

112TH CONGRESS
1ST SESSION

H. R. 3116

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

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

A BILL

To authorize certain programs of the Department of
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.**

4 This Act may be cited as the “Department of Home-
5 land Security Authorization Act for Fiscal Year 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

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

TITLE I—POLICY, MANAGEMENT, AND EFFICIENCY

- Sec. 101. Under Secretary for Policy.
- Sec. 102. Countering homegrown radicalization and violent Islamist extremism.
- Sec. 103. Direct line authority for Chief Operating Officers.
- Sec. 104. Department of Homeland Security International Affairs Office.
- Sec. 105. Assistant Secretary for Health Affairs.
- Sec. 106. Department of Homeland Security reorganization authority.
- Sec. 107. Repeal of Office of Domestic Preparedness.
- Sec. 108. Quadrennial homeland security review.
- Sec. 109. Development of explosives detection canine standards.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION
POLICY

- Sec. 201. Department of Homeland Security acquisitions and procurement review.
- Sec. 202. Capabilities and Requirements Council.
- Sec. 203. Acquisition authorities for the Under Secretary for Management.
- Sec. 204. Acquisition Professional Career Program.
- Sec. 205. Strategic plan for acquisition workforce.
- Sec. 206. Notification to Congress of major awards.
- Sec. 207. Independent verification and validation.
- Sec. 208. Other transaction authority.
- Sec. 209. Report on competition.

TITLE III—INFORMATION SHARING AND INTELLIGENCE
ANALYSIS

- Sec. 301. Department of Homeland Security National Network of Fusion Centers Initiative.
- Sec. 302. Homeland security information sharing networks development.
- Sec. 303. Authority for flexible personnel management at the Department of Homeland Security Intelligence elements.

TITLE IV—9/11 REVIEW COMMISSION

- Sec. 401. Short title.
- Sec. 402. Establishment.
- Sec. 403. Purposes of the 9/11 Review Commission.
- Sec. 404. Composition of the 9/11 Review Commission.
- Sec. 405. Authority of 9/11 Review Commission.
- Sec. 406. Compensation.
- Sec. 407. Appointment of staff.
- Sec. 408. Security clearances for Commission members and staff.
- Sec. 409. Nonapplicability of Federal Advisory Committee Act.
- Sec. 410. Reports of 9/11 Review Commission.
- Sec. 411. Funding.

TITLE V—PREPAREDNESS AND RESPONSE

Subtitle A—WMD Preparedness and Response

- Sec. 501. Homeland Security Biodefense Strategy.
- Sec. 502. Weapons of mass destruction intelligence and information sharing.
- Sec. 503. Risk assessments.
- Sec. 504. Individual and community preparedness.

- Sec. 505. Detection of biological threats.
- Sec. 506. Rapid biological threat detection and identification at ports of entry.
- Sec. 507. Communications planning.
- Sec. 508. Response guidelines concerning weapons of mass destruction.
- Sec. 509. Plume modeling.
- Sec. 510. Disaster recovery.

Subtitle B—Grants

- Sec. 521. Sense of Congress.
- Sec. 522. Use of grant funds for projects conducted in conjunction with a national laboratory or research facility.
- Sec. 523. Notification of homeland security grant awards.
- Sec. 524. Transparency in homeland security grant funding.
- Sec. 525. Metropolitan Medical Response System.
- Sec. 526. Transit security grant program.

Subtitle C—Communications

- Sec. 541. Sense of Congress regarding interoperability.
- Sec. 542. Roles and responsibilities with respect to policy and guidance for communications-related expenditures with grant funds.

Subtitle D—Miscellaneous Provisions

- Sec. 561. Audit of the National Level Exercise.
- Sec. 562. FEMA report to Congress on sourcing and distribution of disaster response goods and services.
- Sec. 563. Rural resilience initiative.
- Sec. 564. National Domestic Preparedness Consortium.
- Sec. 565. Technical correction.

TITLE VI—BORDER SECURITY PROVISIONS

- Sec. 601. Definitions.
- Sec. 602. Strategy to achieve operational control of the border.
- Sec. 603. Maintaining Border Patrol staffing.
- Sec. 604. Jaime Zapata Border Enforcement Security Task Force.
- Sec. 605. Cost-effective training for Border Patrol agents.
- Sec. 606. Border security on certain Federal lands.
- Sec. 607. Border security infrastructure and technology.
- Sec. 608. Northern border canine teams.
- Sec. 609. Unmanned vehicles pilot program.
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- Sec. 611. Student visa security improvement.
- Sec. 612. Asia-Pacific Economic Cooperation Business Travel Cards.

TITLE VII—SCIENCE AND TECHNOLOGY

Subtitle A—Directorate of Science and Technology

- Sec. 701. Directorate of Science and Technology strategic plan.
- Sec. 702. 5-year research and development plan.
- Sec. 703. Identification and prioritization of research and development requirements.
- Sec. 704. Research and development progress.
- Sec. 705. Acquisition and operations support.
- Sec. 706. Operational Test and Evaluation.

- Sec. 707. Availability of testing facilities and equipment.
- Sec. 708. Bioforensics capabilities.
- Sec. 709. Homeland Security Science and Technology Fellows Program.
- Sec. 710. Homeland Security Science and Technology Advisory Committee.
- Sec. 711. Federally funded research and development centers.
- Sec. 712. Criteria for designation as a university-based center for homeland security.
- Sec. 713. Authority for flexible personnel management at the Science and Technology Directorate.

Subtitle B—Domestic Nuclear Detection Office

- Sec. 721. Radiological and nuclear detection and countermeasures research, development, testing, and evaluation.
- Sec. 722. Domestic implementation of the global nuclear detection architecture.
- Sec. 723. Radiation portal monitor alternatives.
- Sec. 724. Contracting and grantmaking authorities.
- Sec. 725. Domestic nuclear detection implementation plan.

TITLE VIII—IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST
ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE

- Sec. 801. Short title.
- Sec. 802. Amendment to the Homeland Security Act of 2002.

TITLE IX—MISCELLANEOUS

- Sec. 901. Redesignation and movement of miscellaneous provisions.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

3 (3) FUNCTION.—The term “function” includes
4 authorities, powers, rights, privileges, immunities,
5 programs, projects, activities, duties, and respon-
6 sibilities.

7 (4) LOCAL GOVERNMENT.—The term “local
8 government” means—

9 (A) a county, municipality, city, town,
10 township, local public authority, school district,
11 special district, intrastate district, council of
12 governments (regardless of whether the council
13 of governments is incorporated as a nonprofit
14 corporation under State law), regional or inter-
15 state government entity, or agency or instru-
16 mentality of a local government;

17 (B) an Indian tribe or authorized tribal or-
18 ganization, or in Alaska a Native village or
19 Alaska Regional Native Corporation; and

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

22 (5) PERSONNEL.—The term “personnel” means
23 officers and employees.

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of Homeland Security.

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

7 (8) TERRORISM.—The term “terrorism” means
8 any activity that—

9 (A) involves an act that—

10 (i) is dangerous to human life or po-
11 tentially destructive of critical infrastruc-
12 ture or key resources; and

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

16 (B) appears to be intended—

17 (i) to intimidate or coerce a civilian
18 population;

19 (ii) to influence the policy of a govern-
20 ment by intimidation or coercion; or

21 (iii) to affect the conduct of a govern-
22 ment by mass destruction, assassination,
23 or kidnapping.

24 (9) UNITED STATES.—

1 (A) IN GENERAL.—The term “United
2 States”, when used in a geographic sense,
3 means any State of the United States, the Dis-
4 trict of Columbia, the Commonwealth of Puerto
5 Rico, the Virgin Islands, Guam, American
6 Samoa, the Commonwealth of the Northern
7 Mariana Islands, any possession of the United
8 States, and any waters within the jurisdiction
9 of the United States.

10 (B) INA NOT AFFECTED.—Nothing in this
11 paragraph or any other provision of this Act
12 shall be construed to modify the definition of
13 “United States” for the purposes of the Immi-
14 gration and Nationality Act or any other immi-
15 gration or nationality law.

16 **SEC. 4. AMENDMENT REFERENCES.**

17 Except as otherwise specifically provided, whenever in
18 this Act an amendment or repeal is expressed in terms
19 of an amendment to, or repeal of, a provision, the ref-
20 erence shall be considered to be made to a provision of
21 the Homeland Security Act of 2002 (6 U.S.C. 101 et
22 seq.).

1 **TITLE I—POLICY, MANAGEMENT,**
2 **AND EFFICIENCY**

3 **SEC. 101. UNDER SECRETARY FOR POLICY.**

4 (a) IN GENERAL.—The Homeland Security Act of
5 2002 (6 U.S.C. 101 et seq.) is amended by—

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

9 (2) striking the heading for title VI and insert-
10 ing the following:

11 **“TITLE VI—POLICY, PLANNING,**
12 **AND OPERATIONS COORDINA-**
13 **TION**

14 **“SEC. 601. UNDER SECRETARY FOR POLICY.**

15 “(a) IN GENERAL.—There shall be in the Depart-
16 ment an Under Secretary for Policy, who shall be ap-
17 pointed by the President, by and with the advice and con-
18 sent of the Senate.

19 “(b) RESPONSIBILITIES.—Subject to the direction
20 and control of the Secretary, the Under Secretary for Pol-
21 icy shall—

22 “(1) serve as a principal policy advisor to the
23 Secretary;

24 “(2) supervise policy development for the pro-
25 grams, offices, and activities of the Department;

1 “(3) establish and direct a formal policymaking
2 process for the Department;

3 “(4) ensure that the budget of the Department
4 can fulfill the Department’s statutory and regulatory
5 responsibilities and implement strategic plans and
6 policies established by the Secretary in a risk-based
7 manner;

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

12 “(6) coordinate policy development undertaken
13 by the component agencies and offices of the De-
14 partment; and

15 “(7) carry out such other functions as the Sec-
16 retary determines are appropriate, consistent with
17 this section.”.

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

“TITLE VI—POLICY, PLANNING, AND OPERATIONS
COORDINATION

“Sec. 601. Under Secretary for Policy.”.

1 **SEC. 102. COUNTERING HOMEGROWN RADICALIZATION**
2 **AND VIOLENT ISLAMIST EXTREMISM.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary shall des-
5 ignate an official of the Department to coordinate efforts
6 to counter homegrown violent Islamist extremism, includ-
7 ing the violent ideology of Al Qaeda and its affiliated
8 groups, in the United States.

9 (b) NOTICE.—Not later than 15 days after the date
10 on which the Secretary designates an official under sub-
11 section (a), the Secretary shall submit to the appropriate
12 congressional committees a written notification of the des-
13 ignation.

14 (c) REPORT.—Not later than 90 days after the date
15 on which the Secretary designates an official under sub-
16 section (a), the official designated shall submit to the ap-
17 propriate congressional committees a report detailing—

18 (1) the strategy and activities of the Depart-
19 ment to counter homegrown violent Islamist extre-
20 mism;

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

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

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

4 (4) the number of employees of the Department
5 and the amount of funding dedicated by the Depart-
6 ment to countering homegrown violent Islamist ex-
7 tremism, including the violent ideology of Al Qaeda
8 and its affiliated groups;

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

14 (6) the metrics used to measure the effective-
15 ness of programs or activities of the Department
16 aimed to counter homegrown violent Islamist extre-
17 mism, including the violent ideology of Al Qaeda and
18 its affiliated groups.

19 **SEC. 103. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**
20 **OFFICERS.**

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

1 **“SEC. 602. DIRECT LINE AUTHORITY FOR CHIEF OPER-**
2 **ATING OFFICERS.**

3 “(a) IN GENERAL.—The Department’s Chief Oper-
4 ating Officers shall include—

5 “(1) the Chief Financial Officer;

6 “(2) the Chief Procurement Officer;

7 “(3) the Chief Information Officer;

8 “(4) the Chief Human Capital Officer;

9 “(5) the Chief Administrative Officer; and

10 “(6) the Chief Security Officer.

11 “(b) DELEGATION.—Subject to the direction and
12 control of the Secretary, the Chief Operating Officers shall
13 have direct authority over their respective counterparts in
14 components of the Department to ensure that the compo-
15 nents comply with the laws, rules, regulations, and depart-
16 mental policies the Chief Operating Officers are respon-
17 sible for implementing. In coordination with the head of
18 the relevant component, such authorities shall include,
19 with respect to the Officer’s counterparts within compo-
20 nents of the Department, direction of—

21 “(1) the activities of personnel;

22 “(2) planning, operations, and training; and

23 “(3) the budget and other financial resources.

24 “(c) COORDINATION WITH HEADS OF AGENCIES.—
25 The chief operating officers of components of the Depart-
26 ment shall coordinate with the heads of their respective

1 agencies while fulfilling their responsibilities under sub-
 2 section (b) to report directly to the Chief Operating Offi-
 3 cers.”.

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

“Sec. 602. Direct line authority for Chief Operating Officers.”.

9 **SEC. 104. DEPARTMENT OF HOMELAND SECURITY INTER-**
 10 **NATIONAL AFFAIRS OFFICE.**

11 Section 879 of the Homeland Security Act of 2002
 12 (6 U.S.C. 459) is amended to read as follows:

13 **“SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.**

14 “(a) ESTABLISHMENT.—There is established within
 15 the Department an Office of International Affairs. The
 16 Office shall be headed by the Assistant Secretary for
 17 International Affairs, who shall be appointed by the Presi-
 18 dent, by and with the advice and consent of the Senate.

19 “(b) RESPONSIBILITIES OF THE ASSISTANT SEC-
 20 RETARY.—The Assistant Secretary for International Af-
 21 fairs shall—

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

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

6 “(3) develop and update, in coordination with
7 all components of the Department engaged in inter-
8 national activities, a strategic plan for the inter-
9 national activities of the Department and establish a
10 process for managing its implementation;

11 “(4) provide guidance to components of the De-
12 partment engaged in international activities and to
13 employees of the Department who are deployed over-
14 seas, as well as their intent to pursue negotiations
15 with foreign government officials and reviewing re-
16 sulting draft agreements;

17 “(5) maintain awareness regarding the inter-
18 national travel of senior officers of the Department,
19 as well as their intent to pursue negotiations with
20 foreign government officials and reviewing resulting
21 draft agreements;

22 “(6) develop, in consultation with the compo-
23 nents and, where appropriate, with the Science and
24 Technology Directorate, programs to support the
25 overseas programs conducted by the Department, in-

1 including training, technical assistance, and equip-
2 ment; and

3 “(7) promote exchange of homeland security in-
4 formation and best practices relating to homeland
5 security with foreign nations that, in the determina-
6 tion of the Secretary, reciprocate the sharing of such
7 information in a substantially similar manner.

8 “(c) RESPONSIBILITIES OF THE COMPONENTS OF
9 THE DEPARTMENT.—

10 “(1) NOTICE OF FOREIGN NEGOTIATIONS.—All
11 components of the Department shall notify the Of-
12 fice of International Affairs of the intent of the com-
13 ponent to pursue negotiations with foreign govern-
14 ments.

15 “(2) NOTICE OF INTERNATIONAL TRAVEL BY
16 SENIOR OFFICERS.—All components of the Depart-
17 ments shall notify the Office of International Affairs
18 about the international travel of senior officers of
19 the Department.

20 “(d) INVENTORY OF ASSETS DEPLOYED ABROAD.—
21 The Office of International Affairs shall provide to the ap-
22 propriate congressional committees, with the annual budg-
23 et request for the Department, an annual accounting of
24 all assets of the Department, including personnel, de-

1 ployed outside the United States on behalf of the Depart-
2 ment.

3 “(e) **EXCLUSIONS.**—This section does not apply to
4 international activities related to the protective mission of
5 the United States Secret Service, or to the Coast Guard
6 when operating under the direct authority of the Secretary
7 of Defense or the Secretary of the Navy.”.

8 **SEC. 105. ASSISTANT SECRETARY FOR HEALTH AFFAIRS.**

9 Section 516 of the Homeland Security Act of 2002
10 (6 U.S.C. 321e) is amended—

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

14 (2) in subsection (c)—

15 (A) in paragraph (6), by striking “and”
16 after the semicolon at the end;

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

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

21 “(7) ensuring that the workforce of the Depart-
22 ment has science-based policy, standards, require-
23 ments, and metrics for occupational safety and
24 health;

1 “(8) providing medical expertise for the compo-
2 nents of the Department with respect to prevention,
3 preparedness, protection, response, and recovery for
4 medical and public health matters;

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

11 **SEC. 106. DEPARTMENT OF HOMELAND SECURITY REORGA-**
12 **NIZATION AUTHORITY.**

13 Section 872 of the Homeland Security Act of 2002
14 (6 U.S.C. 452) is amended—

15 (1) in subsection (a), by striking “only” and all
16 that follows through “(2) after” and inserting “only
17 after”; and

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

20 “(b) LIMITATIONS ON OTHER REORGANIZATION AU-
21 THORITY.—

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

1 function established or required to be maintained by
2 statute.

3 “(2) EXCEPTION.—

4 “(A) IN GENERAL.—Notwithstanding para-
5 graph (1), if the President determines it to be
6 necessary because of an imminent threat to
7 homeland security, a function, power, or duty
8 vested by law in the Department, or an officer,
9 official, or agency thereof, may be transferred,
10 reassigned, or consolidated within the Depart-
11 ment.

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

18 “(C) DURATION.—A transfer, reassign-
19 ment, or consolidation under subparagraph (A)
20 shall remain in effect only until the President
21 determines that the threat to homeland security
22 has terminated or is no longer imminent.

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

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

4 “(1) the reasons for the action taken; and

5 “(2) a list of each statutory provision impli-
6 cated by the action.”.

7 **SEC. 107. REPEAL OF OFFICE OF DOMESTIC PREPARED-**
8 **NESS.**

9 (a) **TERMINATION.**—Title IV of the Homeland Secu-
10 rity Act of 2002 is amended by striking section 430 (6
11 U.S.C. 238).

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

16 **SEC. 108. QUADRENNIAL HOMELAND SECURITY REVIEW.**

17 (a) **IN GENERAL.**—Section 707 of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 347) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “fiscal
21 year 2009” and inserting “calendar year
22 2013”; and

23 (B) in paragraph (3), by striking “The
24 Secretary shall conduct each quadrennial home-
25 land security review under this subsection” and

1 inserting “In order to ensure that each quad-
2 rennial homeland security review conducted
3 under this section is coordinated with the quad-
4 rennial defense review conducted by the Sec-
5 retary of Defense under section 118 of title 10,
6 United States Code, and any other major stra-
7 tegic review relating to diplomacy, intelligence,
8 or other national security issues, the Secretary
9 shall conduct each quadrennial homeland secu-
10 rity review”; and

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

13 “(b) SCOPE OF REVIEW AND REPORT.—

14 “(1) IN GENERAL.—In each quadrennial home-
15 land security review, the Secretary shall—

16 “(A) examine the homeland security as-
17 pects of the security environment of the Nation,
18 including existing and potential homeland secu-
19 rity threats and challenges, and the effect of
20 laws, Presidential directives, national strategies,
21 and other relevant guidance documents in meet-
22 ing existing and potential homeland security
23 threats and challenges;

24 “(B) review the capabilities and capacities
25 across the homeland security enterprise, and

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

4 “(C) evaluate and prioritize the homeland
5 security mission areas of the Nation and associ-
6 ated goals and objectives, and recommend any
7 necessary revisions to the mission areas, goals,
8 and objectives as appropriate;

9 “(D) examine whether the capabilities and
10 capacities across the homeland security enter-
11 prise should be adjusted based on any proposed
12 modifications to the mission areas, goals, or ob-
13 jectives;

14 “(E) identify additional capabilities and
15 capacities that may be needed across the home-
16 land security enterprise in response to potential
17 homeland security threats and challenges, and
18 the resources required to provide the capabili-
19 ties and capacities;

20 “(F) identify redundant, wasteful, or un-
21 necessary capabilities and capacities where re-
22 sources can be redirected to support capabilities
23 and capacities identified under subparagraph
24 (E);

1 “(G) evaluate the organization, organiza-
2 tional structure, governance structure, and
3 business processes (including acquisition proc-
4 esses) of the Department, as they relate to the
5 ability of the Department to meet the respon-
6 sibilities of the Department; and

7 “(H) review any other matter the Sec-
8 retary considers appropriate.

