S. 1546

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2011

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Department of Homeland Security Authorization Act of 2011”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—MANAGEMENT AND EFFICIENCY
Sec. 102. Acquisition professional career program.
Sec. 103. Strategic plan for acquisition workforce.
Sec. 104. Notification to Congress of major awards.
Sec. 105. Independent verification and validation.
Sec. 106. Other transaction authority.
Sec. 107. Report on competition.
Sec. 108. Open architecture study.
Sec. 109. Cost analysis division.
Sec. 110. Strategic acquisition plan.
Sec. 111. Transparency and innovation in acquisition.
Sec. 112. Disaster relief procurement authorities.
Sec. 113. Special emergency procurement authority for domestic emergency operations.
Sec. 114. Field efficiencies report and implementation plan.
Sec. 115. Cost savings and efficiency reviews.
Sec. 116. Consolidation of youth programs.

TITLE II—STRUCTURE AND ORGANIZATION

Sec. 201. Under Secretary for Policy.
Sec. 203. Chief Medical Officer.
Sec. 204. Quadrennial homeland security review.
Sec. 205. Designation of foreign terrorist organizations.
Sec. 206. Office for Domestic Preparedness termination.
Sec. 207. State and Local Government Coordination.
Sec. 208. Termination of Office of Counternarcotics Enforcement.
Sec. 209. Reorganization authority.
Sec. 210. Chief Information Officer.
Sec. 211. Department of Homeland Security headquarters.
Sec. 212. Future Years Homeland Security Program.
Sec. 213. Countering homegrown terrorism.
Sec. 215. Technical and conforming amendments.

TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE

Sec. 301. Infrastructure Protection and Resilience Directorate.
Sec. 302. Federal Protective Service.

TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY

Sec. 401. Catastrophic incident planning.
Sec. 402. Preparedness of individuals and communities.
Sec. 403. Federal response and recovery preparedness officials.
Sec. 404. Recovery.
Sec. 405. Enhancing response and recovery operations and programs.
Sec. 406. Department and agency officials.
Sec. 407. Infrastructure protection assistance.
Sec. 408. Federal-State border security cooperation.
Sec. 409. Emergency management assistance compact.
Sec. 410. Repeal of emergency operations center grant program.
Sec. 411. Performance measures.
Sec. 412. Communications planning.
Sec. 413. Guidelines concerning weapons of mass destruction.
Sec. 414. Plume modeling.
Sec. 415. Identification of disaster management resources.
Sec. 416. Antifraud training.
Sec. 417. Information technology.
Sec. 418. Metropolitan Medical Response System.
Sec. 419. Regional Catastrophic Grant Program.
Sec. 420. Report on consolidation of grant programs.

TITLE V—BORDER SECURITY

Sec. 501. Workforce staffing plan.
Sec. 502. Surge deployment.
Sec. 503. Enhanced training for Border Patrol agents.
Sec. 504. Outbound inspections.
Sec. 505. Situational awareness of the northern border.
Sec. 506. Office of International Travel Security and Screening.
Sec. 507. Visa security.
Sec. 508. Report on border security task forces and drug intelligence centers.

TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS

Sec. 601. Authorization of intelligence activities.
Sec. 602. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.
Sec. 603. Flexible personnel management at the Office of Intelligence and Analysis.
Sec. 604. Under Secretary for Intelligence and Analysis technical correction.

TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS

Sec. 701. Directorate of science and technology.
Sec. 702. Director of testing and evaluation.
Sec. 703. Five-year research and development investment plan; technology readiness assessment process; and availability of testing facilities and equipment.
Sec. 704. National academy of sciences report.
Sec. 705. Domestic nuclear detection office.
Sec. 706. Flexible personnel management at the Science and Technology Directorate.
Sec. 707. Technical and conforming amendment.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Department” means the Department of Homeland Security; and

(2) the term “Secretary” means the Secretary of Homeland Security.
TITLE I—MANAGEMENT AND EFFICIENCY

SEC. 101. DEPARTMENT OF HOMELAND SECURITY INVESTMENT REVIEW.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

“SEC. 836. DEPARTMENT INVESTMENT REVIEW.

“(a) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the review of proposed investments by the Department.

“(b) PURPOSE.—The Secretary shall use the process established under subsection (a) to provide a consistent method to evaluate the progress and status of acquisitions at critical points in the acquisition life cycle, inform investment decisions, strengthen acquisition oversight, and improve resource management throughout the Department.

“(c) ACQUISITION REVIEW BOARD.—

“(1) ESTABLISHMENT.—The Secretary shall establish a Department-wide Acquisition Review Board for the purpose of carrying out the investment review process established under subsection (a).

