds will
10 not be used for purposes contrary to the national se-
11 curity interests of the United States.

12 (C) A description of the contracting process, if
13 any, that will be used in the implementation of the
14 project or activity.

15 (D) An analysis of the effect of the obligation
16 of funds for the project or activity on ongoing Coop-
17 erative Threat Reduction programs.

18 (E) An analysis of the need for additional or
19 follow-up threat reduction assistance, including
20 whether or not the need for such assistance justifies
21 the establishment of a new cooperative threat reduc-
22 tion program or programs to account for such assist-
23 ance.

24 (F) A description of the mechanisms to be used
25 by the Secretary to assure that proper audits and

1 examinations of the project or activity are carried
2 out.

3 (g) REPORT ON ESTABLISHMENT OF NEW COOPERA-
4 TIVE THREAT REDUCTION PROGRAMS.—(1) If the Sec-
5 retary employs the authority in subsection (b) in any two
6 fiscal years, the Secretary shall submit to Congress a re-
7 port on the advisability of establishing one or more new
8 cooperative threat reduction programs to account for
9 projects and activities funded using such authority.

10 (2) The report required by paragraph (1) shall be
11 submitted along with the budget justification materials in
12 support of the Department of Defense budget (as sub-
13 mitted with the budget of the President under section
14 1105(a) of title 31, United States Code) in the first budg-
15 et submitted after the end of the two consecutive fiscal
16 years referred to in that paragraph.

17 **SEC. 9014. REPEAL OF CERTAIN LIMITATIONS ON USES OF**
18 **FUNDS.**

19 The following provisions are repealed:

20 (1) Section 1203(d) of the Cooperative Threat
21 Reduction Act of 1993 (title XII of Public Law
22 103–160; 107 Stat. 1778; 22 U.S.C. 5952).

23 (2) Section 502 of the FREEDOM Support Act
24 (Public Law 102–522; 106 Stat. 3338; 22 U.S.C.
25 5852).

1 “(B) The Deputy Director of National Intel-
2 ligence.

3 “(C) The Deputy Director of National Intel-
4 ligence for Community Management.

5 “(D) The National Intelligence Council.

6 “(E) The Assistant Director of National Intel-
7 ligence for Collection.

8 “(F) The Assistant Director of National Intel-
9 ligence for Analysis and Production.

10 “(G) The Assistant Director of National Intel-
11 ligence for Administration.

12 “(H) The General Counsel to the Director of
13 National Intelligence.

14 “(I) The Inspector General of the Intelligence
15 Community.

16 “(J) The Office of the National Counterintel-
17 ligence Executive.

18 “(K) Such other offices and officials as may be
19 established by law or the Director of National Intel-
20 ligence may establish or designate in the Office.

21 “(3) To assist the Director in fulfilling the respon-
22 sibilities of the Director as head of the intelligence commu-
23 nity, the Director shall employ and utilize in the Office
24 of the Director of National Intelligence a professional staff
25 having an expertise in matters relating to such responsibil-

ities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

“(b) DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise.

“(3) The Director of National Intelligence shall—

“(A) serve as head of the United States intelligence community; and

“(B) act as the principal adviser to the President for intelligence matters related to the national security.

“(c) DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Deputy Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Deputy Director of National Intelligence shall have extensive national security expertise.

“(3) The Deputy Director of National Intelligence shall assist the Director of National Intelligence in carrying out the Director’s responsibilities under this Act.

1 “(4) The Deputy Director of National Intelligence
2 shall act for, and exercise the powers of, the Director of
3 National Intelligence during the Director’s absence or dis-
4 ability or during a vacancy in the position of the Director
5 of National Intelligence.

6 “(5) The Deputy Director of National Intelligence
7 takes precedence in the Office of the Director of National
8 Intelligence immediately after the Director of National In-
9 telligence.

10 “(d) DEPUTY DIRECTOR OF NATIONAL INTEL-
11 LIGENCE FOR COMMUNITY MANAGEMENT.—(1) There is
12 a Deputy Director of National Intelligence for Community
13 Management who shall be appointed by the President, by
14 and with the advice and consent of the Senate.

15 “(2) Any individual nominated for appointment as
16 Deputy Director of National Intelligence for Community
17 Management shall have extensive national security exper-
18 tise.

19 “(3) The Deputy Director of National Intelligence for
20 Community Management shall, subject to the direction of
21 the Director of National Intelligence, be responsible for
22 the following:

23 “(A) Directing the operations of the Commu-
24 nity Management Staff.

1 “(B) Through the Assistant Director of Na-
2 tional Intelligence for Collection, ensuring the effi-
3 cient and effective collection of national intelligence
4 using technical means and human sources.

5 “(C) Through the Assistant Director of Na-
6 tional Intelligence for Analysis and Production, con-
7 ducting oversight of the analysis and production of
8 intelligence by elements of the intelligence commu-
9 nity.

10 “(D) Through the Assistant Director of Na-
11 tional Intelligence for Administration, performing
12 community-wide management functions of the intel-
13 ligence community, including the management of
14 personnel and resources.

15 “(4) The Deputy Director of National Intelligence for
16 Community Management takes precedence in the Office
17 of the Director of National Intelligence immediately after
18 the Deputy Director of National Intelligence.

19 “(e) MILITARY STATUS OF DIRECTOR AND DEPUTY
20 DIRECTORS.—(1) Not more than one of the individuals
21 serving in the positions specified in paragraph (2) may
22 be a commissioned officer of the Armed Forces, whether
23 in active or retired status.

24 “(2) The positions referred to in this paragraph are
25 the following:

1 “(A) The Director of National Intelligence.

2 “(B) The Deputy Director of National Intel-
3 ligence.

4 “(C) The Deputy Director of National Intel-
5 ligence for Community Management.

6 “(3) It is the sense of Congress that, under ordinary
7 circumstances, it is desirable that one of the individuals
8 serving in the positions specified in paragraph (2)—

9 “(A) be a commissioned officer of the Armed
10 Forces, whether in active or retired status; or

11 “(B) have, by training or experience, an appre-
12 ciation of military intelligence activities and require-
13 ments.

14 “(4) A commissioned officer of the Armed Forces,
15 while serving in a position specified in paragraph (2)—

16 “(A) shall not be subject to supervision or con-
17 trol by the Secretary of Defense or by any officer or
18 employee of the Department of Defense;

19 “(B) shall not exercise, by reason of the offi-
20 cer’s status as a commissioned officer, any super-
21 vision or control with respect to any of the military
22 or civilian personnel of the Department of Defense
23 except as otherwise authorized by law; and

24 “(C) shall not be counted against the numbers
25 and percentages of commissioned officers of the rank

1 and grade of such officer authorized for the military
2 department of that officer.

3 “(5) Except as provided in subparagraph (A) or (B)
4 of paragraph (4), the appointment of an officer of the
5 Armed Forces to a position specified in paragraph (2)
6 shall not affect the status, position, rank, or grade of such
7 officer in the Armed Forces, or any emolument, perquisite,
8 right, privilege, or benefit incident to or arising out of such
9 status, position, rank, or grade.

10 “(6) A commissioned officer of the Armed Forces on
11 active duty who is appointed to a position specified in
12 paragraph (2), while serving in such position and while
13 remaining on active duty, shall continue to receive military
14 pay and allowances and shall not receive the pay pre-
15 scribed for such position. Funds from which such pay and
16 allowances are paid shall be reimbursed from funds avail-
17 able to the Director of National Intelligence.

18 “(f) NATIONAL INTELLIGENCE COUNCIL.—(1) There
19 is a National Intelligence Council.

20 “(2)(A) The Council shall be composed of senior ana-
21 lysts within the intelligence community and substantive
22 experts from the public and private sector, who shall be
23 appointed by, report to, and serve at the pleasure of the
24 Director of National Intelligence.

1 “(B) The Director shall prescribe appropriate secu-
2 rity requirements for personnel appointed from the private
3 sector as a condition of service on the Council, or as con-
4 tractors of the Council or employees of such contractors,
5 to ensure the protection of intelligence sources and meth-
6 ods while avoiding, wherever possible, unduly intrusive re-
7 quirements which the Director considers to be unnecessary
8 for this purpose.

9 “(3) The Council shall—

10 “(A) produce national intelligence estimates for
11 the Government, including, whenever the Council
12 considers appropriate, alternative views held by ele-
13 ments of the intelligence community;

14 “(B) evaluate community-wide collection and
15 production of intelligence by the intelligence commu-
16 nity and the requirements and resources of such col-
17 lection and production; and

18 “(C) otherwise assist the Director in carrying
19 out the responsibilities described in section 103(a).

20 “(4) Within their respective areas of expertise and
21 under the direction of the Director, the members of the
22 Council shall constitute the senior intelligence advisers of
23 the intelligence community for purposes of representing
24 the views of the intelligence community within the Govern-
25 ment.

1 “(5) Subject to the direction and control of the Direc-
2 tor, the Council may carry out its responsibilities under
3 this subsection by contract, including contracts for sub-
4 stantive experts necessary to assist the Council with par-
5 ticular assessments under this subsection.

6 “(6) The Director shall make available to the Council
7 such staff as may be necessary to permit the Council to
8 carry out its responsibilities under this subsection, and
9 shall take appropriate measures to ensure that the Council
10 and its staff satisfy the needs of policymaking officials and
11 other consumers of intelligence.

12 “(7) The Council shall be readily accessible to policy-
13 making officials and other appropriate individuals not oth-
14 erwise associated with the intelligence community.

15 “(8) The heads of elements within the intelligence
16 community shall, as appropriate, furnish such support to
17 the Council, including the preparation of intelligence anal-
18 yses, as may be required by the Director.

19 “(g) ASSISTANT DIRECTOR OF NATIONAL INTEL-
20 LIGENCE FOR COLLECTION.—(1) There is an Assistant
21 Director of National Intelligence for Collection who shall
22 be appointed by the President, by and with the advice and
23 consent of the Senate.

24 “(2) The Assistant Director for Collection shall assist
25 the Director of National Intelligence in carrying out the

1 Director's collection responsibilities in order to ensure the
2 efficient and effective collection of national intelligence.

3 “(h) ASSISTANT DIRECTOR OF NATIONAL INTEL-
4 LIGENCE FOR ANALYSIS AND PRODUCTION.—(1) There is
5 an Assistant Director of National Intelligence for Analysis
6 and Production who shall be appointed by the President,
7 by and with the advice and consent of the Senate.

8 “(2) The Assistant Director for Analysis and Produc-
9 tion shall—

10 “(A) oversee the analysis and production of in-
11 telligence by the elements of the intelligence commu-
12 nity;

13 “(B) establish standards and priorities relating
14 to the analysis and production of intelligence by
15 such elements;

16 “(C) monitor the allocation of resources for the
17 analysis and production of intelligence in order to
18 identify unnecessary duplication in the analysis and
19 production of intelligence;

20 “(D) direct competitive analysis of analytical
21 products having National importance;

22 “(E) identify intelligence to be collected for
23 purposes of the Assistant Director of National Intel-
24 ligence for Collection; and

1 “(F) provide such additional analysis and pro-
2 duction of intelligence as the President and the Na-
3 tional Security Council may require.