9 “(2) REPORT.—During the year following the
10 year in which a quadrennial homeland security re-
11 view is conducted, and not later than the date on
12 which the budget of the President for the next fiscal
13 year is submitted to Congress under section 1105(a)
14 of title 31, United States Code, the Secretary
15 shall—

16 “(A) submit to the appropriate congres-
17 sional committees a report—

18 “(i) describing the process used in
19 conducting the quadrennial homeland secu-
20 rity review and explaining any underlying
21 assumptions used in conducting the quad-
22 rennial homeland security review;

23 “(ii) describing the findings and con-
24 clusions of the review, including findings
25 and conclusions relating to each issue ad-

1 dressed under subparagraphs (A) through
2 (H) of paragraph (1);

3 “(iii) detailing any proposed revisions
4 to the national homeland security strategy,
5 including any proposed revisions to the
6 homeland security missions, capabilities
7 and capacities, goals, or objectives of the
8 Nation;

9 “(iv) detailing how the conclusions
10 under the quadrennial homeland security
11 review will inform efforts to develop capa-
12 bilities and build capacity of States, local
13 governments, Indian tribes, and private en-
14 tities, and of individuals, families, and
15 communities;

16 “(v) providing proposed changes to
17 the authorities, organization, governance
18 structure, or business processes (including
19 acquisition processes) of the Department
20 in order to better fulfill the responsibilities
21 of the Department; and

22 “(vi) describing any other matter the
23 Secretary considers appropriate; and

24 “(B) consistent with the protection of na-
25 tional security and other sensitive matters,

1 make the report required under subparagraph
2 (A) publicly available on the website of the De-
3 partment; and

4 “(C) where appropriate, the Secretary may
5 include as an annex to the report materials pre-
6 pared pursuant to section 306 of title 5, relat-
7 ing to the preparation of an agency strategic
8 plan, to satisfy, in whole or in part, the report-
9 ing requirements of this paragraph.”.

10 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
11 The table of contents in section 1(b) of the Homeland Se-
12 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
13 striking the item relating to section 707 and inserting the
14 following:

“Sec. 707. Quadrennial homeland security review.”.

15 **SEC. 109. DEVELOPMENT OF EXPLOSIVES DETECTION CA-**
16 **NINE STANDARDS.**

17 (a) **IN GENERAL.**—Section 1307(c) of the Imple-
18 menting Recommendations of the 9/11 Commission Act of
19 2007 (6 U.S.C. 1116(c)) is amended to read as follows:

20 “(c) **EXPLOSIVES DETECTION CANINE ACCREDITA-**
21 **TION AND MINIMUM CERTIFICATION STANDARDS.**—

22 “(1) **IN GENERAL.**—To assist in the Depart-
23 ment’s counterterrorism mission, the Secretary
24 shall—

1 “(A) issue mission-specific accreditation
2 and minimum certification standards for all ex-
3 plosives detection canines, and their handlers,
4 that are used or funded by the Department;
5 and

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

11 “(2) INCLUDED CANINES AND HANDLERS.—
12 The canines and handlers referred to in paragraph
13 (1) include—

14 “(A) canines that are not bred by the De-
15 partment;

16 “(B) canines and handlers that are not
17 trained by the Department; and

18 “(C) canine and handlers that are obtained
19 by the Department by contract, or funded by
20 the Department by grant or otherwise.

21 “(3) RECOMMENDATIONS.—

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

1 consist of canine training subject matter ex-
2 perts, including representatives from the private
3 sector and academia, as designated by the Sec-
4 retary.

5 “(B) RECOMMENDATIONS.—The rec-
6 ommendations shall consist of a multitier set of
7 standards designed to provide minimum accred-
8 itation and certification standards, as well as a
9 higher level of standards based on mission-crit-
10 ical objectives of the components that use explo-
11 sives detection canines. The standards shall ad-
12 dress both initial and recurrent training and
13 certification.

14 “(C) REVIEW AND REVISION.—After provi-
15 sion of the recommendations, the panel shall
16 meet no less than biennially to review and re-
17 vise the recommendations.

18 “(4) AUTHORIZATION OF APPROPRIATIONS.—
19 To carry out this subsection there is authorized to
20 be appropriated \$300,000 for fiscal year 2012.”.

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

1 **TITLE II—DEPARTMENT OF**
2 **HOMELAND SECURITY ACQUI-**
3 **SITION POLICY**

4 **SEC. 201. DEPARTMENT OF HOMELAND SECURITY ACQUI-**
5 **SITIONS AND PROCUREMENT REVIEW.**

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

9 **“SEC. 708. DEPARTMENT ACQUISITIONS AND PROCURE-**
10 **MENT REVIEW.**

11 “(a) IN GENERAL.—The Secretary shall review the
12 proposed acquisitions and procurements by the Depart-
13 ment.

14 “(b) PURPOSE.—The review under subsection (a)
15 shall inform the Department’s investment decisions, evalu-
16 ate lifecycles of procurements, strengthen acquisition over-
17 sight, and improve resource management in a risk-based
18 manner.

19 “(c) ACQUISITION REVIEW BOARD.—

20 “(1) ESTABLISHMENT.—The Secretary shall es-
21 tablish an Acquisition Review Board for the purpose
22 of carrying out the review of proposed acquisitions
23 and procurements required under subsection (a).

24 “(2) MEMBERSHIP.—The Secretary shall des-
25 ignate appropriate officers from throughout the De-

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

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

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

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

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

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

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

“Sec. 708. Department acquisitions and procurement review.”.

3 **SEC. 202. CAPABILITIES AND REQUIREMENTS COUNCIL.**

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

7 **“SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.**

8 “(a) ESTABLISHMENT.—There is established a Capa-
9 bilities and Requirements Council in the Department.

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

13 “(1) Identifying, assessing, and approving
14 homeland security investments and acquisition re-
15 quirements, including investments in and require-
16 ments for existing programs, systems, and equip-
17 ment, to meet homeland security strategic goals and
18 objectives.

19 “(2) Harmonizing common investments and re-
20 quirements across Department organizational ele-
21 ments.

22 “(3) Reviewing the mission need associated
23 with each proposed investment or acquisition re-
24 quirement identified under paragraph (1).

1 “(4) Reviewing major investments across the
2 Department to ensure consistency with homeland se-
3 curity strategic goals and objectives.

4 “(5) Ensuring the use of cost-benefit analyses,
5 giving consideration to factors such as cost, sched-
6 ule, performance, risk, and operational efficiency, in
7 order to determine the most viable homeland secu-
8 rity investments or acquisition requirements identi-
9 fied under paragraph (1).

10 “(6) Establishing and assigning priority levels
11 for the homeland security investments and require-
12 ments identified under paragraph (1), in consulta-
13 tion with advisors to the Council engaged under sub-
14 section (d).

15 “(7) Reviewing the estimated level of resources
16 required to fulfill the homeland security require-
17 ments identified under paragraph (1) and to ensure
18 that such resource level is consistent with the level
19 of priority assigned to such requirement.

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

23 “(9) Identifying alternatives to any acquisition
24 program that meet homeland security requirements
25 identified under paragraph (1).

1 “(10) Providing recommendations to the Acqui-
2 sition Review Board established under section 708.

3 “(11) Performing any other duties established
4 by the Secretary.

5 “(c) COMPOSITION.—The Capabilities and Require-
6 ments Council is composed of—

7 “(1) the Under Secretary for Management of
8 the Department, who shall act as the Chairman of
9 the Council; and

10 “(2) appropriate representatives from the com-
11 ponents and organizational elements of the Depart-
12 ment, as determined by the Secretary.

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

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

“Sec. 709. Capabilities and Requirements Council.”.

21 **SEC. 203. ACQUISITION AUTHORITIES FOR THE UNDER SEC-**
22 **RETARY FOR MANAGEMENT.**

23 (a) IN GENERAL.—Section 701 of the Homeland Se-
24 curity Act of 2002 (6 U.S.C. 341) is amended—

1 (1) in subsection (a)(2), by striking “Procure-
2 ment” and inserting “Acquisition, as provided in
3 subsection (d)”;

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

5 “(d) ACQUISITION AND RELATED RESPONSIBIL-
6 ITIES.—

7 “(1) IN GENERAL.—The Under Secretary for
8 Management shall act as the senior acquisition offi-
9 cer for the Department and shall administer func-
10 tions relating to acquisition, including—

11 “(A) supervising the management of De-
12 partment acquisition activities and acquisition
13 programs, evaluating the performance of those
14 activities and programs, and advising the Sec-
15 retary regarding the appropriate risk-based ac-
16 quisition strategy to achieve the mission of the
17 Department;

18 “(B) directing all of the Department’s
19 components with regard to the Under Sec-
20 retary’s responsibility under this subsection;

21 “(C) establishing policies for acquisition
22 that implement a risk-based approach, as ap-
23 propriate, including investment review, program
24 management, procurement of goods and serv-
25 ices, research and development, and contract

1 administration, for all components of the De-
2 partment;

3 “(D) establishing policies for logistics,
4 maintenance, and sustainment support for all
5 components of the Department; and

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

11 “(2) UNDER SECRETARY FOR SCIENCE AND
12 TECHNOLOGY.—Nothing in this subsection shall di-
13 minish or otherwise affect the authority granted to
14 the Under Secretary for Science and Technology
15 under this Act. The Under Secretary for Manage-
16 ment and the Under Secretary for Science and
17 Technology shall cooperate in matters of mutual in-
18 terest related to the subjects addressed by this sub-
19 section.”.

20 (b) REPORT TO CONGRESS.—The Under Secretary
21 for Management shall report to Congress within 180 days
22 after the date of the enactment of this Act on a com-
23 prehensive acquisition management plan for the Depart-
24 ment, including performance metrics, to—

1 (1) improve collaboration, coordination, and
2 awareness of technologies and capabilities across
3 components of the Department, the Federal Govern-
4 ment, universities, and the private sector when de-
5 veloping program requirements for acquisitions by
6 the Department;

7 (2) evaluate the reasons for modifying program
8 requirements after an award of a contract and ana-
9 lyze the need for modifications and whether modi-
10 fications would lead to contract cost overruns and
11 time delays;

12 (3) ensure regular communication with and
13 support from State and local entities when devel-
14 oping program requirements and modifying program
15 requirements;

16 (4) provide increased oversight and manage-
17 ment on identified high-risk acquisitions;

18 (5) evaluate the turnover rate of program man-
19 agers and contracting officers throughout a contract
20 and its impact on program requirement modifica-
21 tions, cost overruns, and time delays; and

22 (6) evaluate the time it takes between first de-
23 veloping program requirements, through the acquisi-
24 tion review process, up until a contract award is
25 made.

1 **SEC. 204. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

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

5 **“SEC. 710. ACQUISITION PROFESSIONAL CAREER PRO-
6 GRAM.**

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

11 “(b) PROGRAM.—The program established under
12 subsection (a) shall rotate participants through various
13 headquarters and component acquisition and program of-
14 fices to assure that participants receive broad experience
15 and developmental training throughout the Department.

16 “(c) ACQUISITION PROFESSIONAL.—An acquisition
17 professional shall include, but is not limited to, an indi-
18 vidual employed by the Department as a contract spe-
19 cialist, program manager, or technical representative of a
20 contracting office.

21 “(d) LIMIT.—Subject to appropriations, the Sec-
22 retary may not hire more than 100 participants for the
23 program established under subsection (a) in each fiscal
24 year from 2012 to 2015.”

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

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

“Sec. 710. Acquisition Professional Career Program.”.

3 **SEC. 205. STRATEGIC PLAN FOR ACQUISITION WORK-**
4 **FORCE.**

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

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

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

16 (A) program management;

17 (B) systems planning, research, develop-
18 ment, engineering, and testing;

19 (C) procurement, including contracting;

20 (D) industrial property management;

21 (E) logistics;

22 (F) quality control and assurance;

23 (G) manufacturing and production;

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

1 (I) education, training, and career develop-
2 ment;

3 (J) construction; and

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

6 (2) identify acquisition workforce needs of each
7 Department component performing acquisition func-
8 tions and develop a schedule for filling those needs;

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

12 (4) summarize the recruitment, hiring, training,
13 and retention of the workforce identified in para-
14 graph (2); and

15 (5) establish goals for achieving integration and
16 consistency with Governmentwide training and ac-
17 creditation standards, acquisition training tools, and
18 training facilities.

19 (c) OTHER ACQUISITION POSITIONS.—The Chief Ac-
20 quisition Officer of the Department may, as appropriate,
21 designate as acquisition positions those additional posi-
22 tions that perform significant acquisition-related functions
23 within that component of the Department.

1 **SEC. 206. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.**

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

5 **“SEC. 711. NOTIFICATION TO CONGRESS OF MAJOR PRO-
6 CUREMENT AWARDS.**

7 “(a) REPORTING OF SIGNIFICANT CONTRACTS.—The
8 Secretary shall notify the appropriate congressional com-
9 mittees at least 3 business days prior to—

10 “(1) making a contract award, other trans-
11 action agreement, or task and delivery order exceed-
12 ing \$10,000,000; or

13 “(2) announcing the intention to make such an
14 award.

15 “(b) EXCEPTION.—If the Secretary determines that
16 compliance with this section would pose a substantial risk
17 to homeland security, an award may be made without the
18 notification required by subsection (a) if the Secretary no-
19 tifies the appropriate congressional committees by not
20 later than 5 business days after such award is made.”.

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

“Sec. 711. Notification to Congress of major procurement awards.”.

1 **SEC. 207. INDEPENDENT VERIFICATION AND VALIDATION.**

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

5 **“SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.**

6 “(a) IN GENERAL.—The Under Secretary for Man-
7 agement shall establish a process to provide for the evalua-
8 tion of the integrity and quality of major acquisitions, to
9 be conducted independently by personnel with no involve-
10 ment or interest in the underlying acquisitions.

11 “(b) REQUIREMENT FOR GUIDANCE.—The Under
12 Secretary for Management shall create a transparent ac-
13 quisition process by making available to the public written
14 guidance that provides the following:

15 “(1) Criteria for applying and planning inde-
16 pendent verification and validation, including appro-
17 priate thresholds above which acquisitions may not
18 proceed without independent verification and valida-
19 tion unless authorized to do so by the Acquisition
20 Review Board established under section 708.

21 “(2) Procedures for ensuring the managerial, fi-
22 nancial, and technical independence of providers of
23 independent verification and validation.

24 “(3) Methods for integrating independent
25 verification and validation results into program man-
26 agement.

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

3 “(1) identify any acquisition that is granted ini-
4 tial approval to proceed by the Acquisition Review
5 Board without undergoing the process to establish
6 independent verification and validation required
7 under this section; and

8 “(2) provide an explanation of the decision not
9 to employ independent verification and validation.”.

10 (b) DEADLINE.—The Under Secretary for Manage-
11 ment shall establish the process required by the amend-
12 ment made by subsection (a) not later than 180 days after
13 the date of the enactment of this Act.

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

“Sec. 712. Independent verification and validation.”.

18 **SEC. 208. OTHER TRANSACTION AUTHORITY.**

19 Section 831 of the Homeland Security Act of 2002
20 (6 U.S.C. 391) is amended—

21 (1) in subsection (a), by striking “Until Sep-
22 tember 30, 2010” and inserting “Until September
23 30, 2016”;

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

1 annually thereafter” and inserting “Not later than
2 September 30, 2015”; and

3 (3) in subsection (d)(1), by striking “September
4 30, 2010” and inserting “September 30, 2016”.

5 **SEC. 209. REPORT ON COMPETITION.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Inspector General of the Department
8 of Homeland Security shall prepare a report analyzing the
9 use of competition in the award of contracts by the De-
10 partment under the requirements of the Competition in
11 Contracting Act (41 U.S.C. 3301 et seq.), which shall in-
12 clude—

13 (1) for each component of the Department—

14 (A) the total number and dollar value of
15 new contracts for each of the last three full fis-
16 cal years for which data is available; and

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

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

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

23 (2) a statistical analysis of statutory exceptions
24 used to enter contracts without full and open com-
25 petition;

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

3 (4) a comparison of the percentage of contracts
4 awarded under full and open competition by the De-
5 partment and the percentage of contracts awarded
6 under full and open competition by other Federal de-
7 partments and agencies.

8 **TITLE III—INFORMATION SHAR-**
9 **ING AND INTELLIGENCE**
10 **ANALYSIS**

11 **SEC. 301. DEPARTMENT OF HOMELAND SECURITY NA-**
12 **TIONAL NETWORK OF FUSION CENTERS INI-**
13 **TIATIVE.**

14 (a) AMENDMENTS TO ESTABLISH NETWORK.—

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

18 (A) by striking the section heading and in-
19 serting the following:

20 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY NA-**
21 **TIONAL NETWORK OF FUSION CENTERS INI-**
22 **TIATIVE.”;**

23 (B) in subsection (a), by striking “a De-
24 partment of Homeland Security State, Local,
25 and Regional Fusion Center Initiative to estab-

1 lish partnerships with State, local, and regional
2 fusion centers” and inserting “a Department of
3 Homeland Security National Network of Fusion
4 Centers Initiative to establish partnerships with
5 State and major urban area fusion centers”;

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

8 “(b) INTERAGENCY SUPPORT AND COORDINATION.—
9 Through the Department of Homeland Security National
10 Network of Fusion Centers Initiative, principal officials of
11 participating State and major urban area fusion centers,
12 and the officers designated as the Homeland Security Ad-
13 visors of the States, the Secretary shall—

14 “(1) coordinate with other Federal departments
15 and agencies to provide operational and intelligence
16 advice and assistance to the National Network of
17 Fusion Centers;

18 “(2) support the integration of State and major
19 urban area fusion centers into the information shar-
20 ing environment and the National Prevention
21 Framework as required by Presidential Policy Direc-
22 tive 8;

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

1 management program and exercises to assess the ca-
2 pability of individual fusion centers, the statewide
3 fusion process, and the national network;

4 “(4) reduce inefficiencies and maximize the ef-
5 fectiveness of Federal resource support;

6 “(5) develop criteria for designating fusion cen-
7 ters that enables the most effective allocation of
8 Federal resources and aligns with priorities of the
9 Department as determined by the Secretary;

10 “(6) coordinate with the Nationwide Suspicious
11 Activity Reporting Initiative to ensure information
12 within the scope of the information sharing environ-
13 ment created under section 1016 of the Intelligence
14 Reform and Terrorism Prevention Act of 2004 (6
15 U.S.C. 485) gathered by the National Network of
16 Fusion Centers is incorporated into the Depart-
17 ment’s information resources;

18 “(7) provide management guidance and assist-
19 ance to the National Network of Fusion Centers;

20 “(8) serve as a point of contact for and effec-
21 tive dissemination of information within the scope of
22 such information sharing environment to the Na-
23 tional Network of Fusion Centers;

24 “(9) serve as the single point of contact to en-
25 sure the close communication and coordination be-

1 tween the National Network of Fusion Centers and
2 the Department;

3 “(10) provide the National Network of Fusion
4 Centers with expertise on Department resources and
5 operations;

6 “(11) coordinate the provision of training and
7 technical assistance to the National Network of Fu-
8 sion Centers and encourage fusion centers in such
9 Network to participate in terrorism threat-related
10 exercises conducted by the Department;

11 “(12) ensure, to the greatest extent practicable,
12 that support to fusion centers in such network is re-
13 flected as a national priority in all applicable grant
14 guidance;

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

18 “(14) carry out such other duties as the Sec-
19 retary determines are appropriate.”;

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

23 “(c) RESOURCE ALLOCATION.—

24 “(1) RESPONSIBILITIES OF UNDER SEC-
25 RETARY.—

1 “(A) IN GENERAL.—The Under Secretary
2 for Intelligence and Analysis shall—

3 “(i) lead Department efforts to ensure
4 fusion centers in the Network are the pri-
5 mary focal points for the sharing of ter-
6 rorism-related information with State and
7 local entities; and

8 “(ii) ensure that, as appropriate, oper-
9 ational, programmatic, and administrative
10 resources, including intelligence officers,
11 intelligence analysts, reporting officers,
12 and other liaisons from components of the
13 Department are provided to qualifying
14 State and major urban area fusion centers.

