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

DECEMBER 20, 2012

Reported with an amendment and referred to the Committees on Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure, for a period ending not later than December 21, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clauses 1(f), 1(p) and 1(r) of Rule X, respectively

[Strike out all after the enacting clause and insert the part printed in italic]
The Committees on Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 6, 2011]

A BILL

To authorize certain programs of the Department of Homeland Security, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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.

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Sec. 102. Countering homegrown radicalization and violent Islamist extremism.
Sec. 103. Direct line authority for Chief Operating Officers.
Sec. 105. Assistant Secretary for Health Affairs.
Sec. 108. Quadrennial homeland security review.
Sec. 109. Development of explosives detection canine standards.
Sec. 110. Development of a balanced workforce.
Sec. 111. Danger pay allowances for employees of the Department of Homeland Security.
Sec. 112. FLETC reporting requirements on counter-violent extremism training.
Sec. 113. Future-years homeland security program.
Sec. 114. Cost of submissions to Congress.
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Sec. 116. Office of Policy.
Sec. 117. Federal vacancy compliance.
Sec. 118. Electronic submissions.
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Sec. 203. Acquisition authorities for the Under Secretary for Management.
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Sec. 209. Report on competition.


Sec. 211. Strategic sourcing for marine and aviation assets.

Sec. 212. Strategic sourcing for detection and screening technology.

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Sec. 303. Authority for flexible personnel management at the Department of Homeland Security Intelligence elements.

Sec. 304. Support and oversight of fusion centers.

Sec. 305. Audit on privacy and civil liberties and update on privacy and civil liberties impact assessments.

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Sec. 908. Regulation of the sale and transfer of ammonium nitrate.

Sec. 909. Sense of Congress on inclusion of the Western Hemisphere in the 2012 National Strategy for Counterterrorism’s “Area of Focus”.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and any committee of the House of Representatives or the Senate having legislative or oversight jurisdiction under the Rules of the House of Representa-
tives or the Senate, respectively, over the matter concerned.

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

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

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

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

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

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

(5) PERSONNEL.—The term “personnel” means officers and employees.
(6) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

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

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

(A) involves an act that—

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

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

(B) appears to be intended—

(i) to intimidate or coerce a civilian population;

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

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.
(9) **UNITED STATES.**—

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

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

**SEC. 4. AMENDMENT REFERENCES.**

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

SEC. 101. UNDER SECRETARY FOR POLICY.

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

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

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

“TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

“SEC. 601. UNDER SECRETARY FOR POLICY.

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

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

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

“(2) supervise policy development for the programs, offices, and activities of the Department;
“(3) establish and direct a formal policymaking process for the Department;

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

“(5) conduct long-range, risk-based, strategic planning for the Department, including overseeing each quadrennial homeland security review required under section 707;

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

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

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

“TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

“Sec. 601. Under Secretary for Policy.”.
SEC. 102. COUNTERING HOMEGROWN RADICALIZATION AND VIOLENT ISLAMIST EXTREMISM.

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

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

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

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

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

(3) the strategy of the Department to monitor open source messaging that incite violence, including Internet websites that disseminate videos, graphics,
text calling for violent activities, and to provide counter-messaging to that messaging;

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

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

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

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

(a) In General.—Title VI of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following:
SEC. 602. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

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

“(1) the Chief Financial Officer;
“(2) the Chief Procurement Officer;
“(3) the Chief Information Officer;
“(4) the Chief Human Capital Officer;
“(5) the Chief Administrative Officer; and
“(6) the Chief Security Officer.

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

“(1) the activities of personnel;
“(2) planning, operations, and training; and
“(3) the budget and other financial resources.

(c) COORDINATION WITH HEADS OF AGENCIES.—The chief operating officers of components of the Department shall coordinate with the heads of their respective agencies
while fulfilling their responsibilities under subsection (b) to report directly to the Chief Operating Officers.”.

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

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

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

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

“SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

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

“(b) Responsibilities of the Assistant Secretary.—The Assistant Secretary for International Affairs shall—

“(1) coordinate international functions within the Department, including functions carried out by the components of the Department, in consultation with other Federal officials with responsibility for counterterrorism and homeland security matters;
“(2) advise, inform, and assist the Secretary, in consultation with overseas Department personnel, on strategies, foreign policy matters, and Department international programs;

“(3) develop, in consultation with the Under Secretary for Management, for selecting, assigning, training, and monitoring overseas deployments of Department personnel, including minimum standards for predeployment training;

“(4) develop and update, in coordination with all components of the Department engaged in international activities, a strategic plan for the international activities of the Department and establish a process for managing its implementation and monitor the ability of Department’s components to comply with implementation;

“(5) develop and distribute guidance on Department policy priorities for overseas functions to personnel deployed overseas that, at a minimum, sets forth the regional and national priorities being advanced by their deployment;

“(6) maintain awareness regarding the international travel of senior officers of the Department, as well as their intent to pursue negotiations with for-
eign government officials and reviewing resulting
draft agreements;

“(7) develop, in consultation with the compo-
nents and, where appropriate, with the Science and
Technology Directorate, programs to support the over-
seas programs conducted by the Department, includ-
ing training, technical assistance, and equipment to
ensure that Department personnel deployed abroad
have proper resources and receive adequate and time-
ly support;

“(8) conduct exchange of homeland security in-
formation and best practices relating to homeland se-
curity with foreign nations that, in the determination
of the Secretary, reciprocate the sharing of such infor-
mation in a substantially similar manner;

“(9) ensure that internationally deployed De-
partment personnel have access to, as appropriate for
the requirements of their duties, Department systems
with the capability of sending and receiving cables or
other messages; and

“(10) submit information to the Under Secretary
of Policy for oversight and purposes, including prepa-
ration of the quadrennial homeland security review,
on the status of overseas activities, including training
and technical assistance and information exchange
activities, and the Department’s resources dedicated
to these activities.

“(c) Responsibilities of the Components of the
Department.—

“(1) Notice of Foreign Negotiations.—All
components of the Department shall coordinate with
the Office of International Affairs of the intent of the
component to pursue negotiations with foreign gov-
ernments to ensure consistency with the Department’s
policy priorities.

“(2) Notice of International Travel by Sen-
ior Officers.—All components of the Departments
shall notify the Office of International Affairs about
the international travel of senior officers of the De-
partment.

“(d) Inventory of Assets Deployed Abroad.—
The Office of International Affairs shall provide to the ap-
propriate congressional committees, with the annual budget
request for the Department, an annual accounting of all
assets of the Department, including personnel, deployed out-
side the United States on behalf of the Department.

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

SEC. 105. ASSISTANT SECRETARY FOR HEALTH AFFAIRS.

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

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

(2) in subsection (c)—

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

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

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

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

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

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

SEC. 106. DEPARTMENT OF HOMELAND SECURITY REORGANIZATION AUTHORITY.

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

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

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

“(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

“(1) In general.—Authority under subsection (a) shall not extend to the discontinuance, abolition, substantial consolidation, alteration, or transfer of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.

“(2) Exception.—

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

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

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

“(c) PUBLICATION.—Not later than 30 days after the date on which the President or the Secretary makes a transfer, allocation, assignment, consolidation, alteration, establishment, or discontinuance under this section, the President or the Secretary shall publish in the Federal Register—

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

“(2) a list of each statutory provision implicated by the action.
“(d) Submittal of Notification to Congress.—No reorganization, realignment, consolidation, or other significant organizational change to a component, directorate, or agency of the Department, may take effect before the appropriate congressional committees receive information from the Secretary to support the determination that such reorganization, realignment, consolidation, or other significant organizational change will enhance the component, directorate, or office’s efficiency, operational capabilities, or capacity, balance the numbers of Federal workers in accordance with the balanced workforce strategy, and result in administrative cost saving.”.

SEC. 107. REPEAL OF OFFICE OF DOMESTIC PREPAREDNESS.

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

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

SEC. 108. QUADRENNIAL HOMELAND SECURITY REVIEW.

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

(1) in subsection (a)—
(A) in paragraph (1), by striking “fiscal year 2009” and inserting “calendar year 2013”;
and
(B) in paragraph (3), by striking “The Secretary shall conduct each quadrennial homeland security review under this subsection” and inserting “In order to ensure that each quadrennial homeland security review conducted under this section is coordinated with the quadrennial defense review conducted by the Secretary of Defense under section 118 of title 10, United States Code, and any other major strategic review relating to diplomacy, intelligence, or other national security issues, the Secretary shall conduct each quadrennial homeland security review”; and
(2) by striking subsections (b), (c), and (d) and inserting the following:

“(b) SCOPE OF REVIEW AND REPORT.—

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

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

“(B) review the capabilities and capacities across the homeland security enterprise, and the roles of executive agencies, States, local governments, Indian tribes, and private entities in providing those capabilities and capacities;

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

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

“(E) identify additional capabilities and capacities that may be needed across the homeland security enterprise in response to potential homeland security threats and challenges, and the resources required to provide the capabilities and capacities;
“(F) identify redundant, wasteful, or unnecessary capabilities and capacities where resources can be redirected to support capabilities and capacities identified under subparagraph (E);

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

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

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

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

“(i) describing the process used in conducting the quadrennial homeland security review and explaining any underlying as-
sumptions used in conducting the quadren-
nial homeland security review;

“(ii) describing the findings and con-
cclusions of the review, including findings
and conclusions relating to each issue ad-
dressed under subparagraphs (A) through
(H) of paragraph (1);

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

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

“(v) providing proposed changes to the
authorities, organization, governance struc-
ture, or business processes (including acqui-
sition processes) of the Department in order
to better fulfill the responsibilities of the Department; and

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

“(B) consistent with the protection of national security and other sensitive matters, make the report required under subparagraph (A) publicly available on the website of the Department; and

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

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 707 and inserting the following: “Sec. 707. Quadrennial homeland security review.”.

SEC. 109. DEVELOPMENT OF EXPLOSIVES DETECTION CANINE STANDARDS.

(a) In General.—Section 1307(c) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116(c)) is amended to read as follows:
“(c) Explosives Detection Canine Accreditation and Minimum Certification Standards.—

“(1) In General.—To assist in the Department’s counterterrorism mission, the Secretary shall—

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

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

“(2) Included Canines and Handlers.—The canines and handlers referred to in paragraph (1) include—

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

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

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

“(3) Recommendations.—
“(A) PANEL.—The Secretary shall convene a panel that will develop recommendations for the accreditation and minimum certification standards under this subsection, which shall consist of canine training subject matter experts, including representatives from the private sector and academia, as designated by the Secretary.

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

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

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

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

SEC. 110. DEVELOPMENT OF A BALANCED WORKFORCE.

(a) COMPONENT STRATEGIES.—Each component of the Department shall coordinate with the Chief Human Capital Officer of the Department to develop its own 5-year workforce strategy that will support the Department’s goals, objectives, and performance measures for determining the proper balance of Federal employees and private labor resources.

(b) STRATEGY REQUIREMENTS.—The Chief Human Capital Officer shall ensure that in the development of the strategy required by subsection (a) for a component the head of the component reports to the Chief Human Capital Officer on the human resources considerations associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services, including—

(1) hiring projections, including occupation and grade level, as well as corresponding salaries, benefits, and hiring or retention bonuses;

(2) the identification of critical skills requirements over the 5-year period, any current or antici-
pated deficiency in critical skills required at the De-
partment, and the training or other measures re-
quired to address those deficiencies in skills;
(3) recruitment of qualified candidates and re-
tention of qualified employees;
(4) supervisory and management requirements;
(5) travel and related personnel support costs;
(6) the anticipated cost and impact on mission
performance associated with replacing Federal per-
sonnel due to their retirement or other attrition; and
(7) other appropriate factors.
(c) ANNUAL SUBMISSION.—The Department shall pro-
vide to the appropriate congressional committees, together
with submission of the annual budget justification, infor-
mation on the progress within the Department of fulfilling
the workforce strategies required under subsection (a).
SEC. 111. DANGER PAY ALLOWANCES FOR EMPLOYEES OF
THE DEPARTMENT OF HOMELAND SECURITY.
Section 151 of the Foreign Relations Authorization
Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 5
U.S.C. 5928 note) is amended by striking “Drug Enforce-
ment Administration or Federal Bureau of Investigations”
and inserting “Drug Enforcement Administration, Federal
Bureau of Investigation, or the Department of Homeland
Security”.

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SEC. 112. FLETC REPORTING REQUIREMENTS ON COUNTER-VIOLENT EXTREMISM TRAINING.

Prior to offering or implementing any program, including any pilot program, intended to provide training on increasing awareness relating to and countering violent Islamism extremism, the Director of the Federal Law Enforcement Training Center (FLETC) shall submit to the appropriate congressional committees the following:

(1) The classified case study information that the Department provided to the National Consortium for the Study of Terrorism and Responses to Terrorism regarding the radicalization process for the goal of violent extremism.

(2) A detailed description of the training that FLETC intends to implement as part of the program, including all training materials that are being distributed as part of the program.

(3) An identification of the executive agency or agencies that participated in the development of the training.

(4) A description of what qualifications will be required for instructors to provide the training, including—

(A) whether the instructor has counterterrorism or intelligence experience; and
(B) the degree of the instructor’s knowledge and expertise on Al Qaeda and radicalization.

(5) An estimate of the amount of funds the Department will expend for any such program, including a plan for such expenditures and specification of the existing programs from which the funds will be drawn.

SEC. 113. FUTURE-YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended to read as follows:

“SEC. 874. FUTURE-YEARS HOMELAND SECURITY PROGRAM.

“(a) IN GENERAL.—Not later than the 30 days following the date of each fiscal year on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees a future-years homeland security program that provides detailed estimates of the projected expenditures and corresponding requests for appropriations included in that budget. The future-years homeland security program shall cover the fiscal year for which the budget is submitted as well as the four succeeding fiscal years.

“(b) CONSISTENCY OF BUDGET REQUEST WITH ESTIMATES OF NECESSARY EXPENDITURES AND APPROPRIA-
For each fiscal year, the Secretary shall endeavor to ensure that the projected amounts specified in program and budget information submitted to Congress in support of the President’s budget request are consistent with the estimates for expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department included in the budget pursuant to section 1105(a) (5) of title 31, United States Code.

“(c) Explanation of Alignment with Strategies and Plans.—Together with the detailed estimates of the projected expenditures and corresponding requests for appropriations submitted for the future years homeland security program, the Secretary shall provide an explanation of how those estimates and requests align with the homeland security strategies and plans developed and updated as appropriate by the Secretary.

“(d) Projection of Acquisition Estimates.—Each futures year homeland security funding program shall project acquisition estimates for a period of 5 fiscal years, with specified estimates for each fiscal year, for all technology acquisitions within the Department and each component therein, including refresh and sustainment expenses, as well as the annual deployment schedule of any acquisition with a total cost over the 5-fiscal-year period estimated to exceed $50,000,000.
“(e) CONTINGENCY AMOUNTS.—Nothing in this section shall be construed as prohibiting the inclusion in the future-years homeland security program of amounts for management contingencies, subject to the requirements of subsection (b).

“(f) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to Congress under this section, except those portions that are deemed to be classified in nature under the parameters of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114).”.

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

“Sec. 874. Future-years homeland security program.”.

SEC. 114. COST OF SUBMISSIONS TO CONGRESS.

Beginning on the date that is 90 days after the date of the enactment of this Act, the Secretary shall include at the front of each plan, report, strategy, or other written material provided to the appropriate congressional committees pursuant to a congressional mandate, information on the costs and the number of full-time equivalent (FTE) personnel required for complying with the mandate to the greatest extent practical. If the Secretary deems that it is not practical, the Secretary shall instead provide an ex-
planatory statement delineating why the information cannot be provided.

SEC. 115. PROTECTION OF NAME, INITIALS, INSIGNIA, AND SEAL.

(a) In General.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following new subsection:

“(d) Protection of Name, Initials, Insignia, and Seal.—

“(1) Protection.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including, but not limited to, film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department of Homeland Security or any organizational element of the Department has approved, endorsed, or authorized such use, any of the following (or any colorable imitation thereof):

“(A) the words ‘Department of Homeland Security’, the initials ‘DHS’, or the insignia seal of the Department; or
“(B) any ‘DHS visual identities’ meaning
DHS or DHS Component name, initials, seal,
insignia, trade or certification marks of DHS or
any DHS Component or any combination, vari-
ation, or colorable imitation of indicia alone or
in combination with other words to convey the
impression of affiliation, connection, approval,
or endorsement by DHS or any DHS compo-

“(C) the name, initials, insignia, or seal of
any organizational element/component (includ-
ing any former such element/component) of the
Department.

“(2) CIVIL PROCEEDINGS.—Whenever it appears
to the Attorney General that any person is engaged
or is about to engage in an act or practice which con-
stitutes or will constitute conduct prohibited by sub-
section (d)(1), the Attorney General may initiate a
civil proceeding in a district court of the United
State to enjoin such at or practice. Such court shall
proceed as soon as practicable to the hearing and de-
termination of such action and may, at any time be-
fore final determination, enter such retraining orders
or prohibitions, or take such other actions as is war-
ranted, to prevent injury to the United State or to
any person or class of persons for whose protection the act is brought.

“(3) **DEFINITION.**—For the purpose of this subsection, the term ‘audiovisual production’ means the production of a work that consists of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied.”.

(b) **PENALTIES.**—Section 709 of title 18, United States Code, is amended by inserting after “authorized by the Federal Bureau of Investigation; or” the following new paragraph:

“Whoever, except with the written permission of the Secretary of the Department of Homeland Security, knowingly uses the words “Department of Homeland Security,” the initials “DHS,” or any colorable imitation of such words or initials, or the words, initials, seals, or colorable imitations relating to any subcomponents thereof, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement,
circular, book, pamphlet or other publication, play, motion picture, broadcast telecast, or other production, is approved, endorsed, or authorized by the Department of Homeland Security; or”.

SEC. 116. OFFICE OF POLICY.

(a) IN GENERAL.—Title VI of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by inserting after section 602 the following:

“SEC. 603. OFFICE OF POLICY.

“(a) ESTABLISHMENT.—There is established in the Department the Office of Policy, to be headed by the Under Secretary for Policy as authorized under the Department of Homeland Security Authorization Act for Fiscal Year 2012.

“(b) FUNCTIONS OF THE OFFICE OF POLICY.—The Office of Policy shall—

“(1) develop Department policies, programs, and planning, consistent with the quadrennial homeland security review, to promote and ensure quality, consistency, and integration for the programs, offices, and activities of the Department across all homeland security missions;

“(2) develop and articulate the long-term strategic view of the Department and translate the Secretary’s strategic priorities into capstone planning
products that drive increased operational effectiveness through integration, prioritization, and resource allocation;

“(3) lead Departmental international engagement and activities;

“(4) represent the Department position to other Federal Agencies and the President; and

“(5) coordinate with policy officials in Departmental components to ensure the effective and efficient implementation of policy.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 602 the following:

“Sec. 603. Office of Policy.”.

SEC. 117. FEDERAL VACANCY COMPLIANCE.

For a position at the Department that is subject to sections 3345 through 3349d of title 5, United States Code (referred to as the “Vacancies Reform Act of 1998”), the Secretary shall notify the appropriate congressional committees of any position held by an individual on a temporary or acting basis for 210 days. Such notification shall include—

(1) the duration of the vacancy as of the date of the notification;}
(2) information on whether a nomination to fill the vacancy is pending before the Senate and, if so, the status of that nomination within the Senate; and

(3) what actions, if any, the Secretary intends to take to bring the Department in compliance with such sections.

SEC. 118. ELECTRONIC SUBMISSIONS.

Beginning on the date that is 90 days after the date of the enactment of this Act, the Secretary shall, to the greatest extent practicable, submit each plan, report, strategy, or other written material provided to the appropriate congressional committees pursuant to a congressional mandate in an electronic format.

SEC. 119. CHIEF INFORMATION OFFICER.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) RESPONSIBILITIES.—The Chief Information Officer shall—

“(1) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Depart-
ment for all activities relating to the programs and
operations of the information technology functions of
the Department;

“(2) establish the information technology prior-
ities, policies, processes, standards, guidelines, and
procedures of the Department;

“(3) coordinate and ensure implementation of
information technology priorities, policies, processes,
standards, guidelines, and procedures within the De-
partment;

“(4) be responsible for information technology
capital planning and investment management in ac-
cordance with sections 11312 and 11313 of title 40,
United States Code;

“(5) in coordination with the Chief Procurement
Officer of the Department, assume responsibility for
information systems acquisition, development, and in-
tegration as required by section 11312 of title 40,
United States Code;

“(6) in coordination with the Chief Procurement
Officer of the Department, review and approve any
information technology acquisition with a total value
greater than a threshold level to be determined by the
Secretary;
“(7) in coordination with relevant officials of the Department, ensure that information technology systems meet the standards established under the information sharing environment, as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

“(8) perform other responsibilities required under section 3506 of title 44, United States Code, and section 11315 of title 40, United States Code; and

“(9) perform such other responsibilities as the Secretary may prescribe.”.

SEC. 120. COST SAVINGS AND EFFICIENCY REVIEWS.