4 “(i) ASSISTANT DIRECTOR OF NATIONAL INTEL-
5 LIGENCE FOR ADMINISTRATION.—(1) There is an Assist-
6 ant Director of National Intelligence for Administration
7 who shall be appointed by the President, by and with the
8 advice and consent of the Senate.

9 “(2) The Assistant Director for Administration shall
10 manage such activities relating to the administration of
11 the intelligence community as the Director of National In-
12 telligence shall require.

13 “(j) GENERAL COUNSEL TO DIRECTOR OF NATIONAL
14 INTELLIGENCE.—(1) There is a General Counsel to the
15 Director of National Intelligence who shall be appointed
16 from civilian life by the President, by and with the advice
17 and consent of the Senate.

18 “(2) The individual serving in the position of General
19 Counsel to the Director of National Intelligence may not,
20 while so serving, also serve as the General Counsel of the
21 Central Intelligence Agency.

22 “(3) The General Counsel to the Director of National
23 Intelligence is the chief legal officer for the Director of
24 National Intelligence.

1 “(4) The General Counsel to the Director of National
2 Intelligence shall perform such functions as the Director
3 of National Intelligence may prescribe.

4 “(k) INSPECTOR GENERAL OF INTELLIGENCE COM-
5 MUNITY.—(1) There shall be an Inspector General of the
6 Intelligence Community who is appointed as provided in
7 section 3 of the Inspector General Act of 1978 (5 U.S.C.
8 App. 3).

9 “(2) The Inspector General of the Intelligence Com-
10 munity shall report to and be under the general super-
11 vision of the Director of National Intelligence.

12 “(3) The Inspector General of the Intelligence Com-
13 munity shall, with respect to the intelligence community
14 as a whole and each element of the intelligence commu-
15 nity, perform such duties, have such responsibilities, and
16 exercise such powers specified in the Inspector General
17 Act of 1978 as the Director of National Intelligence shall
18 prescribe.

19 “(4) Each inspector general of an element of the in-
20 telligence community shall cooperate fully with the Inspec-
21 tor General of the Intelligence Community in the perform-
22 ance of any duty or function by the Inspector General of
23 the Intelligence Community under this subsection regard-
24 ing such element.

1 “(1) develop an annual budget for intelligence
2 and intelligence-related activities of the United
3 States by—

4 “(A) developing and presenting to the
5 President an annual budget for the National
6 Foreign Intelligence Program, including review,
7 approval, and modification of the execution of
8 intelligence community budgets, and personnel
9 and resource allocation in furtherance of such
10 annual budget;

11 “(B) participating in the development by
12 the Secretary of Defense of the annual budgets
13 for the Joint Military Intelligence Program and
14 the Tactical Intelligence and Related Activities
15 Program; and

16 “(C) managing and overseeing the execu-
17 tion and, if necessary, the modification of the
18 annual budget for the National Foreign Intel-
19 ligence Program, including directing the trans-
20 fer of funds or personnel between elements of
21 the intelligence community;

22 “(D) setting, monitoring, and enforcing
23 consistent policy for the intelligence community;

24 “(E) reviewing, approving, modifying, and
25 exercising primary management and oversight

1 of the research and development efforts of the
2 intelligence community;

3 “(F) reviewing, approving, and coordi-
4 nating relationships between elements of the in-
5 telligence community and foreign intelligence,
6 law enforcement, and security services;

7 “(G) insuring that the elements of the in-
8 telligence community comply fully with policies,
9 guidance, and authorities applicable to the in-
10 telligence community on management, adminis-
11 tration, and law;

12 “(2) establish the requirements and priorities to
13 govern the collection of national intelligence by ele-
14 ments of the intelligence community;

15 “(3) approve, establish, and enforce collection
16 processing, and dissemination requirements, deter-
17 mine collection priorities, and resolve conflicts in col-
18 lection priorities levied on national collection assets,
19 except as otherwise agreed with the Secretary of De-
20 fense pursuant to the direction of the President;

21 “(4) promote and evaluate the utility of na-
22 tional intelligence to consumers within the Govern-
23 ment;

24 “(5) eliminate waste and unnecessary duplica-
25 tion within the intelligence community;

1 “(6) establish requirements and priorities for
2 foreign intelligence information to be collected under
3 the Foreign Intelligence Surveillance Act of 1978
4 (50 U.S.C. 1801 et seq.), and provide assistance to
5 the Attorney General to ensure that information de-
6 rived from electronic surveillance or physical
7 searches under that Act is disseminated so it may be
8 used efficiently and effectively for foreign intel-
9 ligence purposes, except that the Director shall have
10 no authority to direct, manage, or undertake elec-
11 tronic surveillance or physical search operations pur-
12 suant to that Act unless otherwise authorized by
13 statute or Executive order;

14 “(7) protect intelligence sources and methods
15 from unauthorized disclosure; and

16 “(8) perform such other functions as the Presi-
17 dent or the National Security Council may direct.

18 “AUTHORITIES OF DIRECTOR OF NATIONAL
19 INTELLIGENCE

20 “SEC. 103A. (a) ACCESS TO INTELLIGENCE.—To the
21 extent recommended by the National Security Council and
22 approved by the President, the Director of National Intel-
23 ligence shall have access to all intelligence related to the
24 national security which is collected by any department,
25 agency, or other entity of the United States.

1 “(b) APPROVAL OF BUDGETS.—The Director of Na-
2 tional Intelligence shall supervise the elements of the intel-
3 ligence community in the preparation of their annual
4 budgets, and shall approve such budgets before their in-
5 corporation in the National Foreign Intelligence Program.

6 “(c) REPROGRAMMING.—(1) No funds made avail-
7 able under the National Foreign Intelligence Program
8 may be reprogrammed by any element of the intelligence
9 community without the prior approval of the Director of
10 National Intelligence except in accordance with procedures
11 issued by the Director.

12 “(2) The Secretary of Defense shall consult with the
13 Director before reprogramming funds made available
14 under the Joint Military Intelligence Program.

15 “(d) TRANSFER OF FUNDS OR PERSONNEL WITHIN
16 NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1)(A)
17 In addition to any other authorities available under law
18 for such purposes, the Director of National Intelligence
19 may, with the approval of the Director of the Office of
20 Management and Budget, transfer funds appropriated for
21 a program within the National Foreign Intelligence Pro-
22 gram to another such program and, in accordance with
23 procedures to be developed by the Director, may transfer
24 personnel authorized for an element of the intelligence

1 community to another such element for periods up to a
2 year.

3 “(B) The Director may only delegate a duty or au-
4 thority given the Director under this subsection to the
5 Deputy Director of National Intelligence for Community
6 Management.

7 “(2) A transfer of funds or personnel may be made
8 under this subsection only if—

9 “(A) the funds or personnel are being trans-
10 ferred to an activity that is a higher priority intel-
11 ligence activity;

12 “(B) the need for funds or personnel for such
13 activity is based on unforeseen requirements; and

14 “(C) the transfer does not involve a transfer of
15 funds to the Reserve for Contingencies of the Cen-
16 tral Intelligence Agency.

17 “(3) Funds transferred under this subsection shall
18 remain available for the same period as the appropriations
19 account to which transferred.

20 “(4)(A) Any transfer of funds under this subsection
21 shall be carried out in accordance with existing procedures
22 applicable to reprogramming notifications for the appro-
23 priate congressional committees.

24 “(B) Any proposed transfer for which notice is given
25 to the appropriate congressional committees shall be ac-

1 accompanied by a report explaining the nature of the pro-
2 posed transfer and how it satisfies the requirements of this
3 subsection. In addition, the congressional intelligence com-
4 mittees shall be promptly notified of any transfer of funds
5 made pursuant to this subsection in any case in which the
6 transfer would not have otherwise required reprogram-
7 ming notification under procedures in effect as of October
8 24, 1992.

9 “(5) The Director shall promptly submit to the con-
10 gressional intelligence committees and, in the case of the
11 transfer of personnel to or from the Department of De-
12 fense, the Committee on Armed Services of the Senate and
13 the Committee on Armed Services of the House of Rep-
14 resentatives, a report on any transfer of personnel made
15 pursuant to this subsection. The Director shall include in
16 any such report an explanation of the nature of the trans-
17 fer and how it satisfies the requirements of this sub-
18 section.

19 “(e) COORDINATION WITH FOREIGN GOVERN-
20 MENTS.—Under the direction of the National Security
21 Council and in a manner consistent with section 207 of
22 the Foreign Service Act of 1980 (22 U.S.C. 3927), the
23 Director of National Intelligence shall coordinate the rela-
24 tionships between elements of the intelligence community
25 and the intelligence or security services of foreign govern-

1 ments on all matters involving intelligence related to the
2 national security or involving intelligence acquired through
3 clandestine means.

4 “(f) USE OF PERSONNEL.—The Director of National
5 Intelligence shall, in coordination with the heads of de-
6 partments and agencies with elements in the intelligence
7 community, institute policies and programs within the in-
8 telligence community—

9 “(1) to provide for the rotation of personnel be-
10 tween the elements of the intelligence community,
11 where appropriate, and to make such rotated service
12 a factor to be considered for promotion to senior po-
13 sitions; and

14 “(2) to consolidate, wherever possible, per-
15 sonnel, administrative, and security programs to re-
16 duce the overall costs of these activities within the
17 intelligence community.

18 “(g) STANDARDS AND QUALIFICATIONS FOR PER-
19 FORMANCE OF INTELLIGENCE ACTIVITIES.—The Director
20 of National Intelligence shall, in consultation with the
21 heads of effected agencies, develop standards and quali-
22 fications for persons engaged in the performance of intel-
23 ligence activities within the intelligence community.

24 “CENTRAL INTELLIGENCE AGENCY

25 “SEC. 104. (a) IN GENERAL.—There is a Central In-
26 telligence Agency.

1 “(b) FUNCTION.—The function of the Agency shall
2 be to assist the Director of the Central Intelligence Agency
3 in carrying out the responsibilities of the Director under
4 section 104A(d).

5 “DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

6 “SEC. 104A. (a) DIRECTOR OF CENTRAL INTEL-
7 LIGENCE AGENCY.—There is a Director of the Central In-
8 telligence Agency who shall be appointed by the President,
9 by and with the advice and consent of the Senate.

10 “(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—

11 The Director of the Central Intelligence Agency shall be
12 the head of the Central Intelligence Agency.

13 “(c) PROHIBITION ON SIMULTANEOUS SERVICE AS
14 DIRECTOR OF NATIONAL INTELLIGENCE.—The individual
15 serving in the position of Director of the Central Intel-
16 ligence Agency shall not, while so serving, also serve as
17 the Director of National Intelligence.

18 “(d) GENERAL RESPONSIBILITIES.—As head of the
19 Central Intelligence Agency, the Director of the Central
20 Intelligence Agency shall—

21 “(1) collect intelligence through human sources
22 and by other appropriate means, except that the
23 Agency shall have no police, subpoena, or law en-
24 forcement powers or internal security functions;

25 “(2) provide overall direction for the collection
26 of national intelligence through human sources by

1 elements of the intelligence community authorized to
2 undertake such collection and, in coordination with
3 other agencies of the Government which are author-
4 ized to undertake such collection, ensure that the
5 most effective use is made of resources and that the
6 risks to the United States and those involved in such
7 collection are minimized;

8 “(3) correlate and evaluate intelligence related
9 to the national security and provide appropriate dis-
10 semination of such intelligence;

11 “(4) perform such additional services as are of
12 common concern to the elements of the intelligence
13 community, which services the Director of National
14 Intelligence determines can be more efficiently ac-
15 complished centrally; and

16 “(5) perform such other functions and duties
17 related to intelligence affecting the national security
18 as the President or the National Security Council
19 may direct.