“(2) MEMBERSHIP.—The Secretary shall—
“(A) designate the Director of Cost Analysis as a member of the Acquisition Review Board; and

“(B) designate other appropriate officials of the Department to serve on the Acquisition Review Board.

“(3) SUBORDINATE BOARDS AND COUNCILS.—The Secretary may establish, as needed, subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on a Department-wide basis.

“(d) RISK-BASED CRITERIA FOR REVIEW.—The Secretary shall establish risk-based criteria for the review of investments by the Acquisition Review Board and any subordinate boards and councils, which should include threshold dollar amounts.

“(e) REPORTING REQUIREMENTS.—

“(1) ACQUISITION DECISION MEMORANDA.—Not later than three business days after signature of any acquisition decision memorandum of the Acquisition Review Board, the Under Secretary for Management shall provide a copy of the memorandum, together with a copy of the Letter of Assessment signed by the Director of Testing and Evaluation, to the Committee on Homeland Security and Govern-
mental Affairs of the Senate and the Committee on Homeland Security of the House or Representatives.

“(2) QUARTERLY STATUS REPORTS.—The Under Secretary for Management shall provide a quarterly report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the status of each acquisition subject to the review process established by this section. The report shall include the following elements:

“(A) A description of the acquisition.

“(B) The status of review of the acquisition by the Acquisition Review Board or other board designated to review the acquisition.

“(C) The estimated life-cycle cost of the acquisition, and the basis for the estimate.

“(D) The Acquisition Program Baseline approved by the Acquisition Review Board.

“(E) Information on whether the Acquisition Review Board has reviewed and approved other key planning documents, including, as applicable—

“(i) a Concept of Operations;

“(ii) a Statement of Mission Need;
“(iii) an Analysis of Alternatives;
“(iv) an Operational Requirements
   Document;
“(v) an Acquisition Plan; and
“(vi) an Integrated Logistics Support
   Plan.
“(F) Identification of acquisitions that
   have not met cost, schedule, or performance pa-
   rameters, and a description of the corrective
   measures implemented or planned for such ac-
   quisitions.
“(G) An indication of whether a certified
   program manager has been assigned to the ac-
   quisition.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of such Act (6 U.S.C. 101(b)) is amended
by inserting after the item relating to section 835 the fol-
lowing new item:
“Sec. 836. Department investment review.”.

SEC. 102. ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish
an acquisition professional career program for selected
professionals to foster the recruitment, training, certifi-
cation, and retention of qualified acquisition personnel
throughout the Department.
(b) CAREER FIELDS COVERED.—The program established under subsection (a) shall provide training in key acquisition career fields supporting the entire life cycle of acquisitions, including the positions of contract specialist, program manager, logistician, systems engineer, cost estimator, and information technology acquisition specialist.

(e) ROTATIONAL ASSIGNMENTS.—To the extent practicable, the Department should strive to have participants in the program established under subsection (a) complete, at a minimum, three rotational assignments, to be at least one year in length unless otherwise provided by the Secretary, at Department components in order to gain a broad perspective on how acquisitions support the Department’s missions.

(d) SIZE.—The size of the program established under subsection (a) shall be commensurate with available funding and consistent with the projected acquisition workforce needs established in the strategic plan for acquisition workforce required by section 103.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to conflict with or supersede the authority vested in the Administrator for Federal Procurement Policy.
SEC. 103. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.

(a) Strategic Human Capital Plan.—Not later than 1 year after the date of enactment of this Act, and at a minimum every 3 years thereafter, the Secretary shall develop a long-term strategic human capital plan for the recruitment, retention, and training of the Department’s acquisition workforce that is consistent with requirements issued by the Administrator for Federal Procurement Policy and includes—

(1) an identification of gaps in capabilities in each component of the Department for, at a minimum, the acquisition career fields identified pursuant to section 102, and specific steps that will be taken to address those gaps;

(2) projections in personnel needed for each acquisition career field in each component; and

(3) a plan and projected schedule for training the acquisition workforce.

(b) Submission to Congress.—The Secretary shall deliver a copy of the strategic plan developed pursuant to subsection (a) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.
SEC. 104. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.

(a) REPORTING OF SIGNIFICANT CONTRACTS.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives at least 3 business days before—

(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 human life, health, or safety, an award may be made without the notification required by subsection (a), and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives shall be notified not later than 5 business days after such an award is made.