The Secretary, acting through the Under Secretary for Management of the Department, shall submit to the appropriate congressional committees the following:

(1) A report that provides a detailed accounting of the management and administrative expenditures and activities of the components of the Department and identifies potential cost savings and efficiencies for those expenditures and activities of each component of the Department.

(2) The findings of a study that examines the size, experience level, and geographic distribution of the operational personnel of the Department, including U.S. Customs and Border Protection officers, Bor-
der Patrol agents, U.S. Customs and Border Protection Air and Marine agents, U.S. Customs and Border Protection Agriculture Specialists, Federal Protective Service Law Enforcement Security Officers, U.S. Immigration and Customs Enforcement agents, Transportation Security Officers, Federal air marshals, and members of the Coast Guard, and recommendations for adjustments that would reduce deficiencies in the Department’s capabilities, reduce costs, and enhance efficiencies.

**TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION POLICY**

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

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

“SEC. 708. DEPARTMENT ACQUISITIONS AND PROCUREMENT REVIEW.

“(a) In General.—The Secretary shall review the proposed acquisitions and procurements by the Department.

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

“(c) ACQUISITION REVIEW BOARD.—

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

“(2) MEMBERSHIP.—The Secretary shall designate appropriate officers from throughout the Department to serve on the Acquisition Review Board, including an appointee to serve as chair of the Board.

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

“(d) INVESTMENT_THRESHOLDS.—The Secretary may establish materiality thresholds for the review of investments by the Acquisition Review Board or any subordinate board or council.

“(e) SAFETY ACT.—The Acquisition Review Board shall identify proposed investments and acquisitions across the Department that should utilize the pre-qualification designation notice, the block designation, or the block certification processes available under subtitle G of title VIII, and provide its findings to the Under Secretary for Manage-
ment, the Under Secretary for Science and Technology, and the relevant acquisition authority for implementation.

“(f) REPORTING REQUIREMENT.—The Secretary shall submit to the appropriate congressional committees an annual report, broken down on a quarterly basis, on the activities of the Acquisition Review Board, including detailed descriptions of and statistics on programs and activities reviewed by the Acquisition Review Board.”.

(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the processes and protocols implemented to carry out the review required under the amendment made by subsection (a).

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

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

SEC. 202. CAPABILITIES AND REQUIREMENTS COUNCIL.

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

“SEC. 709. CAPABILITIES AND REQUIREMENTS COUNCIL.

“(a) ESTABLISHMENT.—There is established a Capabilities and Requirements Council in the Department.
“(b) MISSION.—The Capabilities and Requirements Council shall provide recommendations and assistance to the Secretary for the following:

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

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

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

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

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

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

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

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

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

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

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

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

“(1) the Under Secretary for Management of the Department, who shall act as the Chairman of the Council; and
“(2) appropriate representatives from the components and organizational elements of the Department, as determined by the Secretary.

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

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

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

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

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

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

(2) by adding at the end the following:

“(d) ACQUISITION AND RELATED RESPONSIBILITIES.—

“(1) IN GENERAL.—The Under Secretary for Management shall act as the senior acquisition officer for the Department and shall administer functions relating to acquisition, including—
“(A) supervising the management of Department acquisition activities and acquisition programs, evaluating the performance of those activities and programs, and advising the Secretary regarding the appropriate risk-based acquisition strategy to achieve the mission of the Department;

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

“(C) establishing policies for acquisition that implement a risk-based approach, as appropriate, including investment review, program management, procurement of goods and services, research and development, and contract administration, for all components of the Department;

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

“(E) ensuring the procurement activities of the Department’s components consider the applicability of the SAFETY Act in accordance with the procedures in the Federal Acquisition Regulations Subpart 50.205; and
“(F) prescribing policies to ensure that audit and oversight of contractor activities are coordinated and carried out in a risk-based manner that prevents redundancies among the different components of the Department.

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

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

(1) improve collaboration, coordination, and awareness of technologies and capabilities across components of the Department, the Federal Government, universities, and the private sector when developing program requirements for acquisitions by the Department;
(2) evaluate the reasons for modifying program requirements after an award of a contract and analyze the need for modifications and whether modifications would lead to contract cost overruns or time delays;

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

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

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

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

SEC. 204. ACQUISITION PROFESSIONAL CAREER PROGRAM.

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

“SEC. 710. ACQUISITION PROFESSIONAL CAREER PROGRAM.

“(a) Establishment.—The Secretary may establish at the Department an Acquisition Professional Career Pro-
gram for the recruitment, training, and retention of acquisition professionals for the Department.

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

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

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

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

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

SEC. 205. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.

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

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

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

(A) program management;

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

(C) procurement, including contracting;

(D) industrial property management;

(E) logistics;

(F) quality control and assurance;

(G) manufacturing and production;

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

(I) education, training, and career development;

(J) construction; and

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

(2) identify acquisition workforce needs of each Department component performing acquisition functions and develop a schedule for filling those needs;
(3) include departmental guidance and risk-based policies on the use of contractors to perform acquisition functions;

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

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

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

SEC. 206. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.

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

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

“(a) REPORTING OF SIGNIFICANT CONTRACTS.—The Secretary shall notify the appropriate congressional committees at least 3 business days prior to—
“(1) making a contract award, other transaction agreement, or task and delivery order exceeding $10,000,000; or
“(2) announcing the intention to make such an award.
“(b) EXCEPTION.—If the Secretary determines that compliance with this section would pose a substantial risk to homeland security, an award may be made without the notification required by subsection (a) if the Secretary notifies the appropriate congressional committees by not later than 5 business days after such award is made.”.
(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following new item:
“Sec. 711. Notification to Congress of major procurement awards.”.

SEC. 207. INDEPENDENT VERIFICATION AND VALIDATION.
(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following new section:
“SEC. 712. INDEPENDENT VERIFICATION AND VALIDATION.
“(a) IN GENERAL.—The Under Secretary for Management shall establish a process to provide for the evaluation of the integrity and quality of major acquisitions, to be conducted independently by personnel with no involvement or interest in the underlying acquisitions.
“(b) **Requirement for Guidance.**—The Under Secretary for Management shall create a transparent acquisition process by making available to the public written guidance that provides the following:

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

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

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

“(c) **Reporting to Congress.**—The annual report required by section 708(e) shall—

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

“(2) provide an explanation of the decision not to employ independent verification and validation.”.
(b) **DEADLINE.**—The Under Secretary for Management shall establish the process required by the amendment made by subsection (a) not later than 180 days after the date of the enactment of this Act.

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

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

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

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

(1) in subsection (a), by striking “Until September 30, 2011” and inserting “Until September 30, 2016”;

(2) in subsection (b), by striking “Not later than 2 years after the effective date of this Act, and annually thereafter” and inserting “Not later than September 30, 2015”; and

(3) in subsection (d)(1), by striking “September 30, 2011” and inserting “September 30, 2016”.

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

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

(1) for each component of the Department—

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

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

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

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

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

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

(4) a comparison of the percentage of contracts awarded under full and open competition by the Department and the percentage of contracts awarded under full and open competition by other Federal departments and agencies.
SEC. 210. BUY AMERICAN REQUIREMENT IMPOSED ON DEPARTMENT OF HOMELAND SECURITY; EXCEPTIONS.

(a) In General.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

“SEC. 890B. BUY AMERICAN REQUIREMENT; EXCEPTIONS.

“(a) Requirement.—Except as provided in subsections (c) through (e), the Secretary may not procure an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

“(b) Covered Items.—

“(1) In General.—An item referred to in subsection (a) is any item described in paragraph (2), if the item is directly related to the national security interests of the United States.

“(2) Items Described.—An item described in this paragraph is any article or item of—

“(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

“(B) tents, tarpaulins, or covers;

“(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk
yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

“(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

“(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(2) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed.

“(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

“(1) Procurements by vessels in foreign waters.

“(2) Emergency procurements.

“(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.
“(f) Applicability to Contracts and Subcontracts for Procurement of Commercial Items.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

“(g) Geographic Coverage.—In this section, the term ‘United States’ includes the possessions of the United States.

“(h) Notification Required Within 7 Days After Contract Award if Certain Exceptions Applied.—In the case of any contract for the procurement of an item described in subsection (b)(2), if the Secretary applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied.

“(i) Training.—

“(1) In General.—The Secretary shall ensure that each member of the acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training on the requirements of this section and the regulations implementing this section.
“(2) Inclusion of information in new training programs.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this section includes comprehensive information on the requirements described in paragraph (1).

“(j) Consistency with international agreements.—This section shall be applied in a manner consistent with United States obligations under international agreements.”.

(b) Effective date.—Section 890B of the Homeland Security Act of 2002, as added by subsection (a), shall apply with respect to contracts entered into by the Department of Homeland Security on and after the date occurring 180 days after the date of the enactment of this Act.

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

“Sec. 890B. Buy American requirement; exceptions.”.

SEC. 211. STRATEGIC SOURCING FOR MARINE AND AVIATION ASSETS.

(a) In general.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following new section:
“SEC. 714. STRATEGIC SOURCING FOR MARINE AND AVIATION ASSETS.

“Before the development and procurement by the Department of any marine or aviation asset or equipment, the Chief Procurement Officer for the Department shall coordinate with the chief procurement officers of the Department’s components, as appropriate—

“(1) to identify common mission requirements; and

“(2) to the extent practicable, to standardize equipment purchases, streamline the acquisition process, improve efficiencies, and conduct best practices for strategic sourcing that would unify purchasing, address procurement issues, and improve control and oversight of asset purchases.”.

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

“Sec. 714. Strategic sourcing for marine and aviation assets.”.

SEC. 212. STRATEGIC SOURCING FOR DETECTION AND SCREENING TECHNOLOGY.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following new section:
“SEC. 715. STRATEGIC SOURCING FOR DETECTION AND SCREENING TECHNOLOGY.

“(a) IN GENERAL.—Before the development and procurement by the Department of any detection or screening technology, the Chief Procurement Officer for the Department shall coordinate with the chief procurement officers of the Department’s components, as appropriate—

“(1) to identify common mission requirements;

and

“(2) to the extent practicable, to standardize equipment purchases, streamline the acquisition of security screening technologies, improve efficiencies, and conduct best practices for strategic sourcing that would unify purchasing, address procurement issues, and improve control and oversight of technology assets.

“(b) DETECTION OR SCREENING TECHNOLOGY DEFINED.—In this section the term ‘detection or screening technology’ includes x-ray equipment, metal detectors, and radiation detectors.”.

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

“Sec. 715. Strategic sourcing for detection and screening technology.”.
SEC. 213. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

(a) In General.—Title V of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

“SEC. 526. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

“(a) In General.—Notwithstanding any other provision of law, the Secretary is authorized to permit a class deviation to the Federal Acquisition Regulation with respect to the micropurchase threshold and may do so in such official’s sole discretion to support domestic emergency operations and response activities related to acts of terrorism.

“(b) Delegation of Authority.—The Secretary may carry out this section by acting through the Under Secretary for Management.

“(c) Limitation.—In any class deviation under subsection (a), the micropurchase threshold may not exceed $15,000.

“(d) Domestic Emergency Operation Defined.—In this section, the term ‘domestic emergency operation’ means assistance activities carried out in support of or in response to—

“(1) an emergency or major disaster, as those terms are defined in section 102 of the Robert T. Staf-
ford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);.

“(2) any occasion or instance for which the Secretary determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States;

“(3) any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby; or

“(4) any act of terrorism, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States,
local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”.

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

“Sec. 526. Special emergency procurement authority for domestic emergency operations.”.

SEC. 214. SOFTWARE LICENSING.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, and every 2 years thereafter, the Chief Information Officer of the Department, in consultation with Department component chief information officers, shall—

(1) conduct a Department-wide inventory of all existing software licenses including utilized and unutilized licenses;

(2) assess the needs of the Department and the components of the Department for software licenses for the upcoming 2 fiscal years; and

(3) examine how the Department can achieve the greatest possible economies of scale and cost-savings in the procurement of software licenses.

(b) EXCESS SOFTWARE LICENSES.—

(1) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the
inventory conducted under subsection (a) that the number of existing software licenses of the Department and the components of the Department exceeds the needs of the Department as assessed under subsection (a), the Secretary, not later than 90 days after the date on which the inventory is completed under subsection (a), shall establish a plan for bringing the number of software licenses into balance with such needs of the Department.

(2) **Prohibition on Procurement of New Software Licenses.**—

(A) **In General.**—Except as provided in subparagraph (A), upon completion of a plan established under paragraph (1), no additional resources may be obligated for the procurement of new software licenses until such time as the need of the Department exceeds the number of existing and unused licenses.

(B) **Exception.**—The Chief Information Officer of the Department may allow the purchase of additional licenses and amend the number of needed licenses as necessary.

(c) **GAO Review.**—The Comptroller General of the United States shall review the inventory conducted under subsection (a) and the plan established under subsection (b).
(d) Submission to Congress.—A copy of each inventory conducted under subsection (a) and each plan established under subsection (b) shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 215. FINANCIAL MANAGEMENT.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a Department-wide financial management strategy.

(b) Contents.—The plan developed and submitted under subsection (a) shall—

(1) clearly define and document a Department-wide financial management strategy which shall integrate the financial operations of all Department components;

(2) leverage existing best practices from component legacy systems that meet expected performance and functionality targets;

(3) include a detailed plan for consolidating and migrating various Department components to the new system;

(4) implement specific processes to minimize project risk, including requirements management,
testing, data conversion and system interfaces, risk
management, configuration management, project
management, quality assurance and internal controls;

(5) consider key human capital practices to en-
sure that financial management transformation ef-
forts are properly staffed with appropriately skilled
employees;

(6) clearly define the Department’s strategy for
obtaining reliable auditable financial reporting and
compliance with Federal financial laws and regula-
tions; and

(7) develop an approach for obtaining reliable
information on the costs of its financial management
systems investments.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not
later than 270 days after the date of the enactment of this
Act, the Comptroller General of the United States shall sub-
mit to Congress a report that contains—

(1) the review and comments of the Comptroller
General on the plan under subsection (a);

(2) an evaluation of whether the plan under sub-
section (a) complies with and includes the implemen-
tation of prior Government Accountability Office rec-
ommendations regarding Department financial man-
agement; and
(3) recommendations regarding any additional actions necessary to address existing financial internal control weaknesses and achieve financial management integration.

TITLE III—INFORMATION SHARING AND INTELLIGENCE ANALYSIS

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

(a) Amendments to Establish Network.—


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

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

(B) in subsection (a), by striking “a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers” and inserting “a Department of Homeland Security National Network of Fusion
Centers Initiative to establish partnerships with State and major urban area fusion centers’’;

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

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

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

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

“(3) oversee the maturation and sustainment of the National Network of Fusion Centers, including the development of a fusion center performance management program and exercises to assess the capability of individual fusion centers, the statewide fusion process, and the national network;
“(4) reduce inefficiencies and maximize the effectiveness of Federal resource support;

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

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

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

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

“(9) serve as the single point of contact to ensure the close communication and coordination between the National Network of Fusion Centers and the Department;
“(10) provide the National Network of Fusion Centers with expertise on Department resources and operations;

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

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

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

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

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

“(c) Resource Allocation.—

“(1) Responsibilities of Under Secretary.—

“(A) In general.—The Under Secretary for Intelligence and Analysis shall—
“(i) lead Department efforts to ensure fusion centers in the Network are the primary focal points for the sharing of terrorism-related information with State and local entities; and

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

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

“(2) Sources of support.—

“(A) In general.—Resources allocated under this subsection to fusion centers in the Network shall be provided by the following Department components and offices, in coordination with the respective component head and in
consultation with the principal officials of fusion centers in the Network:

“(i) The Office of Intelligence and Analysis.

“(ii) The Office of Infrastructure Protection.

“(iii) The Transportation Security Administration.

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

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

“(vi) The Coast Guard.

“(vii) The Privacy Office of the Department.

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

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

“(B) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Under Secretary for Intelligence and Analysis shall coordinate with appropriate officials throughout the Federal government to
ensure the relevant deployment of representatives
of other Federal departments and agencies.

“(3) Resource allocation criteria.—

“(A) In general.—The Secretary shall
make available criteria for allocating resources
referred to in paragraph (1)(A)(ii) to any fusion
center in the Network.”;

(E) in subsection (c)(3)(B), by striking
“and” after the semicolon at the end of clause
(iv), by striking the period at the end of clause
(v) and inserting “; and”, and by adding at the
end the following:

“(vi) whether the fusion center has pri-

vacy protections in place that are deter-
mined to be at least as comprehensive as the
Federal information sharing environment
privacy guidelines in effect on the date of
the enactment.”;

(F) in subsection (e)—

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

“(1) In general.—The Secretary shall make it
a priority to allocate resources, including deployed
personnel, under this section from U.S. Customs and
Border Protection, U.S. Immigration and Customs
Enforcement, and the Coast Guard to participating State and major urban area fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.”; and

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

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

“(f) MASS TRANSIT INTELLIGENCE PRIORITY.—

“(1) In General.—To the greatest extent practicable, the Secretary shall, under this section, assign personnel with expertise in security of mass transit systems to participating State and major urban area fusion centers located in high-risk jurisdictions with mass transit systems.
“(2) Mass transit intelligence products.—
In performing the responsibilities under subsection (d), officers and intelligence analysts assigned to fusion centers in the Network shall, as a primary responsibility, create mass transit intelligence products that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 210G. Memorandum of understanding on fusion centers.”.

SEC. 302. HOMELAND SECURITY INFORMATION SHARING NETWORKS DEVELOPMENT.

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

(b) PLAN.—
(1) **IN GENERAL.**—The strategy under subsection (a) shall include a comprehensive plan for the further development, acquisition, and deployment, and continual operations of—

(A) the Homeland Security Information Network;

(B) the Homeland Secure Data Network;

and

(C) the Homeland Top Secret Network.

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

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

(B) development and acquisition schedules;

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

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

(E) a plan for standardizing and properly disseminating the networks across the Department;
(F) consideration for any homeland security computer system or database not listed in paragraph (1) that is currently in development or in operation in any component or office of the Department and that should be merged with or incorporated into one of the networks listed in paragraph (1) to eliminate redundancy, and a schedule for such merger or incorporation; and

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

(i) the Department of Homeland Security Headquarters offices;

(ii) the Department of Homeland Security component headquarters;

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

(iv) the National Network of Fusion Centers;

(v) State and local government entities;

and

(vi) other Federal departments and agencies.
(c) Reporting Requirement.—The Secretary shall report the strategy required by subsection (a) to the congressional homeland security committees within 30 days after it is completed.

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

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

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

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

“(b) Incumbents.—Any incumbent currently occupying a position selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the po-
sition, the position may be converted to the excepted serv-

ice.”.

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

(1) the challenge with filling vacancies of the po-
sitions referenced in subsection (a);

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

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

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

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

SEC. 304. SUPPORT AND OVERSIGHT OF FUSION CENTERS.

To ensure that the Department, as the lead Federal
agency with responsibility for supporting fusion centers, is
maximizing the utility of Federal funding awarded to fu-
sion centers through the Homeland Security Grant Pro-
gram, as a means of justifying support to fusion centers
in subsequent fiscal years, the Inspector General shall, with-
in 180 days of the date of the enactment of this Act, submit
to Congress a report. The report shall include each of the following:

(1) An audit of Federal homeland security grant funding awarded to fusion centers, to measure the extent to which the funding is used to achieve measurable homeland security outcomes, including filling gaps in critical baseline capabilities.

(2) An assessment of the processes in place at the Department designed to track and measure the effectiveness of grant funding to fusion centers, including an evaluation of the extent to which the Office of Intelligence and Analysis and the Federal Emergency Management Agency coordinate to design and implement effective grant guidance and conduct proper oversight of the grant funding to fusion centers.

(3) An assessment of the processes in place at the Department designed to track and measure the effectiveness of grant funding to fusion centers, including an evaluation of the extent to which the fusion center considers privacy, civil rights, and civil liberties in the selection of contractors, trainers, and other personnel that provide advice and guidance to the fusion centers.

(4) An assessment to determine whether each fusion center has privacy protections in place that are
determined to be at least as comprehensive as the Federal information sharing environment privacy guidelines in effect on the date of enactment.

(5) Recommendations on the development and implementation of a metrics program for the Federal Emergency Management Agency to measure the efficacy of grant funding to fusion centers.

SEC. 305. AUDIT ON PRIVACY AND CIVIL LIBERTIES AND UPDATE ON PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENTS.

(a) Inspector General Audit.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department shall—

(1) conduct an audit on the activities of the Department to ensure that State and local fusion centers take appropriate measures to protect privacy and civil liberties, including through the implementation of training programs and support for the development of fusion center privacy policies; and

(2) submit a report on the results of that audit to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.
(b) Privacy Impact Assessment.—Not later than 180 days after the date of the enactment of this Act, the Privacy Officer of the Department shall—

(1) update the Privacy Impact Assessment for the State, Local, and Regional Fusion Center Initiative completed in 2008 in accordance with the requirements of section 511(d)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 in order to reflect the evolution of State and local fusion centers since that date; and

(2) submit the updated assessment to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

(c) Civil Liberties Impact Assessment.—Not later than 180 days after the date of the enactment of this Act, the Officer for Civil Liberties and Civil Rights of the Department shall—

(1) update the Civil Liberties Impact Assessment for the State, Local and Regional Fusion Center Initiative completed in 2008 in accordance with the requirements of section 511(d)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 in order to reflect the evolution of State and local fusion centers since that date; and
(2) submit the updated assessment to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE IV—9/11 REVIEW COMMISSION

SEC. 401. SHORT TITLE.
This title may be cited as the “9/11 Review Commission Act”.