15 “(B) GRANT GUIDANCE.—The Under Sec-
16 retary for Intelligence and Analysis shall pro-
17 vide guidance on fusion centers to the Adminis-
18 trator of the Federal Emergency Management
19 Agency in accordance with the memorandum of
20 understanding required under section 210F.

21 “(2) SOURCES OF SUPPORT.—

22 “(A) IN GENERAL.—Resources allocated
23 under this subsection to fusion centers in the
24 Network shall be provided by the following De-
25 partment components and offices, in coordina-

1 tion with the respective component head and in
2 consultation with the principal officials of fu-
3 sion centers in the Network:

4 “(i) The Office of Intelligence and
5 Analysis.

6 “(ii) The Office of Infrastructure Pro-
7 tection.

8 “(iii) The Transportation Security
9 Administration.

10 “(iv) U.S. Customs and Border Pro-
11 tection.

12 “(v) U.S. Immigration and Customs
13 Enforcement.

14 “(vi) The Coast Guard.

15 “(vii) The Privacy Office of the De-
16 partment.

17 “(viii) The Office for Civil Rights and
18 Civil Liberties of the Department.

19 “(ix) Other components or offices of
20 the Department, as determined by the Sec-
21 retary.

22 “(B) COORDINATION WITH OTHER FED-
23 ERAL AGENCIES.—The Under Secretary for In-
24 telligence and Analysis shall coordinate with ap-
25 propriate officials throughout the Federal gov-

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

4 “(3) RESOURCE ALLOCATION CRITERIA.—

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

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

11 “(vi) whether the fusion center has
12 privacy protections in place that are deter-
13 mined to be at least as comprehensive as
14 the Federal information sharing environ-
15 ment privacy guidelines in effect on the
16 date of the enactment.”;

17 (F) in subsection (e)—

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

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

1 jurisdictions along land or maritime borders of the
2 United States in order to enhance the integrity of
3 and security at such borders by helping Federal,
4 State, local, and tribal law enforcement authorities
5 to identify, investigate, and otherwise interdict per-
6 sons, weapons, and related contraband that pose a
7 threat to homeland security.”; and

8 (ii) in paragraph (2), by striking
9 “participating State, local, and regional fu-
10 sion centers” and inserting “participating
11 State and major urban area fusion cen-
12 ters”;

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

17 “(f) MASS TRANSIT INTELLIGENCE PRIORITY.—

18 “(1) IN GENERAL.—To the greatest extent
19 practicable, the Secretary shall, under this section,
20 assign personnel with expertise in security of mass
21 transit systems to participating State and major
22 urban area fusion centers located in high-risk juris-
23 dictions with mass transit systems.

24 “(2) MASS TRANSIT INTELLIGENCE PROD-
25 UCTS.—In performing the responsibilities under sub-

1 section (d), officers and intelligence analysts as-
2 signed to fusion centers in the Network shall, as a
3 primary responsibility, create mass transit intel-
4 ligence products that—

5 “(A) assist State, local, and tribal law en-
6 forcement agencies in detecting and interdicting
7 terrorists, weapons of mass destruction, and re-
8 lated contraband traveling on mass transit sys-
9 tems or targeting mass transit systems;

10 “(B) promote consistent and timely shar-
11 ing of mass transit security-relevant informa-
12 tion among jurisdictions with mass transit sys-
13 tems; and

14 “(C) enhance the Department’s situational
15 awareness of the threat of acts of terrorism at
16 or involving mass transit systems.

17 “(3) DECONFLICTION.—In performing the re-
18 sponsibilities under subsection (d), officers and intel-
19 ligence analysts assigned to fusion centers in the
20 Network shall assist Federal, State, local, and tribal
21 law enforcement authorities overseeing the security
22 of mass transit systems with resolving conflicting
23 threat information provided by Federal Government
24 sources.”;

1 (H) by amending subsection (j), as so re-
2 designated, to read as follows:

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

5 “(1) ensure the consistent application of guid-
6 ance for identifying baseline capabilities and oper-
7 ational standards that must be achieved by a fusion
8 center to participate in the Network; and

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

12 (I) in subsection (l), as so redesignated, by
13 striking “subsection (i)” and inserting “sub-
14 section (j)”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 1(b) of such Act is amended by
17 striking the item relating to such section and insert-
18 ing the following:

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

19 (b) MEMORANDUM OF UNDERSTANDING ON FUSION
20 CENTERS.—

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

1 **“SEC. 210G. MEMORANDUM OF UNDERSTANDING ON FU-**
2 **SION CENTERS.**

3 “The Administrator of the Federal Emergency Man-
4 agement Agency shall enter into a memorandum of under-
5 standing with the Under Secretary for Intelligence and
6 Analysis that delineates the roles and responsibilities of
7 their respective organizations with respect to policy and
8 guidance for fusion center-related expenditures with grant
9 funds.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents in section 1(b) of such Act is amended by add-
12 ing at the end of the items relating to such subtitle
13 the following:

“Sec. 21GA. Memorandum of understanding on fusion centers.”.

14 **SEC. 302. HOMELAND SECURITY INFORMATION SHARING**
15 **NETWORKS DEVELOPMENT.**

16 (a) STRATEGY.—Within 180 days after the date of
17 the enactment of this Act, the Secretary of Homeland Se-
18 curity shall develop a comprehensive strategy for the co-
19 ordinated development and deployment of unclassified,
20 sensitive but unclassified, and classified information shar-
21 ing computer networks of the Department of Homeland
22 Security.

23 (b) PLAN.—

24 (1) IN GENERAL.—The strategy under sub-
25 section (a) shall include a comprehensive plan for

1 the further development, acquisition, and deploy-
2 ment, and continual operations of—

3 (A) the Homeland Security Information
4 Network;

5 (B) the Homeland Secure Data Network;
6 and

7 (C) the Homeland Top Secret Network.

8 (2) CONTENTS.—The plan shall include the fol-
9 lowing:

10 (A) cost estimates for the further develop-
11 ment of the networks identified in paragraph
12 (1);

13 (B) development and acquisition schedules;

14 (C) a schedule for the decommissioning the
15 legacy C-LAN system and transition to the
16 Homeland Top Secret Network;

17 (D) a comprehensive list of systems re-
18 quirements that meet strategic goals and De-
19 partment-wide operational and analytical mis-
20 sion requirements;

21 (E) a plan for standardizing and properly
22 disseminating the networks across the Depart-
23 ment;

24 (F) consideration for any homeland secu-
25 rity computer system or database not listed in

1 paragraph (1) that is currently in development
2 or in operation in any component or office of
3 the Department and that should be merged
4 with or incorporated into one of the networks
5 listed in paragraph (1) to eliminate redundancy,
6 and a schedule for such merger or incorpora-
7 tion; and

8 (G) a comprehensive plan for the coordi-
9 nated deployment of the systems listed in para-
10 graph (1), as considered appropriate by the
11 Secretary, to—

12 (i) the Department of Homeland Se-
13 curity Headquarters offices;

14 (ii) the Department of Homeland Se-
15 curity component headquarters;

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

18 (iv) the National Network of Fusion
19 Centers;

20 (v) State and local government enti-
21 ties; and

22 (vi) other Federal departments and
23 agencies.

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

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

3 **SEC. 303. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-**
4 **MENT AT THE DEPARTMENT OF HOMELAND**
5 **SECURITY INTELLIGENCE ELEMENTS.**

6 (a) IN GENERAL.—The Homeland Security Act of
7 2002 (6 U.S.C. 101 et seq.) is amended by inserting after
8 section 845 the following:

9 **“SEC. 846. AUTHORITY TO ESTABLISH EXCEPTED SERVICE**
10 **POSITIONS WITHIN THE INTELLIGENCE COM-**
11 **ONENTS OF THE DEPARTMENT OF HOME-**
12 **LAND SECURITY.**

13 “(a) AUTHORITY.—The Secretary of Homeland Secu-
14 rity may convert both unencumbered and encumbered
15 competitive service positions, and the incumbents of any
16 such positions, within the elements of the intelligence com-
17 munity within the Department of Homeland Security, to
18 excepted service positions as the Secretary determines nec-
19 essary to carry out the intelligence functions of the De-
20 partment.

21 “(b) INCUMBENTS.—Any incumbent currently occu-
22 pying a position selected to be converted to the excepted
23 service under this section shall have the right to refuse
24 such conversion. Once such individual no longer occupies

1 the position, the position may be converted to the excepted
2 service.”.

3 (b) REPORTING.—The Secretary shall include infor-
4 mation, together with submission of the annual budget
5 justification, on the following:

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

8 (2) the extent to which the authority provided
9 under subsection (a) was utilized to fill those posi-
10 tions; and

11 (3) any impact that the exercise of that author-
12 ity had on diversity within the Department.

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

“Sec. 846. Authority to establish excepted service positions within the intel-
ligence components of the Department of Homeland Security.”.

17 **TITLE IV—9/11 REVIEW**
18 **COMMISSION**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “9/11 Review Commis-
21 sion Act”.

22 **SEC. 402. ESTABLISHMENT.**

23 There is established in the legislative branch a Na-
24 tional Commission to Review the National Response Since

1 the Terrorist Attacks of September 11, 2001 (referred to
2 as the “9/11 Review Commission”).

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

4 The 9/11 Review Commission shall conduct a com-
5 prehensive review of the implementation of the rec-
6 ommendations proposed in the report issued by the Na-
7 tional Commission on Terrorist Attacks Upon the United
8 States (commonly known as the “9/11 Commission”), as
9 established pursuant to section 601 of the Intelligence Au-
10 thorization Act for Fiscal Year 2003 (Public Law 107–
11 306). The review of the 9/11 Review Commission shall—

12 (1) assess the progress and challenges in car-
13 rying out the recommendations of the 9/11 Commis-
14 sion, including any relevant legislation, Executive
15 order, regulation, plan, policy, practice, or procedure
16 implemented since the attacks of September 11,
17 2001;

18 (2) analyze the trends of domestic terror at-
19 tacks since the attacks of September 11, 2001, in-
20 cluding the growing influence of domestic radicaliza-
21 tion and its causes, and recommendations on how
22 Federal, State, and local agencies can deter and
23 mitigate such radicalization;

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

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

5 (4) provide additional recommendations with re-
6 gard to protecting United States homeland security,
7 ensuring interagency intelligence sharing, and other
8 matters relating to counterterrorism policy.

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

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

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

15 (a) **HEARINGS AND EVIDENCE.**—The 9/11 Review
16 Commission, or any panel acting on the authority of the
17 9/11 Review Commission, may—

18 (1) hold hearings, take testimony, receive evi-
19 dence, and administer oaths; and

20 (2) subject to subsection (b)(1), require, by sub-
21 poena or otherwise, the attendance and testimony of
22 such witnesses and the production of such books,
23 records, correspondence, memoranda, electronic com-
24 munications, papers, and documents, as the 9/11

1 Review Commission or such designated panel may
2 determine advisable.

3 (b) SUBPOENA AUTHORITY.—

4 (1) ISSUANCE.—Upon the agreement of the
5 chairman and the vice chairman, the chairman may
6 issue a subpoena to compel the production of docu-
7 ments or sworn testimony.

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

12 (3) ENFORCEMENT.—

13 (A) IN GENERAL.—In the event that any
14 person fails to obey a subpoena issued pursuant
15 to paragraph (1), the United States district
16 court for the judicial district in which the sub-
17 poenaed person resides, is served, or may be
18 found, or where the subpoena is returnable,
19 may issue an order requiring such person to ap-
20 pear at any designated place to testify or to
21 produce documentary or other evidence. Any
22 person failing to obey the order of the court
23 may be held in contempt of the court.

24 (B) ADDITIONAL ENFORCEMENT.—In the
25 case of any failure of any witness to comply

1 with any subpoena or to testify when sum-
2 moned under authority of this section, the
3 chairman may certify a statement of fact con-
4 stituting such failure to the appropriate United
5 States attorney, who may bring the matter be-
6 fore the grand jury for its action, under the
7 same statutory authority and procedures as if
8 the United States attorney had received a cer-
9 tification under sections 102 through 104 of the
10 Revised Statutes of the United States (2 U.S.C.
11 192–194).

12 (c) INFORMATION FROM FEDERAL AGENCIES.—

13 (1) IN GENERAL.—The 9/11 Review Commis-
14 sion is authorized to secure directly from any execu-
15 tive department, bureau, agency, board, commission,
16 office, independent establishment, or instrumentality
17 of the Government, information, suggestions, esti-
18 mates, and statistics for the purposes of this title.
19 Each such department, bureau, agency, board, com-
20 mission, office, independent establishment, or instru-
21 mentality shall, to the extent authorized by law, fur-
22 nish such information, suggestions, estimates, and
23 statistics directly to the 9/11 Review Commission,
24 upon request made by the chairman or the vice
25 chairman.

1 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
2 SEMINATION.—Information shall only be received,
3 handled, stored, and disseminated by the 9/11 Re-
4 view Commission, including its staff, in accordance
5 with all applicable statutes, regulations, and Execu-
6 tive orders.

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

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

17 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

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

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

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

6 (g) **POSTAL SERVICES.**—The 9/11 Review Commis-
7 sion may use the United States mails in the same manner
8 and under the same conditions as Federal departments
9 and agencies.

10 **SEC. 406. COMPENSATION.**

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

19 **SEC. 407. APPOINTMENT OF STAFF.**

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

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

10 (b) TRAVEL EXPENSES.—While away from their
11 homes or regular places of business in the performance
12 of services for the 9/11 Review Commission, members and
13 staff of the Commission shall be allowed travel expenses,
14 including per diem in lieu of subsistence, in the same man-
15 ner as persons employed intermittently in the Government
16 service are allowed expenses under section 5703(b) of title
17 5, United States Code.

18 (c) STAFF AS FEDERAL EMPLOYEES.—

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

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

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

9 (e) CONSULTANT SERVICES.—The 9/11 Review Com-
10 mission is authorized to procure the services of experts
11 and consultants in accordance with section 3109 of title
12 5, United States Code, but at rates not to exceed the daily
13 rate paid to a person occupying a position at level IV of
14 the Executive Schedule under section 5315 of title 5,
15 United States Code.

16 **SEC. 408. SECURITY CLEARANCES FOR COMMISSION MEM-**
17 **BERS AND STAFF.**

18 The appropriate Federal agencies or departments
19 shall provide to the 9/11 Review Commission, to the extent
20 possible, personnel with appropriate security clearances.
21 No person shall be provided with access to classified infor-
22 mation under this title without the appropriate security
23 clearances.

1 **SEC. 409. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

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

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

9 (1) hold public hearings and meetings to the ex-
10 tent appropriate; and

11 (2) release public versions of the reports re-
12 quired under this title.

13 (c) PUBLIC HEARINGS.—Any public hearings of the
14 9/11 Review Commission shall be conducted in a manner
15 consistent with the protection of information provided to
16 or developed for or by the 9/11 Review Commission as re-
17 quired by any applicable statute, regulation, or Executive
18 order.

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

20 (a) INTERIM REPORTS.—The 9/11 Review Commis-
21 sion may submit to the President and provide to Congress
22 interim reports containing its findings, conclusions, and
23 recommendations, and may submit with such reports any
24 classified annexes.

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

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

9 (c) TERMINATION.—

10 (1) IN GENERAL.—The 9/11 Review Commis-
11 sion, and all the authorities of this title, shall termi-
12 nate 30 days after the date on which the final report
13 is submitted under subsection (b).

14 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
15 MINATION.—The 9/11 Review Commission may use
16 the 30-day period referred to in paragraph (1) for
17 the purpose of concluding its activities, including
18 providing testimony to Congress concerning its re-
19 ports and disseminating the final report.

20 **SEC. 411. FUNDING.**

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

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

1 tion shall remain available until the termination of the 9/
2 11 Review Commission.

3 **TITLE V—PREPAREDNESS AND**
4 **RESPONSE**
5 **Subtitle A—WMD Preparedness**
6 **and Response**

7 **SEC. 501. HOMELAND SECURITY BIODEFENSE STRATEGY.**

8 (a) BIODEFENSE REVIEW AND STRATEGY.—

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

12 **“TITLE XXI—WEAPONS OF MASS**
13 **DESTRUCTION**

14 **“SEC. 2101. BIODEFENSE STRATEGY.**

15 “(a) IN GENERAL.—The Secretary shall issue, at
16 least once every four years, a biodefense strategy that es-
17 tablishes detailed strategic biodefense objectives for the
18 Department’s mission areas.

19 “(b) COMPONENTS.—The strategy shall—

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

22 “(2) include an inventory of the Department’s
23 biodefense capabilities and assets;

24 “(3) be sufficiently detailed to guide
25 prioritization of Department investments in and

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

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

6 “(c) ANNUAL REVIEW.—

7 “(1) IN GENERAL.—The Secretary shall annu-
8 ally review the most recent biodefense strategy under
9 this section to determine any necessary major ad-
10 justments to the strategy.

11 “(2) CONSIDERATION OF BIODEFENSE POL-
12 ICY.—Each review shall—

13 “(A) identify continuing gaps or
14 vulnerabilities in the Department’s biodefense
15 posture;

16 “(B) make recommendations for refining
17 the Department’s biodefense investments; and

18 “(C) include a detailed analysis of how well
19 the implementation plan included in the most
20 recent biodefense strategy is allowing the De-
21 partment to meet the objectives of the bio-
22 defense strategy, with special emphasis on
23 unmet objectives and proposed mechanisms to
24 eliminate shortfalls in meeting those objectives,

1 through budgetary, management, or other re-
2 finements.

3 **“SEC. 2102. SUBMISSIONS TO CONGRESS.**

4 “The Secretary shall submit each biodefense strategy
5 and annual biodefense strategy review under this title to
6 the appropriate congressional committees.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents in section 1(b) of such Act is amended by add-
9 ing at the end the following:

“TITLE XXI—WEAPONS OF MASS DESTRUCTION

“Sec. 2101. Biodefense strategy.

“Sec. 2102. Submissions to Congress.”.