20 “(e) TERMINATION OF EMPLOYMENT OF CIA EM-
21 PLOYEES.—(1) Notwithstanding any other provision of
22 law, the Director of the Central Intelligence Agency may,
23 in the Director’s discretion, terminate the employment of
24 any officer or employee of the Central Intelligence Agency

1 whenever the Director considers such termination nec-
2 essary or advisable in the interests of the United States.

3 “(2) Termination under paragraph (1) shall not af-
4 fect the right of the officer or employee terminated to seek
5 or accept employment in any other department or agency
6 of the Government if declared eligible for such employ-
7 ment by the Office of Personnel Management.”.

8 (b) SENSE OF CONGRESS ON CABINET-LEVEL STA-
9 TUS OF DIRECTOR OF NATIONAL INTELLIGENCE.—It is
10 the sense of Congress that the Director of National Intel-
11 ligence should be a cabinet-level officer of the United
12 States Government.

13 (c) GENERAL REFERENCES.—(1) Any reference to
14 the Director of Central Intelligence in the Director’s ca-
15 pacity as the head of the intelligence community in any
16 law, regulation, document, paper, or other record of the
17 United States shall be deemed to be a reference to the
18 Director of National Intelligence.

19 (2) Any reference to the Director of Central Intel-
20 ligence in the Director’s capacity as the head of the Cen-
21 tral Intelligence Agency in any law, regulation, document,
22 paper, or other record of the United States shall be
23 deemed to be a reference to the Director of the Central
24 Intelligence Agency.

1 (3) Any reference to the Deputy Director of Central
2 Intelligence in the Deputy Director's capacity as deputy
3 to the head of the intelligence community in any law, regu-
4 lation, document, paper, or other record of the United
5 States shall be deemed to be a reference to the Deputy
6 Director of National Intelligence.

7 (4) Any reference to the Deputy Director of Central
8 Intelligence for Community Management in any law, regu-
9 lation, document, paper, or other record of the United
10 States shall be deemed to be a reference to the Deputy
11 Director of National Intelligence for Community Manage-
12 ment.

13 (5) Any reference to the Assistant Director of Central
14 Intelligence for Collection in any law, regulation, docu-
15 ment, paper, or other record of the United States shall
16 be deemed to be a reference to the Assistant Director of
17 National Intelligence for Collection.

18 (6) Any reference to the Assistant Director of Central
19 Intelligence for Analysis and Production in any law, regu-
20 lation, document, paper, or other record of the United
21 States shall be deemed to be a reference to the Assistant
22 Director of National Intelligence for Analysis and Produc-
23 tion.

24 (7) Any reference to the Assistant Director of Central
25 Intelligence for Administration in any law, regulation, doc-

1 ument, paper, or other record of the United States shall
2 be deemed to be a reference to the Assistant Director of
3 National Intelligence for Administration.

4 **SEC. 10003. TEN-YEAR TERM OF SERVICE FOR THE DIREC-**
5 **TOR OF NATIONAL INTELLIGENCE.**

6 (a) **TERM OF SERVICE.**—The term of service of the
7 Director of National Intelligence shall be ten years.

8 (b) **APPLICABILITY.**—(1) Subsection (a) shall apply
9 with respect to any individual appointed as Director of
10 National Intelligence on or after the date of the enactment
11 of this Act.

12 (2) For purposes of paragraph (1), the redesignation
13 of the position of Director of Central Intelligence as the
14 position of Director of National Intelligence in the amend-
15 ment to the National Security Act of 1947 made by sec-
16 tion 10002(a) of this Act shall not be treated as creating
17 a vacancy in the position of Director of National Intel-
18 ligence for which appointment is required under section
19 102(b) of the National Security Act of 1947, as so amend-
20 ed.

21 **SEC. 10004. EXECUTIVE SCHEDULE MATTERS.**

22 (a) **EXECUTIVE SCHEDULE LEVEL II.**—Section 5313
23 of title 5, United States Code, is amended by striking the
24 item relating to the Director of Central Intelligence and
25 inserting the following new items:

1 “Director of National Intelligence.

2 “Director of the Central Intelligence Agency.”.

3 (b) EXECUTIVE SCHEDULE LEVEL III.—Section
4 5314 of title 5, United States Code, is amended by strik-
5 ing the item relating to the Deputy Directors of Central
6 Intelligence and inserting the following new item:

7 “Deputy Directors of National Intelligence
8 (2).”.

9 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
10 5315 of title 5, United States Code, is amended—

11 (1) by striking the item relating to the Assist-
12 ant Directors of Central Intelligence and inserting
13 the following new item:

14 “Assistant Directors of National Intelligence
15 (3).”;

16 (2) by striking the item relating to the Inspec-
17 tor General of the Central Intelligence Agency and
18 inserting the following new items:

19 “Inspector General, Central Intelligence Agen-
20 cy.

21 “Inspector General, Intelligence Community.”;

22 and

23 (3) by inserting after the item relating to the
24 General Counsel of the Central Intelligence Agency
25 the following new item:

1 “General Counsel to the Director of National
2 Intelligence.”.

3 **SEC. 10005. CONFORMING AND CLERICAL AMENDMENTS.**

4 (a) NATIONAL SECURITY ACT OF 1947.—(1) The
5 National Security Act of 1947 (50 U.S.C. 401 et seq.)
6 is amended by striking “Director of Central Intelligence”
7 and inserting “Director of National Intelligence” each
8 place it appears in the following provisions:

9 (A) Section 3(4)(A) (50 U.S.C. 401a(4)(A)),
10 both places it appears.

11 (B) Section 3(4)(J) (50 U.S.C. 401a(4)(J)).

12 (C) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

13 (D) Section 3(6) (50 U.S.C. 401a(6)).

14 (E) Section 101(h)(2)(A) (50 U.S.C.
15 402(h)(2)(A)).

16 (F) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

17 (G) Section 101(i)(2)(A) (50 U.S.C.
18 402(i)(2)(A)).

19 (H) Section 101(j) (50 U.S.C. 402(j)), both
20 places it appears.

21 (I) Section 105(a) (50 U.S.C. 403–5(a)).

22 (J) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

23 (K) Section 105(b)(6)(A) (50 U.S.C. 403–
24 5(b)(6)(A)).

1 (L) Section 105B(a)(1) (50 U.S.C. 403–
2 5b(a)(1)).

3 (M) Section 105B(a)(2) (50 U.S.C. 403–
4 5b(a)(2)).

5 (N) Section 105B(b) (50 U.S.C. 403–5b(b)),
6 both places it appears.

7 (O) Section 105C(a)(6)(B)(viii) (50 U.S.C.
8 403–5c(a)(6)(B)(viii)).

9 (P) Section 105C(b) (50 U.S.C. 403–5c(b)),
10 both places it appears.

11 (Q) Section 105D(b), as added by section 502
12 of the Intelligence Authorization Act for Fiscal Year
13 2003 (Public Law 107–306), both places it appears.

14 (R) Section 106(a)(1) (50 U.S.C. 403–6(a)(1)).

15 (S) Section 106(b)(1) (50 U.S.C. 403–6(b)(1)).

16 (T) Section 106(b)(3) (50 U.S.C. 403–6(b)(3)).

17 (U) Section 110(b) (50 U.S.C. 404e(b)).

18 (V) Section 110(c) (50 U.S.C. 404e(c)).

19 (W) Section 111 (50 U.S.C. 404f).

20 (X) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

21 (Y) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

22 (Z) Section 113(b)(2)(A) (50 U.S.C.
23 404h(b)(2)(A)).

24 (AA) Section 113(c) (50 U.S.C. 404h(c)).

25 (BB) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

1 (CC) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

2 (DD) Section 114(c)(1), as amended by section
3 324 of the Intelligence Authorization Act for Fiscal
4 Year 2003.

5 (EE) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

6 (FF) Section 115(b) (50 U.S.C. 404j(b)).

7 (GG) Section 115(c)(1)(B) (50 U.S.C.
8 404j(c)(1)(B)).

9 (HH) Section 116(a) (50 U.S.C. 404k(a)).

10 (II) Section 116(b) (50 U.S.C. 404k(b)).

11 (JJ) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

12 (KK) Section 303(a) (50 U.S.C. 405(a)), both
13 places it appears.

14 (LL) Section 501(d) (50 U.S.C. 413(d)).

15 (MM) Section 502(a) (50 U.S.C. 413a(a)).

16 (NN) Section 502(c) (50 U.S.C. 413a(c)).

17 (OO) Section 503(b) (50 U.S.C. 413b(b)).

18 (PP) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

19 (QQ) Section 506(b), as added by section 311
20 of the Intelligence Authorization Act for Fiscal Year
21 2003.

22 (RR) Section 603(a) (50 U.S.C. 423(a)).

23 (SS) Section 1001(a), as amended by section
24 331 of the Intelligence Authorization Act for Fiscal
25 Year 2003.

1 (2) The National Security Act of 1947 is further
2 amended by striking “Director of Central Intelligence”
3 and inserting “Director of the Central Intelligence Agen-
4 cy” each place it appears in the following provisions:

5 (A) Section 504(a)(2) (50 U.S.C. 414(a)(2)).

6 (B) Section 504(a)(3)(C) (50 U.S.C.
7 414(a)(3)(C)).

8 (C) Section 701(a) (50 U.S.C. 431(a)).

9 (D) Section 702(a) (50 U.S.C. 432(a)).

10 (3) Section 3(4)(A) of that Act (50 U.S.C.
11 401a(4)(A)) is further amended—

12 (A) by striking “as provided in section
13 105(b)(3)” and inserting “as provided in section
14 102(f)”; and

15 (B) by striking “the Director may” and insert-
16 ing “the Director of National Intelligence may”.

17 (4) Section 105(b) of that Act (50 U.S.C. 403–5(b))
18 is further amended by striking “sections 103 and 104”
19 and inserting “sections 103, 103A, and 104A”.

20 (5) Section 112(d) of that Act (50 U.S.C. 404g(d))
21 is further amended—

22 (A) in paragraph (1), by striking “section
23 103(c)(6) of this Act” and inserting “section
24 103(b)(7)”; and

25 (B) in paragraph (2), by striking “of this Act”.

1 (A) by striking the items relating to sections
 2 102 through 104 and inserting the following new
 3 items:

“Sec. 102. Office of the Director of Central Intelligence.
 “Sec. 103. Responsibilities of Director of National Intelligence.
 “Sec. 103A. Authorities of Director of National Intelligence.
 “Sec. 104. Central Intelligence Agency.
 “Sec. 104A. Director of the Central Intelligence Agency.”; and

4 (B) by striking the item relating to section 114
 5 and inserting the following new item:

“Sec. 114. Additional annual reports from the Director of National Intel-
 ligence.”.