SEC. 105. INDEPENDENT VERIFICATION AND VALIDATION.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department, in consultation with the Chief Information Officer of the Department, shall issue guidance on use of independent verification and vali-
The guidance shall include—

(1) a definition of independent verification and validation for consistent use by Department components;

(2) criteria for applying and planning independent verification and validation that—

(A) gives priority for consideration of independent verification and validation based on factors including mission criticality of the program and its components and potential impacts to the program from undetected system errors;

(B) includes 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 836 of the Homeland Security Act of 2002, as added by section 101; and

(C) ensures, where reasonable and appropriate, use of resources of the Federal Government to perform independent verification and validation;
(3) procedures for ensuring the managerial, financial, and technical independence of providers of independent verification and validation from the personnel who develop, manage, and perform acquisitions for the program, in order to obtain unbiased reviews of acquisitions;

(4) methods for integrating independent verification and validation results into program management;

(5) procedures to monitor and ensure implementation of the guidance and to take corrective action when necessary; and

(6) mechanisms to collect and analyze data on independent verification and validation to facilitate lessons learned and evaluate the effectiveness of the investments of the Department.

(b) Restriction on Development of Guidance.—The development of the guidance required under subsection (a) shall be considered an inherently governmental function.

(c) Reporting to Congress.—

(1) Quarterly reports.—The quarterly reports required by section 836(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as added by section 101, shall include, for any acquisi-
tion that is granted initial approval to proceed by
the Acquisition Review Board without a plan for
independent verification and validation, an expla-
nation of the decision not to employ independent
verification and validation.

(2) INFORMATION TECHNOLOGY.—Not later
than 270 days after the date of enactment of this
Act, the Chief Procurement Officer of the Depart-
ment shall submit to the Committee on Homeland
Security and Governmental Affairs of the Senate
and the Committee on Homeland Security of the
House of Representatives a report on the actions the
Department is taking to address the recommenda-
tions included in the July 2011 report of the Gov-
ernment Accountability Office entitled “Information
Technology: DHS Needs to Improve Its Independent
Acquisition Reviews” (GAO–11–581), including any
actions taken to improve the use of independent
verification and validation for the 8 programs identi-
fied in the report.

SEC. 106. OTHER TRANSACTION AUTHORITY.

Section 831 of the Homeland Security Act of 2002
(6 U.S.C. 391) is amended—
(1) in subsection (a), by striking “Until September 30, 2010” and inserting “Until September 30, 2016”;

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

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

SEC. 107. REPORT ON COMPETITION.

Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall prepare a report analyzing the use of competition in the award of contracts by the Department under the requirements of the Competition in Contracting Act (41 U.S.C. 3301 et seq.), which shall include—

(1) for each component of the Department, the total number and dollar value of new contracts for each of the last three full fiscal years for which data is available, and, of that total number, the number of contracts—

(A) entered into without full and open competition; and
(B) 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; 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 major agencies.

SEC. 108. OPEN ARCHITECTURE STUDY.

(a) Establishment.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Management shall commence a study within the Department to examine ways in which performance may be improved, costs may be reduced, and opportunities for competition may be increased through an open architecture approach to acquisitions.

(b) Participants in the Study.—The study shall contain input from the following officials:

(1) The Chief Procurement Officer of the Department.
(2) The Chief Information Officer of the Department.

(3) The Chief Acquisition Executives of the Department’s components.

(4) The Heads of Contracting Activity of the Department’s components.

(5) The Chief Information Officers of the Department’s components.

(6) The Director of Acquisition Support and Operations Analysis of the Science and Technology Directorate.

(7) Any other official of the Department identified by the Under Secretary for Management.

(c) Study.—

(1) In general.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary for Management shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report—

(A) assessing the current use of open architecture by the Department;
(B) making recommendations, as appropriate, on the benefits of expanded use of open architecture by the Department;

(C) describing the internal capabilities necessary for executing acquisitions under an open architecture model; and

(D) identifying, as appropriate, acquisitions for which use of open architecture would be beneficial.

(2) USE OF LESSONS LEARNED.—In preparing the report, the participants in the study should draw on lessons learned from the use of open architecture at the Department of Defense.

(d) OPEN ARCHITECTURE DEFINED.—In this section, the term “open architecture” means the employment of business and technical practices that yield modular, interoperable systems that adhere to standards with open interfaces, with a goal of encouraging competitive proposals from multiple qualified sources and rapid incorporation of innovative technologies into systems.