10 (b) DEADLINE FOR FIRST STRATEGY.—The Sec-
11 retary of Homeland Security shall complete the first bio-
12 defense strategy under section 2101 of the Homeland Se-
13 curity Act of 2002, as amended by this section, by not
14 later than one year after the date of enactment of this
15 Act.

16 **SEC. 502. WEAPONS OF MASS DESTRUCTION INTELLIGENCE**
17 **AND INFORMATION SHARING.**

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

1 **“SEC. 2103. WEAPONS OF MASS DESTRUCTION INTEL-**
2 **LIGENCE AND INFORMATION SHARING.**

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

5 “(1) support homeland security-focused intel-
6 ligence analysis of terrorist actors, their claims, and
7 their plans to conduct attacks involving chemical, bi-
8 ological, radiological, and nuclear materials against
9 the Nation;

10 “(2) support homeland security-focused intel-
11 ligence analysis of global infectious disease, public
12 health, food, agricultural, and veterinary issues;

13 “(3) support homeland-security focused risk
14 analysis and risk assessments of the homeland secu-
15 rity hazards described in paragraphs (1) and (2) by
16 providing relevant quantitative and nonquantitative
17 threat information;

18 “(4) leverage existing and emerging homeland
19 security capabilities and structures to enhance pre-
20 vention, protection, response, and recovery efforts
21 with respect to a chemical, biological, radiological, or
22 nuclear attack;

23 “(5) share information and provide tailored an-
24 alytical support on these threats to State, local, and
25 tribal authorities; and

1 “(6) perform other responsibilities, as assigned
2 by the Secretary.

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

5 “(1) coordinate with other relevant Department
6 components;

7 “(2) consult with others in the Intelligence
8 Community, including State, local, and tribal au-
9 thorities, in particular officials from high-threat
10 areas; and

11 “(3) enable such entities to provide rec-
12 ommendations on optimal information sharing mech-
13 anisms, including expeditious sharing of classified
14 information, and on how they can provide informa-
15 tion to the Department.

16 “(c) REPORT.—

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

21 “(A) the intelligence and information shar-
22 ing activities under subsection (a) and of all rel-
23 evant entities within the Department to counter
24 the threat from weapons of mass destruction;
25 and

1 “(B) the Department’s activities in accord-
2 ance with relevant intelligence strategies.

3 “(2) ASSESSMENT OF IMPLEMENTATION.—The
4 report shall include—

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

8 “(B) such assessment.”.

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

 “Sec. 2103. Weapons of mass destruction intelligence and information shar-
 ing.”.

12 **SEC. 503. RISK ASSESSMENTS.**

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

16 **“SEC. 2104. RISK ASSESSMENTS.**

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

22 “(1) produce and update periodically a ter-
23 rorism risk assessment of chemical, biological, radio-
24 logical, and nuclear threats; and

1 “(2) produce and update periodically an inte-
2 grated terrorism risk assessment that assesses all of
3 those threats and compares them against one an-
4 other according to their relative risk.

5 “(b) METHODOLOGY.—

6 “(1) IN GENERAL.—The Secretary shall—

7 “(A) convene an interagency task force of
8 relevant subject matter experts to assess the
9 proposed methodology to be used for assess-
10 ments required under subsection (a), and to
11 provide recommendations to the Secretary as to
12 the adequacy of such methodology;

13 “(B) conduct sensitivity analysis on each
14 assessment to identify and prioritize research
15 activities to close knowledge gaps; and

16 “(C) consider the evolving threat from an
17 intelligent adversary.

18 “(2) INCLUSION IN ASSESSMENT.—Each assess-
19 ment under subsection (a) shall include a description
20 of the methodology used for the assessment.

21 “(c) USAGE.—The assessments required under sub-
22 section (a) shall be used to inform and guide risk manage-
23 ment decisions, including—

24 “(1) the threat assessments and determinations
25 by the Secretary regarding agents and toxins pursu-

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

3 “(2) allocation of resources for research and de-
4 velopment for prevention of, protection against, re-
5 sponse to, and recovery from a chemical, biological,
6 radiological, or nuclear attack;

7 “(3) prioritization of medical countermeasure
8 research, development, acquisition, and distribution
9 activities and other national strategic biodefense re-
10 search;

11 “(4) tailored risk assessments and risk mitiga-
12 tion studies, as appropriate, on topics such as radio-
13 logical materials security or the economic risks of a
14 biological attack; and

15 “(5) other homeland security activities as deter-
16 mined appropriate by the Secretary and the heads of
17 other agencies.

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

20 “(1) seek input from Federal, State, local, and
21 tribal officials involved in efforts to prevent, protect
22 against, respond to, and recover from chemical, bio-
23 logical, radiological, and nuclear threats;

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

1 ments through coordinated efforts of relevant Fed-
2 eral agencies;

3 “(3) share the risk assessments with Federal,
4 State, local and tribal officials with appropriate se-
5 curity clearances and a need for the information in
6 the classified version; and

7 “(4) to the extent practicable, make available
8 an unclassified version for Federal, State, local, and
9 tribal officials involved in prevention and prepared-
10 ness for chemical, biological, radiological, and nu-
11 clear events.”.

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

“Sec. 2104. Risk Assessments.”.

15 **SEC. 504. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

16 (a) INDIVIDUAL AND COMMUNITY PREPAREDNESS.—
17 Title V of the Homeland Security Act of 2002 (6 U.S.C.
18 311 et seq.) is amended by adding at the end the fol-
19 lowing:

20 **“SEC. 526. INDIVIDUAL AND COMMUNITY PREPAREDNESS.**

21 “(a) IN GENERAL.—The Administrator shall assist
22 State, local, and tribal authorities in improving and pro-
23 moting individual and community preparedness and collec-
24 tive response to weapons of mass destruction and terrorist

1 attacks involving chemical, biological, radiological, and nu-
2 clear materials against the United States, by—

3 “(1) developing guidance and checklists of rec-
4 ommended actions for individual and community
5 prevention and preparedness efforts and dissemi-
6 nating such guidance and checklists to communities
7 and individuals;

8 “(2) updating new and existing guidance and
9 checklists as appropriate;

10 “(3) disseminating the guidance developed
11 under section 510 to communities and individuals,
12 as appropriate;

13 “(4) providing information and training mate-
14 rials in support of individual and community pre-
15 paredness efforts;

16 “(5) conducting individual and community pre-
17 paredness outreach efforts; and

18 “(6) such other actions as the Secretary deter-
19 mines appropriate.

20 “(b) COORDINATION.—Where appropriate, the Sec-
21 retary shall coordinate with private sector and nongovern-
22 mental organizations to promote individual and commu-
23 nity preparedness and collective response to weapons of
24 mass destruction and terrorist attacks involving chemical,

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

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

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

“Sec. 526. Individual and community preparedness.”.

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

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

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

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

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

1 “(2) consider multiple deployment strategies in-
2 cluding surge capability;

3 “(3) provide information to participating lab-
4 oratories and programs for their use in monitoring
5 public health, and biological material or other data
6 from those detectors to participating laboratories
7 and programs for testing and evaluation;

8 “(4) regularly communicate with, and provide
9 information about the presence of biological agents
10 to, appropriate Federal, State, and local agencies re-
11 sponsible for public health, law enforcement, and
12 emergency services, in a manner that ensures trans-
13 parency with the governments served by such per-
14 sonnel;

15 “(5) provide advanced planning tools, concepts
16 of operations (including alarm resolution protocols
17 and response guidance), and training exercises (in-
18 cluding in collaboration with relevant national level
19 exercises) for collective response to and recovery
20 from biological attacks; and

21 “(6) provide technical assistance to jurisdictions
22 hosting the program to improve their ability to re-
23 spond to a detected pathogen.

24 “(b) PROGRAM REQUIREMENTS.—Under the pro-
25 gram required under subsection (a), the Secretary shall—

1 “(1) enter into memoranda of agreement or
2 interagency agreements under the Economy Act of
3 1933 (31 U.S.C. 1535 et seq.) with the Director of
4 the Centers of Disease Control and Prevention and
5 the Administrator of the Environmental Protection
6 Agency, and the heads of other Federal departments
7 and agencies, setting forth roles and responsibilities,
8 including with respect to validating performance and
9 developing testing protocols for participating labora-
10 tories and coordination with appropriate State, local,
11 and tribal agencies;

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

16 “(3) acting through the Under Secretary for
17 Science and Technology, and in consultation with
18 the heads of other relevant departments and agen-
19 cies, implement a process for establishing assay per-
20 formance standards and evaluation for equivalency
21 for biological threat assays, that—

22 “(A) evaluates biological threat detection
23 assays, their protocols for use, and their associ-
24 ated response algorithms for confirmation of bi-
25 ological threat agents, taking performance

1 measures and concepts of operation into consid-
2 eration;

3 “(B) develops peer-reviewed assay perform-
4 ance and equivalency standards based on the
5 findings of the evaluation under subparagraph
6 (A);

7 “(C) requires implementation of the stand-
8 ards developed under subparagraph (B) for all
9 Department biological detection programs;

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

13 “(E) is updated as necessary; and

14 “(4) prior to acquiring and deploying biodetec-
15 tion technology, require—

16 “(A) a cost-benefit analysis, including an
17 analysis of alternatives, that shall be informed
18 by the terrorism risk assessments under section
19 503;

20 “(B) operational testing and evaluation;
21 and

22 “(C) operational assessment by the end
23 users of the technology.

1 “(c) CONTRACT AUTHORITY.—The Secretary may
2 enter into contracts with participating laboratories and
3 programs for—

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

8 “(2) administrative and other costs related to
9 hosting program personnel and equipment in these
10 laboratories or programs.

11 “(d) DEFINITIONS.—In this section:

12 “(1) The term ‘participating laboratory’ means
13 a laboratory that has been accepted as a member of
14 the Laboratory Response Network for Bioterrorism
15 that—

16 “(A) is fully equipped to detect and re-
17 spond quickly to acts of biological terrorism;

18 “(B) provides biocontainment and micro-
19 biological analysis in support of the Department
20 and relevant law enforcement agencies with re-
21 sponsibilities for investigating biological inci-
22 dents; and

23 “(C) supports threat agent characteriza-
24 tion studies and assay evaluation, research and
25 development.

1 “(2) The term ‘assay’ means any scientific test
2 that is designed to detect the presence of a biological
3 threat agent that is of a type selected under criteria
4 established by the Secretary.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is further amended by adding
7 at the end of the items relating to such title the following:
 “Sec. 2105. Detection of biological attacks.”.

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

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

13 **“SEC. 2106. RAPID BIOLOGICAL THREAT DETECTION AND**
14 **IDENTIFICATION AT PORTS OF ENTRY.**

15 “(a) IN GENERAL.—The Secretary of Homeland Se-
16 curity shall require the Under Secretary for Science and
17 Technology, in consultation with the heads of other rel-
18 evant operational components of the Department of
19 Homeland Security, to assess whether the development of
20 technological screening capabilities for biological agents,
21 pandemic influenza, and other infectious diseases should
22 be undertaken by the Science and Technology Directorate
23 to support entry and exit screening at ports of entry and
24 for other homeland security purposes.

1 “(b) DEVELOPMENT OF METHODS.—If the Under
2 Secretary determines that the development of such screen-
3 ing capabilities should be undertaken, the Secretary shall,
4 to the extent possible, initiate development of safe and ef-
5 fective methods to—

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

9 “(2) obtain results of such screening near the
10 point of entry.”.

11 **SEC. 507. COMMUNICATIONS PLANNING.**

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

15 **“SEC. 527. COMMUNICATIONS PLANNING.**

16 “(a) COMMUNICATIONS PLAN.—

17 “(1) IN GENERAL.—The Administrator shall
18 develop a communications plan designed to provide
19 information to the public related to preventing, pro-
20 tecting against, responding to, and recovering from
21 chemical, biological, radiological, and nuclear at-
22 tacks.

23 “(2) PRE-SCRIPTED MESSAGES AND MESSAGE
24 TEMPLATES.—

1 “(A) IN GENERAL.—The Administrator
2 shall develop and disseminate, through the Fed-
3 eral Emergency Management Agency, a public
4 alerts and warnings system, and prescribed
5 messages and message templates to be provided
6 to State, local, and tribal authorities so that
7 those authorities can quickly and rapidly dis-
8 seminate critical information to the public in
9 anticipation of, during, or in the immediate
10 aftermath of a chemical, biological, radiological,
11 or nuclear attack, and to be included in the De-
12 partment of Homeland Security’s lessons
13 learned information sharing system.

14 “(B) DEVELOPMENT AND DESIGN.—The
15 pre-scripted messages or message templates
16 shall—

17 “(i) be developed in consultation with
18 State, local, and tribal authorities and in
19 coordination with other appropriate Fed-
20 eral departments and agencies;

21 “(ii) be designed to provide accurate,
22 essential, and appropriate information and
23 instructions to the population directly af-
24 fected by an incident, including informa-
25 tion regarding an evacuation, sheltering in

1 place, hospital surge operations, health,
2 and safety;

3 “(iii) be designed to provide accurate,
4 essential, and appropriate information and
5 instructions to emergency response pro-
6 viders and medical personnel responding to
7 an incident; and

8 “(iv) include direction for the coordi-
9 nation of Federal, State, local, and tribal
10 communications teams.

11 “(C) COMMUNICATIONS FORMATS.—The
12 Administrator shall develop pre-scripted mes-
13 sages or message templates under this para-
14 graph in multiple formats to ensure delivery—

15 “(i) in cases where the usual commu-
16 nications infrastructure is unusable; and

17 “(ii) to individuals with disabilities or
18 other special needs and individuals with
19 limited English proficiency.

20 “(D) DISSEMINATION AND TECHNICAL AS-
21 SISTANCE.—The Administrator shall ensure
22 that all pre-scripted messages and message
23 templates developed under this paragraph are
24 made available to State, local, and tribal au-
25 thorities so that those authorities may incor-

1 porate them, as appropriate, into their emer-
2 gency plans. The Administrator shall also make
3 available relevant technical assistance to those
4 authorities to support communications plan-
5 ning.

6 “(E) EXERCISES.—To ensure that the pre-
7 scripted messages or message templates devel-
8 oped under this paragraph can be effectively
9 utilized in a disaster or incident, the Adminis-
10 trator shall incorporate Federal, State, local,
11 and tribal communications teams that deliver
12 such pre-scripted messages or message tem-
13 plates into exercises, including those conducted
14 under the National Exercise Program.

15 “(b) TERRORISM THREAT AWARENESS.—

16 “(1) TERRORISM THREAT AWARENESS.—The
17 Secretary, in consultation with the heads of appro-
18 priate Federal departments and agencies, shall for
19 purposes of preparedness and collective response to
20 terrorism and for other purposes—

21 “(A) ensure that homeland security infor-
22 mation concerning terrorist threats is provided
23 to State, local, and tribal authorities and the
24 public within the United States, as appropriate;
25 and

1 “(B) establish a process to optimize oppor-
2 tunities for qualified heads of State, local, and
3 tribal government entities to obtain appropriate
4 security clearances so that they may receive
5 classified threat information when appropriate.

6 “(2) THREAT BULLETINS.—

7 “(A) IN GENERAL.—Consistent with the
8 requirements of paragraph (1), the Secretary
9 shall, on a timely basis, prepare unclassified
10 threat bulletins on chemical, biological, radio-
11 logical, and nuclear threats.

12 “(B) REQUIREMENTS.—Each assessment
13 required under subparagraph (A) shall—

14 “(i) include guidance to the public for
15 preventing and responding to acts of ter-
16 rorism arising from such threats; and

17 “(ii) be made available on the Internet
18 Web site of the Department and other
19 publicly accessible Internet Web sites, com-
20 munication systems, and information net-
21 works.

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

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

3 “(A) shall provide to State, local, and trib-
4 al authorities written guidance on commu-
5 nicating terrorism-related threats and risks to
6 the public within their jurisdictions; and

7 “(B) shall identify the governmental ra-
8 tionale for identifying particular communities
9 as being at heightened risk of exploitation.”.

10 (b) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the Administrator shall sub-
12 mit to the appropriate congressional committees the com-
13 munications plans required to be developed under the
14 amendments made by subsection (a), including pre-
15 scripted messages or message templates developed in con-
16 junction with the plans and a description of the means
17 that will be used to deliver these messages during such
18 incidents.

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

“Sec. 527. Communications planning.”.

1 **SEC. 508. RESPONSE GUIDELINES CONCERNING WEAPONS**
2 **OF MASS DESTRUCTION.**

3 (a) **ESTABLISHMENT OF VOLUNTARY GUIDANCE.**—

4 Not later than one year after the date of the enactment
5 of this Act, the Secretary of Homeland Security, in con-
6 sultation with the heads of other relevant Federal depart-
7 ments and agencies, shall—

8 (1) develop for police, fire, emergency medical
9 services, emergency management, and medical and
10 public health personnel, voluntary guidance for re-
11 sponding to chemical, biological, radiological, or nu-
12 clear attacks;

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

17 (3) in developing the guidance under paragraph
18 (1)—

19 (A) review the experiences of other coun-
20 tries and the expertise of academic institutions
21 and nongovernmental organizations; and

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

24 (b) **CONTENTS.**—The guidance developed under sub-
25 section (a)(1) shall be voluntary, risk-based guidance that
26 shall include—

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

4 (2) specific information regarding the effects of
5 the chemical, biological, radiological, or nuclear ma-
6 terial on those exposed to the agent; and

7 (3) best practices for emergency response pro-
8 viders to effectively diagnose, handle, and otherwise
9 manage individuals affected by an incident involving
10 chemical, biological, radiological, or nuclear material.

11 (c) REVIEW AND REVISION OF GUIDANCE.—The Sec-
12 retary shall—

13 (1) review the guidance developed under sub-
14 section (a)(1) at least once every 2 years;

15 (2) make revisions to the guidance as appro-
16 priate; and

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

20 (d) PROCEDURES FOR DEVELOPING AND REVISING
21 GUIDANCE.—In carrying out the requirements of this sec-
22 tion, the Secretary shall establish procedures to—

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

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

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

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

7 (4) develop and disseminate the guidance in ac-
8 cordance with the prioritization under paragraph
9 (3).

10 **SEC. 509. PLUME MODELING.**

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

14 **“SEC. 2107. PLUME MODELING.**

15 **“(a) DEVELOPMENT.—**

16 **“(1) IN GENERAL.—**The Secretary shall ac-
17 quire, use, and disseminate the best available inte-
18 grated plume models to enable rapid response activi-
19 ties following a chemical, biological, nuclear, or radi-
20 ological attack or event.

21 **“(2) SCOPE.—**The Secretary shall—

22 **“(A)** identify Federal, State, and local
23 needs regarding plume models and ensure the
24 rapid development and distribution of inte-
25 grated plume models that meet those needs to

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

5 “(B) establish mechanisms for dissemina-
6 tion by appropriate emergency response officials
7 of the integrated plume models described in
8 paragraph (1) to nongovernmental organiza-
9 tions and the public to enable appropriate col-
10 lective response activities;

11 “(C) ensure that guidance and training in
12 how to appropriately use such models are pro-
13 vided; and

14 “(D) ensure that lessons learned from as-
15 sessing the development and dissemination of
16 integrated plume models during exercises ad-
17 ministered by the Department are put into the
18 lessons learned information sharing system
19 maintained by the Department.

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

21 “(1) PLUME MODEL.—The term ‘plume model’
22 means the assessment of the location and prediction
23 of the spread of agents following a chemical, biologi-
24 cal, radiological, or nuclear attack or event.