6 (b) CENTRAL INTELLIGENCE AGENCY ACT OF
 7 1949.—(1) Section 1 of the Central Intelligence Agency
 8 Act of 1949 (50 U.S.C. 403a) is amended—

9 (A) by redesignating paragraphs (a) and (c) as
 10 paragraphs (1) and (3), respectively; and

11 (B) by striking paragraph (b) and inserting the
 12 following new paragraph (2):

13 “(2) ‘Director’ means the Director of the Cen-
 14 tral Intelligence Agency; and”.

15 (2) Section 6 of that Act (50 U.S.C. 403g) is amend-
 16 ed—

17 (A) by striking “Director of Central Intel-
 18 ligence” and inserting “Director of National Intel-
 19 ligence”; and

20 (B) by striking “section 103(c)(6) of the Na-
 21 tional Security Act of 1947 (50 U.S.C. 403-

1 3(c)(6))” and inserting “section 103(b)(7) of the
2 National Security Act of 1947”.

3 (3) That Act is further amended by striking “Direc-
4 tor of Central Intelligence” each place it appears in the
5 following provisions and inserting “Director of the Central
6 Intelligence Agency”:

7 (A) Section 14(b) (50 U.S.C. 403n(b)).

8 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

9 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)),
10 both places it appears.

11 (D) Section 20(g)(3)(B) (50 U.S.C.
12 403u(g)(3)(B)).

13 (E) Section 20(h)(1) (50 U.S.C. 403u(h)(1)).

14 (F) Section 20(h)(2) (50 U.S.C. 403u(h)(2)).

15 (4) That Act is further amended by striking “of Cen-
16 tral Intelligence” in each of the following provisions:

17 (A) Section 16(c)(1)(B) (50 U.S.C.
18 403p(c)(1)(B)).

19 (B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

20 (C) Section 17(f) (50 U.S.C. 403q(f)), both
21 places it appears.

22 (D) Section 20(c) (50 U.S.C. 403t(c)).

23 (e) CENTRAL INTELLIGENCE AGENCY RETIREMENT
24 ACT.—(1) Section 101 of the Central Intelligence Agency
25 Retirement Act (50 U.S.C. 2001) is amended by striking

1 paragraph (2) and inserting the following new paragraph
2 (2):

3 “(2) DIRECTOR.—The term ‘Director’ means
4 the Director of the Central Intelligence Agency.”.

5 (2) Section 201(c) of that Act (50 U.S.C. 2011) is
6 amended by striking “paragraph (6) of section 103(e) of
7 the National Security Act of 1947 (50 U.S.C. 403–3(e))
8 that the Director of Central Intelligence” and inserting
9 “section 103(b)(7) of the National Security Act of 1947
10 that the Director of the National Intelligence”.

11 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Sub-
12 section (a)(1) of section 2 of the Central Intelligence
13 Agency Voluntary Separation Pay Act (50 U.S.C. 2001
14 note) is amended to read as follows:

15 “(1) the term ‘Director’ means the Director of
16 the Central Intelligence Agency;”.

17 (e) INSPECTOR GENERAL ACT OF 1978.—Section
18 8H(a)(1)(C) of the Inspector General Act of 1978 (5
19 U.S.C. App. 8H(a)(1)(C)) is amended by inserting before
20 the period at the end the following: “or to the Inspector
21 General of the Intelligence Community”.

22 (f) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
23 1978.—The Foreign Intelligence Surveillance Act of 1978
24 (50 U.S.C. 1801 et seq.) is amended by striking “Director

1 of Central Intelligence” each place it appears and insert-
2 ing “Director of National Intelligence”.

3 (g) CLASSIFIED INFORMATION PROCEDURES ACT.—

4 Section 9(a) of the Classified Information Procedures Act
5 (5 U.S.C. App.) is amended by striking “Director of Cen-
6 tral Intelligence” and inserting “Director of National In-
7 telligence”.

8 (h) INTELLIGENCE AUTHORIZATION ACTS.—

9 (1) PUBLIC LAW 103-359.—Section
10 811(c)(6)(C) of the Counterintelligence and Security
11 Enhancements Act of 1994 (title VIII of Public Law
12 103-359) is amended by striking “Director of Cen-
13 tral Intelligence” and inserting “Director of Na-
14 tional Intelligence”.

15 (2) PUBLIC LAW 107-306.—(A) Section 313(a)
16 of the Intelligence Authorization Act for Fiscal Year
17 2003 (Public Law 107-306) is amended by striking
18 “Director of Central Intelligence, acting as the head
19 of the intelligence community,” and inserting “Di-
20 rector of National Intelligence”.

21 (B) Section 341 of that Act is amended by
22 striking “Director of Central Intelligence, acting as
23 the head of the intelligence community, shall estab-
24 lish in the Central Intelligence Agency” and insert-

1 ing “Director of National Intelligence shall establish
2 within the intelligence community”.

3 (C) Section 343 of that Act is amended—

4 (i) in subsection (a)(1), by striking “Direc-
5 tor of Central Intelligence, acting as the head
6 of the Intelligence Community,” and inserting
7 “Director of National Intelligence”;

8 (ii) in subsection (c), by striking “section
9 103(c)(6) of the National Security Act of 1947
10 (50 U.S.C. 403–3(c)(6))” and inserting “sec-
11 tion 103(b)(7) of the National Security Act of
12 1947”; and

13 (iii) in subsection (e)(2), by striking “sec-
14 tion 103(c)(6)” and inserting “section
15 103(b)(7)”.

16 (D) Section 352(b) of that Act is amended by
17 inserting “of National Intelligence” after “The Di-
18 rector”.

19 (E) That Act is further amended by striking
20 “Director of Central Intelligence” each place it ap-
21 pears in the following provisions and inserting “Di-
22 rector of National Intelligence”:

23 (i) Section 902(a)(2).

24 (ii) Section 904(e)(4).

25 (iii) Section 904(e)(5).

1 (iv) Section 904(h)(1).

2 (F) That Act is further amended by striking
3 “Office of the Director of Central Intelligence” each
4 place it appears in the following provisions and in-
5 serting “Office of the Director of National Intel-
6 ligence”:

7 (i) Section 904(e).

8 (ii) Section 904(l).

9 (G) Section 904(m) of that Act is amended by
10 inserting “the Director of National Intelligence,” be-
11 fore “the Director of Central Intelligence”.

12 (i) USA PATRIOT ACT OF 2001.—The USA PA-
13 TRIOT Act of 2001 (Public Law 107–56) is amended by
14 striking “Director of Central Intelligence” and inserting
15 “Director of National Intelligence” each place it appears
16 in the following provisions:

17 (1) Section 203(d)(1) (50 U.S.C. 403–
18 5d(d)(1)), as amended by section 897(a) of the
19 Homeland Security Act of 2002 (Public Law 107–
20 296), both places it appears.

21 (2) Section 908(a) (115 Stat. 391).

22 (3) Section 1006(b) (115 Stat. 394).

23 (j) HOMELAND SECURITY ACT OF 2002.—The
24 Homeland Security Act of 2002 (Public Law 107–296)
25 is amended by striking “Director of Central Intelligence”

1 and inserting “Director of National Intelligence” each
2 place it appears in the following provisions:

3 (1) Section 201(d)(10).

4 (2) Section 201(d)(12)(B).

5 (3) Section 202(c).

6 (4) Section 202(d)(2).

7 (5) Section 601(c)(6).

8 (6) Section 601(e).

9 (7) Section 601(f).

10 (8) Section 892(b)(7).

11 (9) Section 1001(c)(1)(A).

12 (k) TITLE 18, UNITED STATES CODE.—(1) Section
13 2517(8) of title 18, United States Code, as amended by
14 section 896 of the Homeland Security Act of 2002 (Public
15 Law 107–296), is further amended by striking “Director
16 of Central Intelligence” and inserting “Director of Na-
17 tional Intelligence”.

18 (2) Subsections (d)(7)(B)(iv) and (i)(5)(B)(iv) of
19 such title, as amended by section 1123 of such Act, are
20 further amended by striking “Director of Central Intel-
21 ligence” and inserting “Director of National Intelligence,
22 or the head of another element of the intelligence commu-
23 nity”.

24 (l) TITLE 44, UNITED STATES CODE.—Section
25 3535(g)(3) of title 44, United States Code, as added by

1 section 1001 of the Federal Information Security Manage-
 2 ment Act of 2002 (title X of Public Law 107–296), is fur-
 3 ther amended by striking “Director of Central Intel-
 4 ligence” and inserting “Director of National Intelligence”.

5 (m) FEDERAL RULES OF CRIMINAL PROCEDURE.—
 6 Paragraphs (2) and (3) of section 6(e) of the Federal
 7 Rules of Criminal Procedure, as amended by section 895
 8 of the Homeland Security Act of 2002 (Public Law 107–
 9 296), are further amended by striking “Director of Cen-
 10 tral Intelligence” and inserting “Director of National In-
 11 telligence”.

12 **Subtitle B—Other Matters**

13 **SEC. 10011. DISCHARGE OF CERTAIN INTELLIGENCE AC-** 14 **TIVITIES BY THE DEPARTMENT OF HOME-** 15 **LAND SECURITY.**

16 (a) DISCHARGE BY DIRECTORATE FOR INFORMATION
 17 ANALYSIS AND INFRASTRUCTURE PROTECTION.—The Di-
 18 rectorate for Information Analysis and Infrastructure Pro-
 19 tection of the Department of Homeland Security shall be
 20 the element within the Department responsible for receiv-
 21 ing and analyzing law enforcement and other information
 22 from agencies of the Federal Government, State and local
 23 government agencies (including law enforcement agen-
 24 cies), and private sector entities, and fusing such informa-
 25 tion and analysis with analytical products, assessments,

1 and warnings relating to foreign intelligence from the Di-
2 rector of Central Intelligence's Counterterrorist Center in
3 order to—

4 (1) identify and assess the nature and scope of
5 threats to the homeland; and

6 (2) detect and identify threats of terrorism
7 against the United States and other threats to
8 homeland security.

9 (b) PROVISION OF INFORMATION TO
10 COUNTERTERRORIST CENTER.—In order to ensure that
11 the Directorate for Information Analysis and Infrastruc-
12 ture Protection is provided for purposes of subsection (a)
13 with appropriate analytical products, assessments, and
14 warnings relating to threats of terrorism against the
15 United States and other threats to homeland security, the
16 Director of National Intelligence, the Attorney General,
17 and the heads of other agencies of the Federal Govern-
18 ment shall ensure that all intelligence and other informa-
19 tion relating to international terrorism is provided to the
20 Counterterrorist Center.

21 (c) ANALYSIS OF INFORMATION.—The Director of
22 Central Intelligence shall ensure the analysis by the
23 Counterterrorist Center of all intelligence and other infor-
24 mation provided the Counterterrorist Center under sub-
25 section (b).

1 (d) ANALYSIS OF FOREIGN INTELLIGENCE.—(1) The
2 Counterterrorist Center shall have primary responsibility
3 for the analysis of foreign intelligence relating to inter-
4 national terrorism.

5 (2) Nothing in paragraph (1) shall be construed to
6 prohibit the Directorate for Information Analysis and In-
7 frastructure Protection from conducting for purposes of
8 subsection (a) supplemental analysis of foreign intelligence
9 relating to threats of terrorism against the United States
10 and other threats to homeland security.