SEC. 402. ESTABLISHMENT.
There is established in the legislative branch a National Commission to Review the National Response Since the Terrorist Attacks of September 11, 2001 (referred to as the “9/11 Review Commission”).

SEC. 403. PURPOSES OF THE 9/11 REVIEW COMMISSION.
The 9/11 Review Commission shall conduct a comprehensive review of the implementation of the recommendations proposed in the report issued by the National Commission on Terrorist Attacks Upon the United States (commonly known as the “9/11 Commission”), as established pursuant to section 601 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306).
The review of the 9/11 Review Commission shall—
(1) assess the progress and challenges in carrying out the recommendations of the 9/11 Commission, in-
cluding any relevant legislation, executive order, regulation, plan, policy, practice, or procedure implemented since the attacks of September 11, 2001;

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

(3) investigate whether there exists evidence that was not considered by the 9/11 Commission of any conduct, relationships, or other factors which served in any manner to contribute to, facilitate, support, or assist the hijackers who carried out the terrorist attacks of September 11, 2001; and

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

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

The 9/11 Review Commission shall be composed of a chairman, to be appointed by the Speaker of the House of Representatives, and a vice chairman, to be appointed by the Majority Leader of the Senate.
SEC. 405. AUTHORITY OF 9/11 REVIEW COMMISSION.

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

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

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

(b) SUBPOENA AUTHORITY.—

(1) ISSUANCE.—Upon the agreement of the chairman and the vice chairman, the chairman may issue a subpoena to compel the production of documents or sworn testimony.

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

(3) ENFORCEMENT.—

(A) IN GENERAL.—In the event that any person fails to obey a subpoena issued pursuant to paragraph (1), the United States district
court for the judicial district in which the sub-
poenaed person resides, is served, or may be
found, or where the subpoena is returnable, may
issue an order requiring such person to appear
at any designated place to testify or to produce
documentary or other evidence. Any person fail-
ing to obey the order of the court may be held
in contempt of the court.

(B) ADDITIONAL ENFORCEMENT.—In the
case of any failure of any witness to comply with
any subpoena or to testify when summoned
under authority of this section, the chairman
may certify a statement of fact constituting such
failure to the appropriate United States attor-
ney, who may bring the matter before the grand
jury for its action, under the same statutory au-
thority and procedures as if the United States
attorney had received a certification under sec-
tions 102 through 104 of the Revised Statutes of

(c) INFORMATION FROM FEDERAL AGENCIES.—

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

(2) Receipt, handling, storage, and dissemination.—Information shall only be received, handled, stored, and disseminated by the 9/11 Review Commission, including its staff, in accordance with all applicable statutes, regulations, and Executive orders.

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

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

(f) Assistance From Federal Agencies.—
(1) **General Services Administration.**—The Administrator of General Services shall provide to the 9/11 Review Commission, on a reimbursable basis, administrative support and other services for the performance of the 9/11 Review Commission’s functions.

(2) **Other Departments and Agencies.**—In addition to the assistance prescribed in paragraph (1), the heads of Federal departments and agencies may provide to the 9/11 Review Commission such services, funds, facilities, staff, and other support services as such heads determine advisable and as may be authorized by law.

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

**Sec. 406. Compensation.**

The chairman and vice chairman of the 9/11 Review Commission may receive compensation in an amount not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the chairman or vice chairman, as the case may be, is engaged in the actual performance of the duties of the 9/11 Review Commission.
SEC. 407. APPOINTMENT OF STAFF.

(a) IN GENERAL.—The chairman, in consultation with the vice chairman and in accord with any rule agreed upon by the 9/11 Review Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the 9/11 Review Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

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

(c) STAFF AS FEDERAL EMPLOYEES.—

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

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

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

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

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

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

SEC. 409. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
MITTEE ACT.

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

(b) Public Meetings and Release of Public
Versions of Reports.—The 9/11 Review Commission
shall—

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

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

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

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

(a) Interim Reports.—The 9/11 Review Commission
may submit to the President and provide to Congress in-
terim reports containing its findings, conclusions, and rec-
ommendations, and may submit with such reports any clas-
sified annexes.
(b) **Final Report.**—Not later than 12 months after the date of the enactment of this Act, the 9/11 Review Commission shall submit to the President and appropriate congressional committees (as such term is defined in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a final report, together with a classified annex if such is determined appropriate, containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by the chairman and vice chairman.

(c) **Termination.**—

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

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

**SEC. 411. FUNDING.**

(a) **Authorization of Appropriations.**—There is authorized to be appropriated $1,000,000 to carry out this title.
(b) DURATION OF AVAILABILITY.—Amounts made available to the 9/11 Review Commission under this section shall remain available until the termination of the 9/11 Review Commission.

TITLE V—PREPAREDNESS AND RESPONSE

Subtitle A—WMD Preparedness and Response

SEC. 501. HOMELAND SECURITY BIODEFENSE STRATEGY.

(a) BIODEFENSE REVIEW AND STRATEGY.—

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION

“SEC. 2101. BIODEFENSE STRATEGY.

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

“(b) COMPONENTS.—The strategy shall—

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

“(2) include an inventory of the Department’s biodefense capabilities and assets;
“(3) be sufficiently detailed to guide prioritization of Department investments in and strategic approach to biodefense-related research, development, planning, and preparedness; and

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

“(c) ANNUAL REVIEW.—

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

“(2) CONSIDERATION OF BIODEFENSE POLICY.—

Each review shall—

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

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

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

“SEC. 2102. SUBMISSIONS TO CONGRESS.

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

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

“TITLE XXI—WEAPONS OF MASS DESTRUCTION

“Sec. 2101. Biodefense strategy.
“Sec. 2102. Submissions to Congress.”.

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

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

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

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

“(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department shall—
“(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

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

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

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

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

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

“(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall—
“(1) coordinate with other relevant Department components;

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

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

“(c) REPORT.—

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

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

“(B) the Department’s activities in accordance with relevant intelligence strategies.

“(2) ASSESSMENT OF IMPLEMENTATION.—The report shall include—
“(A) a description of methods established to assess progress of the Office of Intelligence and Analysis in implementing this section; and

“(B) such assessment.”.

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

“Sec. 2103. Weapons of mass destruction intelligence and information sharing.”.

SEC. 503. RISK ASSESSMENTS.

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

“SEC. 2104. RISK ASSESSMENTS.

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

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

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

“(b) METHODOLOGY.—

“(1) IN GENERAL.—The Secretary shall—
“(A) convene an interagency task force of relevant subject matter experts to assess the proposed methodology to be used for assessments required under subsection (a), and to provide recommendations to the Secretary as to the adequacy of such methodology;

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

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

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

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

“(1) the threat assessments and determinations by the Secretary regarding agents and toxins pursuant to section 319F–2 of the Public Health Service Act;

“(2) allocation of resources for research and development for prevention of, protection against, response to, and recovery from a chemical, biological, radiological, or nuclear attack;
“(3) prioritization of medical countermeasure research, development, acquisition, and distribution activities and other national strategic biodefense research;

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

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

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

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

“(2) ensure that written procedures are in place to guide the development and review of risk assessments through coordinated efforts of relevant Federal agencies;

“(3) share the risk assessments with Federal, State, local and tribal officials with appropriate security clearances and a need for the information in the classified version; and
“(4) to the extent practicable, make available an unclassified version for Federal, State, local, and tribal officials involved in prevention and preparedness for chemical, biological, radiological, and nuclear events.”.

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

“Sec. 2104. Risk assessments.”.

SEC. 504. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

(a) INDIVIDUAL AND COMMUNITY PREPAREDNESS.—

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

“SEC. 527. INDIVIDUAL AND COMMUNITY PREPAREDNESS.

“(a) IN GENERAL.—The Administrator shall assist State, local, and tribal authorities in improving and promoting individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear materials, including those that cause mass fatalities, against the United States, by—

“(1) developing guidance and checklists of recommended actions for individual and community prevention and preparedness efforts and dissemi-
nating such guidance and checklists to communities
and individuals;

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

“(3) disseminating the guidance developed under
section 510 to communities and individuals, as ap-
propriate;

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

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

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

“(b) COORDINATION.—Where appropriate, the Sec-
retary shall coordinate with private sector and nongovern-
mental organizations to promote individual and commu-
nity preparedness and collective response to weapons of
mass destruction and terrorist attacks involving chemical,
biological, radiological, and nuclear materials against the
United States.

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

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

“Sec. 527. Individual and community preparedness.”.

SEC. 505. DETECTION OF BIOLOGICAL THREATS.

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

“SEC. 2105. DETECTION OF BIOLOGICAL ATTACKS.

“(a) Program.—The Secretary shall carry out a program to detect a biological attack or event that poses a high risk to homeland security. Through such program, the Secretary shall—

“(1) deploy detection capabilities to areas, based on risks identified by Department assessments, to indicate the presence of biological agents;

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

“(3) provide information to participating laboratories and programs for their use in monitoring public health, and biological material or other data from those detectors to participating laboratories and programs for testing and evaluation;
“(4) regularly communicate with, and provide information about the presence of biological agents to, appropriate Federal, State, and local agencies responsible for public health, law enforcement, and emergency services, in a manner that ensures transparency with the governments served by such personnel;

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

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

“(b) Program Requirements.—Under the program required under subsection (a), the Secretary shall—

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

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

“(3) acting through the Under Secretary for
Science and Technology, and in consultation with the
heads of other relevant departments and agencies, im-
plement a process for establishing assay performance
standards and evaluation for equivalency for biologi-
cal threat assays, that—

“(A) evaluates biological threat detection as-
says, their protocols for use, and their associated
response algorithms for confirmation of biologi-
cal threat agents, taking performance measures
and concepts of operation into consideration;

“(B) develops peer-reviewed assay perform-
ance and equivalency standards based on the
findings of the evaluation under subparagraph
(A);
“(C) requires implementation of the standards developed under subparagraph (B) for all Department biological detection programs;

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

“(E) is updated as necessary;

“(4) prior to obligating funds to acquire biodetection systems for purposes of operational testing and evaluation, require—

“(A) a determination of the sensitivity and specificity of the currently deployed biodetection system;

“(B) an assessment of the sensitivity and specificity of the next generation biodetection system or systems under consideration for acquisition and whether it meets established operational requirements;

“(C) provision of all raw data to the Science and Technology Directorate to enable the Under Secretary to—

“(i) conduct a trade-off study comparing the results of subparagraphs (A) and (B); and
“(ii) perform a technical readiness assessment in accordance with section 308(b); and

“(D) that the findings under subparagraph (C) inform the cost-benefit analysis under paragraph (5)(A) and any acquisition decision made by the Acquisition Review Board under section 708(c) of the biodetection system or systems under consideration; and

“(5) prior to acquiring and deploying biodetection technology, require—

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

“(B) operational testing and evaluation;

“(C) operational assessment by the end users of the technology; and

“(D) the Department, other relevant executive agencies, and local jurisdictions intended to host the systems to agree on concepts of operations for resolving alarms.

“(c) CONTRACT AUTHORITY.—The Secretary may enter into contracts with participating laboratories and programs for—
“(1) the provision of laboratory services or other biosurveillance activities as appropriate for purposes of this section on a fee-for-service basis or on a pre-payment or other similar basis; and

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

“(d) DEFINITIONS.—In this section:

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

“(A) is fully equipped to detect and respond quickly to acts of biological terrorism;

“(B) provides biocontainment and microbiological analysis in support of the Department and relevant law enforcement agencies with responsibilities for investigating biological incidents; and

“(C) supports threat agent characterization studies and assay evaluation, research and development.

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

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

“Sec. 2105. Detection of biological attacks.”.

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

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

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

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

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

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

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

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

“Sec. 2106. Rapid biological threat detection and identification at ports of entry.”.

SEC. 507.COMMUNICATIONS PLANNING.

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

“SEC. 528. COMMUNICATIONS PLANNING.

“(a) COMMUNICATIONS PLAN.—

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

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

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

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

“(ii) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by an incident, including information regarding an evacuation, sheltering in
place, hospital surge operations, health, and
safety;

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

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

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

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

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

“(D) DISSEMINATION AND TECHNICAL AS-
sistance.—The Administrator shall ensure that
all pre-scripted messages and message templates
developed under this paragraph are made avail-
able to State, local, and tribal authorities so that
those authorities may incorporate them, as ap-
appropriate, into their emergency plans. The Administrator shall also make available relevant technical assistance to those authorities to support communications planning.

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

“(b) TERRORISM THREAT AWARENESS.—

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

“(A) ensure that homeland security information concerning terrorist threats is provided to State, local, and tribal authorities and the public within the United States, as appropriate; and
“(B) establish a process to optimize opportunities for qualified heads of State, local, and tribal government entities to obtain appropriate security clearances so that they may receive classified threat information when appropriate.

“(2) THREAT BULLETINS.—

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

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

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

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

“(3) GUIDANCE TO STATE, LOCAL, AND TRIBAL AUTHORITIES.—The Secretary, using information provided by the terrorism risk assessments required
under section 2104 and other threat assessments available to the Department—

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

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

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

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

“Sec. 528. Communications planning.”.

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

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

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

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

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

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

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

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

(1) protective action guidance for ensuring the security, health, and safety of emergency response providers and their families and household contacts;
(2) specific information regarding the effects of
the chemical, biological, radiological, or nuclear mate-
rial on those exposed to the agent; and

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

(c) Review and Revision of Guidance.—The Sec-
retary shall—

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

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

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

(d) Procedures for Developing and Revising
Guidance.—In carrying out the requirements of this sec-
tion, the Secretary shall establish procedures to—

(1) enable members of the first responder and
first provider community to submit recommendations
of areas in which guidance is needed and could be de-
developed under subsection (a)(1);

(2) determine which entities should be consulted
in developing or revising the guidance;
(3) prioritize, on a regular basis, guidance that should be developed or revised; and

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

SEC. 509. PLUME MODELING.

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

“SEC. 2107. PLUME MODELING.

“(a) DEVELOPMENT.—

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

“(2) SCOPE.—The Secretary shall—

“(A) identify Federal, State, and local needs regarding plume models and ensure the rapid development and distribution of integrated plume models that meet those needs to appropriate officials of the Federal Government and State, local, and tribal authorities to enable immediate response to a chemical, biological, or radiological attack or event;
“(B) establish mechanisms for dissemination by appropriate emergency response officials of the integrated plume models described in paragraph (1) to nongovernmental organizations and the public to enable appropriate collective response activities;

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

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

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

“(1) Plume model.—The term ‘plume model’ means the assessment of the location and prediction of the spread of agents following a chemical, biological, radiological, or nuclear attack or event.

“(2) Integrated plume model.—The term ‘integrated plume model’ means a plume model that integrates protective action guidance and other information as the Secretary determines appropriate.”.
(b) **Clerical Amendment.**—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following:

"Sec. 2107. Plume modeling."

**SEC. 510. DISASTER RECOVERY.**

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

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

"(a) Risk Assessment.—"

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

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

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

"(B) consider recovery of both indoor areas and outdoor environments; and"
“(C) consider relevant studies previously prepared by other Federal agencies, or other appropriate stakeholders.

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

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

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

“(a) ESTABLISHMENT OF GUIDANCE.—Within 24 months from the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal departments and agencies, shall develop and issue guidance for clean-up and restoration of indoor and outdoor areas, including subways and other mass transportation fa-
ilities, that have been exposed to chemical, biological, radiological, or nuclear materials.

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

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

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

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

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

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

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

“(7) air sampling procedures;
“(8) development of occupational health and safety plans that are appropriate for the specific risk to responder health; and

“(9) waste disposal.

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

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

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

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

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

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

“(2) inventory existing relevant guidance;

“(3) enable the public to submit recommendations of areas in which guidance is needed;
“(4) determine which entities should be consulted in developing or revising the guidance;

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

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

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

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

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

“(3) nongovernmental organizations and private industry.

“SEC. 2110. EXERCISES.

“To facilitate environmental recovery from a chemical, biological, radiological, or nuclear attack or other incident involving chemical, biological, radiological, or nuclear materials and to foster collective response to terrorism, the Secretary shall develop exercises in consultation with State, local, and tribal authorities and other appropriate Federal agencies, and, as appropriate, in collaboration with national level exercises, including exercises that address, to the best knowledge available at the time, analysis, indoor envi-
ronmental cleanup methods, and decontamination standards, including those published in the guidance documents required by section 2109.”.

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

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

Subtitle B—Grants

SEC. 521. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

Section 2008(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(2)) is amended by inserting “training conducted in conjunction with a national laboratory or research facility and” after “including”.
SEC. 523. NOTIFICATION OF HOMELAND SECURITY GRANT AWARDS.

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

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

SEC. 524. TRANSPARENCY IN HOMELAND SECURITY GRANT FUNDING.

(a) IN GENERAL.—Subtitle B of title XX of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

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

“(a) IN GENERAL.—The Assistant Administrator of the Grant Programs Directorate, or an official otherwise designated by the Administrator, shall serve as the Authorization Liaison Officer within the Federal Emergency Management Agency.

“(b) REPORTING TO CONGRESS.—The Authorization Liaison Officer shall provide timely information on all
grants administered by the Federal Emergency Management Agency upon request to the appropriate congressional committees.

“(c) SEMIANNUAL REPORTING.—

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

“(2) SCOPE OF REPORTS.—The Authorization Liaison Officer shall ensure, to the greatest extent practicable, that each report under this subsection includes a full accounting of funds awarded by the Department under all homeland security grant programs administered by the Federal Emergency Management Agency for the previous five fiscal years, ending with the year in which the report is provided, including—

“(A) the number and type of projects approved, by grantee;
“(B) the amount of funds awarded for each project;

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

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

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

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

“(d) MEASURES AND METRICS.—

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

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

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

“Sec. 2024. Transparency in homeland security grant funding.”;

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

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

“SEC. 529. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

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

“(b) **FINANCIAL ASSISTANCE.**—

“(1) **AUTHORIZATION OF GRANTS.**—
“(A) IN GENERAL.—The Secretary, through the Administrator, may make grants under this section to State and local governments to assist in preparing for and responding to mass casualty incidents resulting from acts of terrorism and natural disasters.

“(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Assistant Secretary for Health Affairs of the Department.

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

“(A) to strengthen medical surge capacity;

“(B) to strengthen mass prophylaxis capabilities including development and maintenance of an initial pharmaceutical stockpile sufficient to protect first responders, their families, and immediate victims from a chemical or biological event;

“(C) to strengthen chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities;
“(D) to develop and maintain mass triage and pre-hospital treatment plans and capabilities;

“(E) for planning;

“(F) to support efforts to strengthen information sharing and collaboration capabilities of regional, State, and urban areas in support of public health and medical preparedness;

“(G) for medical supplies management and distribution;

“(H) for training and exercises;

“(I) for integration and coordination of the activities and capabilities of public health personnel and medical care providers with those of other emergency response providers as well as other Federal agencies, the private sector, and nonprofit organizations, for the forward movement of patients; and

“(J) for such other activities as the Administrator provides.

“(3) ELIGIBILITY.—

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

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

“(4) DISTRIBUTION OF FUNDS.—

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

“(B) PASS THROUGH.—Subject to subparagraph (C), not later than 45 days after the date on which a State receives grant funds under subparagraph (A), the State shall provide the jurisdiction receiving the grant 100 percent of the grant funds, and not later than 45 days after the State releases the funds, all fiscal agents shall make the grant funds available for expenditure.

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

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

“(c) PERFORMANCE MEASURES.—The Administrator,
in coordination with the Assistant Secretary for Health Af-
fairs, and the National Metropolitan Medical Response Sys-
tem Working Group, shall issue performance measures with-
in one year after the date of enactment of this section that
enable objective evaluation of the performance and effective
use of funds provided under this section in any jurisdiction.
“(d) Metropolitan Medical Response System Working Group Defined.—In this section, the term ‘National Metropolitan Medical Response System Working Group’ means—

“(1) 10 Metropolitan Medical Response System Program grant managers, who shall—

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

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

“(C) include—

“(i) 3 selected by the Administrator;

and

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

“(2) 3 State officials who are responsible for administration of State programs that are carried out with grants under this section, who shall be selected by the Administrator.

“(e) Authorization of Appropriations.—From the total amount authorized to be appropriated under this Act, $42,000,000 shall be authorized for appropriations to carry
out the program for each of fiscal years 2012 through 2016.”.

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

“Sec. 529. Metropolitan Medical Response System Program.”.