1 “(2) INTEGRATED PLUME MODEL.—The term
2 ‘integrated plume model’ means a plume model that
3 integrates protective action guidance and other in-
4 formation as the Secretary determines appropriate.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is further amended by adding
7 at the end of the items relating to such title the following:
 “Sec. 2107. Plume modeling.”.

8 **SEC. 510. DISASTER RECOVERY.**

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

12 **“SEC. 2108. IDENTIFYING AND ADDRESSING GAPS IN RE-**
13 **COVERY CAPABILITIES.**

14 “(a) RISK ASSESSMENT.—

15 “(1) TAILORED RISK ASSESSMENT.—The Sec-
16 retary, acting through the Under Secretary for
17 Science and Technology, shall conduct tailored risk
18 assessments to inform prioritization of national re-
19 covery activities for chemical, biological, radiological,
20 and nuclear incidents, to be updated as necessary.

21 “(2) CONSIDERATIONS.—In conducting the risk
22 assessments under paragraph (1), the Secretary
23 shall—

24 “(A) consult with the heads of other rel-
25 evant Federal departments and agencies;

1 “(B) consider recovery of both indoor
2 areas and outdoor environments; and

3 “(C) consider relevant studies previously
4 prepared by other Federal agencies, or other
5 appropriate stakeholders.

6 “(3) COLLABORATION.—Upon completion of the
7 risk assessments required by this section, the Sec-
8 retary shall provide the findings to the heads of rel-
9 evant Federal agencies in order to inform ongoing
10 and future work, including research and guidance
11 development, undertaken by those agencies in recov-
12 ery and remediation from chemical, biological, radio-
13 logical, or nuclear incidents.

14 “(b) RESEARCH.—The results of the risk assessment
15 under this section shall inform appropriate Federal re-
16 search to address the high-risk capability gaps uncovered
17 by each assessment.

18 **“SEC. 2109. RECOVERY FROM CHEMICAL, BIOLOGICAL, RA-
19 DIOLOGICAL, AND NUCLEAR ATTACKS OR IN-
20 CIDENTS.**

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

1 door areas, including subways and other mass transpor-
2 tation facilities, that have been exposed to chemical, bio-
3 logical, radiological, or nuclear materials.

4 “(b) CONTENTS.—The guidance developed under
5 subsection (a) shall clarify Federal roles and responsibil-
6 ities for assisting State, local, and tribal authorities and
7 include risk-based recommendations for—

8 “(1) standards for effective decontamination of
9 affected sites;

10 “(2) standards for safe post-event occupancy of
11 affected sites, including for vulnerable populations
12 such as children and individuals with health con-
13 cerns;

14 “(3) requirements to ensure that the decon-
15 tamination procedures for responding organizations
16 do not conflict;

17 “(4) requirements that each responding organi-
18 zation uses a uniform system for tracking costs and
19 performance of clean-up contractors;

20 “(5) maintenance of negative air pressure in
21 buildings;

22 “(6) standards for proper selection and use of
23 personal protective equipment;

24 “(7) air sampling procedures;

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

4 “(9) waste disposal.

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

7 “(1) not less frequently than once every two
8 years, review the guidance developed under sub-
9 section (a);

10 “(2) make revisions to the guidance as appro-
11 priate; and

12 “(3) make the revised guidance available to the
13 Federal Government, State, local, and tribal authori-
14 ties, nongovernmental organizations, the private sec-
15 tor, and the public.

16 “(d) PROCEDURES FOR DEVELOPING AND REVISING
17 GUIDANCE.—In carrying out the requirements of this sec-
18 tion, the Secretary shall establish procedures to—

19 “(1) prioritize issuance of guidance based on
20 the results of the risk assessment conducted pursu-
21 ant to section 2108;

22 “(2) inventory existing relevant guidance;

23 “(3) enable the public to submit recommenda-
24 tions of areas in which guidance is needed;

1 “(4) determine which entities should be con-
2 sulted in developing or revising the guidance;

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

5 “(6) develop and disseminate the guidance in
6 accordance with the prioritization under paragraph
7 (5).

8 “(e) CONSULTATIONS.—The Secretary shall develop
9 and revise the guidance developed under subsection (a),
10 and the procedures required under subsection (d), in con-
11 sultation with—

12 “(1) the heads of other Federal departments
13 and agencies, as appropriate;

14 “(2) State, local, and tribal authorities; and

15 “(3) nongovernmental organizations and private
16 industry.

17 **“SEC. 2110. EXERCISES.**

18 “To facilitate environmental recovery from a chem-
19 ical, biological, radiological, or nuclear attack or other in-
20 cident involving chemical, biological, radiological, or nu-
21 clear materials and to foster collective response to ter-
22 rorism, the Secretary shall develop exercises in consulta-
23 tion with State, local, and tribal authorities and other ap-
24 propriate Federal agencies, and, as appropriate, in col-
25 laboration with national level exercises, including exercises

1 that address, to the best knowledge available at the time,
 2 analysis, indoor environmental cleanup methods, and de-
 3 contamination standards, including those published in the
 4 guidance documents required by section 2109.”.

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

“Sec. 2108. Identifying and addressing gaps in recovery capabilities.

“Sec. 2109. Recovery from chemical, biological, radiological, and nuclear at-
 tacks or incidents.

“Sec. 2110. Exercises.”.

8 **Subtitle B—Grants**

9 **SEC. 521. SENSE OF CONGRESS.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Terrorism preparedness grant programs ad-
 12 ministered by the Department of Homeland Security
 13 since the attacks of September 11, 2001, including
 14 the State Homeland Security Grant Program, Urban
 15 Area Security Initiative, Transit Security Grant Pro-
 16 gram, and Port Security Grant Program, have con-
 17 tributed to increased preparedness, resilience, and
 18 response capabilities at the State and local levels.

19 (2) State and local governments have utilized
 20 grant funding to, among other things, conduct plan-
 21 ning, training, and exercises, improve information
 22 sharing, and enhance communications.

1 (3) More than a decade after the terrorist at-
2 tacks of September 11, 2001, the United States re-
3 mains the top target of Al Qaeda and its affiliates,
4 and faces increasing threats of domestic
5 radicalization and from lone wolf extremists.

6 (4) Continued Federal assistance to States and
7 localities is necessary to maintain the increased pre-
8 paredness and response capabilities developed over
9 the past decade in order to address this continuing
10 threat.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that grant programs such as the State Homeland
13 Security Grant Program, Urban Area Security Initiative,
14 Transit Security Grant Program, and Port Security Grant
15 Program, should be funded consistent with their pre-
16 viously authorized levels to ensure that States and local-
17 ities build and sustain the necessary capabilities to pre-
18 vent, prepare for, and respond to terrorist attacks or other
19 emergencies.

20 **SEC. 522. USE OF GRANT FUNDS FOR PROJECTS CON-**
21 **DUCTED IN CONJUNCTION WITH A NATIONAL**
22 **LABORATORY OR RESEARCH FACILITY.**

23 Section 2008(a)(2) of the Homeland Security Act of
24 2002 (6 U.S.C. 609(a)(2)) is amended by inserting “train-

1 ing conducted in conjunction with a national laboratory
2 or research facility and” after “including”.

3 **SEC. 523. NOTIFICATION OF HOMELAND SECURITY GRANT**
4 **AWARDS.**

5 Section 2002 of the Homeland Security Act of 2002
6 is amended by adding at the end the following new sub-
7 section:

8 “(d) NOTIFICATION.—The Administrator of the Fed-
9 eral Emergency Management Agency shall report to the
10 Committee on Homeland Security of the House of Rep-
11 resentatives and the Committee on Homeland Security
12 and Governmental Affairs of the Senate not less than
13 three business days in advance of announcing publicly an
14 allocation or award made pursuant to section 2003 or
15 2004.”.

16 **SEC. 524. TRANSPARENCY IN HOMELAND SECURITY GRANT**
17 **FUNDING.**

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

21 **“SEC. 2024. TRANSPARENCY IN HOMELAND SECURITY**
22 **GRANT FUNDING.**

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

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

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

8 “(c) SEMIANNUAL REPORTING.—

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

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

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

3 “(A) the number and type of projects ap-
4 proved, by grantee;

5 “(B) the amount of funds awarded for
6 each project;

7 “(C) the amount of funds available for
8 each project;

9 “(D) the date on which those funds were
10 made available;

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

13 “(F) the reasons funds have not been re-
14 leased, by project.

15 “(d) MEASURES AND METRICS.—

16 “(1) QUARTERLY PROVISION OF INFORMATION
17 TO CONGRESS.—The Assistant Administrator of the
18 Grant Programs Directorate shall provide informa-
19 tion quarterly to the appropriate congressional com-
20 mittees on its efforts to develop performance meas-
21 ures and metrics for the Homeland Security Grant
22 Program pursuant to section 2023 of the Homeland
23 Security Act of 2002 (6 U.S.C. 613), until the devel-
24 opment and implementation of such performance
25 measures and metrics.

1 “(2) BIENNIAL BRIEFINGS.—After the develop-
2 ment and implementation of such performance meas-
3 ures and metrics, the Assistant Administrator shall
4 provide biannual briefings to the appropriate con-
5 gressional committees on the expenditure of grant
6 funds and the Assistant Administrator’s findings
7 based on the metrics, including an assessment of the
8 extent which funding under the Homeland Security
9 Grant Program has contributed to building and sus-
10 taining State and local preparedness and response
11 capabilities to address terrorism threats and other
12 emergencies.”.

13 **SEC. 525. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

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

17 **“SEC. 528. METROPOLITAN MEDICAL RESPONSE SYSTEM**
18 **PROGRAM.**

19 “(a) IN GENERAL.—The Secretary shall conduct a
20 Metropolitan Medical Response System Program, that
21 shall assist State and local governments in preparing for
22 and responding to public health and mass casualty inci-
23 dents resulting from acts of terrorism and natural disas-
24 ters.

25 “(b) FINANCIAL ASSISTANCE.—

1 “(1) AUTHORIZATION OF GRANTS.—

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

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

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

18 “(A) to strengthen medical surge capacity;

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

1 “(C) to strengthen chemical, biological, ra-
2 diological, nuclear, and explosive detection, re-
3 sponse, and decontamination capabilities;

4 “(D) to develop and maintain mass triage
5 and pre-hospital treatment plans and capabili-
6 ties;

7 “(E) for planning;

8 “(F) to support efforts to strengthen infor-
9 mation sharing and collaboration capabilities of
10 regional, State, and urban areas in support of
11 public health and medical preparedness;

12 “(G) for medical supplies management and
13 distribution;

14 “(H) for training and exercises;

15 “(I) for integration and coordination of the
16 activities and capabilities of public health per-
17 sonnel and medical care providers with those of
18 other emergency response providers as well as
19 other Federal agencies, the private sector, and
20 nonprofit organizations, for the forward move-
21 ment of patients; and

22 “(J) for such other activities as the Ad-
23 ministrator provides.

24 “(3) ELIGIBILITY.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), any jurisdiction that re-
3 ceived funds through the Metropolitan Medical
4 Response System Program in fiscal year 2010
5 shall be eligible to receive a grant under this
6 section.

7 “(B) PERFORMANCE REQUIREMENT AFTER
8 FISCAL YEAR 2012.—A jurisdiction shall not be
9 eligible for a grant under this subsection from
10 funds available after fiscal year 2012 unless the
11 Secretary determines that the jurisdiction main-
12 tains a sufficient measured degree of capability
13 in accordance with the performance measures
14 issued under subsection (c).

15 “(4) DISTRIBUTION OF FUNDS.—

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

20 “(B) PASS THROUGH.—Subject to sub-
21 paragraph (C), not later than 45 days after the
22 date on which a State receives grant funds
23 under subparagraph (A), the State shall provide
24 the jurisdiction receiving the grant 100 percent
25 of the grant funds, and not later than 45 days

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

4 “(C) EXCEPTION.—The Administrator
5 may permit a State to provide to a jurisdiction
6 receiving a grant under this section 97 percent
7 of the grant funds awarded if doing so would
8 not result in any jurisdiction eligible for a grant
9 under paragraph (3)(A) receiving less funding
10 than such jurisdiction received in fiscal year
11 2009.

12 “(5) REGIONAL COORDINATION.—The Adminis-
13 trator shall ensure that each jurisdiction that re-
14 ceives a grant under this section, as a condition of
15 receiving such grant, is actively coordinating its pre-
16 paredness efforts with surrounding jurisdictions,
17 with the official with primary responsibility for
18 homeland security (other than the Governor) of the
19 government of the State in which the jurisdiction is
20 located, and with emergency response providers from
21 all relevant disciplines, as determined by the Admin-
22 istrator, to effectively enhance regional prepared-
23 ness.

24 “(c) PERFORMANCE MEASURES.—The Adminis-
25 trator, in coordination with the Assistant Secretary for

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

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

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

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

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

19 “(C) include—

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

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

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

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

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

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

“Sec. 528. Metropolitan Medical Response System Program.”.

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

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

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

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

4 (C) how the Metropolitan Medical Re-
5 sponse System Program can be improved;

6 (D) how the Metropolitan Medical Re-
7 sponse System Program complements and en-
8 hances other preparedness programs supported
9 by the Department of Homeland Security and
10 the Department of Health and Human Services;

11 (E) the degree to which the strategic goals,
12 objectives, and capabilities of the Metropolitan
13 Medical Response System Program are incor-
14 porated in State and local homeland security
15 plans;

16 (F) how eligibility for financial assistance,
17 and the allocation of financial assistance, under
18 the Metropolitan Medical Response System Pro-
19 gram should be determined, including how allo-
20 cation of assistance could be based on risk;

21 (G) implications for the Metropolitan Med-
22 ical Response System Program if it were man-
23 aged as a contractual agreement; and

24 (H) the resource requirements of the Met-
25 ropolitan Medical Response System Program.

1 (2) REPORT.—Not later than one year after the
2 date of enactment of this Act, the Administrator and
3 the Assistant Secretary for Health Affairs shall sub-
4 mit to the appropriate congressional committees a
5 report on the results of the review under this sec-
6 tion.

7 (3) CONSULTATION.—The Administrator of the
8 Federal Emergency Management Agency shall con-
9 sult with the heads of other relevant departments
10 and agencies in the implementation of subsection
11 (a)(5).

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

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

20 **SEC. 526. TRANSIT SECURITY GRANT PROGRAM.**

21 (a) SECURITY ASSISTANCE PROGRAM.—Section
22 1406(a) of the Implementing Recommendations of the 9/
23 11 Commission Act of 2007 (6 U.S.C. 1135(a)) is amend-
24 ed—

1 (1) in paragraph (1) by inserting “and law en-
2 forcement” after “public transportation”; and

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

4 “(3) LAW ENFORCEMENT AGENCY ELIGI-
5 BILITY.—A law enforcement agency is eligible for a
6 grant under this section if the agency enters into a
7 memorandum of agreement or other arrangement
8 with a public transportation agency that is eligible
9 for a grant under paragraph (2) to oversee, direct,
10 and command the security operations of that public
11 transportation agency.”.

12 (b) USES OF FUNDS.—Section 1406(b)(1)(J) of the
13 Implementing Recommendations of the 9/11 Commission
14 Act of 2007 (6 U.S.C. 1135(b)(1)(J)) is amended by strik-
15 ing “evacuation improvements” and inserting “con-
16 sequence management investments, including investments
17 with respect to evacuation improvements, route designa-
18 tion and signage, and public assistance materials”.

19 (c) OPERATIONAL ALLOWANCES.—Section
20 1406(m)(1) of the Implementing Recommendations of the
21 9/11 Commission Act of 2007 (6 U.S.C. 1135(m)(1)) is
22 amended—

23 (1) in subparagraph (D) by striking “and” at
24 the end;

25 (2) in subparagraph (E)—

1 (A) by striking “10 percent” and inserting
2 “50 percent”; and

3 (B) by striking “subsection (b)(2).” and
4 inserting “subsection (b)(2); and”; and
5 (3) by adding at the end the following:

6 “(F) \$400,000,000 for fiscal year 2012,
7 except that not more than 50 percent of such
8 funds may be used for operational costs under
9 subsection (b)(2).”.

10 **Subtitle C—Communications**

11 **SEC. 541. SENSE OF CONGRESS REGARDING INTEROPER-** 12 **ABILITY.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The National Commission on Terrorist At-
15 tacks Upon the United States (in this section re-
16 ferred to as the “9/11 Commission”) determined
17 that the inability of first responders to communicate
18 effectively on September 11, 2001 was a critical ob-
19 stacle to an effective multijurisdictional response.

20 (2) More than 10 years have passed since the
21 terrorist attacks of September 11, 2001, and many
22 jurisdictions across the country still experience dif-
23 ficulties communicating that may contribute to con-
24 fusion, delays, or added risks when responding to a
25 terrorist attack or natural disaster.

1 at the end of paragraph (14), striking the period at the
2 end of paragraph (15) and inserting “; and”, and adding
3 at the end the following:

4 “(16) provide guidance on interoperable emer-
5 gency communications to the Administrator of the
6 Federal Emergency Management Agency in accord-
7 ance with the memorandum of understanding re-
8 quired under section 1811.”.

9 (b) AUTHORIZATION FOR MEMORANDUM OF UNDER-
10 STANDING ON EMERGENCY COMMUNICATIONS.—

11 (1) IN GENERAL.—Title XVIII of the Home-
12 land Security Act of 2002 is amended by adding at
13 the end the following new section:

14 **“SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMER-
15 GENCY COMMUNICATIONS.**

16 “The Administrator of the Federal Emergency Man-
17 agement Agency shall execute a memorandum of under-
18 standing with the Director of the Office of Emergency
19 Communications delineating the roles and responsibilities
20 of each office with respect to policy and guidance for com-
21 munications-related expenditures with grant funds.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents in section 1(b) of such Act is amended by add-
24 ing at the end the following:

“Sec. 1811. Memorandum of Understanding on Emergency Communications.”.

1 **Subtitle D—Miscellaneous**
2 **Provisions**

3 **SEC. 561. AUDIT OF THE NATIONAL LEVEL EXERCISE.**

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

7 (1) an audit of expenses associated with the
8 2010 and 2011 National Level Exercises, including
9 costs of planning and executing the exercise sce-
10 nario; and

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

15 (b) REPORT.—The Inspector General shall submit a
16 report on the findings of the audit and review to the ap-
17 propriate congressional committees.

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

21 Not later than 90 days after the date of enactment
22 of this Act, the Administrator of the Federal Emergency
23 Management Agency shall submit to the appropriate con-
24 gressional committees a report on the Agency's progress

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

3 (1) the adoption of a single-point ordering con-
4 cept as recommended by the Department of Home-
5 land Security Inspector General;

6 (2) investment in information technology sys-
7 tems to support single-point ordering and make
8 sourcing and supply movement transparent as rec-
9 ommended by the Department of Homeland Security
10 Inspector General;

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

14 (4) other steps taken by the Agency to promote
15 efficiency in sourcing and distribution, and to elimi-
16 nate duplication and waste of essential goods and
17 services during response to a disaster.

18 **SEC. 563. RURAL RESILIENCE INITIATIVE.**

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

22 **“SEC. 2111. RURAL RESILIENCE INITIATIVE.**

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

1 tribal leaders and the private sector in developing the tools
2 and methods to enhance rural preparation for, and re-
3 sponse and resilience to, terrorist attacks and other inci-
4 dents.