11 (d) PROVISION BY COUNTERTERRORIST CENTER OF
12 TERRORISM ANALYSIS TO DIRECTORATE.—The Director
13 of Central Intelligence shall ensure the provision by the
14 Counterterrorist Center to the Directorate for Information
15 Analysis and Infrastructure Protection of all analytical
16 products, assessments, and warnings relating to threats
17 of terrorism against the United States and other threats
18 to homeland security that are produced by the
19 Counterterrorist Center pursuant to the analysis under
20 subsection (e).

21 (e) DEFINITIONS.—In this section, the terms “intel-
22 ligence” and “foreign intelligence” have the meanings
23 given such terms in section 3 of the National Security Act
24 of 1947 (50 U.S.C. 401a).

1 **TITLE XI—CHEMICAL SECURITY**

2 **SEC. 11001. SHORT TITLE.**

3 This title may be cited as the “Chemical Security Act
4 of 2003”.

5 **SEC. 11002. FINDINGS.**

6 Congress finds that—

7 (1) the chemical industry is a crucial part of
8 the critical infrastructure of the United States—

9 (A) in its own right; and

10 (B) because that industry supplies re-
11 sources essential to the functioning of other
12 critical infrastructures;

13 (2) the possibility of terrorist and criminal at-
14 tacks on chemical sources (such as industrial facili-
15 ties) poses a serious threat to public health, safety,
16 and welfare, critical infrastructure, national security,
17 and the environment;

18 (3) the possibility of theft of dangerous chemi-
19 cals from chemical sources for use in terrorist at-
20 tacks poses a further threat to public health, safety,
21 and welfare, critical infrastructure, national security,
22 and the environment; and

23 (4) there are significant opportunities to pre-
24 vent theft from, and criminal attack on, chemical

1 sources and reduce the harm that such acts would
2 produce by—

3 (A)(i) reducing usage and storage of
4 chemicals by changing production methods and
5 processes; and

6 (ii) employing inherently safer technologies
7 in the manufacture, transport, and use of
8 chemicals;

9 (B) enhancing secondary containment and
10 other existing mitigation measures; and

11 (C) improving security.

12 **SEC. 11003. DEFINITIONS.**

13 In this title:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency.

17 (2) CHEMICAL SOURCE.—The term “chemical
18 source” means a stationary source (as defined in
19 section 112(r)(2) of the Clean Air Act (42 U.S.C.
20 7412(r)(2))) that contains a substance of concern.

21 (3) COVERED SUBSTANCE OF CONCERN.—The
22 term “covered substance of concern” means a sub-
23 stance of concern that, in combination with a chem-
24 ical source and other factors, is designated as a high

1 priority category by the Administrator under section
2 11004(a)(1).

3 (4) EMPLOYEE.—The term “employee”
4 means—

5 (A) a duly recognized collective bargaining
6 representative at a chemical source; or

7 (B) in the absence of such a representa-
8 tive, other appropriate personnel.

9 (5) HEAD OF THE OFFICE.—The term “head of
10 the Office” means the head of the Office of Home-
11 land Security (or a successor agency).

12 (6) SAFER DESIGN AND MAINTENANCE.—The
13 term “safer design and maintenance” includes, with
14 respect to a chemical source that is within a high
15 priority category designated under section
16 11004(a)(1), implementation, to the extent prac-
17 ticable, of the practices of—

18 (A) preventing or reducing the vulner-
19 ability of the chemical source to a release of a
20 covered substance of concern through use of in-
21 herently safer technology;

22 (B) reducing any vulnerability of the chem-
23 ical source to a release of a covered substance
24 of concern through use of well-maintained sec-

1 ondary containment, control, or mitigation
2 equipment;

3 (C) reducing any vulnerability of the chem-
4 ical source to a release of a covered substance
5 of concern by implementing security measures;
6 and

7 (D) reducing the potential consequences of
8 any vulnerability of the chemical source to a re-
9 lease of a covered substance of concern through
10 the use of buffer zones between the chemical
11 source and surrounding populations (including
12 buffer zones between the chemical source and
13 residences, schools, hospitals, senior centers,
14 shopping centers and malls, sports and enter-
15 tainment arenas, public roads and transpor-
16 tation routes, and other population centers).

17 (7) SECURITY MEASURE.—

18 (A) IN GENERAL.—The term “security
19 measure” means an action carried out to in-
20 crease the security of a chemical source.

21 (B) INCLUSIONS.—The term “security
22 measure”, with respect to a chemical source, in-
23 cludes—

24 (i) employee training and background
25 checks;

- 1 (ii) the limitation and prevention of
2 access to controls of the chemical source;
- 3 (iii) protection of the perimeter of the
4 chemical source;
- 5 (iv) the installation and operation of
6 an intrusion detection sensor; and
- 7 (v) a measure to increase computer or
8 computer network security.

9 (8) SUBSTANCE OF CONCERN.—The term “sub-
10 stance of concern” means—

11 (A) any regulated substance (as defined in
12 section 112(r) of the Clean Air Act (42 U.S.C.
13 7412(r))); and

14 (B) any substance designated by the Ad-
15 ministrator under section 11004(a).

16 (9) UNAUTHORIZED RELEASE.—The term “un-
17 authorized release” means—

18 (A) a release from a chemical source into
19 the environment of a covered substance of con-
20 cern that is caused, in whole or in part, by a
21 criminal act;

22 (B) a release into the environment of a
23 covered substance of concern that has been re-
24 moved from a chemical source, in whole or in
25 part, by a criminal act; and

1 (C) a release or removal from a chemical
2 source of a covered substance of concern that is
3 unauthorized by the owner or operator of the
4 chemical source.

5 (10) USE OF INHERENTLY SAFER TECH-
6 NOLOGY.—

7 (A) IN GENERAL.—The term “use of in-
8 herently safer technology”, with respect to a
9 chemical source, means use of a technology,
10 product, raw material, or practice that, as com-
11 pared with the technologies, products, raw ma-
12 terials, or practices currently in use—

13 (i) reduces or eliminates the possi-
14 bility of a release of a substance of concern
15 from the chemical source prior to sec-
16 ondary containment, control, or mitigation;
17 and

18 (ii) reduces or eliminates the threats
19 to public health and the environment asso-
20 ciated with a release or potential release of
21 a substance of concern from the chemical
22 source.

23 (B) INCLUSIONS.—The term “use of inher-
24 ently safer technology” includes input substi-
25 tution, catalyst or carrier substitution, process

1 redesign (including reuse or recycling of a sub-
2 stance of concern), product reformulation, pro-
3 cedure simplification, and technology modifica-
4 tion so as to—

5 (i) use less hazardous substances or
6 benign substances;

7 (ii) use a smaller quantity of covered
8 substances of concern;

9 (iii) reduce hazardous pressures or
10 temperatures;

11 (iv) reduce the possibility and poten-
12 tial consequences of equipment failure and
13 human error;

14 (v) improve inventory control and
15 chemical use efficiency; and

16 (vi) reduce or eliminate storage,
17 transportation, handling, disposal, and dis-
18 charge of substances of concern.

19 **SEC. 11004. DESIGNATION OF AND REQUIREMENTS FOR**
20 **HIGH PRIORITY CATEGORIES.**

21 (a) DESIGNATION AND REGULATION OF HIGH PRI-
22 ORITY CATEGORIES BY THE ADMINISTRATOR.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Administrator,
25 in consultation with the head of the Office and State

1 and local agencies responsible for planning for and
2 responding to unauthorized releases and providing
3 emergency health care, shall promulgate regulations
4 to designate certain combinations of chemical
5 sources and substances of concern as high priority
6 categories based on the severity of the threat posed
7 by an unauthorized release from the chemical
8 sources.

9 (2) FACTORS TO BE CONSIDERED.—In desig-
10 nating high priority categories under paragraph (1),
11 the Administrator, in consultation with the head of
12 the Office, shall consider—

13 (A) the severity of the harm that could be
14 caused by an unauthorized release;

15 (B) the proximity to population centers;

16 (C) the threats to national security;

17 (D) the threats to critical infrastructure;

18 (E) threshold quantities of substances of
19 concern that pose a serious threat; and

20 (F) such other safety or security factors as
21 the Administrator, in consultation with the
22 head of the Office, determines to be appro-
23 priate.

24 (3) REQUIREMENTS FOR HIGH PRIORITY CAT-
25 EGORIES.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, the Ad-
3 ministrator, in consultation with the head of the
4 Office, the United States Chemical Safety and
5 Hazard Investigation Board, and State and
6 local agencies described in paragraph (1), shall
7 promulgate regulations to require each owner
8 and each operator of a chemical source that is
9 within a high priority category designated
10 under paragraph (1), in consultation with local
11 law enforcement, first responders, and employ-
12 ees, to—

13 (i) conduct an assessment of the vul-
14 nerability of the chemical source to a ter-
15 rorist attack or other unauthorized release;

16 (ii) using appropriate hazard assess-
17 ment techniques, identify hazards that may
18 result from an unauthorized release of a
19 covered substance of concern; and

20 (iii) prepare a prevention, prepared-
21 ness, and response plan that incorporates
22 the results of those vulnerability and haz-
23 ard assessments.

24 (B) ACTIONS AND PROCEDURES.—A pre-
25 vention, preparedness, and response plan re-

1 required under subparagraph (A)(iii) shall include
2 actions and procedures, including safer design
3 and maintenance of the chemical source, to
4 eliminate or significantly lessen the potential
5 consequences of an unauthorized release of a
6 covered substance of concern.

7 (C) THREAT INFORMATION.—To the max-
8 imum extent permitted by applicable authorities
9 and the interests of national security, the head
10 of the Office, in consultation with the Adminis-
11 trator, shall provide owners and operators of
12 chemical sources with threat information rel-
13 evant to the assessments and plans required
14 under subsection (b).

15 (4) REVIEW AND REVISIONS.—Not later than 5
16 years after the date of promulgation of regulations
17 under each of paragraphs (1) and (3), the Adminis-
18 trator, in consultation with the head of the Office,
19 shall review the regulations and make any necessary
20 revisions.

21 (5) ADDITION OF SUBSTANCES OF CONCERN.—
22 For the purpose of designating high priority cat-
23 egories under paragraph (1) or any subsequent revi-
24 sion of the regulations promulgated under paragraph
25 (1), the Administrator, in consultation with the head

1 of the Office, may designate additional substances
2 that pose a serious threat as substances of concern.

3 (b) CERTIFICATION.—

4 (1) VULNERABILITY AND HAZARD ASSESS-
5 MENTS.—Not later than 1 year after the date of
6 promulgation of regulations under subsection (a)(3),
7 each owner and each operator of a chemical source
8 that is within a high priority category designated
9 under subsection (a)(1) shall—

10 (A) certify to the Administrator that the
11 chemical source has conducted assessments in
12 accordance with the regulations; and

13 (B) submit to the Administrator written
14 copies of the assessments.

15 (2) PREVENTION, PREPAREDNESS, AND RE-
16 SPONSE PLANS.—Not later than 18 months after the
17 date of promulgation of regulations under subsection
18 (a)(3), the owner or operator shall—

19 (A) certify to the Administrator that the
20 chemical source has completed a prevention,
21 preparedness, and response plan that incor-
22 porates the results of the assessments and com-
23 plies with the regulations; and

24 (B) submit to the Administrator a written
25 copy of the plan.