(c) METROPOLITAN MEDICAL RESPONSE PROGRAM REVIEW.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, the Assistant Secretary for Health Affairs of the Department, and the National Metropolitan Medical Response System Working Group shall conduct a review of the Metropolitan Medical Response System Program authorized under this section, including an examination of—

(A) the extent to which the goals and objectives are being met;

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

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

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

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

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

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

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

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

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

(4) **DEFINITION.**—In this subsection the term “National Metropolitan Medical Response System Working Group” has the meaning that term has in section 529 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

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

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

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

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

(2) by adding at the end the following:

“(3) **LAW ENFORCEMENT AGENCY ELIGIBILITY.**—A law enforcement agency is eligible for a grant under this section if the agency enters into a memorandum of agreement or other arrangement with a public transportation agency that is eligible for a grant under paragraph (2) to oversee, direct, and command the security operations of that public transportation agency.”.
(b) USES OF FUNDS.—Section 1406(b)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(b)(1)) is amended—

(1) in subparagraph (J), by striking “evacuation improvements” and inserting “consequence management investments, including investments with respect to evacuation improvements, route designation and signage, and public assistance materials”;

(2) in subparagraph (N), by striking “and” at the end;

(3) by redesignating subparagraph (O) as subparagraph (P); and

(4) by inserting after subparagraph (N) the following new subparagraph (O):

“(O) systems for identity verification for access control, including biometrics; and”.

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

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

(2) in subparagraph (E)—

(A) by striking “10 percent” and inserting “50 percent”; and
(B) by striking “subsection (b)(2).” and inserting “subsection (b)(2); and”; and
(3) by adding at the end the following:
“(F) $400,000,000 for fiscal year 2012, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2).”.

SEC. 527. PRIORITIZATION.

(a) CRUISE SHIP PASSENGERS AND BORDER CROSSINGS.—Section 2007(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 608(a)(1)) is amended—
(1) in subparagraph (A), by inserting “(including cruise ship passengers)” after “tourist”; and
(2) by redesignating subparagraphs (H) through (K) as subparagraphs (I) through (L) and inserting after subparagraph (G) the following:
“(H) the number of border crossings at land, air, and maritime ports of entry;”.

(b) CONFORMING AMENDMENT.—Section 2003(b)(2)(A)(i) of such Act (6 U.S.C. 604(a)(2)(A)(i)) is amended by striking “(H) and (K)” and inserting “(I) and (L)”.

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SEC. 528. TRANSPORTATION SECURITY GRANT PROGRAM

STUDY.

(a) In General.—The Comptroller General of the United States shall conduct a study evaluating the homeland security impacts of transportation security grant program funding levels in States located on the west coast of the United States. In carrying out the study, the Comptroller General shall review—

(1) how funding under the grant program has been distributed in correlation to locations near critical infrastructure sectors, eligible metropolitan areas, and high risk urban areas in such States; and

(2) the level of coordination in the disbursements of such funds with the risk determinations based on State and local entities.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of the study required under this section.

SEC. 529. INTERAGENCY GRANTS WORKING GROUP.

(a) In General.—The Secretary shall, in coordination with relevant Department components and other appropriate Federal departments and agencies, establish an interagency working group to better coordinate Federal preparedness grants.
(b) **MEMBERSHIP.**—The working group shall be chaired by the Secretary and be composed of the Secretary and representatives from the Department of Health and Human Services, Department of Transportation, Department of Justice, and other Federal agencies as determined appropriate by the Secretary.

(c) **RESPONSIBILITIES.**—The working group shall—

1. meet regularly to coordinate, as appropriate, development of grant guidance, application and award timelines, monitoring, and assessments;
2. seek input from State, local, and tribal officials involved in grant management in order to inform grant processes, allocations, and awards;
3. promote coordinated grant timelines; and
4. ensure all preparedness grant programs employ a common Internet Web portal.

(d) **REPORT.**—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the appropriate congressional committees a report on the activities of the working group.

**Subtitle C—Communications**

**SEC. 541. SENSE OF CONGRESS REGARDING INTEROPERABILITY.**

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

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

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

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

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

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

(a) **Responsibilities of the Director of the Office of Emergency Communications.**—Section 1801(c) of the Homeland Security Act of 2002 (6 U.S.C. 571(c)) is amended by striking “and” after the semicolon at the end of paragraph (14), striking the period at the end of paragraph (15) and inserting “; and”, and adding at the end the following:

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

(b) **Authorization for Memorandum of Understanding on Emergency Communications.**—

(1) **In general.**—Title XVIII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:
“SEC. 1811. MEMORANDUM OF UNDERSTANDING ON EMERGENCY COMMUNICATIONS.

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

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

“Sec. 1811. Memorandum of understanding on emergency communications.”.

SEC. 543. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

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

“SEC. 530. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

“(a) IN GENERAL.—In order to provide timely and effective warnings and disseminate homeland security and other information, the Secretary shall—

“(1) establish a national integrated public alert and warning system (in this section referred to as ‘the
system’) not later than one year after the date of the enactment of this section; and

“(2) designate an agency within the Department to receive, aggregate, validate, and authenticate homeland security and other information originated by authorized Federal, State, local, and tribal governments to facilitate the transmission of the Personalized Localized Alerting Network.

“(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

“(1) establish, as appropriate, common alerting and warning protocols, standards of performance, and terminology for the system established under subsection (a)(1) by adopting, where appropriate, mechanisms that integrate various approaches developed by key stakeholders;

“(2) include in the system the capability to adapt the dissemination of homeland security and other information and the content of communications on the basis of geographic location, risks, or user preferences, as appropriate;

“(3) include in the system the capability to alert and warn individuals with disabilities and access and functional needs;
“(4) ensure that the system is incorporated into
the training and exercise programs of the Depart-
ment; and

“(5) coordinate, to the extent practicable, with
other Federal agencies and departments and with
State, local, and tribal governments, and other key
stakeholders to leverage existing alert and warning
capabilities.

“(c) SYSTEM REQUIREMENTS.—The Secretary shall
ensure that the system—

“(1) incorporates redundant and diverse modes
to disseminate homeland security and other informa-
tion in warning messages to the public so as to reach
the greatest number of individuals;

“(2) can be adapted to incorporate future tech-
nologies;

“(3) is resilient, secure, and can withstand acts
of terrorism and other external attacks;

“(4) delivers alerts to populations in remote
areas; and

“(5) promotes State, local, tribal, and regional
partnerships to enhance coordination.

“(d) REPORT.—Not later than one year after the date
on which the system established under subsection (a) is fully
functional and every six months thereafter, the Secretary
shall report to the Committee on Homeland Security of the House of Representatives and the Homeland Security and Governmental Affairs Committee of the Senate on the functionality and performance of the integrated public alert and warning system, including—

“(1) an assessment of the accomplishments and deficiencies of the system;

“(2) recommendations for improvements to the system; and

“(3) information on the feasibility and effectiveness of disseminating homeland security and other information, notices, and alerts prior to and following an incident requiring use of the system.”.

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

“Sec. 530. National integrated public alert and warning system modernization.”.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act (including the amendment made by this Act) shall be construed to affect the authority of the Department of Commerce, the Federal Communications Commission, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(d) HOMELAND SECURITY GRANTS.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—
(1) in paragraph (12), by striking “and” at the end;
(2) by redesignating paragraph (13) as paragraph (14); and
(3) by inserting after paragraph (12) the following new paragraph:
“(13) improving public alert and warning capabilities; and”.

Subtitle D—Broadband for First Responders

SEC. 561. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY LICENSES.

(a) Spectrum Allocation.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—
(1) in paragraph (1), by striking “24” and inserting “34”; and
(2) in paragraph (2), by striking “36” and inserting “26”.

(b) Assignment.—Section 337(b) of the Communications Act of 1934 (47 U.S.C. 337(b)) is amended to read as follows:
“(b) Assignment.—
“(1) In general.—Not later than 60 days after the date of enactment of the Department of Homeland
Security Authorization Act for Fiscal Year 2012, the Commission shall allocate the paired electromagnetic spectrum bands of 758–763 megahertz and 788–793 megahertz for public safety broadband communications and shall license such paired bands to the public safety broadband licensee.

“(2) Establishment of rules.—

“(A) In general.—The Commission shall establish rules to permit the public safety broadband licensee to authorize providers of public safety services to construct and operate a wireless public safety broadband network in the spectrum licensed to the public safety broadband licensee if the public safety broadband licensee determines that such authorization would expedite the deployment of public safety broadband communications.

“(B) Network requirements.—The Commission shall require that any such wireless public safety broadband network shall—

“(i) be fully interoperable and remain interoperable with, and in conformance with the same broadband technology standards as, all other public safety broadband systems deployed or authorized;
“(ii) provide for roaming by local, State, tribal, and Federal governments and other authorized users of the spectrum licensed to the public safety broadband licensee;

“(iii) provide priority access to public safety agencies;

“(iv) be built to survive most large-scale disasters;

“(v) ensure that networks of such systems have the appropriate level of cyber security;

“(vi) ensure that authorized users have control over all local network uses consistent with rules established by the Commission; and

“(vii) be consistent with the Statewide Interoperable Communications Plans adopted by each State and the National Emergency Communications Plan, as adopted by the Department of Homeland Security.

“(C) DEADLINES.—

“(i) RULES.—The Commission shall establish rules under this paragraph not later than 9 months after the date of enact-

“(ii) REPORT.—

“(I) IN GENERAL.—Not later than 60 days after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012, the public safety broadband licensee shall submit a report to the appropriate committees of Congress on the phased network deployment plan of such spectrum bands.

“(II) DEFINITIONS.—For purposes of subclause (I), the term ‘appropriate committees of Congress’ means the Committee on Homeland Security of the House of Representatives and any other committee of the House of Representatives or the Senate having legislative jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.”.
(c) NETWORK-SHARING AGREEMENTS.—Section 337 of the Communications Act of 1934 (47 U.S.C. 337) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) RULEMAKING REQUIRED.—The Commission shall establish regulations to—

“(1) authorize the shared use of the public safety broadband spectrum and network infrastructure by entities that are not defined as public safety services in subsection (g)(1), subject to the requirement that public safety services retain priority access to the spectrum, pursuant to procedures adopted by the Commission, so long as the needs of other governmental entities needs are considered before commercial entities; and

“(2) allow use of the public safety broadband spectrum by emergency response providers, as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(d) DEFINITION.—Section 337(g) of the Communications Act of 1934 (as so redesignated) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectively; and
(2) by inserting before paragraph (3), as so re-designated, the following:

“(1) **PUBLIC SAFETY BROADBAND LICENSEE.**—
The term ‘public safety broadband licensee’ means a licensee as defined by the Commission in its Second Report and Order adopted July 31, 2007 (FCC 07–132), and selected in the Commission’s Order adopted November 19, 2007 (FCC 07–199), by the Commission to be the licensee for spectrum between 763–768 and 793–798 megahertz.

“(2) **PUBLIC SAFETY BROADBAND SPECTRUM.**—
The term ‘public safety broadband spectrum’ means the electromagnetic spectrum between 758 megahertz and 768 megahertz, inclusive, and 788 megahertz and 798 megahertz, inclusive, and any additional electromagnetic frequencies allocated by the Commission for public safety broadband use.”.

**SEC. 562. STANDARDS.**

(a) **INTEROPERABILITY REQUIREMENTS.**—To enhance domestic preparedness for and collective response to a catastrophic incident, not later than 180 days after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary and in consultation with the Director of the National Institute of Standards and Technology, the Attorney Gen-
eral, and local, State, tribal, and Federal public safety agencies, shall develop a public safety agency statement of requirements that enables nationwide interoperability and roaming across any communications system using public safety broadband spectrum, as defined in section 337(g) of the Communications Act of 1934.

(b) SPECIFICATIONS.—The Secretary, in coordination with the Director of the National Institute of Standards and Technology, shall establish an appropriate standard, or set of standards, for enhancing domestic preparedness for and collective response to a catastrophic incident and meeting the public safety agency statement requirements developed under subsection (a), taking into consideration—

(1) the extent to which particular technologies and user equipment are, or are likely to be, available in the commercial marketplace;

(2) the availability of necessary technologies and equipment on reasonable and nondiscriminatory licensing terms;

(3) the ability to evolve with technological developments in the commercial marketplace;

(4) the ability to accommodate prioritization for public safety transmissions;

(5) the ability to accommodate appropriate security measures for public safety transmissions; and
(6) any other considerations the Federal Communications Commission deems appropriate.

SEC. 563. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to overturn, supersede, or otherwise preempt the Federal Communication Commission’s Order adopted on November 19, 2007 (FCC 07–199), setting forth the roles and responsibilities of the public safety broadband licensee (as such term is defined in section 337(g) of the Communications Act of 1934) and the Federal Communications Commission, except that the following may, by rule or order, be modified by the Commission:

(1) Any organization seeking membership to the board of directors of the public safety broadband licensee may be voted in by a simple majority of the then serving members of the board of directors.

(2) The board of directors of the public safety broadband licensee shall include the following organizations:

(A) International Association of Chiefs of Police.

(B) International Association of Fire Chiefs.

(C) National Sheriffs’ Association.
(D) International Association of Fire Fighters.

(E) National Volunteer Fire Council.

(F) Fraternal Order of Police.

(G) Major Cities Chiefs Association.

(H) Metropolitan Fire Chiefs Association.

(I) Major County Sheriffs’ Association.


(K) National Emergency Management Association.

(L) International Association of Emergency Managers.

(M) Police Executive Research Forum.


(O) National Association of Police Organizations.

(P) National Organization of Black Law Enforcement Executives.

(Q) Association of Air Medical Services.

(R) Advocates for Emergency Medical Services.

(S) Emergency Nurses Association.

(T) National Association of Emergency Medical Services Physicians.
(U) National Association of Emergency Medical Technicians.

(V) National Association of State Emergency Medical Service Officials.

(W) National Emergency Medical Services Management Association.

(X) International Municipal Signal Association.


(Z) National Governors Association.

(AA) National Association of Counties.

(BB) National League of Cities.

(CC) United States Conference of Mayors.

(DD) Council of State Governments.

(EE) International City/County Managers Association.

(FF) National Conference of State Legislatures.

(GG) National Association of Regional Councils.

(HH) Utilities Telecom Council.

(II) American Association of State Highway Transportation Officials.

(JJ) American Hospital Association.
(KK) Forestry Conservation Communications Association.

(LL) National Association of State 911 Administrators.

(MM) National Troopers Coalition.


SEC. 564. FUNDING.

(a) Establishment of Funds.—

(1) Construction Fund.—

(A) Establishment.—There is established in the Treasury of the United States a fund to be known as the Public Safety Interoperable Broadband Network Construction Fund.

(B) Purpose.—The Secretary shall establish and administer the grant program under section 565 using the funds deposited in the Construction Fund.

(C) Credit.—

(i) Borrowing Authority.—The Secretary may borrow from the general fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed $2,000,000,000, to implement section 565.
(ii) Reimbursement.—The Secretary of the Treasury shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under clause (i) as funds are deposited into the Construction Fund, but in no case later than December 31, 2014.

(2) Maintenance and Operation Fund.—

(A) Establishment.—There is established in the Treasury of the United States a fund to be known as the Public Safety Interoperable Broadband Network Maintenance and Operation Fund.

(B) Purpose.—The Secretary shall use the funds deposited in the Maintenance and Operation Fund to carry out section 566 and section 569(c).

(b) Initial Distribution of Auction Proceeds in Funds.—Notwithstanding subparagraphs (A) and (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), the Secretary of the Treasury shall deposit the proceeds (including deposits and upfront payments from successful bidders) from the auction of the spectrum described in section 568 in the following manner:
(1) All proceeds less than or equal to $5,500,000,000 shall be deposited in the Construction Fund and shall be made available to the Secretary without further appropriations.

(2) Any proceeds exceeding $5,500,000,000 shall be deposited in the Maintenance and Operation Fund and shall be made available to the Secretary without further appropriations.

(c) Transfer of Funds at Completion of Construction.—The Secretary of the Treasury shall transfer to the Maintenance and Operation Fund any funds remaining in the Construction Fund after the date of the completion of the construction phase, as determined by the Secretary.

(d) Transfer of Funds to Treasury.—The Secretary of the Treasury shall transfer to the general fund of the Treasury any funds remaining in the Maintenance and Operation Fund after the end of the 10-year period following receipt of notice by the Secretary that construction of the nationwide public safety interoperable broadband network has been completed.

(e) Authorization of Appropriations.—

(1) Construction Fund.—There are authorized to be appropriated to the Secretary for deposit in the Construction Fund in and after fiscal year 2012 an
amount not to exceed the amount set forth in para-

(2) **MAINTENANCE AND OPERATION FUND.**—

There are authorized to be appropriated to the Sec-

retary for deposit in the Maintenance and Operation

Fund in and after fiscal year 2012 an amount not

to exceed the amount set forth in paragraph (3).

(3) **LIMITATION.**—The authorization of appro-

priations under paragraphs (1) and (2) may not ex-

ceed a total of $5,500,000,000.

**SEC. 565. PUBLIC SAFETY INTEROPERABLE BROADBAND**

**NETWORK CONSTRUCTION.**

(a) **CONSTRUCTION GRANT PROGRAM ESTABLISH-

MENT.**—To enhance domestic preparedness for and collec-
tive response to a catastrophic incident, the Secretary shall

take such action as is necessary to establish a grant pro-

gram to assist public safety entities to establish a nation-

wide public safety interoperable broadband network in the

700 megahertz band.

(b) **PROJECTS.**—The projects for which construction

grants may be made under this section are the following:

(1) Construction of a new public safety inter-


cerable broadband network using public safety infra-

structure or commercial infrastructure, or both, in the

700 megahertz band.
(2) Improvement of the existing public safety and commercial networks and construction of new infrastructure to meet public safety requirements.

(c) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section may not exceed 80 percent of the eligible costs of carrying out a project, as determined by the Secretary in consultation with the Chairman of the Federal Communications Commission.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a project under this section may be provided through an in-kind contribution.

(d) REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish grant program requirements including the following:

(1) Defining entities that are eligible to receive a grant under this section.

(2) Defining eligible costs for purposes of subsection (c)(1).

(3) Determining the scope of network infrastructure eligible for grant funding under this section.
(4) Conditioning grant funding on compliance with the Federal Communications Commission’s license terms.

(5) Ensuring that all grant funds are in compliance with and support the goals of the National Emergency Communications Plan and the Statewide Communication Interoperability Plans for each State and territory.

(e) TECHNICAL ASSISTANCE.—The Secretary shall enhance the Office of Emergency Communications Technical Assistance Program to assist grantees with best practices and guidance in implementing these projects.

SEC. 566. PUBLIC SAFETY INTEROPERABLE BROADBAND MAINTENANCE AND OPERATION.

(a) MAINTENANCE AND OPERATION REIMBURSEMENT PROGRAM.—The Secretary shall administer a program through which not more than 50 percent of maintenance and operational expenses associated with the public safety interoperable broadband network may be reimbursed from the Maintenance and Operation Fund for those expenses that are attributable to the maintenance, operation, and improvement of the public safety interoperable broadband network.

(b) REPORT.—Not later than 7 years after the commencement of the reimbursement program established under
subsection (a), the Secretary shall submit to Congress a report on whether to continue to provide funding for the Maintenance and Operation Fund following completion of the period provided for under section 564(d).

SEC. 567. AUDITS.

(a) In General.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall perform an audit of the financial statements, records, and accounts of the—

(1) Public Safety Interoperable Broadband Network Construction Fund established under section 564(a)(1);

(2) Public Safety Interoperable Broadband Network Maintenance and Operation Fund established under section 564(a)(2);

(3) construction grant program established under section 565; and

(4) maintenance and operation grant program established under section 566.

(b) GAAP.—Each audit required under subsection (a) shall be conducted in accordance with generally accepted accounting procedures.
(c) Report to Congress.—A copy of each audit required under subsection (a) shall be submitted to the appropriate committees of Congress.

SEC. 568. AUCTION OF SPECTRUM TO FUND THE INTEROPERABLE BROADBAND NETWORK CONSTRUCTION FUND AND THE OPERATION AND MAINTENANCE FUND.

(a) Reallocation of Spectrum.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall reallocate for commercial use electromagnetic spectrum at 1755–1780 megahertz.

(b) Auction.—Not later than 18 months after the date of enactment of this Act, the Federal Communications Commission shall establish rules for pairing electromagnetic spectrum bands at 1755–1780 megahertz and 2155–2180 megahertz, inclusive, and auction the licenses for such paired spectrum in accordance with section 309(j) of the Communications Act of 1934.

SEC. 569. EXTENSION OF AUCTION AUTHORITY AND ASSURANCE OF OPEN AUCTIONS.

(b) ELIGIBILITY.—The Federal Communications Commission shall ensure that no bidder is deemed ineligible for or otherwise excluded from an auction specified in this Act, or any other competitive bidding process under section 309(j) of the Communications Act of 1934, on account of its size or the amount of its other spectrum holdings.

SEC. 570. DEFINITIONS.

In this subtitle:

(1) The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) The term “appropriate committees of Congress” means the Committee on Homeland Security of the House of Representatives and any other committee of the House of Representatives or the Senate having legislative jurisdiction under the Rules of the House of Representatives or the Senate, respectively, over the matter concerned.