5 “(b) INCLUDED ACTIVITIES.—Activities under this
6 section may include—

7 “(1) research and implementation through out-
8 reach activities with rural communities;

9 “(2) an examination of how communities em-
10 ploy resilience capabilities and response assets;

11 “(3) development and use of a community resil-
12 ience baseline template for determining the resilience
13 capacity of a rural community;

14 “(4) a plan to address community needs for re-
15 siliience;

16 “(5) an education program for community lead-
17 ers and first responders about their resilience capac-
18 ity and mechanisms for mitigation, including via dis-
19 tance learning; and

20 “(6) a mechanism by which this research can
21 serve as a model for adoption by communities across
22 the Nation.”.

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

“Sec. 2111. Rural resilience initiative.”.

1 **SEC. 564. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
2 **TIUM.**

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

6 (1) in subsection (c), by inserting “(including
7 medical readiness training)” after “deliver training”;

8 (2) in subsection (d)(1)—

9 (A) in subparagraph (C), by striking
10 “and” at the end; and

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

13 “(E) \$62,500,000 for fiscal year 2012;
14 and”; and

15 (3) in subsection (d)(2)—

16 (A) in subparagraph (C), by striking
17 “and” at the end;

18 (B) in subparagraph (D), by striking the
19 period at the end and inserting “; and”; and

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

22 “(E) \$22,000,000 for fiscal year 2012.”.

23 **SEC. 565. TECHNICAL CORRECTION.**

24 Section 525(a) of the Homeland Security Act of 2002
25 (6 U.S.C. 321n(a)) is amended by inserting “, acting
26 through the Administrator,” after “Secretary”.

1 **TITLE VI—BORDER SECURITY**
2 **PROVISIONS**

3 **SEC. 601. DEFINITIONS.**

4 In this title:

5 (1) COMMISSIONER.—The term “Commis-
6 sioner” means the Commissioner of U.S. Customs
7 and Border Protection of the Department of Home-
8 land Security.

9 (2) MAJOR VIOLATOR.—The term “major viola-
10 tor” means a person or entity that is or has engaged
11 in serious criminal activities at any land, air, or sea
12 port of entry, including possession of narcotics,
13 smuggling of prohibited products, human smuggling,
14 weapons possession, use of fraudulent United States
15 documents, and other offenses serious enough to re-
16 sult in arrest.

17 (3) NORTHERN BORDER.—The term “northern
18 border” means the international border between the
19 United States and Canada.

20 (4) OPERATIONAL CONTROL.—The term “oper-
21 ational control” has the meaning given such term in
22 section 2(b) of the Secure Fence Act of 2006 (8
23 U.S.C. 1701 note; Public Law 109–367).

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of Homeland Security.

1 (6) SOUTHERN BORDER.—The term “southern
2 border” means the international border between the
3 United States and Mexico.

4 **SEC. 602. STRATEGY TO ACHIEVE OPERATIONAL CONTROL**
5 **OF THE BORDER.**

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

14 (1) Staffing requirements for all border security
15 functions.

16 (2) Investment in infrastructure, including pe-
17 destrian fencing, vehicle barriers, and roads.

18 (3) The use of unmanned aerial vehicles, cam-
19 era technology, sensors, and other innovative tech-
20 nology as the Secretary may determine.

21 (4) Cooperative agreements with international,
22 State, local, tribal, and other Federal law enforce-
23 ment agencies that have jurisdiction on the northern
24 border and southern border.

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

4 (6) A schedule for implementing security meas-
5 ures, including a prioritization for future invest-
6 ments.

7 (7) A comprehensive technology plan for major
8 surveillance and detection technology programs, in-
9 cluding a justification and rationale for technology
10 choices and deployment locations.

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

16 (1) The number of infractions related to per-
17 sonnel and cargo committed by major violators who
18 are apprehended by U.S. Customs and Border Pro-
19 tection at such ports of entry.

20 (2) The estimated number of such infractions
21 committed by major violators who are not so appre-
22 hended.

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

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

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

9 (5) The deployment of resources based on the
10 overall commercial and passenger traffic, cargo vol-
11 ume, and threat environment at such ports of entry.

12 (c) EVALUATION BY NATIONAL LABORATORY.—The
13 Secretary shall submit a request to a Department of En-
14 ergy national laboratory with appropriate expertise in bor-
15 der security to evaluate the suitability and statistical valid-
16 ity of the measurement system required under subsection
17 (b) for analyzing progress in the interdiction of unlawful
18 crossings and contraband at ports of entry.

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

1 the suitability and statistical validity of the measurement
2 system required under subsection (b) for analyzing
3 progress in the interdiction of unlawful crossings and con-
4 traband at ports of entry.

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

9 (1) A resource allocation model for current and
10 future year staffing requirements that includes opti-
11 mal staffing levels at all land, air, and sea ports of
12 entry and an explanation of U.S. Customs and Bor-
13 der Protection methodology for aligning staffing lev-
14 els and workload to threats and vulnerabilities
15 across all mission areas.

16 (2) Detailed information on the level of man-
17 power data available at all land, air, and sea ports
18 of entry, including the number of canine and agri-
19 cultural officers assigned to each such port of entry.

20 **SEC. 603. MAINTAINING BORDER PATROL STAFFING.**

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

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

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

6 **SEC. 604. JAIME ZAPATA BORDER ENFORCEMENT SECU-**
7 **RITY TASK FORCE.**

8 (a) ESTABLISHMENT.—There is established in
9 United States Immigration and Customs Enforcement
10 (ICE) a program known as a Border Enforcement Secu-
11 rity Task Force (referred to as “BEST”).

12 (b) PURPOSE.—The purpose of the BEST program
13 is to establish units to enhance border security by address-
14 ing and reducing border security threats and violence by—

15 (1) facilitating collaboration among Federal,
16 State, local, tribal, and foreign law enforcement
17 agencies to execute coordinated activities in further-
18 ance of border security, and homeland security; and

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

22 (c) COMPOSITION AND DESIGNATION.—

23 (1) COMPOSITION.—BEST units may be com-
24 prised of personnel from—

1 (A) United States Immigration and Cus-
2 toms Enforcement;

3 (B) United States Customs and Border
4 Protection;

5 (C) the Coast Guard;

6 (D) other Federal agencies, as appropriate;

7 (E) appropriate State law enforcement
8 agencies;

9 (F) foreign law enforcement agencies, as
10 appropriate;

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

13 (H) appropriate tribal law enforcement
14 agencies.

15 (2) DESIGNATION.—The Secretary is author-
16 ized to establish BEST units in jurisdictions where
17 such units can contribute to the BEST program’s
18 missions. Prior to establishing a BEST unit, the As-
19 sistant Secretary shall consider the following factors:

20 (A) Whether the area where the BEST
21 unit would be established is significantly im-
22 pacted by cross-border threats.

23 (B) The availability of Federal, State,
24 local, tribal, and foreign law enforcement re-
25 sources to participate in the BEST unit.

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

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

9 (d) OPERATION.—After making a designation under
10 subsection (d)(2), and in order to provide Federal assist-
11 ance to the area so designated, the Secretary may—

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

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

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

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

1 the drug trafficking, arms smuggling, illegal alien traf-
2 ficking and smuggling, violence, and kidnapping along and
3 across the international borders of the United States as
4 measured by crime statistics, including violent deaths, in-
5 cidents of violence, and drug-related arrests.

6 **SEC. 605. COST-EFFECTIVE TRAINING FOR BORDER PA-**
7 **TROL AGENTS.**

8 (a) GOVERNMENT ACCOUNTABILITY OFFICE RE-
9 VIEW.—Not later than 90 days after the date of the enact-
10 ment of this Act, the Comptroller General of the United
11 States shall conduct a review of the basic training pro-
12 vided by United States Customs and Border Protection
13 to Border Patrol agents to ensure that such training is
14 being conducted as efficiently and cost-effectively as pos-
15 sible.

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

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

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

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

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

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

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

15 (B) by allowing Border Patrol agents to
16 take proficiency tests, enroll in long distance
17 learning programs, and waive such courses as
18 Spanish language instruction or physical fit-
19 ness; or

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

22 **SEC. 606. BORDER SECURITY ON CERTAIN FEDERAL LANDS.**

23 (a) SUPPORT FOR BORDER SECURITY.—

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

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

3 (A) routine motorized patrols; and

4 (B) the deployment of temporary tactical
5 infrastructure.

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

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

15 (c) FEDERAL LANDS DEFINED.—In this section, the
16 term “Federal lands” includes all land, including a compo-
17 nent of the National Wilderness Preservation System,
18 under the control of any Federal department or agency
19 with legal jurisdiction over such land that is located within
20 150 miles of the Southwest border.

21 **SEC. 607. BORDER SECURITY INFRASTRUCTURE AND TECH-**
22 **NOLOGY.**

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

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

3 (b) EQUIPMENT AND TECHNOLOGY DESCRIBED.—

4 The equipment and technology referred to in subsection
5 (a) shall include equipment and technology designed to—

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

8 (2) detect the use of unauthorized vehicles;

9 (3) detect low-flying aircraft;

10 (4) employ unmanned vehicles; or

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

13 (c) CONSULTATION.—In carrying out this section, the
14 Commissioner shall consult with the Assistant Secretary
15 of Defense for Research and Engineering to leverage exist-
16 ing research and development of relevant equipment and
17 technologies.

18 **SEC. 608. NORTHERN BORDER CANINE TEAMS.**

19 (a) DEPLOYMENT OF CANINES.—Not later than one
20 year after the date of the enactment of this Act, the Sec-
21 retary shall deploy no less than one additional canine en-
22 forcement team, capable of detecting narcotics, at each of
23 the 5 busiest northern ports of entry as determined by
24 traffic volume, and at other ports of entry as the Secretary
25 determines appropriate.

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

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

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

17 **SEC. 609. UNMANNED VEHICLES PILOT PROGRAM.**

18 (a) IN GENERAL.—Not later than six months after
19 the date of the enactment of this Act, the Commissioner,
20 in cooperation with the Under Secretary of Homeland Se-
21 curity for Science and Technology, shall initiate a six-
22 month pilot program to test the use of autonomous un-
23 manned vehicles.

1 (b) LOCATION.—The pilot program shall, at a min-
2 imum, test the effectiveness of autonomous unmanned ve-
3 hicles to patrol—

4 (1) the maritime environment along the north-
5 ern border; and

6 (2) the land environment along the southern
7 border.

8 (c) REPORT.—Not later than six months after the
9 date of the completion of the pilot program, the Under
10 Secretary of Homeland Security for Science and Tech-
11 nology shall submit to the appropriate congressional com-
12 mittees a report on the effectiveness and scalability of the
13 use of autonomous unmanned vehicles to patrol the loca-
14 tions described in subsection (b).

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

19 **SEC. 610. REPORT ON UNMANNED AERIAL VEHICLES.**

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

1 toms and Border Protection and the Coast Guard, to as-
2 sess the cost efficiencies and operational advantages pro-
3 vided by unmanned aerial vehicles as compared to manned
4 aerial vehicles.

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

9 (1) fuel costs;

10 (2) crew and staffing costs;

11 (3) maintenance costs;

12 (4) communication and satellite bandwidth
13 costs;

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

16 (6) any other relevant costs necessary to pro-
17 vide a holistic analysis and to identify potential cost
18 savings.

19 **SEC. 611. STUDENT VISA SECURITY IMPROVEMENT.**

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

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

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

4 “(A) prescribe regulations to require em-
5 ployees assigned under paragraph (1) to review
6 the applications of all applicants recommended
7 by Department of State personnel for visas
8 under subparagraph (F), (J), or (M) of section
9 101(a)(15) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(15)), and conduct in-
11 person interviews where appropriate, prior to
12 final adjudication, with special emphasis on de-
13 termining whether applicants are inadmissible
14 under section 212(a)(3)(B) of such Act (8
15 U.S.C. 1182(a)(3)(B)) (relating to terrorist ac-
16 tivities);

17 “(B) ensure that employees assigned under
18 paragraph (1) conduct on-site reviews of any
19 applications and supporting documentation for
20 visas under subparagraph (F), (J), or (M) of
21 section 101(a)(15) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1101(a)(15)) that they
23 deem appropriate prior to final adjudication;
24 and

1 “(C) update, in consultation with the Sec-
2 retary of State, the memorandum of under-
3 standing between the Department of Homeland
4 Security and the Department of State regard-
5 ing implementation of this section to clarify the
6 roles and responsibilities of employees assigned
7 under paragraph (1) specifically with regard to
8 the duties prescribed by this paragraph.”.

9 (b) STUDENT AND EXCHANGE VISITOR PROGRAM.—

10 Section 442 of the Homeland Security Act of 2002 (6
11 U.S.C. 252) is amended—

12 (1) in subsection (a)—

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

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

17 “(5) STUDENT AND EXCHANGE VISITOR PRO-
18 GRAM.—In administering the program under para-
19 graph (4), the Secretary shall, not later than one
20 year after the date of the enactment of the Student
21 Visa Security Improvement Act—

22 “(A) prescribe regulations to require an in-
23 stitution or exchange visitor program sponsor
24 participating in the Student and Exchange Vis-
25 itor Program to ensure that each covered stu-

1 dent or exchange visitor enrolled at the institu-
2 tion or attending the exchange visitor pro-
3 gram—

4 “(i) is an active participant in the
5 program for which the covered student or
6 exchange visitor was issued a visa to enter
7 the United States;

8 “(ii) is not unobserved for any pe-
9 riod—

10 “(I) exceeding 30 days during
11 any academic term or program in
12 which the covered student or exchange
13 visitor is enrolled; or

14 “(II) exceeding 60 days during
15 any period not described in subclause
16 (I); and

17 “(iii) is reported to the Department
18 within 10 days of—

19 “(I) transferring to another insti-
20 tution or program;

21 “(II) changing academic majors;
22 or

23 “(III) any other changes to infor-
24 mation required to be maintained in

1 the system described in paragraph
2 (4);

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

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

12 “(6) ENHANCED ACCESS.—The Secretary shall
13 provide access to the Student and Exchange Visitor
14 Information System (hereinafter in this subsection
15 referred to as the ‘SEVIS’), or other equivalent or
16 successor program or system, to appropriate employ-
17 ees of an institution or exchange visitor program
18 sponsor participating in the Student and Exchange
19 Visitor Program if—

20 “(A) at least two authorized users are
21 identified at each participating institution or
22 exchange visitor sponsor;

23 “(B) at least one additional authorized
24 user is identified at each such institution or
25 sponsor for every 200 covered students or ex-

1 change visitors enrolled at the institution or
2 sponsor; and

3 “(C) each authorized user is certified by
4 the Secretary as having completed an appro-
5 priate training course provided by the Depart-
6 ment for the program or system.

7 “(7) PROGRAM SUPPORT.—The Secretary shall
8 provide appropriate technical support options to fa-
9 cilitate use of the program or system described in
10 paragraph (4) by authorized users.

11 “(8) SEVIS DATA.—The system described in
12 paragraph (4) shall include—

13 “(A) verification that a covered student’s
14 performance meets the minimum academic
15 standards of the institution in which such stu-
16 dent is enrolled; and

17 “(B) timely entry of any information re-
18 quired by paragraph (5) regarding covered stu-
19 dents and exchange visitors enrolled at institu-
20 tions or exchange program sponsors.

21 “(9) SAVINGS CLAUSE.—Nothing in this section
22 shall prohibit the Secretary or any institution or ex-
23 change program sponsor participating in the Stu-
24 dent Exchange Visitor Program from requiring more

1 frequent observations of covered students or ex-
2 change visitors.

3 “(10) DECERTIFICATION.—The Secretary is au-
4 thORIZED, without notice, to decertify any approved
5 institution or exchange visitor program sponsor if
6 such institution or exchange visitor program sponsor
7 is engaged in egregious criminal activities or is a
8 threat to national security.”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(d) DEFINITIONS.—For purposes of this section:

12 “(1) The term ‘covered student’ means a stu-
13 dent who is a nonimmigrant pursuant to subpara-
14 graph (F), (J), or (M) of section 101(a)(15) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)).

17 “(2) The term ‘observed’ means positively iden-
18 tified by physical or electronic means.

19 “(3) The term ‘authorized user’ means an indi-
20 vidual nominated by an institution participating in
21 the Student and Exchange Visitor Program and con-
22 firmed by the Secretary as not appearing on any ter-
23 rorist watch list.”.

24 (e) COMPTROLLER GENERAL REVIEW.—The Comp-
25 troller General shall conduct a review of the fees for the

1 Student and Exchange Visitor Program of the Depart-
2 ment of Homeland Security. The Comptroller General
3 shall include in such review data from fiscal years 2007
4 through 2011 and shall consider fees collected by the De-
5 partment and all expenses associated with the review,
6 issuance, maintenance, data collection, and enforcement
7 functions of the Student and Exchange Visitor Program.

8 **SEC. 612. ASIA-PACIFIC ECONOMIC COOPERATION BUSI-**
9 **NESS TRAVEL CARDS.**

10 (a) IN GENERAL.—The Secretary of Homeland Secu-
11 rity, in coordination with the Secretary of State, may issue
12 Asia-Pacific Economic Cooperation Business Travel Cards
13 (in this section referred to as “ABT Cards”) to any eligi-
14 ble person, including—

15 (1) business leaders; and

16 (2) United States Government officials engaged
17 in Asia-Pacific Economic Cooperation (APEC) busi-
18 ness.

19 (b) ELIGIBILITY.—To be eligible for an ABT Card
20 under this section, an individual must be approved and
21 in good standing in an international trusted traveler pro-
22 gram of the Department of Homeland Security.

23 (c) INTEGRATION WITH EXISTING TRAVEL PRO-
24 GRAMS.—The Secretary shall, to the extent practicable, in-
25 tegrate application procedures for, and issuance, suspen-

1 sion, and revocation of, ABT Cards with other appropriate
2 international trusted traveler programs conducted by the
3 Department.

4 (d) COOPERATION WITH PRIVATE ENTITIES.—In
5 carrying out this section, the Secretary may consult with
6 appropriate private sector entities.

7 (e) REGULATIONS.—The Secretary may prescribe
8 such regulations as may be necessary to implement this
9 section.

10 (f) FEES.—

11 (1) IN GENERAL.—The Secretary may charge a
12 fee for the issuance of ABT Cards and any associ-
13 ated costs which shall be set at a level that will en-
14 sure recovery of the full costs of providing and ad-
15 ministering the ABT Cards.

16 (2) ACCOUNT FOR COLLECTIONS.—The Sec-
17 retary may establish a fund for the collection of fees
18 under paragraph (1), which shall be made available
19 to pay the costs incurred to administer.

20 (3) LIMITATION.—The Secretary shall ensure
21 that the total amount of any fee available to be used
22 under paragraph (4) in any fiscal year does not ex-
23 ceed the costs associated with carrying out this sec-
24 tion in such fiscal year.

1 (g) TERMINATION OF PROGRAM.—The Secretary, in
2 consultation with the Secretary of State, may terminate
3 activities under this section if the Secretary deems it in
4 the interest of the United States to do so.

5 **TITLE VII—SCIENCE AND**
6 **TECHNOLOGY**
7 **Subtitle A—Directorate of Science**
8 **and Technology**

9 **SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY**
10 **STRATEGIC PLAN.**

11 (a) IN GENERAL.—Title III of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
13 adding at the end the following new section:

14 **“SEC. 318. STRATEGIC PLAN.**

15 “(a) REQUIREMENT FOR STRATEGY.—The Under
16 Secretary for Science and Technology shall develop, and
17 update as necessary, a strategy to guide the activities of
18 the Directorate of Science and Technology. The strategy
19 shall be risk-based and aligned with other strategic guid-
20 ance provided by—

21 “(1) the National Strategy for Homeland Secu-
22 rity;

23 “(2) the Quadrennial Homeland Security Re-
24 view;

1 “(3) the Capabilities and Requirements Council
2 established under section 709; and

3 “(4) other relevant strategic planning docu-
4 ments, as determined by the Under Secretary.