1 (3) 5-YEAR REVIEW.—Not later than 5 years
2 after each of the date of submission of a copy of an
3 assessment under paragraph (1) and a plan under
4 paragraph (2), and not less often than every 3 years
5 thereafter, the owner or operator of the chemical
6 source covered by the assessment or plan, in coordi-
7 nation with local law enforcement and first respond-
8 ers, shall—

9 (A) review the adequacy of the assessment
10 or plan, as the case may be; and

11 (B)(i) certify to the Administrator that the
12 chemical source has completed the review; and

13 (ii) as appropriate, submit to the Adminis-
14 trator any changes to the assessment or plan.

15 (4) PROTECTION OF INFORMATION.—

16 (A) DISCLOSURE EXEMPTION.—Except
17 with respect to certifications specified in para-
18 graphs (1) through (3) of this subsection and
19 section 11005(a), all information provided to
20 the Administrator under this subsection, and all
21 information derived from that information, shall
22 be exempt from disclosure under section 552 of
23 title 5, United States Code.

24 (B) DEVELOPMENT OF PROTOCOLS.—

1 (i) IN GENERAL.—The Administrator,
2 in consultation with the head of the Office,
3 shall develop such protocols as are nec-
4 essary to protect the copies of the assess-
5 ments and plans required to be submitted
6 under this subsection (including the infor-
7 mation contained in those assessments and
8 plans) from unauthorized disclosure.

9 (ii) REQUIREMENTS.—The protocols
10 developed under clause (i) shall ensure
11 that—

12 (I) each copy of an assessment or
13 plan, and all information contained in
14 or derived from the assessment or
15 plan, is maintained in a secure loca-
16 tion;

17 (II) except as provided in sub-
18 paragraph (C), only individuals des-
19 ignated by the Administrator may
20 have access to the copies of the as-
21 sessments and plans; and

22 (III) no copy of an assessment or
23 plan or any portion of an assessment
24 or plan, and no information contained
25 in or derived from an assessment or

1 plan, shall be available to any person
2 other than an individual designated by
3 the Administrator.

4 (iii) DEADLINE.—As soon as prac-
5 ticable, but not later than 1 year after the
6 date of enactment of this Act, the Admin-
7 istrator shall complete the development of
8 protocols under clause (i) so as to ensure
9 that the protocols are in place before the
10 date on which the Administrator receives
11 any assessment or plan under this sub-
12 section.

13 (C) FEDERAL OFFICERS AND EMPLOY-
14 EES.—An individual referred to in subpara-
15 graph (B)(ii) who is an officer or employee of
16 the United States may discuss with a State or
17 local official the contents of an assessment or
18 plan described in that subparagraph.

19 **SEC. 11005. ENFORCEMENT.**

20 (a) REVIEW OF PLANS.—

21 (1) IN GENERAL.—The Administrator, in con-
22 sultation with the head of the Office, shall review
23 each assessment and plan submitted under section
24 11004(b) to determine the compliance of the chem-
25 ical source covered by the assessment or plan with

1 regulations promulgated under paragraphs (1) and
2 (3) of section 11004(a).

3 (2) CERTIFICATION OF COMPLIANCE.—

4 (A) IN GENERAL.—The Administrator
5 shall certify in writing each determination of
6 the Administrator under paragraph (1).

7 (B) INCLUSIONS.—A certification of the
8 Administrator shall include a checklist indi-
9 cating consideration by a chemical source of the
10 use of 4 elements of safer design and mainte-
11 nance described in subparagraphs (A) through
12 (D) of section 11003(6).

13 (C) EARLY COMPLIANCE.—

14 (i) IN GENERAL.—The Administrator,
15 in consultation with the head of the Office,
16 shall—

17 (I) before the date of publication
18 of proposed regulations under section
19 11004(a)(3), review each assessment
20 or plan submitted to the Adminis-
21 trator under section 11004(b); and

22 (II) before the date of promulga-
23 tion of final regulations under section
24 11004(a)(3), determine whether each
25 such assessment or plan meets the

1 consultation, planning, and assess-
2 ment requirements applicable to high
3 priority categories under section
4 11004(a)(3).

5 (ii) AFFIRMATIVE DETERMINATION.—

6 If the Administrator, in consultation with
7 the head of the Office, makes an affirma-
8 tive determination under clause (i)(II), the
9 Administrator shall certify compliance of
10 an assessment or plan described in that
11 clause without requiring any revision of the
12 assessment or plan.

13 (D) SCHEDULE FOR REVIEW AND CERTIFI-
14 CATION.—

15 (i) IN GENERAL.—The Administrator,
16 after taking into consideration the factors
17 described in section 11004(a)(2), shall es-
18 tablish a schedule for the review and cer-
19 tification of assessments and plans sub-
20 mitted under section 11004(b).

21 (ii) DEADLINE FOR COMPLETION.—

22 Not later than 3 years after the deadlines
23 for the submission of assessments and
24 plans under paragraph (1) or (2), respec-
25 tively, of section 11004(b), the Adminis-

1 trator shall complete the review and certifi-
2 cation of all assessments and plans sub-
3 mitted under those sections.

4 (b) COMPLIANCE ASSISTANCE.—

5 (1) DEFINITION OF DETERMINATION.—In this
6 subsection, the term “determination” means a deter-
7 mination by the Administrator that, with respect to
8 an assessment or plan described in section
9 11004(b)—

10 (A) the assessment or plan does not com-
11 ply with regulations promulgated under para-
12 graphs (1) and (3) of section 11004(a); or

13 (B)(i) a threat exists beyond the scope of
14 the submitted plan; or

15 (ii) current implementation of the plan is
16 insufficient to address—

17 (I) the results of an assessment of a
18 source; or

19 (II) a threat described in clause (i).

20 (2) DETERMINATION BY ADMINISTRATOR.—If
21 the Administrator, after consultation with the head
22 of the Office, makes a determination, the Adminis-
23 trator shall—

24 (A) notify the chemical source of the deter-
25 mination; and

1 (B) provide such advice and technical as-
2 sistance, in coordination with the head of the
3 Office and the United States Chemical Safety
4 and Hazard Investigation Board, as is appro-
5 priate—

6 (i) to bring the assessment or plan of
7 a chemical source described in section
8 11004(b) into compliance; or

9 (ii) to address any threat described in
10 clause (i) or (ii) of paragraph (1)(B).

11 (c) COMPLIANCE ORDERS.—

12 (1) IN GENERAL.—If, after the date that is 30
13 days after the later of the date on which the Admin-
14 istrator first provides assistance, or a chemical
15 source receives notice, under subsection (b)(2)(B), a
16 chemical source has not brought an assessment or
17 plan for which the assistance is provided into com-
18 pliance with regulations promulgated under para-
19 graphs (1) and (3) of section 11004(a), or the chem-
20 ical source has not complied with an entry or infor-
21 mation request under section 11006, the Adminis-
22 trator may issue an order directing compliance by
23 the chemical source.

1 (2) NOTICE AND OPPORTUNITY FOR HEAR-
2 ING.—An order under paragraph (1) may be issued
3 only after notice and opportunity for a hearing.

4 (d) ABATEMENT ACTION.—

5 (1) IN GENERAL.—Notwithstanding a certifi-
6 cation under section 11005(a)(2), if the head of the
7 Office, in consultation with local law enforcement of-
8 ficials and first responders, determines that a threat
9 of a terrorist attack exists that is beyond the scope
10 of a submitted prevention, preparedness, and re-
11 sponse plan of 1 or more chemical sources, or cur-
12 rent implementation of the plan is insufficient to ad-
13 dress the results of an assessment of a source or a
14 threat described in subsection (b)(1)(B)(i), the head
15 of the Office shall notify each chemical source of the
16 elevated threat.

17 (2) INSUFFICIENT RESPONSE.—If the head of
18 the Office determines that a chemical source has not
19 taken appropriate action in response to a notifica-
20 tion under paragraph (1), the head of the Office
21 shall notify the chemical source, the Administrator,
22 and the Attorney General that actions taken by the
23 chemical source in response to the notification are
24 insufficient.

25 (3) RELIEF.—

1 (A) IN GENERAL.—On receipt of a notifi-
2 cation under paragraph (2), the Administrator
3 or the Attorney General may secure such relief
4 as is necessary to abate a threat described in
5 paragraph (1), including such orders as are
6 necessary to protect public health or welfare.

7 (B) JURISDICTION.—The district court of
8 the United States for the district in which a
9 threat described in paragraph (1) occurs shall
10 have jurisdiction to grant such relief as the Ad-
11 ministrator or Attorney General requests under
12 subparagraph (A).

13 **SEC. 11006. RECORDKEEPING AND ENTRY.**

14 (a) RECORDS MAINTENANCE.—A chemical source
15 that is required to certify to the Administrator assess-
16 ments and plans under section 11004 shall maintain on
17 the premises of the chemical source a current copy of
18 those assessments and plans.

19 (b) RIGHT OF ENTRY.—In carrying out this title, the
20 Administrator (or an authorized representative of the Ad-
21 ministrator), on presentation of credentials—

22 (1) shall have a right of entry to, on, or
23 through any premises of an owner or operator of a
24 chemical source described in subsection (a) or any

1 premises in which any records required to be main-
2 tained under subsection (a) are located; and

3 (2) may at reasonable times have access to, and
4 may copy, any records, reports, or other information
5 described in subsection (a).

6 (c) INFORMATION REQUESTS.—In carrying out this
7 title, the Administrator may require any chemical source
8 to provide such information as is necessary to—

9 (1) enforce this title; and

10 (2) promulgate or enforce regulations under
11 this title.

12 **SEC. 11007. PENALTIES.**

13 (a) CIVIL PENALTIES.—Any owner or operator of a
14 chemical source that violates, or fails to comply with, any
15 order issued may, in an action brought in United States
16 district court, be subject to a civil penalty of not more
17 than \$25,000 for each day in which such violation occurs
18 or such failure to comply continues.

19 (b) CRIMINAL PENALTIES.—Any owner or operator
20 of a chemical source that knowingly violates, or fails to
21 comply with, any order issued shall—

22 (1) in the case of a first violation or failure to
23 comply, be fined not less than \$2,500 nor more than
24 \$25,000 per day of violation, imprisoned not more
25 than 1 year, or both; and

1 (2) in the case of a subsequent violation or fail-
2 ure to comply, be fined not more than \$50,000 per
3 day of violation, imprisoned not more than 2 years,
4 or both.

5 (c) ADMINISTRATIVE PENALTIES.—

6 (1) PENALTY ORDERS.—If the amount of a civil
7 penalty determined under subsection (a) does not ex-
8 ceed \$125,000, the penalty may be assessed in an
9 order issued by the Administrator.

10 (2) NOTICE AND HEARING.—Before issuing an
11 order described in paragraph (1), the Administrator
12 shall provide to the person against which the penalty
13 is to be assessed—

14 (A) written notice of the proposed order;
15 and

16 (B) the opportunity to request, not later
17 than 30 days after the date on which the notice
18 is received by the person, a hearing on the pro-
19 posed order.

20 **SEC. 11008. NO EFFECT ON REQUIREMENTS UNDER OTHER**
21 **LAW.**

22 Nothing in this title affects any duty or other require-
23 ment imposed under any other Federal or State law.

1 **SEC. 11009. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this title.