(3) The term “catastrophic incident” has the meaning given such term in section 501(3) of the Homeland Security Act of 2002 (6 U.S.C. 311(3)).

(4) The term “Construction Fund” means the Public Safety Interoperable Broadband Network Construction Fund established under section 564(a)(1).
(5) The term “Maintenance and Operation Fund” means the Public Safety Interoperable Broadband Network Maintenance and Operation Fund established under section 564(a)(2).

(6) The term “Secretary” means the Secretary of Homeland Security unless otherwise indicated.

Subtitle E—Miscellaneous Provisions

SEC. 581. AUDIT OF THE NATIONAL LEVEL EXERCISE.

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

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

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

(b) Report.—The Inspector General shall submit a report on the findings of the audit and review to the appropriate congressional committees.
SEC. 582. FEMA REPORT TO CONGRESS ON SOURCING AND DISTRIBUTION OF DISASTER RESPONSE GOODS AND SERVICES.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the appropriate congressional committees a report on the Agency’s progress in improving sourcing for disaster response goods and services, including on—

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

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

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

(4) other steps taken by the Agency to promote efficiency in sourcing and distribution, and to eliminate duplication and waste of essential goods and services during response to a disaster.
SEC. 583. RURAL RESILIENCE INITIATIVE.

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

“SEC. 2111. RURAL RESILIENCE INITIATIVE.

“(a) In General.—The Under Secretary for Science and Technology of the Department of Homeland Security shall conduct research intended to assist State, local, and tribal leaders and the private sector in developing the tools and methods to enhance rural preparation for, and response and resilience to, terrorist attacks and other incidents.

“(b) Included Activities.—Activities under this section may include—

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

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

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

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

“(5) an education program for community leaders and first responders about their resilience capacity and mechanisms for mitigation, including via distance learning; and
“(6) a mechanism by which this research can serve as a model for adoption by communities across the Nation.”.

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

“Sec. 2111. Rural resilience initiative.”.

SEC. 584. NATIONAL DOMESTIC PREPAREDNESS CONSOR-TIUM.

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

(1) in subsection (b)(6), by striking “the Transportation Technology Center, Incorporated, in Pueblo, Colorado” and inserting “the Railroad Research Foundation”;

(2) in subsection (c), by inserting “(including medical readiness training)” after “deliver training”; and

(3) in subsection (d)(1)—

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

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

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

(4) in subsection (d)(2)—
(A) in subparagraph (C), by striking “and” at the end;

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

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

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

SEC. 585. TECHNICAL CORRECTION.

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

SEC. 586. CERTIFICATION THAT DISASTER FUND RECIPIENTS SUBJECT TO RECOUPMENT RECEIVE A NOTICE OF DEBT AND OPPORTUNITY TO APPEAL BEFORE DEBT IS FORWARDED TO DEPARTMENT OF THE TREASURY.

The Administrator of the Federal Emergency Management Agency, or the Administrator’s duly appointed representative, shall certify to the Department of the Treasury that any recipient of disaster funds subject to recoupment received a notice of debt and opportunity to appeal prior to the Federal Emergency Management Agency forwarding the debt to the Department of the Treasury.
SEC. 587. CONFORMING AMENDMENT.

Section 316 of the Homeland Security Act of 2002 (6 U.S.C. 195b), and the item relating to such section in section 1(b) of such Act, are repealed.

SEC. 588. DELEGATION OF AUTHORITIES TO THE REGIONAL OFFICES REVIEW.

(a) IN GENERAL.—The Inspector General of the Department shall audit how all regional offices within the Federal Emergency Management Agency are carrying out delegated authorities pursuant to the Post-Katrina Emergency Management and Reform Act of 2006 and a memorandum executed in July 2009 by the Administrator.

(b) CONTENTS.—The audit shall assess, at a minimum, the following:

(1) The ability of each regional office to—

(A) coordinate, on an ongoing basis, with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(B) foster better regional operable and interoperable emergency communications capabilities;

(C) support coordinated and integrated Federal preparedness, protection, response, recovery, and mitigation capabilities to respond to
natural disasters, acts of terrorism, and other
manmade disasters within that region;

(D) identify critical gaps in regional capa-
bilities to respond to populations with special
needs;

(E) conduct all procurements in a timely
and secure manner that prevents waste and
fraud and is consistent with Federal Emergency
Management Agency procurement policies and
programs;

(F) engage in employment practices that
are consistent with Federal requirements and are
transparent, efficient, and ethical; and

(G) effectively conduct ongoing oversight of
the use of homeland security grants and funding
within the region to promote greater prepared-
ness and response capabilities and prevent waste
and fraud.

(2) The impact of the delegation of authorities on
the Administrator’s ability to achieve consistency
throughout the regions.

(3) The adequacy of oversight by the Adminis-
trator of how the regions are executing the delegated
authorities and carrying out assigned responsibilities.
(4) The impact of the delegation of authorities on the Federal Emergency Management Agency and specific regions to address the recommendations of the Office of Inspector General and the Comptroller General of the United States in a timely manner.

SEC. 589. LESSONS LEARNED FOR NATIONAL LEVEL EXERCISES.

The Administrator of the Federal Emergency Management Agency shall provide electronically, to the maximum extent practicable, lessons learned reports to each designated representative of participating State, local, and tribal jurisdictions and private sector entities that participate in National Level Exercises of the Department. At the time the Administrator provides such reports to participating jurisdictions, the Administrator shall also provide the reports electronically to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. Each lessons learned report shall be tailored to convey information on that exercise that could be leveraged to enhance preparedness and response.

SEC. 590. SYSTEM ASSESSMENT AND VALIDATION FOR EMERGENCY RESPONDERS.

The Under Secretary for Science and Technology of the Department shall establish and maintain a program for
system assessment and validation of emergency responder equipment, which shall be known as the “SAVER Program”. The Under Secretary shall ensure that such program—

(1) conducts objective, impartial, practitioner-relevant, and operationally oriented assessments and validations of commercial emergency responder equipment and systems;

(2) is supported by a network of technical entities that coordinate emergency responder participation to perform the assessment and validation activities using robust scientific and testing protocols;

(3) in coordination with the Administrator of the Federal Emergency Management Agency, identifies emergency responder equipment information needs and prioritizes equipment to be assessed;

(4) provides quantitative results along with other relevant equipment information to the emergency response provider community in an operationally useful form;

(5) provides information on equipment that falls within the categories listed in the Department’s authorized equipment list;
(6) provides information that enables decision-makers and responders to better select, procure, use, and maintain emergency responder equipment; and

(7) shares such information nationally with the emergency response provider community at the Federal, State, and local levels.

SEC. 591. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

Section 1205(d) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1103(d)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(5) $18,000,000 for fiscal year 2012;

“(6) $18,000,000 for fiscal year 2013; and

“(7) $18,000,000 for fiscal year 2014.”.

SEC. 592. MENTAL HEALTH COUNSELING FOR DISASTER VICTIMS.

The Secretary shall conduct a review on the activities associated with mental health counseling for disaster victims to ensure that policies, procedures, and coordination
efforts of the Department are adequate and serve the interests of disaster victims.

SEC. 593. EFFECTIVENESS OF CERTAIN DISASTER PREPARATION.

The Comptroller General of the United States shall conduct a study evaluating the effectiveness of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to disaster housing programs and collaboration and coordination between the Federal Emergency Management Agency and the Department of Housing and Urban Development.

TITLE VI—BORDER SECURITY PROVISIONS

SEC. 601. DEFINITIONS.

In this title:


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

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

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

(5) SOUTHERN BORDER.—The term “southern border” means the international border between the United States and Mexico.

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

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

(1) Staffing requirements for all border security functions.
(2) Investment in infrastructure, including pedestrian fencing, vehicle barriers, and roads.

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

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

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

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

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

(8) The feasibility of using existing Tethered Aerostat Radar Systems for use along the southwest border.

(b) Securing the Border at Ports of Entry.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop metrics to measure the
effectiveness of security at ports of entry, which shall con-
sider, at minimum, the following:

(1) The number of infractions related to per-
sonnel and cargo committed by major violators who
are apprehended by U.S. Customs and Border Protec-
tion at such ports of entry.

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

(3) The required number of U.S. Customs and
Border Protection Officers, Agricultural Specialists,
and Canine Enforcement Officers necessary to achieve
operational control at such ports of entry.

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

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

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

(d) Consideration of Alternative Border Security Standards.—If in developing the strategic plan re-
quired under subsection (a) the Secretary determines to
measure security between ports of entry by a standard other
than operational control, the Secretary shall submit a re-
quest to a Department of Energy national laboratory with
appropriate expertise in border security to evaluate the
suitability and statistical validity of the measurement sys-
tem required under subsection (b) for analyzing progress
in the interdiction of unlawful crossings and contraband
at ports of entry.

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

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

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

(f) PRIORITY.—In making infrastructure improve-
ments at ports of entry in accordance with subsection
(b)(4), the Commissioner of U.S. Customs and Border Pro-
tection, in coordination with the heads of relevant Federal
departments and agencies, shall give priority to those ports
of entry determined to be in most need of repair in order
to improve border security and for other purposes in accord-
ance with port of entry infrastructure assessment studies
required in section 603 of the Border Infrastructure and
Technology Modernization Act of 2007 (enacted as title VI
of division E of the Consolidated Appropriations Act, 2008
(Public Law 110–161)).

SEC. 603. MAINTAINING BORDER PATROL STAFFING.

(a) IN GENERAL.—Subject to the availability of appro-
priations, for each of fiscal years 2012 and 2013, the Sec-
retary shall maintain a force of not fewer than 21,300 Bor-
der Patrol agents and sufficient support staff for such
agents, including mechanics, administrative support, and
surveillance personnel.
(b) **NORTHERN BORDER.**—Of the Border Patrol agents referred to in subsection (a), not fewer than 2,200 of such agents shall be assigned to the northern border.

(c) **DEPLOYMENT.**—The Commissioner of U.S. Customs and Border Protection shall take into account apprehension rates, unlawful border crossings, and the number of apprehensions of aliens unlawfully present in the United States per Border Patrol agent when determining the deployment locations of the Border Patrol agents referred to in subsection (a).

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

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

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

(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and
(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

(c) COMPOSITION AND DESIGNATION.—

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

(A) United States Immigration and Customs Enforcement;

(B) United States Customs and Border Protection;

(C) the Coast Guard;

(D) other Federal agencies, as appropriate;

(E) appropriate State law enforcement agencies;

(F) foreign law enforcement agencies, as appropriate;

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

(H) appropriate tribal law enforcement agencies.

(2) DESIGNATION.—The Secretary is authorized to establish BEST units in jurisdictions where such units can contribute to the BEST program’s missions. Prior to establishing a BEST unit, the Assistant Secretary shall consider the following factors:
(A) Whether the area where the BEST unit would be established is significantly impacted by cross-border threats.

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

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

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

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

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

(2) direct the assignment of Federal personnel to the BEST program, subject to the approval of the head of the department or agency that employs such personnel; and
(3) take other actions to assist State, local, tribal, and foreign jurisdictions to participate in the BEST program.

(e) REPORT.—Not later than 180 days after the date of the establishment of the BEST program under subsection (b) and annually thereafter, the Secretary shall submit to Congress a report on the effectiveness of the BEST program in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $15,400,000 for fiscal year 2012 over amounts that are otherwise authorized to be appropriated for this purpose. The $15,400,000 in funds utilized to fund U.S. Immigration and Customs Enforcement’s border enforcement security task force, better known as “BEST Teams”, will be taken from the cancellation of the Department’s Advanced Spectroscopic Portal Program, or ASP.
SEC. 605. COST-EFFECTIVE TRAINING FOR BORDER PATROL AGENTS.

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

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

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

(2) An evaluation of the appropriateness and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A cost and effectiveness of training comparison with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.
(4) Recommendations to increase the number of Border Patrol agents trained per year, and to reduce the per-agent costs of basic training—

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

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

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

SEC. 606. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION RELATED TO BORDER SECURITY.

(a) Prohibition on Secretaries of the Interior and Agriculture.—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on land that is located within 100 miles of the international land borders of the United States that would otherwise be under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture in order to achieve operational
control over the international land borders of the United States.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—Notwithstanding any other provision of law, U.S. Customs and Border Protection shall have access to land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture that is located within 100 miles of the international land borders of the United States for purposes of conducting the following activities on such land that assist in securing the international land borders of the United States:

(1) Construction and maintenance of roads.

(2) Construction and maintenance of fences.

(3) Use vehicles to patrol.

(4) Installation, maintenance, and operation of surveillance equipment and sensors.

(5) Use of aircraft.

(6) Deployment of temporary tactical infrastructure, including forward operating bases.

(c) PROTECTION OF NATURAL AND CULTURAL RESOURCES.—The activities described in subsection (b) shall be conducted, to the maximum extent practicable, in a manner that the Commissioner of U.S. Customs and Border Protection determines will best protect the natural and cultural resources on Federal lands.
(d) Protection of Legal Uses.—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, or mining, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) Limitation Regarding Intermingled Private and State Land.—This section shall not apply to any private or State-owned land within the boundaries of Federal lands.


(a) In General.—The Commissioner, in collaboration with the Under Secretary for Science and Technology, shall identify equipment and technology described in subsection (b) that would enhance the security of the northern and southern borders.

(b) Equipment and Technology Described.—The equipment and technology referred to in subsection (a) shall include equipment and technology designed to—

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

(2) detect the use of unauthorized vehicles;
(3) detect low-flying aircraft;

(4) employ unmanned vehicles; or

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

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

(d) Off-the-Shelf Technology.—In identifying
equipment and technology under subsection (a), the Sec-
retary shall endeavor to integrate equipment technology
that has already been acquired and deployed on the north-
ern and southern border, including cameras, sensors, un-
manned aerial vehicles, radar, and other technologies, along
with the emerging technology, using commercial off-the-shelf
software products in order to establish a common operating
picture that can autonomous process data, identify
threats, and initiate an appropriate response.

SEC. 608. NORTHERN BORDER CANINE TEAMS.

(a) Deployment of Canines.—Not later than one
year after the date of the enactment of this Act, the Sec-
retary shall deploy no less than one additional canine en-
forcement team, capable of detecting narcotics, at each of
the 5 busiest northern ports of entry as determined by traf-
fic volume, and at other ports of entry as the Secretary de-
termines appropriate.

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

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

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

SEC. 609. UNMANNED VEHICLES PILOT PROGRAM.

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

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

(2) the land environment along the southern border.

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

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

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be constructed as authorizing flight testing of autonomous unmanned vehicles that are unmanned aerial vehicles in any area except for segregated airspace.

SEC. 610. REPORT ON UNMANNED AERIAL VEHICLES.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General
of the United States shall submit to the appropriate con-
gressional committees a report that analyzes and compares
the costs and missions of different aviation assets, including
unmanned aerial vehicles, utilized by U.S. Customs and
Border Protection and the Coast Guard, to assess the cost
efficiencies and operational advantages provided by un-
manned aerial vehicles as compared to manned aerial vehi-
cles.

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

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

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

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

SEC. 611. STUDENT VISA SECURITY IMPROVEMENT.

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

“(9) STUDENT VISAS.—In administering the program under this subsection, the Secretary, not later than 180 days after the date of the enactment of the Student Visa Security Improvement Act, shall—

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

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

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

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

(1) in subsection (a)—

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

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

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

“(A) prescribe regulations to require an institution or exchange visitor program sponsor
participating in the Student and Exchange Visitor Program to ensure that each covered student or exchange visitor enrolled at the institution or attending the exchange visitor program—

“(i) is an active participant in the program for which the covered student or exchange visitor was issued a visa to enter the United States;

“(ii) is not unobserved for any period—

“(I) exceeding 30 days during any academic term or program in which the covered student or exchange visitor is enrolled; or

“(II) exceeding 60 days during any period not described in subclause (I); and

“(iii) is reported to the Department within 10 days of—

“(I) transferring to another institution or program;

“(II) changing academic majors; or
“(III) any other changes to information required to be maintained in the system described in paragraph (4);

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

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

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

“(A) at least two authorized users are identified at each participating institution or exchange visitor sponsor;

“(B) at least one additional authorized user is identified at each such institution or sponsor
for every 200 covered students or exchange visitors enrolled at the institution or sponsor; and

“(C) each authorized user is certified by the Secretary as having completed an appropriate training course provided by the Department for the program or system.

“(7) PROGRAM SUPPORT.—The Secretary shall provide appropriate technical support options to facilitate use of the program or system described in paragraph (4) by authorized users.

“(8) SEVIS DATA.—The system described in paragraph (4) shall include—

“(A) verification that a covered student’s performance meets the minimum academic standards of the institution in which such student is enrolled; and

“(B) timely entry of any information required by paragraph (5) regarding covered students and exchange visitors enrolled at institutions or exchange program sponsors.

“(9) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary or any institution or exchange program sponsor participating in the Student Exchange Visitor Program from requiring more fre-
quent observations of covered students or exchange
visitors.

“(10) DECERTIFICATION.—The Secretary is au-

thorized, without notice, to decertify any approved in-
stitution or exchange visitor program sponsor if such
institution or exchange visitor program sponsor is en-
gaged in egregious criminal activities or is a threat
to national security.”; and

(2) by adding at the end the following new sub-
section:

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

“(1) The term ‘covered student’ means a student

who is a nonimmigrant pursuant to subparagraph
(F), (J), or (M) of section 101(a)(15) of the Immigra-
tion and Nationality Act (8 U.S.C. 1101(a)(15)).

“(2) The term ‘observed’ means positively identi-

fied by physical or electronic means.

“(3) The term ‘authorized user’ means an indi-

vidual nominated by an institution participating in
the Student and Exchange Visitor Program and con-

firmed by the Secretary as not appearing on any ter-
rorist watch list.”.

(c) COMPTROLLER GENERAL REVIEW.—The Com-
troller General shall conduct a review of the fees for the Stu-
dent and Exchange Visitor Program of the Department of
Homeland Security. The Comptroller General shall include in such review data from fiscal years 2007 through 2011 and shall consider fees collected by the Department and all expenses associated with the review, issuance, maintenance, data collection, and enforcement functions of the Student and Exchange Visitor Program.

SEC. 612. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) In General.—The Secretary of Homeland Security, in coordination with the Secretary of State, may issue Asia-Pacific Economic Cooperation Business Travel Cards (in this section referred to as “ABT Cards”) to any eligible person, including—

(1) business leaders; and

(2) United States Government officials engaged in Asia-Pacific Economic Cooperation (APEC) business.

(b) Eligibility.—To be eligible for an ABT Card under this section, an individual must be approved and in good standing in an international trusted traveler program of the Department of Homeland Security, including NEXUS, SENTRI, and Global Entry.

(c) Integration With Existing Travel Programs.—The Secretary shall, to the extent practicable, integrate application procedures for, and issuance, suspen-
sion, and revocation of, ABT Cards with other appropriate international trusted traveler programs conducted by the Department, including NEXUS, SENTRI, and Global Entry.

(d) Cooperation With Private Entities.—In carrying out this section, the Secretary may consult with appropriate private sector entities.

(e) Regulations.—The Secretary may prescribe such regulations as may be necessary to implement this section.

(f) Fees.—

(1) In General.—The Secretary may charge a fee for the issuance of ABT Cards and any associated costs which shall be set at a level that will ensure recovery of the full costs of providing and administering the ABT Cards.

(2) Account for Collections.—The Secretary may establish a fund for the collection of fees under paragraph (1), which shall be made available to pay the costs incurred to administer.

(3) Limitation.—The Secretary shall ensure that the total amount of any fee available to be used under paragraph (4) in any fiscal year does not exceed the costs associated with carrying out this section in such fiscal year.
(g) Termination of Program.—The Secretary, in consultation with the Secretary of State, may terminate activities under this section if the Secretary deems it in the interest of the United States to do so.

SEC. 613. BORDER CROSSING DOCUMENTATION.

The Commissioner of U.S. Customs and Border Protection shall carry out the NEXUS, SENTRI, Global Entry, and ABT Card (as described in section 612) programs of U.S. Customs and Border Protection.

SEC. 614. INTERNAL REVIEW OF ADEQUACY OF U.S. CUSTOMS AND BORDER PROTECTION IN BUSIEST INTERNATIONAL AIRPORTS.

The Secretary, acting through U.S. Customs and Border Protection, shall within 180 days after the date of enactment of this Act conduct an internal review to ensure that there are enough U.S. Customs and Border Protection agents in each of the 10 international airports in the United States with the largest volume of international travelers.

SEC. 615. PORT SECURITY GRANT PROGRAM.

Section 70107(l) of title 46, United States Code, is amended by striking “2013” and inserting “2014”.

SEC. 616. PORT SECURITY GRANT FUNDING FOR MANDATED SECURITY PERSONNEL.

Section 70107(b)(1) of title 46, United States Code, is amended by striking the period and inserting the following:
including overtime and backfill costs incurred in support of other expenditures authorized under this subsection, except that not more than 50 percent of amounts received by a grantee under this section for a fiscal year may be used under this paragraph.”.