5 “(b) CONTENTS.—The strategy required by sub-
6 section (a) shall be prepared in accordance with applicable
7 Federal requirements and guidelines, and shall include the
8 following:

9 “(1) Long-term strategic goals, objectives, and
10 metrics of the Directorate.

11 “(2) Analysis of how the research programs of
12 the Directorate support achievement of those stra-
13 tegic goals and objectives.

14 “(3) A description of how the activities and pro-
15 grams of the Directorate meet the requirements or
16 homeland security capability gaps identified by cus-
17 tomers within and outside of the Department, in-
18 cluding the first responder community.

19 “(4) The role of the Department’s risk analysis
20 activities and programs of the Directorate.

21 “(5) A technology transition strategy for the
22 programs of the Directorate.

23 “(6) A description of the policies of the Direc-
24 torate on the management, organization, and per-
25 sonnel of the Directorate.

1 “(c) SUBMISSION OF PLAN TO CONGRESS.—The Sec-
2 retary shall submit to the appropriate congressional com-
3 mittees the strategy developed under subsection (a) and
4 any update to the strategy.”.

5 (b) DEADLINE.—The Under Secretary for Science
6 and Technology shall develop and submit to the appro-
7 priate congressional committees the initial strategy re-
8 quired under the amendment made by subsection (a) by
9 not later than 1 year after the date of enactment of this
10 Act.

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

“Sec. 318. Strategic plan.”.

14 **SEC. 702. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.**

15 (a) IN GENERAL.—Title III of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended
17 by adding at the end the following new section:

18 **“SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.**

19 “(a) IN GENERAL.—The Under Secretary for Science
20 and Technology shall develop, and revise at least every 5
21 years, a 5-year research and development plan for the ac-
22 tivities of the Directorate of Science and Technology.

23 “(b) CONTENTS.—The 5-year research and develop-
24 ment plan developed under subsection (a) shall—

1 “(1) define the Directorate’s research, develop-
2 ment, testing, and evaluation activities, priorities,
3 performance metrics, and key milestones and
4 deliverables for the 5-fiscal-year period from 2013
5 through 2017, and for each 5-fiscal-year period
6 thereafter;

7 “(2) link the activities identified in paragraph
8 (1) to the goals and objectives described in the stra-
9 tegic plan developed under section 318, the research
10 requirements established in section 320, and the
11 operational capability needs as determined by the
12 Capabilities and Requirements Council established
13 under section 709;

14 “(3) describe, for each activity of the strategic
15 plan, the planned annual funding levels for the pe-
16 riod covered by the plan; and

17 “(4) indicate joint investments with other Fed-
18 eral partners where applicable.

19 “(c) SCOPE OF THE PLAN.—The Under Secretary
20 shall ensure that each plan developed under subsection
21 (a)—

22 “(1) reflects input from a wide range of stake-
23 holders; and

24 “(2) takes into account how research and devel-
25 opment by other Federal, State, private sector, and

1 nonprofit institutions contributes to the achievement
2 of the priorities identified in the plan, and avoids
3 unnecessary duplication with these efforts.

4 “(d) REPORTS.—At the time the President submits
5 each annual budget request, the Under Secretary shall
6 provide a report to the appropriate congressional commit-
7 tees on the status and results to date of implementation
8 of the current 5-year research and development plan, in-
9 cluding—

10 “(1) a summary of the research and develop-
11 ment activities for the previous fiscal year in each
12 topic area;

13 “(2) the annual expenditures in each topic area;

14 “(3) an assessment of progress of the research
15 and development activities based on the performance
16 metrics and milestones set forth in the plan; and

17 “(4) any changes to the plan.”

18 (b) DEADLINE.—The Under Secretary for Science
19 and Technology shall develop and submit to the appro-
20 priate congressional committees the first 5-year homeland
21 security research and development plan required under
22 subsection (a), for fiscal years 2013 through 2017, by not
23 later than 1 year after the date of enactment of this Act.

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

“Sec. 319. 5-year research and development plan.”.

4 **SEC. 703. IDENTIFICATION AND PRIORITIZATION OF RE-**
5 **SEARCH AND DEVELOPMENT REQUIRE-**
6 **MENTS.**

7 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)
8 is further amended by adding at the end the following new
9 section:

10 **“SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RE-**
11 **SEARCH AND DEVELOPMENT REQUIRE-**
12 **MENTS.**

13 “(a) IN GENERAL.—The Under Secretary for Science
14 and Technology shall establish and implement a process
15 to identify, prioritize, fund, and task the basic and applied
16 homeland security research and development activities of
17 the Directorate of Science and Technology.

18 “(b) PROCESS.—The process established under sub-
19 section (a) shall—

20 “(1) account for Departmentwide priorities as
21 defined by the Capabilities and Requirements Coun-
22 cil established under section 709;

23 “(2) be responsive to near-, mid-, and long-term
24 needs, including unanticipated needs to address
25 emerging threats;

1 “(3) utilize gap analysis and risk assessment
2 tools where available and applicable;

3 “(4) include protocols to assess—

4 “(A) off-the-shelf technology to determine
5 if an identified homeland security capability gap
6 can be addressed through the acquisition pro-
7 cess instead of commencing research and devel-
8 opment of technology to address that capability
9 gap; and

10 “(B) research and development activities
11 pursued by other executive agencies, to deter-
12 mine if technology can be leveraged to address
13 an identified homeland security capability gap;

14 “(5) provide for documented and validated re-
15 search and development requirements;

16 “(6) establish roles and responsibilities for the
17 Under Secretary for Science and Technology, the
18 Under Secretary for Policy, the Under Secretary for
19 Management, and the heads of operational compo-
20 nents of the Department;

21 “(7) strengthen first responder participation in
22 identifying and prioritizing homeland security tech-
23 nological gaps, including by—

24 “(A) soliciting feedback from appropriate
25 national associations and advisory groups rep-

1 resenting the first responder community and
2 first responders within the components of the
3 Department; and

4 “(B) establishing and promoting a publicly
5 accessible portal to allow the first responder
6 community to help the Directorate develop
7 homeland security research and development
8 goals;

9 “(8) institute a mechanism to publicize the De-
10 partment’s funded and unfunded homeland security
11 technology priorities for the purpose of informing
12 the Federal, State, and local governments, first re-
13 sponders, and the private sector;

14 “(9) establish considerations to be used by the
15 Directorate in selecting appropriate research enti-
16 ties, including the national laboratories, federally
17 funded research and development centers, university-
18 based centers, and the private sector, to carry out
19 research and development requirements; and

20 “(10) include any other criteria or measures the
21 Secretary considers necessary for the identification
22 and prioritization of research requirements.”.

23 (b) DEADLINE.—The Under Secretary for Science
24 and Technology shall establish and begin implementing
25 the process required by the amendment made by sub-

1 section (a) by not later than 180 days after the date of
2 enactment of this Act.

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

“Sec. 320. Identification and prioritization of research and development re-
quirements.”.

6 **SEC. 704. RESEARCH AND DEVELOPMENT PROGRESS.**

7 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)
8 is further amended by adding at the end the following new
9 section:

10 **“SEC. 321. MONITORING PROGRESS.**

11 “(a) IN GENERAL.—The Under Secretary for Science
12 and Technology shall monitor the progress of the research,
13 development, testing, and evaluation activities undertaken
14 by the Directorate of Science and Technology, and shall
15 provide, at a minimum on a biannual basis, regular up-
16 dates on that progress to relevant customers of those ac-
17 tivities.

18 “(b) REQUIREMENTS OF PROGRESS UPDATES.—In
19 order to provide the progress updates required under sub-
20 section (a), the Under Secretary shall develop a system
21 that—

22 “(1) monitors progress toward project mile-
23 stones identified by the Under Secretary;

1 “(2) maps progress toward deliverables identi-
2 fied in the 5-year plan required under section 319;

3 “(3) generates up-to-date reports to customers
4 that transparently disclose the status and progress
5 of research, development, testing, and evaluation ef-
6 forts of the Directorate;

7 “(4) evaluates the extent to which a technology
8 or service produced as a result of the Directorate’s
9 programs has addressed homeland security capa-
10 bility gaps and requirements as determined by the
11 Capabilities and Requirements Council established
12 under section 709; and

13 “(5) allows the Under Secretary to report the
14 number of products and services developed by the
15 Directorate that have been transitioned into acquisi-
16 tion programs and resulted in successfully fielded
17 technologies.

18 “(c) EVALUATION METHODS.—

19 “(1) EXTERNAL INPUT, CONSULTATION, AND
20 REVIEW.—The Under Secretary shall implement
21 procedures to engage outside experts in assisting in
22 the evaluation of the progress of research and devel-
23 opment programs or activities of the Directorate, in-
24 cluding through—

1 “(A) consultation with experts, including
2 scientists and practitioners, to gather inde-
3 pendent expert peer opinion and advice on a
4 project or on specific issues or analyses con-
5 ducted by the Directorate; and

6 “(B) periodic, independent, external review
7 to assess the quality and relevance of the Direc-
8 torate’s programs and projects.

9 “(2) CUSTOMER FEEDBACK.—The Under Sec-
10 retary shall establish a formal process to collect
11 feedback from customers of the Directorate on the
12 performance of the Directorate, that includes—

13 “(A) appropriate methodologies through
14 which customers can assess the quality and use-
15 fulness of technology and services delivered by
16 the Directorate;

17 “(B) development of metrics for measuring
18 customer satisfaction and the usefulness of any
19 technology or service provided by the Direc-
20 torate; and

21 “(C) standards for high-quality customer
22 service.”.

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

“Sec. 321. Monitoring progress.”.

1 **SEC. 705. ACQUISITION AND OPERATIONS SUPPORT.**

2 (a) RESPONSIBILITIES AND AUTHORITIES OF THE
3 UNDER SECRETARY.—Section 302 (6 U.S.C. 183) is
4 amended by striking “and” after the semicolon at the end
5 of paragraph (13), by striking the period at the end of
6 paragraph (14) and inserting “; and”, and by adding at
7 the end the following new paragraph:

8 “(15) providing science-based, analytic capa-
9 bility and capacity across the Department to—

10 “(A) support technological assessments of
11 major acquisition programs throughout the ac-
12 quisition lifecycle;

13 “(B) help define appropriate technological
14 requirements and perform feasibility analysis;

15 “(C) assist in evaluating new and emerging
16 technologies against capability gaps;

17 “(D) support evaluation of alternatives;
18 and

19 “(E) improve the use of technology De-
20 partmentwide.”.

21 (b) TECHNOLOGY READINESS ASSESSMENT PROC-
22 ESS.—Section 308 (6 U.S.C. 188) is amended by adding
23 at the end the following new subsection:

24 “(d) TECHNOLOGY READINESS ASSESSMENT PROC-
25 ESS.—

1 “(1) IN GENERAL.—The Under Secretary for
2 Science and Technology shall establish a formal, sys-
3 tematic, metrics-based process to comprehensively
4 evaluate technology maturity and reduce technical
5 risks, that includes—

6 “(A) an independent assessment of the
7 performance, maturity, suitability, and
8 supportability of a technology and associated
9 risks;

10 “(B) technology readiness evaluations to
11 establish technology readiness levels as a meas-
12 ure of the maturity of the technology; and

13 “(C) provision of a report containing the
14 findings and conclusions of each assessment
15 conducted under the process provided, to the
16 appropriate customers and personnel of the De-
17 partment.

18 “(2) APPLICATION.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), the process shall be applied
21 to—

22 “(i) technology developed by the Di-
23 rectorate; and

24 “(ii) technology being procured or
25 considered by any component of the De-

1 partment as part of a major acquisition
2 program.

3 “(B) LIMITATION.—The Under Secretary
4 shall not apply the process to—

5 “(i) radiological or nuclear detection
6 and countermeasure technologies developed
7 or procured by the Department; and

8 “(ii) procurement of information tech-
9 nology.”.

10 **SEC. 706. OPERATIONAL TEST AND EVALUATION.**

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

14 **“SEC. 713. OPERATIONAL TEST AND EVALUATION.**

15 “(a) ESTABLISHMENT.—There is established within
16 the Department a Director of Operational Test and Eval-
17 uation.

18 “(b) RESPONSIBILITIES, AUTHORITIES, AND FUNC-
19 TIONS.—The Director of Operational Test and Evalua-
20 tion—

21 “(1) shall advise the Secretary, the Under Sec-
22 retary for Management, the Under Secretary for
23 Science and Technology, and the heads of other rel-
24 evant components of the Department regarding all

1 activities related to operational test and evaluation
2 in the Department; and

3 “(2) shall—

4 “(A) prescribe operational test and evalua-
5 tion policies and procedures for the Depart-
6 ment, which shall include policies to ensure that
7 operational testing is done at facilities that al-
8 ready have relevant and appropriate safety and
9 material certifications to the extent such facili-
10 ties are available;

11 “(B) ensure the effectiveness, reliability,
12 and suitability of operational testing and eval-
13 uation activities planned and conducted by or
14 on behalf of components of the Department in
15 major acquisition programs of the Department;

16 “(C) review and approve all operational
17 test plans and evaluation procedures for major
18 acquisition programs of the Department;

19 “(D) provide the Department with inde-
20 pendent and objective assessments of the ade-
21 quacy of operational testing and evaluation ac-
22 tivities conducted by or on behalf of the Depart-
23 ment for major acquisition programs of the De-
24 partment; and

1 “(E) coordinate operational testing con-
2 ducted jointly by more than one component of
3 the Department.

4 “(c) ACCESS TO INFORMATION.—The Director of
5 Operational Test and Evaluation—

6 “(1) shall have prompt and full access to test
7 and evaluation and acquisition documents, data, and
8 test results of the Department that the Director con-
9 siders necessary in order to carry out the duties
10 under this section; and

11 “(2) may designate observers to be present dur-
12 ing the preparation for and the conducting of any
13 operational test and evaluation within the Depart-
14 ment.

15 “(d) LIMITATION.—The Director is not required to
16 carry out operational testing.”.

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

“Sec. 713. Operational test and evaluation.”.

20 **SEC. 707. AVAILABILITY OF TESTING FACILITIES AND**
21 **EQUIPMENT.**

22 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)
23 is further amended by adding at the end the following new
24 section:

1 **“SEC. 322. AVAILABILITY OF TESTING FACILITIES AND**
2 **EQUIPMENT.**

3 “(a) IN GENERAL.—The Under Secretary for Science
4 and Technology may make available to any person, for an
5 appropriate fee, the services of any testing facility owned
6 by the Federal Government and operated by the Direc-
7 torate for Science and Technology for the testing of mate-
8 rials, equipment, models, computer software, and other
9 items designed to advance the homeland security mission.

10 “(b) INTERFERENCE WITH FEDERAL PROGRAMS.—
11 The Under Secretary shall ensure that the testing at such
12 facilities of materials, equipment, models, computer soft-
13 ware, or other items not owned by the Federal Govern-
14 ment do not cause personnel or other resources of the Fed-
15 eral Government to be diverted from scheduled Federal
16 Government tests or otherwise interfere with Federal Gov-
17 ernment mission requirements.

18 “(c) CONFIDENTIALITY OF TEST RESULTS.—The re-
19 sults of tests performed by a person with services made
20 available under subsection (a) and any associated data
21 provided by the person for the conduct of the tests—

22 “(1) are trade secrets and commercial or finan-
23 cial information that is privileged or confidential
24 within the meaning of section 552(b)(4) of title 5,
25 United States Code; and

1 “(2) may not be disclosed outside the Federal
2 Government without the consent of the person for
3 which the tests are performed.

4 “(d) FEES.—The fee for using the services of a facil-
5 ity under subsection (a) may not exceed the amount nec-
6 essary to recoup the direct and indirect costs involved,
7 such as direct costs of utilities, contractor support, and
8 salaries of personnel, that are incurred by the Federal
9 Government to provide for the testing.

10 “(e) USE OF FEES.—Any fee collected under sub-
11 section (a) shall be credited to the appropriations or other
12 funds of the Directorate of Science and Technology and
13 shall be used to directly support the research and develop-
14 ment activities of the Department.”.

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

 “Sec. 322. Availability of testing facilities and equipment.”.

18 **SEC. 708. BIOFORENSICS CAPABILITIES.**

19 (a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.)
20 is further amended by adding at the end the following new
21 section:

22 **“SEC. 323. BIOFORENSICS CAPABILITIES.**

23 “(a) BIOFORENSICS ANALYSIS CENTER.—There is
24 authorized in the Department a bioforensics analysis cen-

1 ter to provide support for law enforcement and intel-
2 ligence-related investigations and actions to—

3 “(1) provide definitive bioforensics analysis in
4 support of the executive agencies with primary re-
5 sponsibilities for preventing, deterring, responding
6 to, attributing, and recovering from biological at-
7 tacks; and

8 “(2) undertake other related bioforensics activi-
9 ties.

10 “(b) PAYMENT FOR SERVICES.—The center shall
11 charge and retain fees to reimburse the cost of any service
12 provided to an executive agency that requested such serv-
13 ice.

14 “(c) DETAILEE PROGRAM.—Subject to the avail-
15 ability of appropriations, the Secretary may implement a
16 program under which executive agencies as considered ap-
17 propriate by the Secretary provide personnel, on a
18 reimburseable basis, to the center for the purpose of—

19 “(1) providing training and other educational
20 benefits for such stakeholders to help them to better
21 understand the policies, procedures, and laws gov-
22 erning national bioforensics activities; and

23 “(2) bolstering the capabilities and information
24 sharing activities of the bioforensics analysis center

1 authorized under subsection (a) with national bio-
2 security and biodefense stakeholders.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) is further amended by adding at the end
5 of the items relating to title III the following new item:
“Sec. 323. Bioforensics capabilities.”.

6 **SEC. 709. HOMELAND SECURITY SCIENCE AND TECH-**
7 **NOLOGY FELLOWS PROGRAM.**

8 (a) IN GENERAL.—Title III of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended
10 by adding at the end the following new section:

11 **“SEC. 324. HOMELAND SECURITY SCIENCE AND TECH-**
12 **NOLOGY FELLOWS PROGRAM.**

13 “(a) ESTABLISHMENT.—The Secretary, acting
14 through the Under Secretary for Science and Technology,
15 shall establish a fellows program, to be known as the
16 Homeland Security Science and Technology Fellows Pro-
17 gram, under which the Under Secretary shall facilitate the
18 temporary placement of scientists in relevant scientific or
19 technological fields for up to 2 years in components of the
20 Department with a need for scientific and technological
21 expertise.

22 “(b) UTILIZATION OF FELLOWS.—

23 “(1) IN GENERAL.—Under the Program, the
24 Under Secretary may employ fellows—

1 “(A) for the use of the Directorate of
2 Science and Technology; or

3 “(B) for the use of a Department compo-
4 nent outside such Directorate, under an agree-
5 ment with the head of such a component under
6 which the component will reimburse the Direc-
7 torate for the costs of such employment.