4 **TITLE XII—HOME SECURITY**
5 **FUNDING**

6 **SEC. 12001. HOMELAND SECURITY FUNDING.**

7 Section 1404 of the 2002 Supplemental Appropria-
8 tions Act for Further Recovery From and Response to
9 Terrorist Attacks on the United States (Public Law 107-
10 206) is amended—

11 (1) by striking “Any amount appropriated in
12 this Act” and inserting the following:

13 “(a) Any amount appropriated in this Act for home-
14 land defense”;

15 (2) by striking “within 30 days of enactment of
16 this Act,” and inserting “by February 2, 2003,”;
17 and

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

19 “(b) As used in subsection (a), the term ‘any amount
20 appropriated in this Act for homeland defense’ means
21 amounts not yet designated for the following accounts:

22 “(1) Department of Agriculture Office of the
23 Secretary.

24 “(2) Agricultural Research Service Salaries and
25 Expenses.

1 “(3) Cooperative State Research, Education,
2 and Extension Service Extension Activities.

3 “(4) Animal and Plant Health Inspection Serv-
4 ice Salaries and Expenses.

5 “(5) Food Safety and Inspection Service.

6 “(6) Rural Development Rural Community Ad-
7 vancement Program.

8 “(7) Food and Drug Administration Salaries
9 and Expenses.

10 “(8) Office of the United States Trade Rep-
11 resentative Salaries and Expenses.

12 “(9) National Institute of Standards and Tech-
13 nology Scientific and Technical Research and Serv-
14 ices.

15 “(10) National Oceanic and Atmospheric Ad-
16 ministration Operations, Research, and Facilities.

17 “(11) National Oceanic and Atmospheric Ad-
18 ministration Procurement, Acquisition, and Con-
19 struction.

20 “(12) Department of Justice General Adminis-
21 tration Salaries and Expenses.

22 “(13) Salaries and Expenses, United States
23 Marshals Service.

24 “(14) Federal Bureau of Investigation Salaries
25 and Expenses.

1 “(15) Immigration and Naturalization Service
2 Salaries and Expenses.

3 “(16) Immigration and Naturalization Service
4 Construction.

5 “(17) Office of Justice Programs Justice As-
6 sistance.

7 “(18) Community Oriented Policing Services.

8 “(19) The Judiciary Court of Appeals’ District
9 Courts, and Other Judicial Services.

10 “(20) Accounts under the heading District of
11 Columbia Federal Funds.

12 “(21) Corps of Engineers Civil Operation and
13 Maintenance, General.

14 “(22) Department of Energy Energy Programs
15 Science.

16 “(23) Atomic Energy Defense Activities Na-
17 tional Nuclear Security Administration Weapons Ac-
18 tivities.

19 “(24) National Nuclear Security Administration
20 Office of the Administrator.

21 “(25) Environmental and Other Defense Activi-
22 ties Defense Environmental Restoration and Waste
23 Management.

24 “(26) Defense Facilities Closure Projects.

1 “(27) Bureau of Land Management Manage-
2 ment of Lands and Resources.

3 “(28) United States Fish and Wildlife Service
4 Resource Management.

5 “(29) United States Fish and Wildlife Service
6 Construction.

7 “(30) National Park Service Operation of the
8 National Park System.

9 “(31) National Park Service Construction.

10 “(32) United States Geological Survey Surveys,
11 Investigations, and Research.

12 “(33) Bureau of Indian Affairs Operation of
13 Indian Programs.

14 “(34) Department of the Interior Departmental
15 Offices Departmental Management.

16 “(35) Department of Agriculture Forest Service
17 Capital Improvement and Maintenance.

18 “(36) Smithsonian Institution Salaries and Ex-
19 penses.

20 “(37) Centers for Disease Control and Preven-
21 tion.

22 “(38) Administration for Children and Families
23 Children and Families Services and Programs.

1 “(39) Department of Health and Human Serv-
2 ices Office of the Secretary Public Health and Social
3 Services Emergency Fund.

4 “(40) Transportation Security Administration.

5 “(41) United States Coast Guard Operating
6 Expenses.

7 “(42) United States Coast Guard Acquisition,
8 Construction, and Improvements.

9 “(43) Federal Aviation Administration Oper-
10 ations.

11 “(44) Federal Aviation Administration Facili-
12 ties and Equipment.

13 “(45) Federal Aviation Administration Grants-
14 In-Aid For Airports.

15 “(46) Federal Motor Carrier Safety Adminis-
16 tration Hazardous Materials Security.

17 “(47) Department of the Treasury Federal Law
18 Enforcement Training Center.

19 “(48) United States Customs Service Salaries
20 and Expenses.

21 “(49) United States Secret Service Salaries and
22 Expenses.

23 “(50) National Institutes of Health National
24 Institute of Environmental Health Sciences.

1 “(51) Agency for Toxic Substances and Disease
2 Registry.

3 “(52) Environmental Protection Agency Science
4 and Technology.

5 “(53) Federal Emergency Management Agency
6 Disaster Assistance for Unmet Needs.

7 “(54) Federal Emergency Management Agency
8 Emergency Management Planning and Assistance.”.

9 **TITLE XIII—SUPPORT FOR LAW**
10 **ENFORCEMENT**

11 **SEC. 13001. SHORT TITLE.**

12 This title may be cited as the “Providing Reliable Of-
13 ficers, Technology, Education, Community Prosecutors,
14 and Training in Our Neighborhoods Act of 2003” or
15 “PROTECTION Act”.

16 **SEC. 13002. AUTHORIZATIONS.**

17 (a) COPS PROGRAM.—Section 1701(a) of title I of
18 the Omnibus Crime Control and Safe Streets Act of 1968
19 (42 U.S.C. 3796dd(a)) is amended by—

20 (1) inserting “and prosecutor” after “increase
21 police”; and

22 (2) inserting “to enhance law enforcement ac-
23 cess to new technologies, and” after “presence,”.

24 (b) HIRING AND REDEPLOYMENT GRANT
25 PROJECTS.—Section 1701(b) of title I of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
2 3796dd(b)) is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (B)—

5 (i) by inserting after “Nation” the fol-
6 lowing: “, or pay overtime to existing ca-
7 reer law enforcement officers to the extent
8 that such overtime is devoted to commu-
9 nity policing efforts”; and

10 (ii) by striking “and” at the end;

11 (B) in subparagraph (C), by—

12 (i) striking “or pay overtime”; and

13 (ii) striking the period at the end and
14 inserting “; and”; and

15 (C) by adding at the end the following:

16 “(D) promote higher education among in-
17 service State and local law enforcement officers
18 by reimbursing them for the costs associated
19 with seeking a college or graduate school edu-
20 cation.”; and

21 (2) in paragraph (2) by striking all that follows
22 SUPPORT SYSTEMS.—” and inserting “Grants pur-
23 suant to—

24 “(A) paragraph (1)(B) for overtime may
25 not exceed 25 percent of the funds available for

1 grants pursuant to this subsection for any fiscal
2 year;

3 “(B) paragraph (1)(C) may not exceed 20
4 percent of the funds available for grants pursu-
5 ant to this subsection in any fiscal year; and

6 “(C) paragraph (1)(D) may not exceed 5
7 percent of the funds available for grants pursu-
8 ant to this subsection for any fiscal year.”.

9 (c) ADDITIONAL GRANT PROJECTS.—Section
10 1701(d) of title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

12 (1) in paragraph (2)—

13 (A) by inserting “integrity and ethics”
14 after “specialized”; and

15 (B) by inserting “and” after “enforcement
16 officers”;

17 (2) in paragraph (7) by inserting “school offi-
18 cials, religiously-affiliated organizations,” after “en-
19 forcement officers”;

20 (3) by striking paragraph (8) and inserting the
21 following:

22 “(8) establish school-based partnerships be-
23 tween local law enforcement agencies and local
24 school systems, by using school resource officers who
25 operate in and around elementary and secondary

1 schools to serve as a law enforcement liaison with
2 other Federal, State, and local law enforcement and
3 regulatory agencies, combat school-related crime and
4 disorder problems, gang membership and criminal
5 activity, firearms and explosives-related incidents, il-
6 legal use and possession of alcohol, and the illegal
7 possession, use, and distribution of drugs;”;

8 (4) in paragraph (10) by striking “and” at the
9 end;

10 (5) in paragraph (11) by striking the period
11 that appears at the end and inserting “; and”; and

12 (6) by adding at the end the following:

13 “(12) develop and implement innovative pro-
14 grams (such as the TRILAD program) that bring to-
15 gether a community’s sheriff, chief of police, and el-
16 derly residents to address the public safety concerns
17 of older citizens.”.

18 (d) TECHNICAL ASSISTANCE.—Section 1701(f) of
19 title I of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (42 U.S.C. 3796dd(f)) is amended—

21 (1) in paragraph (1)—

22 (A) by inserting “use up to 5 percent of
23 the funds appropriated under subsection (a) to”
24 after “The Attorney General may”;

1 (B) by inserting at the end the following:

2 “In addition, the Attorney General may use up
3 to 5 percent of the funds appropriated under
4 subsections (d), (e), and (f) for technical assist-
5 ance and training to States, units of local gov-
6 ernment, Indian tribal governments, and to
7 other public and private entities for those re-
8 spective purposes.”;

9 (2) in paragraph (2) by inserting “under sub-
10 section (a)” after “the Attorney General”; and

11 (3) in paragraph (3)—

12 (A) by striking “the Attorney General
13 may” and inserting “the Attorney General
14 shall”;

15 (B) by inserting “regional community po-
16licing institutes” after “operation of”; and

17 (C) by inserting “representatives of police
18labor and management organizations, commu-
19nity residents,” after “supervisors,”.

20 (e) TECHNOLOGY AND PROSECUTION PROGRAMS.—

21 Section 1701 of title I of the Omnibus Crime Control and
22 Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended
23 by—

24 (1) striking subsection (k);

1 (2) redesignating subsections (f) through (j) as
2 subsections (g) through (k), respectively; and

3 (3) striking subsection (e) and inserting the fol-
4 lowing:

5 “(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—
6 Grants made under subsection (a) may be used to assist
7 police departments, in employing professional, scientific,
8 and technological advancements that will help them—

9 “(1) improve police communications through
10 the use of wireless communications, computers, soft-
11 ware, videocams, databases and other hardware and
12 software that allow law enforcement agencies to
13 communicate more effectively across jurisdictional
14 boundaries and effectuate interoperability;

15 “(2) develop and improve access to crime solv-
16 ing technologies, including DNA analysis, photo en-
17 hancement, voice recognition, and other forensic ca-
18 pabilities; and

19 “(3) promote comprehensive crime analysis by
20 utilizing new techniques and technologies, such as
21 crime mapping, that allow law enforcement agencies
22 to use real-time crime and arrest data and other re-
23 lated information—including non-criminal justice
24 data—to improve their ability to analyze, predict,
25 and respond pro-actively to local crime and disorder

1 problems, as well as to engage in regional crime
2 analysis.