SEC. 617. SECURING THE TWIC AGAINST USE BY UNAUTHORIZED ALIENS.

(a) Process.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process to ensure, to the maximum extent practicable, that aliens unlawfully present in the United States are unable to obtain or use a Transportation Worker Identification Credential (in this section referred to as “TWIC”).

(2) Components.—Under the process, the Secretary shall—

(A) publish a list of documents that will identify TWIC applicants and verify their immigration statuses by requiring each applicant to produce a document or documents that demonstrate—

(i) identity; and
(ii) proof of United States citizenship
or authorization to work in the United
States; and
(B) establish training requirements to en-
sure that trusted agents at TWIC enrollment cen-
ters receive training to identify fraudulent docu-
ments.

(b) EXPIRATION OF TWICS.—A TWIC expires 5 years
after the date it is issued, except that if an individual is
in a lawful nonimmigrant status category—

(1) the term of any TWIC issued to the appli-
cant shall not to exceed the expiration of the visa held
by the applicant; and

(2) a TWIC issued to the individual expires on
the date of the expiration of such status, notwith-
standing the expiration date on the face of the TWIC.

SEC. 618. SMALL VESSEL THREAT ANALYSIS.

Not later than 1 year after the date of enactment of
this Act, the Secretary shall submit to the appropriate con-
gressional committees a report analyzing the threat of, vul-
erability to, and consequence of an act of terrorism using
a small vessel to attack United States vessels, ports, or mar-
itime interests.
SEC. 619. CUSTOMS AND BORDER PROTECTION PROFESSIONALISM AND TRANSPARENCY.

To increase professionalism and transparency U.S. Customs and Border Protection shall—

(1) publish live wait times at all United States air ports of entry, as determined by calculating the time elapsed between an individual’s entry into the U.S. Customs and Border Protection inspection area and the individual’s clearance by a U.S. Customs and Border Protection officer;

(2) make information about such wait times available to the public in real time through the U.S. Customs and Border Protection Web site;

(3) submit monthly reports to Congress that include compilations of all such wait times and that ranking all United States international airports by wait times; and

(4) increase staffing at the U.S. Customs and Border Protection INFO center to reduce wait times to under ten minutes for travelers attempting to submit comments or speak with a representative about their entry experience.

SEC. 620. SENSE OF CONGRESS REGARDING DEPLOYMENT OF ADDITIONAL UAV.

It is the sense of Congress that, due to frequently changing weather conditions and strict air regulations, the
Secretary should deploy an additional unmanned aerial vehicle (UAV) over the number of such UAVs that are so deployed as of the date of the enactment of this Act, at a southwest border airfield between Department operations located at Fort Huachuca in Sierra Vista, Arizona, and the Naval Air Station (NAS) in Corpus Christi, Texas, in order to reduce the frequent weather-related lapses in constant surveillance that weaken security along the international borders of the United States and to allow U.S. Customs and Border Protection to work with other Federal departments and agencies, such as the Air National Guard, to operate such missions.

**SEC. 621. REPORT ON STATUS OF UNOBLIGATED BALANCES IN U.S. CUSTOMS AND BORDER PROTECTION CUSTOMS USER FEE ACCOUNT.**

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report regarding the status of $640,000,000 in unobligated balances in the Customs User Fee Account, as reported by the Government Accountability Office in report GAO–11–318SP. The report required under this section shall include a final determination on the total amount of unobligated balances available.
SEC. 622. OUTBOUND INSPECTIONS.

(a) In General.—Not later than two years after the date of the enactment of this Act, the Secretary shall ensure that U.S. Customs and Border Protection has instituted an outbound inspections program at land ports of entry.

(b) Program Components.—In executing the outbound inspections program under this section, the Secretary shall leverage existing resources and capabilities within the Department to—

(1) ensure that risk-based outbound inspections are routinely conducted;

(2) provide for such inspections to be conducted in a safe and efficient manner;

(3) direct appropriate resources to areas that demonstrate a higher risk of outbound violations;

(4) include a strategy for mitigating efforts by smuggling organizations to circumvent such inspections; and


(c) Wait Times.—The Secretary shall ensure that outbound inspections carried out under this section do not add significantly to wait times for crossing the border.
SEC. 623. DEPORTING CRIMINAL ALIENS.

There is authorized to be appropriated to U.S. Customs and Immigration Enforcement $1,600,000,000 for each of fiscal years 2012 and 2013 to—

(1) identify aliens who—

(A) have been convicted of a crime; or

(B) may pose a serious risk to public safety or national security; and

(2) remove from the United States any aliens identified under paragraph (1) who may be deportable.

SEC. 624. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) IN GENERAL.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252), as amended by section 611(b), is further amended to read as follows:

“SEC. 442. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

“(a) Establishment.—There is established within the Department an agency to be known as Immigration and Customs Enforcement.

“(b) Functions.—The primary functions of the agency are the following:

“(1) To conduct criminal investigations relating to homeland security, particularly investigations re-
lating to border security, customs, immigration, naturalization, trade, travel, and transportation security.

“(2) To enforce Federal immigration and naturalization laws, particularly those laws relating to arrest, detention, removal, employment verification, and fraud.

“(c) DIRECTOR.—

“(1) IN GENERAL.—The head of Immigration and Customs Enforcement shall be the Director of Immigration and Customs Enforcement. The Director shall—

“(A) be appointed by the President, by and with the advice and consent of the Senate;

“(B) exercise the duties and powers described in this section, prescribed by other law, or delegated by the Secretary; and

“(C) report directly to the Secretary.

“(2) COMPENSATION.—The Director shall be compensated at the rate of pay for level III of the Executive Schedule as provided in section 5314 of title 5, United States Code.

“(d) DUTIES AND POWERS OF THE DIRECTOR.—Subject to the supervision of the Secretary, the Director shall be responsible for the direction, management, and adminis-
igration of the Immigration and Customs Enforcement, its employees, and its programs.

“(1) CRIMINAL INVESTIGATION.—The Director shall have the power to investigate and, where appropriate, refer for prosecution, any criminal violation of Federal law relating to or involving—

“(A) border control and security (including ports of entry), including the prevention of the entry or residence of terrorists, criminals, and human rights violators;

“(B) customs, trade, import, or export control, including the illicit possession, movement of, or trade in goods, services, property, contraband, arms, items controlled or prohibited from export, pornography, intellectual property, or monetary instruments;

“(C) transnational money laundering or bulk cash smuggling;

“(D) immigration or naturalization;

“(E) alien gangs or criminal syndicates;

“(F) possession of a firearm or explosive by an alien;

“(G) the employment or abuse of an alien, including trafficking and peonage, labor viola-
tions, sexual exploitation, pornography, prostitution, and sex tourism;

“(H) identification, travel, or employment documents;

“(I) identity theft or misuse of social security account numbers or information when such theft relates to or affects border security, customs, immigration, naturalization, trade, travel, and transportation security;

“(J) travel and transportation security;

“(K) any other authorities previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security; and

“(L) such other authorities of the Department as the Secretary may prescribe.

“(2) CIVIL IMMIGRATION AND NATURALIZATION ENFORCEMENT.—The Director shall have the power to enforce the civil immigration and naturalization laws of the United States, including the civil and administrative power to—

“(A) investigate, locate, and arrest any alien subject to exclusion, deportation, or removal from the United States;
“(B) remove any alien subject to exclusion, deportation, or removal from the United States through appropriate administrative removal proceedings;

“(C) detain an alien for purposes of exclusion, deportation, or removal, or as otherwise provided by law;

“(D) enforce Federal law relating to the unlawful employment of aliens and to immigration document fraud; and

“(E) exercise such other authorities relating to the enforcement of the immigration and naturalization laws that the Secretary may prescribe.

“(3) ENFORCEMENT POLICY.—The Director shall—

“(A) establish and direct the policies of the Immigration and Customs Enforcement;

“(B) advise the Secretary and other senior officers of the Department on policy matters relating to Immigration and Customs Enforcement and its duties;

“(C) coordinate, on behalf of the Department, with Federal, State, tribal, and foreign agencies to promote the efficient—
“(i) investigation of criminal violations of the border security, customs, immigration, naturalization, trade, travel, and transportation laws of the United States; and

“(ii) civil enforcement of the immigration and naturalization laws of the United States.

“(4) GENERAL ENFORCEMENT POWERS.—The Director may authorize agents and officers of Immigration and Customs Enforcement to—

“(A) execute warrants issued under the laws of the United States;

“(B) carry firearms;

“(C) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

“(D) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or potential violation of those provisions of law which Immigration...
tion and Customs Enforcement is authorized to enforce; and

“(E) issue civil detainers for purposes of immigration enforcement.

“(5) ADDITIONAL DUTIES AND POWERS.—

“(A) IN GENERAL.—The Director shall exercise any other powers prescribed by law and such ancillary powers as are necessary to carry out the duties and powers described in this section, including the relevant powers previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security.

“(B) INSPECTION, SEIZURE, AND SEARCH.—In carrying out the duties prescribed in this section, the Director may exercise the inspection, seizure, and search authorities previously held by the Commissioner of Customs, the Commissioner of the Immigration and Naturalization Service, and the Under Secretary for Border and Transportation Security.

“(C) IMMIGRATION ENFORCEMENT.—In carrying out the immigration enforcement duties of this section, the Director shall have the authority
to identify aliens in the criminal justice system
who have been charged with or convicted of
criminal offenses and are subject to removal.

“(D) INTELLECTUAL PROPERTY PROTEC-
TION.—The Director shall establish and admin-
ister a National Intellectual Property Rights Co-
ordination Center to promote Federal and inter-
national investigation of intellectual property of-
fenses.

“(E) LIMITATION.—Notwithstanding the
authority in paragraph (1)(A) relating to terror-
ists, primary responsibility for investigating acts
of terrorism shall rest with the Federal, State,
and local law enforcement agencies with jurisdict-
tion over the acts in question.

“(F) VESTING.—All functions of all officers,
employees, and organizational units of Immigra-
tion and Customs Enforcement are vested in the
Director.

“(G) DELEGATION.—Except as otherwise
prohibited by law, the Director may delegate any
of the Director’s duties and powers to any em-
ployee or organizational unit of Immigration
and Customs Enforcement.
“(6) OVERSEAS OFFICES.—In coordination with the Department of State, the Director shall establish and staff liaison offices in appropriate foreign countries to support the international activities and relationships of Immigration and Customs Enforcement.

“(e) ADDITIONAL AGENCY OFFICERS.—In addition to such officers as the Secretary or Director may provide, Immigration and Customs Enforcement shall have the following officers to assist the Director in the performance of the Director’s duties:

“(1) A Deputy Director, who shall assist the Director in the management of Immigration and Customs Enforcement and who shall act for the Director in the Director’s absence or disability.

“(2) A Chief Counsel, who shall provide the Director specialized legal advice and represent the Director in all administrative proceedings before the Executive Office for Immigration Review.

“(f) OTHER LAW ENFORCEMENT AGENCIES.—Nothing in this section shall be construed to limit the existing authority of any other Federal law enforcement agency.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 442 and inserting the following:

“Sec. 442. Establishment of Immigration and Customs Enforcement.”.
(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by inserting “Director of Immigration and Customs Enforcement.” as a new item after “Director of the Bureau of Citizenship and Immigration Services.”.

(d) TRANSPORTATION.—Section 1344(b)(6) of title 31, United States Code, is amended by striking “the Administrator of the Drug Enforcement Administration,” and inserting “, the Administrator of the Drug Enforcement Administration, the Director of Immigration and Customs Enforcement, and the Commissioner of Customs and Border Protection,”.

(e) CONTINUATION IN OFFICE.—The individual serving as Assistant Secretary for Immigration and Customs Enforcement in the Department of Homeland Security on the day before the date of the enactment of this Act may continue to serve as the Director of Immigration and Customs Enforcement in the Department of Homeland Security in accordance with section 442 of the Homeland Security Act of 2002 (as amended by subsection (a) of this section) until the earlier of—

(1) the date on which such individual is no longer eligible to serve as Director; or
(2) the date on which a person nominated by the President to be the Director is confirmed by the Senate in accordance with such section 442.

SEC. 625. REPORT ON DRUG CARTELS.

(a) In General.—The Secretary shall submit to the appropriate congressional committees a report on the activities of the entities identified in subsection (b) that are—

(1) designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(2) involved in international terrorism (as such term is defined in section 2331 of title 18, United States Code).

(b) Identification.—The entities referred to in subsection (a) are the following:

(1) The Arellano Feliz Organization.

(2) The Los Zetas Cartel.

(3) The Beltran Leyva Organization

(4) La Familia Michoacana.

(5) The Sinaloa Cartel.

(6) The Gulf Cartel/New Federation.

(7) The Juarez Cartel.

SEC. 626. INCREASE IN UNMANNED AERIAL VEHICLES.

(a) In General.—The Secretary shall increase by at least two the number of unmanned aerial vehicles for use
along the southwest border over the number of such vehicles in existence as of the date of the enactment of this Act.

(b) FUNDING.—To carry out this section, the Secretary shall use amounts appropriated or otherwise made available to U.S. Customs and Border Protection.

SEC. 627. BORDER AREA SECURITY INITIATIVE.

(a) REDESIGNATION.—Operation Stonegarden of the Department is hereby redesignated as the Border Area Security Initiative.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Border Area Security Initiative $54,890,000 for fiscal year 2012.

(c) ALLOCATION.—The Secretary shall ensure that 80.7 percent of the amounts authorized to be appropriated pursuant to subsection (b) are allocated for activities along the southern border.

SEC. 628. FOREIGN TERRORIST ORGANIZATIONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with appropriate members of the intelligence community, shall submit to the appropriate congressional committees a report, including classified and unclassified sections, assessing the presence, activity, capability, and information-sharing between Hezbollah, other Department of State-designated foreign
terrorist organizations, and Mexican drug traffic organiza-
tions along the southern border of the United States.

SEC. 629. BORDER CONDITION INDEX.

In developing the Border Condition Index, the Sec-
retary shall take into consideration the following:

(1) Flow estimates by Border Patrol sector of
aliens who are unlawfully present in the United
States.

(2) Interdiction efficiency measuring, with re-
spect to aliens who are unlawfully present in the
United States, the difference between apprehensions
and known estimates of nonapprehensions.

(3) Recidivism data relating to repeat apprehen-
sions of aliens who are unlawfully present in the
United States.

SEC. 630. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Secure Fence Act of 2006 defined oper-
entional control as the “prevention of all unlawful en-
tries into the United States” and required the Sec-
retary of Homeland Security to “construct reinforced
fencing along not less than 700 miles of the southwest
border where fencing would be most practical and ef-
fective”.

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(2) A recent GAO report found that in fiscal year 2011, U.S. Customs and Border Protection had 61,000 personnel, a budget authority of $11.3 billion, and had constructed more than 600 miles of fencing.

(3) A May 2011 poll conducted by Rasmussen Reports found that just 30 percent of likely United States voters believe that the United States border with Mexico is even somewhat secure while 64 percent believe that the border is not secure.

(b) Sense of Congress.—It is the sense of Congress that the Secretary should complete at least 700 miles of reinforced fencing along the southwest border where it is geographically feasible to construct the fence.

SEC. 631. ISSUANCE OF VISAS AT DESIGNATED DIPLOMATIC AND CONSULAR POSTS.

(a) In General.—Subsection (i) of section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended to read as follows:

“(i) Visa Issuance at Designated Consular Posts and Embassies.—Notwithstanding any other provision of law, the Secretary—

“(1) shall conduct an on-site review of all visa applications and supporting documentation before adjudication at the 20 highest-risk visa issuing diplo-
matic and consular posts, as determined by the Secretary; and

“(2) is authorized to assign employees of the Department to each diplomatic and consular post at which visas are issued unless, in the Secretary’s sole and unreviewable discretion, the Secretary determines that such an assignment at a particular post would not promote national or homeland security.”.

(b) Expedited Clearance and Placement of Department of Homeland Security Personnel at Diplomatic and Consular Posts.—The Secretary of State shall accommodate and ensure that—

(1) not later than one year after the date of the enactment of this Act, Department personnel assigned by the Secretary under section 428(i)(1) of the Homeland Security Act (as amended by subsection (a) of this section) have been stationed at a diplomatic or consular post such that the post is fully operational; and

(2) not later than one year after the date on which the Secretary designates an additional diplomatic or consular post for personnel under section 428(i)(2) of the Homeland Security Act (as amended by subsection (a) of this section), Department personnel assigned to such diplomatic or consular post
have been stationed at such post such that such post
is fully operational.

SEC. 632. PRIVATE-PUBLIC PARTNERSHIP FOR LAND PORT
OF ENTRY PROJECT.

(a) In General.—Subject to subsection (b), the Sec-
retary may enter into a private-public partnership to ac-
cept funding or a donation of real or personal property or
services from any private sector entity or any State, county,
or other municipal entity for the purpose of the construction
of a designated project at a designated land border port of
entry, to be approved by the Secretary, designed to reduce
wait times at such port of entry.

(b) Consultation.—To enter into a partnership de-
scribed in subsection (a), the Secretary shall consult with
the private sector entity or State, county, or other munic-
ipal entity referred to in such subsection that is providing
the funding or donation at issue and provide such entity
with a description of the designated project to be under-
taken.

(c) NonTransferable.—Any funding or donation
received by the Secretary pursuant to subsection (a) may
be used only for the designated project that was subject of
the consultation carried out in accordance with subsection
(b), unless the private sector entity or State, county, or
other municipal entity at issue consents to an alternate use
of such funding or donation.

(d) RETURN OF FUNDING.—If the Secretary of Home-
land Security does not undertake the designated project de-
scribed in subsection (a) and the private sector entity or
State, county, or other municipal entity that provided the
funding or donation for such project does not consent to
an alternate use for such funding or donation, the Secretary
shall return to such entity such funding or donation.

(e) RULE OF CONSTRUCTION.—Nothing in this section
may be construed as modifying the authorities of the De-

(f) AUTHORITY TO AGREE TO AMENDMENTS TO THE
BORDER ENVIRONMENT COOPERATION AGREEMENT.—Sec-
tion 545 of the North American Free Trade Agreement Im-
plementation Act (22 U.S.C. 290m–4) is amended—

(1) in paragraph (1), by striking “and” at the
end;

(2) in paragraph (2), by striking the period at
the end and inserting “; and”;

(3) by adding at the end the following new para-
graph:

“(3) change the purposes and functions of the
Bank, including changes that would allow the Bank
to finance infrastructure projects in the border region
that promote growth in trade and commerce between the United States and Mexico, support sustainable economic development, reduce poverty, foster job creation, and promote social development in the region.”.

SEC. 633. REPORT TO CONGRESS ON IMMIGRATION ADVISORY PROGRAM.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report regarding—

(1) the top 20 highest-risk foreign airports that are last points of departure to the United States;

(2) the current status of U.S. Customs and Border Protection’s Immigration Advisory Program at such airports; and

(3) the number of Immigration Advisory Program personnel required to carry out operations in any location where such personnel are not currently present.

SEC. 634. COAST GUARD DEPLOYABLE SPECIAL FORCES ASSETS.

In order to assure readiness and meet training needs for the Coast Guard’s enhanced deployable specialized forces, the Secretary shall establish and maintain at each Maritime Security Response Team location a minimum of
one dedicated medium range air responder that is capable
of offshore operations and can provide shore-based aviation
surveillance capability and transport.

SEC. 635. IMPLEMENTATION OF US-VISIT BIOMETRIC EXIT.

Not later than 180 days after the date of the enactment
of this Act, the Secretary shall submit to the appropriate
congressional committees a plan to implement, not later
than two years after such date of enactment, a biometric
exit capability at airports under the US-VISIT program,
in accordance with the Enhanced Security and Visa Entry
Reform Act of 2002 (Public Law 107–73). If the Secretary
determines that development of such a system is not feasible,
the Secretary shall, not later than 180 days after the date
of the enactment of this Act, submit to the appropriate con-
gressional committees a plan for implementing, not later
than two years after such date of enactment, an alternative
program to provide the same level of security.

SEC. 636. COORDINATION WITH THE TRANSPORTATION SE-
CURITY ADMINISTRATION ON RISK-BASED
SCREENING OF AVIATION PASSENGERS.

(a) IN GENERAL.—The Commissioner of U.S. Customs
and Border Protection shall work with the Assistant Sec-
retary of Homeland Security (Transportation Security Ad-
ministration) to designate persons enrolled in trusted pas-
sengers programs operated by U.S. Customs and Border
Protection as trusted passengers in programs established pursuant to section 109(a)(3) of the Aviation Transportation Security Act (Public Law 107–71; 115 Stat. 613; 49 U.S.C. 114 note), as long as such passengers meet the standards and requirements set by the Assistant Secretary.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, a report on progress in implementing subsection (a), including—

(1) any obstacles to cross-enrolling U.S. Customs and Border Protection trusted passengers in trusted passenger programs established by the Transportation Security Administration; and

(2) the rate of enrollment of persons enrolled in trusted passengers programs operated by U.S. Customs and Border Protection as trusted passengers in programs operated by the Transportation Security Administration.
SEC. 637. ENHANCED CUSTOMER SERVICE STANDARDS AND PROFESSIONALISM TRAINING.