8 “(2) RESPONSIBILITIES.—Under such an
9 agreement—

10 “(A) the Under Secretary shall—

11 “(i) solicit and accept applications
12 from individuals who are currently enrolled
13 in or who are graduates of postgraduate
14 programs in scientific and engineering
15 fields related to the promotion of securing
16 the homeland, including—

17 “(I) biological, chemical, physical,
18 behavioral, social, health, medical, and
19 computational sciences;

20 “(II) geosciences;

21 “(III) all fields of engineering;

22 and

23 “(IV) such other disciplines as
24 are determined relevant by the Sec-
25 retary;

1 “(ii) screen applicant candidates and
2 interview them as appropriate to ensure
3 that they possess the appropriate level of
4 scientific and engineering expertise and
5 qualifications;

6 “(iii) provide a list of qualified appli-
7 cants to the heads of Department compo-
8 nents seeking to utilize qualified fellows;

9 “(iv) subject to the availability of ap-
10 propriations, pay financial compensation to
11 such fellows;

12 “(v) coordinate with the Chief Secu-
13 rity Officer to facilitate and expedite provi-
14 sion of security clearances to fellows, as
15 appropriate; and

16 “(vi) otherwise administer all aspects
17 of the employment of fellows with the De-
18 partment; and

19 “(B) the head of the component utilizing a
20 fellow shall—

21 “(i) select the fellow from the list of
22 qualified applicants provided by the Under
23 Secretary;

1 “(ii) reimburse the Under Secretary
2 for the costs of employing the fellow se-
3 lected, including administrative costs; and
4 “(iii) be responsible for the day-to-day
5 management of the fellow.

6 “(c) APPLICATIONS FROM NONPROFIT ORGANIZA-
7 TIONS.—The Under Secretary may accept an application
8 under subsection (b)(2)(A) that is submitted by a non-
9 profit organization on behalf of individuals whom such
10 nonprofit organization has determined may be qualified
11 applicants under the program.”.

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

“Sec. 324. Homeland Security Science and Technology Fellows Program.”.

16 **SEC. 710. HOMELAND SECURITY SCIENCE AND TECH-**
17 **NOLOGY ADVISORY COMMITTEE.**

18 Section 311 of the Homeland Security Act of 2002
19 (6 U.S.C. 191) is amended—

20 (1) by striking subsection (a) and inserting the
21 following:

22 “(a) ESTABLISHMENT.—There is established within
23 the Directorate of Science and Technology a Science and
24 Technology Advisory Committee (in this section referred
25 to as the ‘Advisory Committee’). The Advisory Committee

1 shall meet no fewer than 2 times each year and make rec-
2 ommendations with respect to the activities of the Under
3 Secretary for Science and Technology, including—

4 “(1) identifying research and development areas
5 of potential importance to the security of the Na-
6 tion; and

7 “(2) providing advice in developing and updat-
8 ing the strategic plan under section 318 and the 5-
9 year homeland security research and development
10 plan under section 319.”; and

11 (2) in subsection (j), by striking “2008” and
12 inserting “7 years after the date of enactment of the
13 Department of Homeland Security Authorization
14 Act for Fiscal Year 2012”.

15 **SEC. 711. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
16 **MENT CENTERS.**

17 Section 305 (6 U.S.C. 184) is amended—

18 (1) by inserting “(a) ESTABLISHMENT.—” be-
19 fore the first sentence; and

20 (2) by adding at the end the following new sub-
21 sections:

22 “(b) CONFLICTS OF INTEREST.—The Secretary shall
23 review and revise, as appropriate, the policies of the De-
24 partment relating to personnel conflicts of interest to en-
25 sure that such policies specifically address employees of

1 federally funded research and development centers estab-
2 lished under this section who are in a position to make
3 or materially influence research findings or agency deci-
4 sionmaking.

5 “(c) ANNUAL REPORTS.—Each federally funded re-
6 search and development center established under this sec-
7 tion shall transmit to the Secretary and appropriate con-
8 gressional committees an annual report describing the ac-
9 tivities of the center in support of the Department.”.

10 **SEC. 712. CRITERIA FOR DESIGNATION AS A UNIVERSITY-**
11 **BASED CENTER FOR HOMELAND SECURITY.**

12 Section 308(b)(2)(B) (6 U.S.C. 188(b)(2)(B)) is
13 amended—

14 (1) in the matter preceding clause (i), by strik-
15 ing “in—” and inserting “in one or more of the fol-
16 lowing:”;

17 (2) in clause (iii), by inserting before the period
18 at the end the following: “, including medical readi-
19 ness training and research, and community resil-
20 iency for public health and healthcare critical infra-
21 structure”; and

22 (3) in clause (iv), by striking “and nuclear” and
23 inserting “nuclear, and explosive”.

1 **SEC. 713. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-**
2 **MENT AT THE SCIENCE AND TECHNOLOGY**
3 **DIRECTORATE.**

4 (a) IN GENERAL.—The Homeland Security Act of
5 2002 (6 U.S.C. 101 et seq.) is further amended by insert-
6 ing after section 846 (as added by section 303(a)) the fol-
7 lowing:

8 **“SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MAN-**
9 **AGEMENT AT THE SCIENCE AND TECH-**
10 **NOLOGY DIRECTORATE.**

11 “(a) IN GENERAL.—To the extent necessary to en-
12 sure that the Department has the personnel required to
13 carry out the mission of the Science and Technology Di-
14 rectorate, the Secretary may—

15 “(1) make appointments to scientific or engi-
16 neering positions within such Directorate that re-
17 quire an advanced degree without regard to the pro-
18 visions of title 5, United States Code, governing ap-
19 pointments in the competitive service, other than
20 sections 3303 and 3328 of such title; and

21 “(2) fix the pay of any personnel appointed
22 under paragraph (1) without regard to the provi-
23 sions of chapter 51 and subchapter III of chapter 53
24 of such title relating to classification and General
25 Schedule pay rates.

26 “(b) LIMITATION.—

1 “(1) IN GENERAL.—Not more than 5 percent of
2 the occupied positions within the Directorate of
3 Science and Technology may at any time consist of
4 positions occupied by personnel appointed under this
5 section.

6 “(2) COUNTING RULE.—For purposes of apply-
7 ing the limitation set forth in paragraph (1), deter-
8 minations under this subsection shall be made on a
9 full-time equivalent basis.

10 “(c) TERMINATION.—The authority to make appoint-
11 ments under this section shall cease to be available after
12 January 1, 2017.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Homeland Security Act of 2002 (6
15 U.S.C. 101(b)) is further amended by inserting after the
16 item relating to section 846 (as added by section 303(b))
17 the following:

 “Sec. 847. Authority for flexible personnel management at the Science and
 Technology Directorate.”.

1 **Subtitle B—Domestic Nuclear**
2 **Detection Office**

3 **SEC. 721. RADIOLOGICAL AND NUCLEAR DETECTION AND**
4 **COUNTERMEASURES RESEARCH, DEVELOP-**
5 **MENT, TESTING, AND EVALUATION.**

6 (a) IN GENERAL.—Title XIX of the Homeland Secu-
7 rity Act of 2002 (6 U.S.C. 591 et seq.) is amended by
8 adding at the end the following new sections:

9 **“SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND**
10 **COUNTERMEASURES RESEARCH, DEVELOP-**
11 **MENT, TESTING, AND EVALUATION.**

12 “In carrying out radiological and nuclear research,
13 development, testing and evaluation activities required
14 under section 1902, the Director for the Domestic Nuclear
15 Detection Office shall—

16 “(1) have authorities and carry out responsibil-
17 ities consistent with those established under sections
18 302, 305, 308, 309, 320, and 321 for all radiological
19 and nuclear research, development, testing, and eval-
20 uation programs of the Department; and

21 “(2) utilize an appropriate iterative combination
22 of physical tests and computer modeling to provide
23 an analytical basis for assessing detector perform-
24 ance of major radiological and nuclear detection ac-
25 quisition programs of the Department.

1 **“SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETEC-**
2 **TION ARCHITECTURE.**

3 “(a) IN GENERAL.—In carrying out the responsibil-
4 ities under paragraphs (3), (5), (8), and (9) of section
5 1902(a), the Director shall maintain awareness of the
6 Global Nuclear Detection Architecture (in this section re-
7 ferred to as ‘GNDA’) and its assets, including availability
8 of equipment and trained personnel, types of equipment,
9 equipment detection events and data, relevant intelligence
10 information, and other information as needed.

11 “(b) DATA EXCHANGE.—To support the activities
12 under subsection (a), the Director and heads of agencies
13 in the GNDA shall ensure that widely accepted, con-
14 sensus-based data exchange standards are applied to de-
15 tection and communications systems incorporated into the
16 GNDA, to the extent practicable.”.

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

“Sec. 1908. Radiological and nuclear detection and countermeasures research,
development, testing, and evaluation.

“Sec. 1909. Awareness of the Global Nuclear Detection Architecture.”.

20 **SEC. 722. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
21 **NUCLEAR DETECTION ARCHITECTURE.**

22 (a) IN GENERAL.—Title XIX of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 591 et seq.) is further amended
24 by adding at the end the following:

1 **“SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL**
2 **NUCLEAR DETECTION ARCHITECTURE.**

3 “(a) IN GENERAL.—In carrying out the responsibil-
4 ities of the office under section 1902(a)(4)(A), the Direc-
5 tor shall provide support for planning, organization and
6 sustainment, equipment, training, exercises, and oper-
7 ational assessments, to State, local, and tribal entities to
8 assist in implementing preventive radiological and nuclear
9 detection capabilities.

10 “(b) DOMESTIC INTERIOR PROGRAMS.—

11 “(1) SECURING THE CITIES.—The Director for
12 Domestic Nuclear Detection shall establish and
13 maintain a program to enhance, through State,
14 local, tribal, and private entities, the Nation’s ability
15 to detect and prevent a radiological or nuclear at-
16 tack in high-risk United States cities, as determined
17 by the Secretary.

18 “(2) SURGE CAPABILITIES.—The Director shall
19 coordinate development of a surge capability for ra-
20 diological and nuclear detection systems that can be
21 deployed within the United States rapidly in re-
22 sponse to intelligence or warnings that includes pro-
23 curement of appropriate technology, training, exer-
24 cises, operational assessments, maintenance, and
25 support.

1 “(3) INTEGRATION.—The programs under sub-
2 sections (a) and (b) shall be integrated into the glob-
3 al nuclear detection architecture and inform archi-
4 tecture studies, technology gaps, and research activi-
5 ties of the Domestic Nuclear Detection Office.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents in section 1(b) is further amended by adding at the
8 end of the items relating to such title the following:

 “Sec. 1910. Domestic implementation of the global nuclear detection architec-
 ture.”.

9 **SEC. 723. RADIATION PORTAL MONITOR ALTERNATIVES.**

10 The Director of the Domestic Nuclear Detection Of-
11 fice shall analyze and report to the appropriate congress-
12 sional committees by not later than 90 days after the date
13 of enactment of this Act on existing and developmental
14 alternatives that could provide an enhanced capability to
15 currently deployed radiation portal monitors, the criteria
16 to measure the operational effectiveness of those alter-
17 natives, and the expected timeframe and costs to fully de-
18 velop and deploy those alternatives.

19 **SEC. 724. CONTRACTING AND GRANTMAKING AUTHORI-**
20 **TIES.**

21 Section 1906 of the Homeland Security Act of 2002
22 (6 U.S.C. 596) is amended by striking “paragraphs (6)
23 and (7) of”.

1 **SEC. 725. DOMESTIC NUCLEAR DETECTION IMPLEMENTA-**
2 **TION PLAN.**

3 (a) IN GENERAL.—The Secretary shall develop a 5-
4 year plan of investments necessary to implement the De-
5 partment of Homeland Security’s responsibilities under
6 the domestic component of the global nuclear detection ar-
7 chitecture.

8 (b) CONTENTS.—The 5-year plan developed under
9 subsection (a) shall—

10 (1) define the roles and responsibilities of each
11 component of the Department in support of the do-
12 mestic detection architecture, including any existing
13 or planned programs to prescreen cargo or convey-
14 ances overseas;

15 (2) identify and describe the specific invest-
16 ments being made or planned by the Department
17 components for the 5-year fiscal period to support
18 the domestic architecture and the security of sea,
19 land, and air pathways into the United States;

20 (3) describe the investments necessary to ad-
21 dress known vulnerabilities and gaps, including asso-
22 ciated costs and timeframes;

23 (4) explain how the Department’s research and
24 development funding is furthering the implementa-
25 tion of the domestic nuclear detection architecture,

1 including specific investments planned for the 5-year
2 fiscal period; and

3 (5) explain the process used to define, analyze,
4 and enhance the future domestic component of the
5 global nuclear detection architecture.

6 (c) DEADLINE.—The Secretary shall submit to the
7 appropriate congressional committees the plan required
8 under subsection (a) by not later than 180 days after the
9 date of enactment of this Act.

10 **TITLE VIII—IMMUNITY FOR RE-**
11 **PORTS OF SUSPECTED TER-**
12 **RORIST ACTIVITY OR SUS-**
13 **PICIOUS BEHAVIOR AND RE-**
14 **SPONSE**

15 **SEC. 801. SHORT TITLE.**

16 This title may be cited as the “See Something, Say
17 Something Act of 2011”.

18 **SEC. 802. AMENDMENT TO THE HOMELAND SECURITY ACT**
19 **OF 2002.**

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

1 **“SEC. 890B. IMMUNITY FOR REPORTS OF SUSPECTED TER-**
2 **RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR**
3 **AND RESPONSE.**

4 “(a) IMMUNITY FOR REPORTS OF SUSPECTED TER-
5 RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RE-
6 SPONSE.—

7 “(1) IN GENERAL.—Any person who, in good
8 faith and based on objectively reasonable suspicion,
9 makes, or causes to be made, a voluntary report of
10 covered activity to an authorized official shall be im-
11 mune from civil liability under Federal, State, and
12 local law for such report.

13 “(2) FALSE REPORTS.—Paragraph (1) shall not
14 apply to any report that the person knew to be false
15 or was made with reckless disregard for the truth at
16 the time that the person made that report.

17 “(b) IMMUNITY FOR RESPONSE.—

18 “(1) IN GENERAL.—Any authorized official who
19 observes, or receives a report of, covered activity and
20 takes reasonable action in good faith to respond to
21 such activity shall have qualified immunity from civil
22 liability for such action, consistent with applicable
23 law in the relevant jurisdiction. An authorized offi-
24 cial as defined by section (d)(1)(A) not entitled to
25 assert the defense of qualified immunity shall none-
26 theless be immune from civil liability under Federal,

1 State, and local law if such authorized official takes
2 reasonable action, in good faith, to respond to the
3 reported activity.

4 “(2) SAVINGS CLAUSE.—Nothing in this sub-
5 section shall—

6 “(A) affect the ability of any authorized of-
7 ficial to assert any defense, privilege, or immu-
8 nity that would otherwise be available; and

9 “(B) be construed as affecting any such
10 defense, privilege, or immunity.

11 “(c) ATTORNEY FEES AND COSTS.—Any authorized
12 official or other person found to be immune from civil li-
13 ability under this section shall be entitled to recover from
14 the plaintiff all reasonable costs and attorney fees.

15 “(d) DEFINITIONS.—In this section:

16 “(1) AUTHORIZED OFFICIAL.—The term ‘au-
17 thorized official’ means—

18 “(A) any officer, employee, or agent of the
19 Federal government with responsibility for pre-
20 venting, protecting against, disrupting, or re-
21 sponding to a ‘covered activity;’ or

22 “(B) any Federal, State, or local law en-
23 forcement officer.

24 “(2) COVERED ACTIVITY.—The term ‘covered
25 activity’ means any suspicious transaction, activity,

1 or occurrence indicating that an individual may be
2 engaging, or preparing to engage, in a violation of
3 law relating to an act of terrorism (as that term is
4 defined in section 3077 of title 18, United States
5 Code).”.

6 (b) AMENDMENT TO THE TABLE OF CONTENTS.—
7 The table of contents for the Homeland Security Act of
8 2002 is further amended by adding at the end of the items
9 relating to such subtitle the following:

“Sec. 890B. Immunity for reports of suspected terrorist activity or suspicious
behavior and response.”.

10 **TITLE IX—MISCELLANEOUS**

11 **SEC. 901. REDESIGNATION AND MOVEMENT OF MISCELLA-** 12 **NEOUS PROVISIONS.**

13 (a) IN GENERAL.—The Homeland Security Act of
14 2002 (6 U.S.C. 101 et seq.) is further amended by redesi-
15 gnating subtitle H of title VIII (relating to miscellaneous
16 provisions) as title XXIII of such Act, transferring such
17 title to appear at the end of the Act, striking sections 889
18 and 890 (consisting of amendments to existing law, which
19 have executed), and redesignating the other sections of
20 such title as section 2301 through 2320, respectively.

21 (b) CONFORMING AMENDMENTS.—Such Act is fur-
22 ther amended—

23 (1) in section 506(b) (6 U.S.C. 316(b)), by
24 striking “section 872” and inserting “section 2302”;

1 (2) in section 508(a) (6 U.S.C. 318(a)), by
2 striking “section 871” and inserting “section 2301”;

3 (3) in section 508(d)(1) (6 U.S.C. 318(d)), by
4 striking “section 871(a)” and inserting “section
5 2301(a)”;

6 (4) in section 702(b)(2) (6 U.S.C. 432(b)(2)),
7 by striking “section 874(b)(2)” each place it appears
8 and inserting “section 2304(b)(2)”;

9 (5) in section 702(b)(2)(E) (6 U.S.C.
10 432(b)(2)), by striking “section 874” and inserting
11 “section 2304”;

12 (6) in section 702(b)(4)(A) (6 U.S.C.
13 432(b)(4)(A)), by striking “section 872(a)” and in-
14 serting “section 2302(a)”;

15 (7) in section 702(b)(4)(B) (6 U.S.C.
16 432(b)(4)(B)), by striking “section 872(b)” and in-
17 serting “section 2302(b)”;

18 (8) in section 702(a)(4) (6 U.S.C. 347(a)(4)),
19 by striking “section 874” and inserting “section
20 2304”; and

21 (9) in section 843(b)(1)(B)(i) (6 U.S.C.
22 413(b)(1)(B)(i)), by striking “section 878” and in-
23 serting “section 2308”.

1 (c) CLERICAL AMENDMENTS.—The table of contents
 2 in section 1(b) of the Homeland Security Act of 2002 (6
 3 U.S.C. 101 et seq.) is amended—

4 (1) by striking the items relating to subtitle H
 5 of title VIII; and

6 (2) by adding at the end the following new
 7 items:

“TITLE XXIII—MISCELLANEOUS PROVISIONS

“Sec. 2301. Advisory committees.

“Sec. 2302. Reorganization.

“Sec. 2303. Use of appropriated funds.

“Sec. 2304. Future Year Homeland Security Program.

“Sec. 2305. Miscellaneous authorities.

“Sec. 2306. Military activities.

“Sec. 2307. Regulatory authority and preemption.

“Sec. 2308. Counternarcotics officer.

“Sec. 2309. Office of International Affairs.

“Sec. 2310. Prohibition of the Terrorism Information and Prevention System.

“Sec. 2311. Review of pay and benefit plans.

“Sec. 2312. Office for National Capital Region Coordination.

“Sec. 2313. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections.

“Sec. 2314. Federal Law Enforcement Training Center.

“Sec. 2315. Joint Interagency Task Force.

“Sec. 2316. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act.

“Sec. 2317. Coordination with the Department of Health and Human Services under the Public Health Service Act.

“Sec. 2318. Preserving Coast Guard mission performance.

“Sec. 2319. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.

“Sec. 2320. Immunity for reports of suspected terrorist activity or suspicious behavior and response.”.

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