3 “(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

4 Grants made under subsection (a) may be used to assist
5 State, local or tribal prosecutors’ offices in the implemen-
6 tation of community-based prosecution programs that
7 build on local community policing efforts. Funds made
8 available under this subsection may be used to—

9 “(1) hire additional prosecutors who will be as-
10 signed to community prosecution programs, includ-
11 ing programs that assign prosecutors to handle cases
12 from specific geographic areas, to address specific
13 violent crime and other local crime problems (includ-
14 ing intensive illegal gang, gun and drug enforcement
15 projects and quality of life initiatives), and to ad-
16 dress localized violent and other crime problems
17 based on needs identified by local law enforcement
18 agencies, community organizations, and others;

19 “(2) redeploy existing prosecutors to community
20 prosecution programs as described in paragraph (1)
21 of this section by hiring victim and witness coordina-
22 tors, paralegals, community outreach, and other
23 such personnel; and

24 “(3) establish programs to assist local prosecu-
25 tors’ offices in the implementation of programs that

1 help them identify and respond to priority crime
2 problems in a community with specifically tailored
3 solutions.

4 At least 75 percent of the funds made available under this
5 subsection shall be reserved for grants under paragraphs
6 (1) and (2) and of those amounts no more than 10 percent
7 may be used for grants under paragraph (2) and at least
8 25 percent of the funds shall be reserved for grants under
9 paragraphs (1) and (2) to units of local government with
10 a population of less than 50,000.”.

11 (f) RETENTION GRANTS.—Section 1703 of title I of
12 the Omnibus Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3796dd–2) is amended by inserting at the end
14 the following:

15 “(d) RETENTION GRANTS.—The Attorney General
16 may use no more than 50 percent of the funds under sub-
17 section (a) to award grants targeted specifically for reten-
18 tion of police officers to grantees in good standing, with
19 preference to those that demonstrate financial hardship or
20 severe budget constraint that impacts the entire local
21 budget and may result in the termination of employment
22 for police officers funded under subsection (b)(1).”.

23 (g) DEFINITIONS.—

24 (1) CAREER LAW ENFORCEMENT OFFICER.—
25 Section 1709(1) of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42 U.S.C.
2 3796dd–8) is amended by inserting after “criminal
3 laws” the following: “including sheriffs deputies
4 charged with supervising offenders who are released
5 into the community but also engaged in local com-
6 munity policing efforts.”.

7 (2) SCHOOL RESOURCE OFFICER.—Section
8 1709(4) of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is
10 amended—

11 (A) by striking subparagraph (A) and in-
12 serting the following:

13 “(A) to serve as a law enforcement liaison
14 with other Federal, State, and local law en-
15 forcement and regulatory agencies, to address
16 and document crime and disorder problems in-
17 cluding gangs and drug activities, firearms and
18 explosives-related incidents, and the illegal use
19 and possession of alcohol affecting or occurring
20 in or around an elementary or secondary
21 school;”;

22 (B) by striking subparagraph (E) and in-
23 serting the following:

24 “(E) to train students in conflict resolu-
25 tion, restorative justice, and crime awareness,

1 and to provide assistance to and coordinate
2 with other officers, mental health professionals,
3 and youth counselors who are responsible for
4 the implementation of prevention/intervention
5 programs within the schools;” and

6 (C) by adding at the end the following:

7 “(H) to work with school administrators,
8 members of the local parent teacher associa-
9 tions, community organizers, law enforcement,
10 fire departments, and emergency medical per-
11 sonnel in the creation, review, and implementa-
12 tion of a school violence prevention plan;

13 “(I) to assist in documenting the full de-
14 scription of all firearms found or taken into
15 custody on school property and to initiate a
16 firearms trace and ballistics examination for
17 each firearm with the local office of the Bureau
18 of Alcohol, Tobacco, and Firearms;

19 “(J) to document the full description of all
20 explosives or explosive devices found or taken
21 into custody on school property and report to
22 the local office of the Bureau of Alcohol, To-
23 bacco, and Firearms; and

24 “(K) to assist school administrators with
25 the preparation of the Department of Edu-

1 cation, Annual Report on State Implementation
2 of the Gun-Free Schools Act which tracks the
3 number of students expelled per year for bring-
4 ing a weapon, firearm, or explosive to school.”.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
6 1001(a)(11) of title I of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is
8 amended—

9 (1) by amending subparagraph (A) to read as
10 follows:

11 “(A) There are authorized to be appro-
12 priated to carry out part Q, to remain available
13 until expended—

14 “(i) \$1,150,000,000 for fiscal year
15 2003;

16 “(ii) \$1,150,000,000 for fiscal year
17 2004;

18 “(iii) \$1,150,000,000 for fiscal year
19 2005;

20 “(iv) \$1,150,000,000 for fiscal year
21 2006;

22 “(v) \$1,150,000,000 for fiscal year
23 2007; and

24 “(vi) \$1,150,000,000 for fiscal year
25 2008.”; and

1 (2) in subparagraph (B)—

2 (A) by striking “3 percent” and inserting
3 “5 percent”;

4 (B) by striking “1701(f)” and inserting
5 “1701(g)”;

6 (C) by striking the second sentence and in-
7 serting “Of the remaining funds, if there is a
8 demand for 50 percent of appropriated hiring
9 funds, as determined by eligible hiring applica-
10 tions from law enforcement agencies having ju-
11 risdiction over areas with populations exceeding
12 150,000, no less than 50 percent shall be allo-
13 cated for grants pursuant to applications sub-
14 mitted by units of local government or law en-
15 forcement agencies having jurisdiction over
16 areas with populations exceeding 150,000 or by
17 public and private entities that serve areas with
18 populations exceeding 150,000, and no less
19 than 50 percent shall be allocated for grants
20 pursuant to applications submitted by units of
21 local government or law enforcement agencies
22 having jurisdiction over areas with populations
23 less than 150,000 or by public and private enti-
24 ties that serve areas with populations less than
25 150,000.”;

1 (D) by striking “85 percent” and inserting
2 “\$600,000,000”; and

3 (E) by striking “1701(b),” and all that fol-
4 lows through “of part Q” and inserting the fol-
5 lowing: “1701 (b) and (c), \$350,000,000 to
6 grants for the purposes specified in section
7 1701(e), and \$200,000,000 to grants for the
8 purposes specified in section 1701(f).”.

9 **SEC. 13003. RURAL LAW ENFORCEMENT RETENTION GRANT**
10 **PROGRAM.**

11 Section 1703 of title I of the Omnibus Crime Control
12 and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is
13 amended by adding at the end the following:

14 “(d) RETENTION GRANTS.—

15 “(1) IN GENERAL.—The Attorney General may
16 make grants to units of local government and tribal
17 governments located outside a Standard Metropoli-
18 tan Statistical Area, which grants shall be targeted
19 specifically for the retention for 1 additional year of
20 police officers funded through the COPS Universal
21 Hiring Program, the COPS FAST Program, the
22 Tribal Resources Grant Program-Hiring, or the
23 COPS in Schools Program.

24 “(2) PREFERENCE.—In making grants under
25 this subsection, the Attorney General shall give pref-

1 erence to grantees that demonstrate financial hard-
 2 ship or severe budget constraint that impacts the en-
 3 tire local budget and may result in the termination
 4 of employment for police officers described in para-
 5 graph (1).

6 “(3) LIMIT ON GRANT AMOUNTS.—The total
 7 amount of a grant made under this subsection shall
 8 not exceed 20 percent of the original grant to the
 9 grantee.

10 “(4) AUTHORIZATION OF APPROPRIATIONS.—

11 “(A) IN GENERAL.—There are authorized
 12 to be appropriated to carry out this subsection
 13 \$15,000,000 for each of fiscal years 2003
 14 through 2007.

15 “(B) SET-ASIDE.—Of the amount made
 16 available for grants under this subsection for
 17 each fiscal year, 10 percent shall be awarded to
 18 tribal governments.”.

19 **SEC. 13004. RURAL LAW ENFORCEMENT TECHNOLOGY**
 20 **GRANT PROGRAM.**

21 Section 1701 of title I of the Omnibus Crime Control
 22 and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is
 23 amended by striking subsection (k) and inserting the fol-
 24 lowing:

1 “(k) LAW ENFORCEMENT TECHNOLOGY PRO-
2 GRAM.—

3 “(1) IN GENERAL.—Grants made under sub-
4 section (a) may be used to assist the police depart-
5 ments of units of local government and tribal gov-
6 ernments located outside a Standard Metropolitan
7 Statistical Area, in employing professional, scientific,
8 and technological advancements that will help those
9 police departments to—

10 “(A) improve police communications
11 through the use of wireless communications,
12 computers, software, videocams, databases and
13 other hardware and software that allow law en-
14 forcement agencies to communicate and operate
15 more effectively; and

16 “(B) develop and improve access to crime
17 solving technologies, including DNA analysis,
18 photo enhancement, voice recognition, and other
19 forensic capabilities.

20 “(2) COST SHARE REQUIREMENT.—A recipient
21 of a grant made under subsection (a) and used in
22 accordance with this subsection shall provide match-
23 ing funds from non-Federal sources in an amount
24 equal to not less than 10 percent of the total
25 amount of the grant made under this subsection,

1 subject to a waiver by the Attorney General for ex-
2 treme hardship.

3 “(3) ADMINISTRATION.—The COPS Office
4 shall administer the grant program under this sub-
5 section.

6 “(4) NO SUPPLANTING.—Federal funds pro-
7 vided under this subsection shall be used to supple-
8 ment and not to supplant local funds allocated to
9 technology.

10 “(5) AUTHORIZATION OF APPROPRIATIONS.—

11 “(A) IN GENERAL.—There are authorized
12 to be appropriated \$40,000,000 for each of fis-
13 cal years 2003 through 2007 to carry out this
14 subsection.

15 “(B) SET-ASIDE.—Of the amount made
16 available for grants under this subsection for
17 each fiscal year, 10 percent shall be awarded to
18 tribal governments.”.

19 **SEC. 13005. RURAL 9-1-1 SERVICE.**

20 (a) PURPOSE.—The purpose of this section is to pro-
21 vide access to, and improve a communications infrastruc-
22 ture that will ensure a reliable and seamless communica-
23 tion between law enforcement, fire, and emergency medical
24 service providers in units of local government and tribal

1 governments located outside a Standard Metropolitan Sta-
2 tistical Area and in States.

3 (b) AUTHORITY TO MAKE GRANTS.—The Office of
4 Justice Programs of the Department of Justice shall make
5 grants, in accordance with such regulations as the Attor-
6 ney General may prescribe, to units of local government
7 and tribal governments located outside a Standard Metro-
8 politan Statistical Area for the purpose of establishing or
9 improving 9–1–1 service in those communities. Priority in
10 making grants under this section shall be given to commu-
11 nities that do not have 9–1–1 service.

12 (c) DEFINITION.—In this section, the term “9–1–1
13 service” refers to telephone service that has designated 9–
14 1–1 as a universal emergency telephone number in the
15 community served for reporting an emergency to appro-
16 priate authorities and requesting assistance.

17 (d) LIMIT ON GRANT AMOUNT.—The total amount
18 of a grant made under this section shall not exceed
19 \$250,000.

20 (e) FUNDING.—

21 (1) IN GENERAL.—There are authorized to be
22 appropriated to carry out this section \$25,000,000
23 for fiscal years 2003 and 2004, to remain available
24 until expended.

1 (2) SET-ASIDE.—Of the amount made available
2 for grants under this section, 10 percent shall be
3 awarded to tribal governments.

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