(a) Plans Required.—The Secretary shall ensure that a comprehensive plan for each of the U.S. Customs and Border Protection, the Transportation Security Administration, and U.S. Immigration and Customs Enforcement is developed and implemented to improve, based on publicly communicated metrics, professionalism, and customer service.

(b) Plan Component.—The plan for each agency shall include each of the following:

(1) An initial report on the metrics the agency proposes to use to measure customer service.

(2) An initial report on the metrics the agency will use to measure professionalism.

(3) The implementation of a system to improve customer service by soliciting customer comments combining in person, phone, and online solutions.

(4) A requirement that the agency submit to Congress quarterly reports on the agency’s performance against the customer service metrics referred to in paragraph (1).

(5) The establishment of customer service best practices based on such metrics.
(6) The establishment of professionalism best practices based on the metrics referred to in paragraph (2).

(c) ANNUAL REPORTS TO CONGRESS.—At least once each year, the Secretary shall submit to Congress a report on each agency for which a plan is required under this section. Each such report shall include—

(1) an assessment of the agency’s customer service performance based on the metrics referred to in subsection (b)(1);

(2) detailed description of customer service improvements demanded by customers;

(3) customer service improvements demanded by Department metrics, the costs associated with those improvements;

(4) the security and efficiency benefits derived from such improvements;

(5) an assessment of the agency’s professionalism performance based on the metrics referred to in subsection (b)(1);

(6) a description of any improvements in the agency’s professionalism;

(7) the costs associated with such improvements; and
(8) the security and efficiency benefits derived from such improvements.

(d) OVERSIGHT.—The Department’s Office of Civil Rights and Civil Liberties shall have oversight of—

(1) the customer service and professionalism efforts at each agency for which a plan is required under this section to ensure that comments are collected, analyzed, and responded to in a timely manner; and

(2) the development of monthly reports detailing the number and types of comments submitted by the public, which shall be made available to the public through the Department’s Web site.

TITLE VII—SCIENCE AND TECHNOLOGY
Subtitle A—Directorate of Science and Technology

SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY

STRATEGIC PLAN.

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

“SEC. 318. STRATEGIC PLAN.

“(a) REQUIREMENT FOR STRATEGY.—The Under Secretary for Science and Technology shall develop, and update
as necessary, a strategy to guide the activities of the Directorate of Science and Technology. The strategy shall be risk-based and aligned with other strategic guidance provided by—

“(1) the National Strategy for Homeland Security;

“(2) the Quadrennial Homeland Security Review;

“(3) the Capabilities and Requirements Council established under section 709; and

“(4) other relevant strategic planning documents, as determined by the Under Secretary.

“(b) CONTENTS.—The strategy required by subsection (a) shall be prepared in accordance with applicable Federal requirements and guidelines, and shall include the following:

“(1) Long-term strategic goals, objectives, and metrics of the Directorate.

“(2) Analysis of how the research programs of the Directorate support achievement of those strategic goals and objectives.

“(3) A description of how the activities and programs of the Directorate meet the requirements or homeland security capability gaps identified by cus-
tomers within and outside of the Department, including the first responder community.

“(4) The role of the Department’s risk analysis activities and programs of the Directorate.

“(5) A technology transition strategy for the programs of the Directorate.

“(6) A description of the policies of the Directorate on the management, organization, and personnel of the Directorate.

“(7) Short- and long-term strategic goals, and objectives for significantly increasing the number of designations and certificates issued under subtitle G of title VIII, as well as identification of the specific metrics to be used to determine whether a designation or a certificate will be awarded.

“(c) Submission of Plan to Congress.—The Secretary shall submit to the appropriate congressional committees the strategy developed under subsection (a) and any update to the strategy.”.

(b) Deadline.—The Under Secretary for Science and Technology shall develop and submit to the appropriate congressional committees the initial strategy required under the amendment made by subsection (a) by not later than 1 year after the date of enactment of this Act.
(c) Clerical Amendment.—The table of contents in section 1(b) is amended by adding at the end of the items relating to title III the following new item:

“Sec. 318. Strategic plan.”.

SEC. 702. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

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

“SEC. 319. 5-YEAR RESEARCH AND DEVELOPMENT PLAN.

“(a) In General.—The Under Secretary for Science and Technology shall develop, and revise at least every 5 years, a 5-year research and development plan for the activities of the Directorate of Science and Technology.

“(b) Contents.—The 5-year research and development plan developed under subsection (a) shall—

“(1) define the Directorate’s research, development, testing, and evaluation activities, priorities, performance metrics, and key milestones and deliverables for the 5-fiscal-year period from 2013 through 2017, and for each 5-fiscal-year period thereafter;

“(2) link the activities identified in paragraph (1) to the goals and objectives described in the strategic plan developed under section 318, the research requirements established in section 320, and the operational capability needs as determined by the Capa-
the National Research Facilities and Requirements Council established under section 709;

“(3) describe, for each activity of the strategic plan, the planned annual funding levels for the period covered by the plan; and

“(4) indicate joint investments with other Federal partners where applicable.

“(c) SCOPE OF THE PLAN.—The Under Secretary shall ensure that each plan developed under subsection (a)—

“(1) reflects input from a wide range of stakeholders; and

“(2) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions contributes to the achievement of the priorities identified in the plan, and avoids unnecessary duplication with these efforts.

“(d) REPORTS.—At the time the President submits each annual budget request, the Under Secretary shall provide a report to the appropriate congressional committees on the status and results to date of implementation of the current 5-year research and development plan, including—

“(1) a summary of the research and development activities for the previous fiscal year in each topic area;

“(2) the annual expenditures in each topic area;
“(3) an assessment of progress of the research and development activities based on the performance metrics and milestones set forth in the plan; and

“(4) any changes to the plan.”.

(b) DEADLINE.—The Under Secretary for Science and Technology shall develop and submit to the appropriate congressional committees the first 5-year homeland security research and development plan required under subsection (a), for fiscal years 2013 through 2017, by not later than 1 year after the date of enactment of this Act.

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

“Sec. 319. 5-year research and development plan.”.

SEC. 703. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

“SEC. 320. IDENTIFICATION AND PRIORITIZATION OF RESEARCH AND DEVELOPMENT REQUIREMENTS.

“(a) IN GENERAL.—The Under Secretary for Science and Technology shall establish and implement a process to identify, prioritize, fund, and task the basic and applied
homeland security research and development activities of
the Directorate of Science and Technology.

“(b) PROCESS.—The process established under sub-
section (a) shall—

“(1) account for Departmentwide priorities as
defined by the Capabilities and Requirements Council
established under section 709;

“(2) be responsive to near-, mid-, and long-term
needs, including unanticipated needs to address
emerging threats;

“(3) utilize gap analysis and risk assessment
tools where available and applicable;

“(4) include protocols to assess—

“(A) off-the-shelf technology to determine if
an identified homeland security capability gap
can be addressed through the acquisition process
instead of commencing research and development
of technology to address that capability gap; and

“(B) research and development activities
pursued by other executive agencies, to determine
if technology can be leveraged to address an
identified homeland security capability gap;

“(5) provide for documented and validated re-
search and development requirements;
“(6) establish roles and responsibilities for the
Under Secretary for Science and Technology, the
Under Secretary for Policy, the Under Secretary for
Management, and the heads of operational compo-
nents of the Department;

“(7) strengthen first responder participation in
identifying and prioritizing homeland security tech-
nological gaps, including by—

“(A) soliciting feedback from appropriate
national associations and advisory groups rep-
resenting the first responder community and
first responders within the components of the De-
partment; and

“(B) establishing and promoting a publicly
accessible portal to allow the first responder com-
munity to help the Directorate develop homeland
security research and development goals;

“(8) institute a mechanism to publicize the De-
partment’s funded and unfunded homeland security
technology priorities for the purpose of informing the
Federal, State, and local governments, first respond-
ers, and the private sector;

“(9) establish considerations to be used by the
Directorate in selecting appropriate research entities,
including the national laboratories, federally funded
research and development centers, university-based centers, and the private sector, to carry out research and development requirements; and

“(10) include any other criteria or measures the Secretary considers necessary for the identification and prioritization of research requirements.”.

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

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

“Sec. 320. Identification and prioritization of research and development requirements.”.

SEC. 704. RESEARCH AND DEVELOPMENT PROGRESS.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

“SEC. 321. MONITORING PROGRESS.

“(a) IN GENERAL.—The Under Secretary for Science and Technology shall monitor the progress of the research, development, testing, and evaluation activities undertaken by the Directorate of Science and Technology, and shall pro-
vide, at a minimum on a biannual basis, regular updates
on that progress to relevant customers of those activities.

“(b) Requirements of Progress Updates.—In
order to provide the progress updates required under sub-
section (a), the Under Secretary shall develop a system
that—

“(1) monitors progress toward project milestones
identified by the Under Secretary;

“(2) maps progress toward deliverables identified
in the 5-year plan required under section 319;

“(3) generates up-to-date reports to customers
that transparently disclose the status and progress of
research, development, testing, and evaluation efforts
of the Directorate;

“(4) evaluates the extent to which a technology or
service produced as a result of the Directorate’s pro-
grams has addressed homeland security capability
gaps and requirements as determined by the Capa-
bilities and Requirements Council established under
section 709; and

“(5) allows the Under Secretary to report the
number of products and services developed by the Di-
rectorate that have been transitioned into acquisition
programs and resulted in successfully fielded tech-
nologies.
“(c) Evaluation Methods.—

“(1) External Input, Consultation, and Review.—The Under Secretary shall implement procedures to engage outside experts in assisting in the evaluation of the progress of research and development programs or activities of the Directorate, including through—

“(A) consultation with experts, including scientists and practitioners, to gather independent expert peer opinion and advice on a project or on specific issues or analyses conducted by the Directorate; and

“(B) periodic, independent, external review to assess the quality and relevance of the Directorate’s programs and projects.

“(2) Customer Feedback.—The Under Secretary shall establish a formal process to collect feedback from customers of the Directorate on the performance of the Directorate, that includes—

“(A) appropriate methodologies through which customers can assess the quality and usefulness of technology and services delivered by the Directorate;

“(B) development of metrics for measuring customer satisfaction and the usefulness of any
technology or service provided by the Directorate;

and

“(C) standards for high-quality customer service.”.

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

“Sec. 321. Monitoring progress.”.

SEC. 705. ACQUISITION AND OPERATIONS SUPPORT.

(a) Responsibilities and Authorities of the Under Secretary.—Section 302 (6 U.S.C. 183) is amended by striking “and” after the semicolon at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting “; and”, and by adding at the end the following new paragraph:

“(15) providing science-based, analytic capability and capacity across the Department to—

“(A) support technological assessments of major acquisition programs throughout the acquisition lifecycle;

“(B) help define appropriate technological requirements and perform feasibility analysis;

“(C) assist in evaluating new and emerging technologies against capability gaps;

“(D) support evaluation of alternatives; and
“(E) improve the use of technology Departmentwide.”.

(b) **Technology Readiness Assessment Process.**—Section 308 (6 U.S.C. 188) is amended by adding at the end the following new subsection:

“(d) **Technology Readiness Assessment Process.**—

“(1) **In General.**—The Under Secretary for Science and Technology shall establish a formal, systematic, metrics-based process to comprehensively evaluate technology maturity and reduce technical risks, that includes—

“(A) an independent assessment of the performance, maturity, suitability, and supportability of a technology and associated risks;

“(B) technology readiness evaluations to establish technology readiness levels as a measure of the maturity of the technology; and

“(C) provision of a report containing the findings and conclusions of each assessment conducted under the process provided, to the appropriate customers and personnel of the Department.

“(2) **Application.**—
“(A) IN GENERAL.—Except as provided in subparagraph (B), the process shall be applied to—

“(i) technology developed by the Directorate; and

“(ii) technology being procured or considered by any component of the Department as part of a major acquisition program.

“(B) LIMITATION.—The Under Secretary shall not apply the process to—

“(i) radiological or nuclear detection and countermeasure technologies developed or procured by the Department; and

“(ii) procurement of information technology.”.

SEC. 706. OPERATIONAL TEST AND EVALUATION.

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

“SEC. 713. OPERATIONAL TEST AND EVALUATION.

“(a) ESTABLISHMENT.—There is established within the Department a Director of Operational Test and Evaluation.
“(b) Responsibilities, Authorities, and Functions.—The Director of Operational Test and Evaluation—

“(1) shall advise the Secretary, the Under Secretary for Management, the Under Secretary for Science and Technology, and the heads of other relevant components of the Department regarding all activities related to operational test and evaluation in the Department; and

“(2) shall—

“(A) prescribe operational test and evaluation policies and procedures for the Department, which shall include policies to ensure that operational testing is done at facilities that already have relevant and appropriate safety and material certifications to the extent such facilities are available;

“(B) ensure the effectiveness, reliability, and suitability of operational testing and evaluation activities planned and conducted by or on behalf of components of the Department in major acquisition programs of the Department;

“(C) review and approve all operational test plans and evaluation procedures for major acquisition programs of the Department;
“(D) provide the Department with independent and objective assessments of the adequacy of operational testing and evaluation activities conducted by or on behalf of the Department for major acquisition programs of the Department; and

“(E) coordinate operational testing conducted jointly by more than one component of the Department.

“(c) ACCESS TO INFORMATION.—The Director of Operational Test and Evaluation—

“(1) shall have prompt and full access to test and evaluation and acquisition documents, data, and test results of the Department that the Director considers necessary in order to carry out the duties under this section; and

“(2) may designate observers to be present during the preparation for and the conducting of any operational test and evaluation within the Department.

“(d) LIMITATION.—The Director is not required to carry out operational testing.”.

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

“Sec. 713. Operational test and evaluation.”.

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SEC. 707. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) In General.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

“SEC. 322. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

“(a) In General.—The Under Secretary for Science and Technology may make available to any person, for an appropriate fee, the services of any testing facility owned by the Federal Government and operated by the Directorate for Science and Technology for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

“(b) Interference with Federal Programs.—The Under Secretary shall ensure that the testing at such facilities of materials, equipment, models, computer software, or other items not owned by the Federal Government do not cause personnel or other resources of the Federal Government to be diverted from scheduled Federal Government tests or otherwise interfere with Federal Government mission requirements.

“(c) Confidentiality of Test Results.—The results of tests performed by a person with services made available under subsection (a) and any associated data provided by the person for the conduct of the tests—
“(1) are trade secrets and commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code; and

“(2) may not be disclosed outside the Federal Government without the consent of the person for which the tests are performed.

“(d) FEES.—The fee for using the services of a facility under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel, that are incurred by the Federal Government to provide for the testing.

“(e) USE OF FEES.—Any fee collected under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology and shall be used to directly support the research and development activities of the Department.”.

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

“Sec. 322. Availability of testing facilities and equipment.”.

SEC. 708. BIOFORENSICS CAPABILITIES.

(a) In General.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:
“SEC. 323. BIOFORENSICS CAPABILITIES.

“(a) Bioforensics Analysis Center.—There is authorized in the Department a bioforensics analysis center to provide support for law enforcement and intelligence-related investigations and actions to—

“(1) provide definitive bioforensics analysis in support of the executive agencies with primary responsibilities for preventing, deterring, responding to, attributing, and recovering from biological attacks; and

“(2) undertake other related bioforensics activities.

“(b) Payment for Services.—The center shall charge and retain fees to reimburse the cost of any service provided to an executive agency that requested such service.

“(c) Detialee Program.—Subject to the availability of appropriations, the Secretary may implement a program under which executive agencies as considered appropriate by the Secretary provide personnel, on a reimbursable basis, to the center for the purpose of—

“(1) providing training and other educational benefits for such stakeholders to help them to better understand the policies, procedures, and laws governing national bioforensics activities; and

“(2) bolstering the capabilities and information sharing activities of the bioforensics analysis center.
authorized under subsection (a) with national bio-
security and biodefense stakeholders.”.

(b) Clerical Amendment.—The table of contents in
section 1(b) is further amended by adding at the end of
the items relating to title III the following new item:
“Sec. 323. Bioforensics capabilities.”.

SEC. 709. HOMELAND SECURITY SCIENCE AND TECH-
NOLOGY FELLOWS PROGRAM.

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

“SEC. 324. HOMELAND SECURITY SCIENCE AND TECH-
NOLOGY FELLOWS PROGRAM.

“(a) Establishment.—The Secretary, acting through
the Under Secretary for Science and Technology, shall es-
establish a fellows program, to be known as the Homeland
Security Science and Technology Fellows Program, under
which the Under Secretary shall facilitate the temporary
placement of scientists in relevant scientific or technological
fields for up to 2 years in components of the Department
with a need for scientific and technological expertise.

“(b) Utilization of Fellows.—

“(1) In General.—Under the Program, the
Under Secretary may employ fellows—

“(A) for the use of the Directorate of Science
and Technology; or
“(B) for the use of a Department component outside such Directorate, under an agreement with the head of such a component under which the component will reimburse the Directorate for the costs of such employment.

“(2) Responsibilities.—Under such an agreement—

“(A) the Under Secretary shall—

“(i) solicit and accept applications from individuals who are currently enrolled in or who are graduates of postgraduate programs in scientific and engineering fields related to the promotion of securing the homeland, including—

“(I) biological, chemical, physical, behavioral, social, health, medical, and computational sciences;

“(II) geosciences;

“(III) all fields of engineering;

and

“(IV) such other disciplines as are determined relevant by the Secretary;

“(ii) screen applicant candidates and interview them as appropriate to ensure that they possess the appropriate level of
scientific and engineering expertise and qualifications;

“(iii) provide a list of qualified applicants to the heads of Department components seeking to utilize qualified fellows;

“(iv) subject to the availability of appropriations, pay financial compensation to such fellows;

“(v) coordinate with the Chief Security Officer to facilitate and expedite provision of security clearances to fellows, as appropriate; and

“(vi) otherwise administer all aspects of the employment of fellows with the Department; and

“(B) the head of the component utilizing a fellow shall—

“(i) select the fellow from the list of qualified applicants provided by the Under Secretary;

“(ii) reimburse the Under Secretary for the costs of employing the fellow selected, including administrative costs; and

“(iii) be responsible for the day-to-day management of the fellow.
“(c) APPLICATIONS FROM NONPROFIT ORGANIZATIONS.—The Under Secretary may accept an application under subsection (b)(2)(A) that is submitted by a nonprofit organization on behalf of individuals whom such nonprofit organization has determined may be qualified applicants under the program.”.

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

“Sec. 324. Homeland Security Science and Technology Fellows Program.”.

SEC. 710. HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

Section 311 of the Homeland Security Act of 2002 (6 U.S.C. 191) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—There is established within the Directorate of Science and Technology a Science and Technology Advisory Committee (in this section referred to as the ‘Advisory Committee’). The Advisory Committee shall meet no fewer than 2 times each year and make recommendations with respect to the activities of the Under Secretary for Science and Technology, including—
“(1) identifying research and development areas of potential importance to the security of the Nation; and

“(2) providing advice in developing and updating the strategic plan under section 318 and the 5-year homeland security research and development plan under section 319.”; and

(2) in subsection (j), by striking “December 31, 2008” and inserting “7 years after the date of enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2012”.

SEC. 711. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

Section 305 (6 U.S.C. 184) is amended—

(1) by inserting “(a) ESTABLISHMENT.—” before the first sentence; and

(2) by adding at the end the following new subsections:

“(b) CONFLICTS OF INTEREST.—The Secretary shall review and revise, as appropriate, the policies of the Department relating to personnel conflicts of interest to ensure that such policies specifically address employees of federally funded research and development centers established under this section who are in a position to make or materially influence research findings or agency decisionmaking.
“(c) ANNUAL REPORTS.—Each federally funded re-
search and development center established under this section
shall transmit to the Secretary and appropriate congress-
ional committees an annual report describing the activities
of the center in support of the Department.”.

SEC. 712. CRITERIA FOR DESIGNATION AS A UNIVERSITY-
BASED CENTER FOR HOMELAND SECURITY.

Section 308(b)(2)(B) (6 U.S.C. 188(b)(2)(B)) is
amended—

(1) in the matter preceding clause (i), by strik-
ing “in—” and inserting “in one or more of the fol-
lowing:”;

(2) in clause (iii), by inserting before the period
at the end the following: “, including medical readi-
ness training and research, and community resiliency
for public health and healthcare critical infrastruc-
ture”; and

(3) in clause (iv), by striking “and nuclear” and
inserting “nuclear, and explosive”.

SEC. 713. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGE-
MENT AT THE SCIENCE AND TECHNOLOGY DI-
RECTORATE.

(a) IN GENERAL.—Subtitle E of title VIII of the
Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is
further amended by adding at the end the following:
“SEC. 847. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

“(a) In General.—To the extent necessary to ensure that the Department has the personnel required to carry out the mission of the Science and Technology Directorate, the Secretary may—

“(1) make appointments to scientific or engineering positions within such Directorate that require an advanced degree without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, other than sections 3303 and 3328 of such title; and

“(2) fix the pay of any personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(b) Limitation.—

“(1) In General.—Not more than 5 percent of the occupied positions within the Directorate of Science and Technology may at any time consist of positions occupied by personnel appointed under this section.

“(2) Counting Rule.—For purposes of applying the limitation set forth in paragraph (1), deter-
minations under this subsection shall be made on a
full-time equivalent basis.

“(c) TERMINATION.—The authority to make appoint-
ments under this section shall cease to be available after
January 1, 2017.”.

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

“Sec. 847. Authority for flexible personnel management at the Science and Tech-
ology Directorate.”.

SEC. 714. INDEPENDENT TESTING AND EVALUATION OF
HOMELAND SECURITY DETECTION TECH-
NOLOGIES.

Section 308 (6 U.S.C. 188) is further amended by add-
ing at the end the following new subsection:

“(e) TEST AND EVALUATION PROGRAM FOR COMMER-
CIALLY AVAILABLE CHEMICAL AND BIOLOGICAL DETEC-
TION EQUIPMENT.—

“(1) In general.—The Secretary shall imple-
ment a test and evaluation program for commercially
available chemical and biological detection equip-
ment.

“(2) Functions.—The program established
under paragraph (1) shall—
“(A) evaluate, against national consensus standards and homeland security specific technical capability standards or performance metrics adopted by the Department to the greatest extent practicable, the capability of commercially available chemical and biological detection equipment to detect high risk biological agents and toxins and chemical agents and meet homeland security mission requirements;

“(B) facilitate the accreditation or Department acceptance of laboratories to be used for the testing and evaluation under subparagraph (A);

“(C) standardize test and reporting protocols and procedures to be used by the laboratories under accredited under subparagraph (B);

“(D) provide for cost-sharing with technology manufacturers whereby manufacturers may pay for the testing and evaluation under subparagraph (A) by the laboratories accredited under subparagraph (B);

“(E) inform and enable expedited consideration of compliant technology for designation or certification under subtitle G of title VIII;

“(F) inform Federal, State, local, tribal, and territorial government procurement and
grant decisions, including detection equipment placed on the authorized equipment list; and

“(G) provide, with permission from the manufacturer, results of the testing and evaluation under subparagraph (A) and operationally relevant technical information on detection equipment to Department components, and other Federal, State, local, tribal, and territorial governments and first responders, including unclassified information through the Responder Knowledge Base.”.

SEC. 715. NORTHERN BORDER UNMANNED AERIAL VEHICLE PILOT PROJECT.

(a) Research and Development.—The Under Secretary for Science and Technology, in conjunction with the Commissioner of U.S. Customs and Border Protection, shall research and develop technologies to allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of security-related surveillance or of safety for all national airspace system users.

(b) Pilot Project.—No later than 180 days after the date of enactment of this Act, the Secretary shall commence a pilot project in segregated airspace along the northern
border to conduct experiments and collect data in order to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

Subtitle B—Domestic Nuclear Detection Office

SEC. 721. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

(a) In general.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new sections:

“SEC. 1908. RADIOLOGICAL AND NUCLEAR DETECTION AND COUNTERMEASURES RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

“In carrying out radiological and nuclear research, development, testing and evaluation activities required under section 1902, the Director for the Domestic Nuclear Detection Office shall—

“(1) have authorities and carry out responsibilities consistent with those established under sections 302, 305, 308, 309, 320, and 321 for all radiological and nuclear research, development, testing, and evaluation programs of the Department; and

“(2) utilize an appropriate iterative combination of physical tests and computer modeling to provide an
analytical basis for assessing detector performance of
major radiological and nuclear detection acquisition
programs of the Department.

“SEC. 1909. AWARENESS OF THE GLOBAL NUCLEAR DETEC-
TION ARCHITECTURE.

“(a) In General.—In carrying out the responsibil-
ities under paragraphs (3), (5), (8), and (9) of section
1902(a), the Director shall maintain awareness of the Glob-
al Nuclear Detection Architecture (in this section referred
to as ‘GNDA’) and its assets, including availability of
equipment and trained personnel, types of equipment,
equipment detection events and data, relevant intelligence
information, and other information as needed.

“(b) Data Exchange.—To support the activities
under subsection (a), the Director and heads of agencies in
the GNDA shall ensure that widely accepted, consensus-
based data exchange standards are applied to detection and
communications systems incorporated into the GNDA, to
the extent practicable.”.

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

“Sec. 1908. Radiological and nuclear detection and countermeasures research, de-
velopment, testing, and evaluation.

“Sec. 1909. Awareness of the Global Nuclear Detection Architecture.”.
SEC. 722. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

(a) In General.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is further amended by adding at the end the following:

“SEC. 1910. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

“(a) In General.—In carrying out the responsibilities of the office under section 1902(a)(4)(A), the Director shall provide support for planning, organization and sustainment, equipment, training, exercises, and operational assessments, to State, local, and tribal entities to assist in implementing preventive radiological and nuclear detection capabilities.

“(b) Domestic Interior Programs.—

“(1) Securing the Cities.—The Director for Domestic Nuclear Detection shall establish and maintain a program to enhance, through State, local, tribal, and private entities, the Nation’s ability to detect and prevent a radiological or nuclear attack in high-risk United States cities, as determined by the Secretary.

“(2) Surge Capabilities.—The Director shall coordinate development of a surge capability for radiological and nuclear detection systems that can be deployed within the United States rapidly in response
to intelligence or warnings that includes procurement of appropriate technology, training, exercises, operational assessments, maintenance, and support.

“(3) INTEGRATION.—The programs under subsections (a) and (b) shall be integrated into the global nuclear detection architecture and inform architecture studies, technology gaps, and research activities of the Domestic Nuclear Detection Office.”.

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

“Sec. 1910. Domestic implementation of the global nuclear detection architecture.”.

SEC. 723. RADIATION PORTAL MONITOR ALTERNATIVES.

The Director of the Domestic Nuclear Detection Office shall analyze and report to the appropriate congressional committees by not later than 90 days after the date of enactment of this Act on existing and developmental alternatives that could provide an enhanced capability to currently deployed radiation portal monitors, the criteria to measure the operational effectiveness of those alternatives, and the expected timeframe and costs to fully develop and deploy those alternatives.
SEC. 724. CONTRACTING AND GRANTMAKING AUTHORITIES.

Section 1906 of the Homeland Security Act of 2002 (6 U.S.C. 596) is amended by striking “paragraphs (6) and (7) of” each place it appears.

SEC. 725. DOMESTIC NUCLEAR DETECTION IMPLEMENTATION PLAN.

(a) In General.—The Secretary shall develop a 5-year plan of investments necessary to implement the Department of Homeland Security’s responsibilities under the domestic component of the global nuclear detection architecture.

(b) Contents.—The 5-year plan developed under subsection (a) shall—

(1) define the roles and responsibilities of each component of the Department in support of the domestic detection architecture, including any existing or planned programs to prescreen cargo or conveyances overseas;

(2) identify and describe the specific investments being made or planned by the Department components for the 5-year fiscal period to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to address known vulnerabilities and gaps, including associated costs and timeframes;
(4) explain how the Department’s research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for the 5-year fiscal period; and

(5) explain the process used to define, analyze, and enhance the future domestic component of the global nuclear detection architecture.

(c) DEADLINE.—The Secretary shall submit to the appropriate congressional committees the plan required under subsection (a) by not later than 180 days after the date of enactment of this Act.

SEC. 726. SCIENCE AND TECHNOLOGY FELLOWS PROGRAM OUTREACH.

Within 90 days of enactment of this Act, the Secretary of Homeland Security shall implement outreach to enhance awareness and increase participation of qualified students at institutes of higher education, including minority serving institutions such as historically black colleges and universities, hispanic serving institutions, and tribal colleges and universities, in the Department of Homeland Security’s Science and Technology Directorate Fellows program.
SEC. 727. BUY AMERICAN REQUIREMENT FOR INFORMATION TECHNOLOGY.

The Secretary shall contract for procurement of information technology products or services only with a United States-owned corporation or other entity, unless within 15 days after entering into a contract with a non-United States-owned corporation or other entity the Secretary provides to the Committee on Homeland Security of the House of Representatives—

(1) notification of the contract, including the name of the corporation or entity, the value of the contract, the nature of the product or services to be procured, and information regarding contract provisions that will be used to ensure security of United States data; and

(2) certification that no comparable product or service was available from a United States-owned corporation or other entity at a comparable cost.

SEC. 728. UNIVERSITY-BASED CENTERS.

There is authorized to be appropriated $36,600,000 for fiscal year 2012 to the Secretary to carry out the university-based centers program of the Department.

SEC. 729. REVIEW OF UNIVERSITY-BASED CENTERS.

(a) GAO STUDY OF UNIVERSITY-BASED CENTERS.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall ini-
tiate a study to assess the university-based centers for homeland security program authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)), and provide recommendations to the appropriate congressional committees for appropriate improvements.

(b) SUBJECT MATTERS.—The study under subsection (a) shall include the following:

(1) A review of the Department’s efforts to identify key areas of study needed to support the homeland security mission, and criteria that the Department utilized to determine those key areas for which the Department should maintain, establish, or eliminate university-based centers.

(2) A review of the method by which university-based centers, federally funded research and development centers, and Department of Energy national laboratories receive tasking from the Department, including a review of how university-based research is identified, prioritized, and funded.

(3) A review of selection criteria for designating university-based centers and a weighting of such criteria.

(4) An examination of best practices from other agencies efforts to organize and use university-based research to support their missions.
(5) A review of the Department’s criteria and
metrics to measure demonstrable progress achieved by
university-based centers in fulfilling Department
taskings, and mechanisms for delivering and dissemi-
nating the research results of designated university-
based centers within the Department and to other
Federal, State, and local agencies.

(6) An examination of the means by which aca-
demic institutions that are not designated or associ-
ated with the designated university-based centers can
optimally contribute to the research mission of the
Directorate.

(7) An assessment of the interrelationship be-
tween the different university-based centers.

(8) A review of any other essential elements of
the programs determined in the conduct of the study.

(c) Moratorium on New University-Based Cen-
ters.—The Secretary may not designate any new univer-
sity-based centers to research new areas in homeland secu-

rity prior to the completion of the Comptroller General’s
review.
TITLE VIII—IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE

SEC. 801. SHORT TITLE.

This title may be cited as the “See Something, Say Something Act of 2011”.

SEC. 802. AMENDMENT TO THE HOMELAND SECURITY ACT OF 2002.

(a) In General.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is further amended by adding at the end the following:

“SEC. 890C. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

“(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.—

“(1) In general.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.
“(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that the person made that report.

“(b) IMMUNITY FOR RESPONSE.—

“(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by section (d)(1)(A) not entitled to assert the defense of qualified immunity shall nonetheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

“(2) SAVINGS CLAUSE.—Nothing in this sub-section shall—

“(A) affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available; and

“(B) be construed as affecting any such defense, privilege, or immunity.
“(c) ATTORNEY FEES AND COSTS.—Any authorized of-

ticial or other person found to be immune from civil liabil-

ity under this section shall be entitled to recover from the 

plaintiff all reasonable costs and attorney fees.

“(d) DEFINITIONS.—In this section:

“(1) AUTHORIZED OFFICIAL.—The term ‘author-

ized official’ means—

“(A) any officer, employee, or agent of the 

Federal government with responsibility for pre-

venting, protecting against, disrupting, or re-

sponding to a ‘covered activity;’ or 


“(B) any Federal, State, or local law en-

forcement officer.

“(2) COVERED ACTIVITY.—

“(A) IN GENERAL.—Subject to subpara-

graph (B), the term ‘covered activity’ means any 

suspicious transaction, activity, or occurrence 

indicating that an individual may be engaging, 

or preparing to engage, in a violation of law re-

lating to an act of terrorism (as that term is de-

fined in section 3077 of title 18, United States 

Code).

“(B) MARITIME-RELATED ACTS.—The term 

includes any act of terrorism directed against a 

vessel, facility (as that term is defined in section
70101 of title 46, United States Code), port, or waterway, whether or not a passenger is threatened, indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—

“(i) a threat to a vessel, facility (as so defined), port, or waterway; or

“(ii) an act of terrorism against a vessel, facility (as so defined), port, or waterway.”.

(b) Amendment to the Table of Contents.—The table of contents for the Homeland Security Act of 2002 is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 890C. Immunity for reports of suspected terrorist activity or suspicious behavior and response.”.

TITLE IX—MISCELLANEOUS

SEC. 901. REDESIGNATION AND MOVEMENT OF MISCELLANEOUS PROVISIONS.

(a) In General.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended—

(1) by redesignating subtitle H of title VIII (relating to miscellaneous provisions) as title XXIII of such Act;

(2) by transferring such title to appear at the end of the Act;
(3) by amending the heading for such title to read as follows:

“TITLE XXIII—MISCELLANEOUS PROVISIONS”; and

(4) by striking sections 889 and 890 (consisting of amendments to existing law, which have executed), and redesignating the other sections of such title as section 2301 through 2321, respectively.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 506(b) (6 U.S.C. 316(b)), by striking “Section 872” and inserting “Section 2302”;

(2) in section 508(a) (6 U.S.C. 318(a)), by striking “section 871” and inserting “section 2301”;

(3) in section 508(d)(1) (6 U.S.C. 318(d)), by striking “section 871(a)” and inserting “section 2301(a)”;

(4) in section 702(b)(2) (6 U.S.C. 432(b)(2)), by striking “section 874(b)(2)” each place it appears and inserting “section 2304(b)(2)”;

(5) in section 702(b)(2)(E) (6 U.S.C. 432(b)(2)), by striking “section 874” and inserting “section 2304”;

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(6) in section 702(b)(4)(A) (6 U.S.C. 432(b)(4)(A)), by striking “section 872(a)” and inserting “section 2302(a)”; 

(7) in section 702(b)(4)(B) (6 U.S.C. 432(b)(4)(B)), by striking “Section 872(b)” and inserting “Section 2302(b)”;

(8) in section 707(a)(4) (6 U.S.C. 347(a)(4)), by striking “section 874” and inserting “section 2304”; and

(9) in section 843(b)(1)(B)(i) (6 U.S.C. 413(b)(1)(B)(i)), by striking “section 878” and inserting “section 2308”.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the items relating to subtitle H of title VIII; and

(2) by adding at the end the following new items:

“TITLE XXIII—MISCELLANEOUS PROVISIONS

Sec. 2301. Advisory committees.
Sec. 2302. Reorganization.
Sec. 2303. Use of appropriated funds.
Sec. 2304. Future-years homeland security program.
Sec. 2305. Miscellaneous authorities.
Sec. 2306. Military activities.
Sec. 2307. Regulatory authority and preemption.
Sec. 2308. Office of Counternarcotics Enforcement.
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. 902. GUIDANCE TO AND COORDINATION WITH LOCAL EDUCATIONAL AND SCHOOL DISTRICTS.

To enhance domestic preparedness for and collective response to terrorism, natural disasters, and public health emergencies, the Secretary shall provide guidance to and coordinate with local educational and school districts that are at a high risk of acts of terrorism, natural disasters, or public health emergencies.

SEC. 903. FEDERAL LAW ENFORCEMENT TRAINING OPPORTUNITIES FOR LOCAL LAW ENFORCEMENT PERSONNEL WITH RESPONSIBILITIES FOR SECURING PORTS.

The Secretary shall endeavor to make available Federal law enforcement training opportunities, including through the Federal Law Enforcement Training Center, to local law enforcement personnel with responsibilities for securing ports.
SEC. 904. SECURITY GAPS AT DRINKING WATER AND WASTE-WATER TREATMENT FACILITIES.

(a) In general.—To enhance domestic preparedness for an act of terrorism, the Secretary shall enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency to establish a plan to address security gaps at drinking water treatment facilities and wastewater treatment facilities.

(b) Contents.—The memorandum shall include a plan to provide to operators of such facilities—

(1) guidance that is substantially similar to the Chemical Facility Anti-Terrorism Standards Interim Final Rule issued by the Department (6 C.F.R. Part 27), as amended by the appendix to such standards published by the Department (72 Fed. Reg. 65396); and

(2) technical assistance to enhance security at such facilities in accordance with such guidance.

SEC. 905. GUIDANCE AND COORDINATION FOR OUTREACH TO PEOPLE WITH DISABILITIES DURING EMERGENCIES.

To enhance domestic preparedness for and collective response to terrorism, natural disasters, and public health emergencies, the Secretary shall provide guidance to and coordinate with appropriate individuals, officials, and or-
ganizations in implementing plans for outreach to people with disabilities during emergencies.

SEC. 906. TWIC PROCESS REFORM.

(a) SENSE OF CONGRESS.—To avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is the sense of Congress that it is urgent that the Transportation Worker Identification Credential (TWIC) application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs.

(b) TWIC APPLICATION REFORM.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall reform the process for the enrollment, activation, issuance, and renewal of a TWIC to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 907. REPORT ON PROGRESS TOWARD CONDUCTING SECURITY VULNERABILITY ASSESSMENTS AT AIRPORTS IN THE UNITED STATES.

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

(1) According to a July 2011 interview with the Government Accountability Office, the Transportation
Security Authority (TSA) admitted to not having conducted security vulnerability assessments at 83 percent of airports in the United States. This figure increased from 87 percent in 2009, but shows little progress on the matter and leaves airport perimeters throughout the United States vulnerable to security breaches.

(2) TSA identified security vulnerability assessments, along with professional judgment, as TSA’s primary mechanism for assessing airport security vulnerabilities in accordance with National Infrastructure Protection Plan requirements.

(3) The Federal Government reports that between 1996 and November 2010, there have been 86 stowaways involving 76 flights, of which 68 were fatal and 18 survived.

(4) In November 2011, Delvonte Tisdale stowed away on a commercial jet at the Charlotte-Douglas International Airport in Charlotte, North Carolina, and fell out of the aircraft as it neared Boston’s Logan Airport. To this day, no comprehensive reasoning has been provided as to how Mr. Tisdale was able to stow away in the wheel well of the aircraft.

(b) Report.—
(1) No later than 180 days after the date of enactment of this Act, the Secretary shall issue a report to Congress and the appropriate congressional committees, detailing TSA’s progress toward conducting security vulnerability assessments at 100 percent of airports in the United States. The report shall detail the reasoning behind why TSA has currently conducted these assessments at only 17 percent of airports nationwide and how it will bring this figure up to 100 percent in the next two years.

(2) The report shall include steps taken to increase perimeter security since the incident involving Delvonte Tisdale in November 2010.

(3) The report shall include a thorough explanation of the conclusions reached by TSA during the Tisdale investigation.

SEC. 908. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

Section 899B (6 U.S.C. 488a) is amended—

(1) in subsection (a), by inserting “of ownership rights” after “sale and transfer” and inserting “and transfer of possession to entities that provide application services for ammonium nitrate” after “ammonium nitrate facility”;
(2) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) EXEMPTION FOR TRANSPORTATION PROVIDERS.—The Secretary shall exempt from this subtitle persons engaged in transportation activities covered by chapter 51 or section 114(d) of title 49, United States Code, who, in the determination of the Secretary, do no pose a security threat to homeland security based on existing security programs.”.

SEC. 909. SENSE OF CONGRESS ON INCLUSION OF THE WESTERN HEMISPHERE IN THE 2012 NATIONAL STRATEGY FOR COUNTERTERRORISM’S “AREA OF FOCUS”.

(a) FINDINGS.—Congress finds the following:

(1) A 2009 Department of State Country Report on Terrorism found that Hezbollah is the most technically capable terrorist group in the world with thousands of supporters, several thousand members, and a few hundred terrorist operatives.

(2) Officials from the Iranian Islamic Revolutionary Guard Corps’ (IRGC) Qods Force have been working in concert with Iran’s chief global terrorist proxy, Lebanese Hezbollah, since the 1990s, and they have developed networks in the Western Hemisphere...
that encompass more than 80 operatives in at least
12 countries throughout the region.

(3) Hezbollah’s chief sponsors, Iran and Syria,
have been forging relationships with the governments
in Latin America to achieve state cover and effective
immunity for their activities, and Hezbollah has es-
tablished a working relationship with the Revolu-
tionary Armed Forces of Colombia (FARC) in arms
and drug trafficking.

(4) Hezbollah has demonstrated its ability to co-
operate with Mexican drug cartels to utilize smug-
gling techniques and routes in order to bring drugs
and people into the United States. Sophisticated
narco-tunneling resembling the types used by
Hezbollah in Lebanon have been found along the
United States-Mexican border, and arrested Mexican
gang members entering the United States with Farsi
tattoos also support a Hezbollah influence.

(b) SENSE OF CONGRESS.—It is the sense of Congress
there exists a significant cause for concern and for further
investigation of potential counterterrorism threats to the
United States from Iran’s growing presence and influence
in the Western Hemisphere. The Secretary of Homeland Se-
curity, in coordination with other related agencies, should
include the Western Hemisphere in the 2012 National
Strategy for Counterterrorism’s “Area of Focus”, with specific attention on the counterterrorism threat to the homeland emanating from Iran’s growing presence and influence in the Western Hemisphere.
A BILL

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