(e) TERMINATION.—The study shall be deemed completed upon submission of the report required by subsection (e).
SEC. 109. COST ANALYSIS DIVISION.
(a) In General.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 101(a), is further amended by adding at the end the following new section:

“SEC. 837. COST ANALYSIS DIVISION.
“(a) Establishment.—There is established within the Department a Cost Analysis Division, which shall report to the Under Secretary for Management, to ensure that program cost estimates—
“(1) are accurate reflections of program requirements; and
“(2) increase the capability of the Department for informed investment decisions, budget formulation, measurement of progress, and accountability.
“(b) Duties.—The duties of the Cost Analysis Division shall include—
“(1) validating program life-cycle cost estimates as part of the investment review process established under section 836;
“(2) providing independent cost estimates of major programs at major milestone points;
“(3) prescribing policies and procedures for the conduct of cost estimation and cost analysis for acquisition programs of the Department;
“(4) issuing guidance relating to full consideration of life-cycle management and sustainability costs in acquisition programs of the Department;

“(5) providing assistance, training, and oversight of the cost analysis capabilities of the components of the Department;

“(6) leveraging, where possible, existing databases and system resources maintained by other Federal agencies in the development of the Department’s cost database, and sharing relevant information and best practices related to cost databases with other agencies; and

“(7) leading the development of—

“(A) improved analytical skills and competencies within the cost assessment workforce of the Department; and

“(B) tools, data, and methods to promote improved performance, economy, and efficiency in planning and allocation of homeland security resources.

“(c) DIRECTOR OF COST ANALYSIS.—

“(1) IN GENERAL.—The Cost Analysis Division shall be headed by a Director of Cost Analysis who shall serve as the principal advisor to the Secretary and other senior officials of the Department on cost
estimation and cost analysis for acquisition programs of the Department.

“(2) AVAILABILITY OF RESOURCES.—The Secretary shall ensure that the Director of Cost Analysis—

“(A) promptly receives the results of—

“(i) all cost estimates and cost analyses conducted by components of the Department for any acquisition subject to the investment review process established under section 836; and

“(ii) all studies conducted by the components in connection with such acquisitions; and

“(B) has timely access to any records and data in the Department that the Director considers necessary to review in order to carry out any duties under this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 101(b), is further amended by inserting after the item relating to section 836 the following new item:

“Sec. 837. Cost analysis division.”.

SEC. 110. STRATEGIC ACQUISITION PLAN.

as amended by section 109(a), is further amended by adding at the end the following new section:

“SEC. 838. STRATEGIC ACQUISITION PLAN.

Not later than one year after the date of enactment of the Department of Homeland Security Authorization Act of 2011, and annually thereafter, the Under Secretary for Management shall make publicly available on the Internet website of the Department a strategic acquisition plan that includes—

“(1) guiding principles, overarching goals, and specific objectives of the Department’s acquisitions;

“(2) anticipated procurement needs over 1-year and, at a minimum, 5-year periods with specific information on—

“(A) program-level needs;

“(B) anticipated multi-year procurements;

and

“(C) expected major changes in ongoing or planned procurements; and

“(3) plans for utilization of strategic sourcing through Department-wide or government-wide contracts.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended
by section 109(b), is further amended by inserting after the item relating to section 837 the following new item:

“Sec. 838. Strategic acquisition plan.”.

SEC. 111. TRANSPARENCY AND INNOVATION IN ACQUISITION.

(a) In general.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 110(a), is further amended by adding at the end the following new section:

“SEC. 839. TRANSPARENCY AND INNOVATION IN ACQUISITION.

“The Under Secretary for Management, consistent with applicable law, regulations, and policy shall—

“(1) ensure that acquisition personnel provide information on acquisition needs of the Department to the private sector and nongovernmental organizations;

“(2) ensure that the Department’s website includes information on programs, policies, and initiatives designed to encourage small businesses to participate in Department acquisitions;

“(3) provide information on the Department’s website to guide interactions between the Department and vendors;

“(4) provide information on the Department’s procurements on the Department’s website;
“(5) promote use of consistent, shared terminology and definitions within the Department and in the solicitations, contracts, grants, and other transactions of the Department with the private sector;

“(6) encourage appropriate use of requests for information and other pre-solicitation means of gathering knowledge about the marketplace; and

“(7) ensure that debriefings to unsuccessful offerors, including those required by the Federal Acquisition Regulation, provide adequate explanation of the basis for an award decision.”.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 110(b), is further amended by inserting after the item relating to section 838 the following new item:

“Sec. 839. Transparency and innovation in acquisition.”.

SEC. 112. DISASTER RELIEF PROCUREMENT AUTHORITIES.


(b) Streamlining Registration for Voluntary Disaster Response Registry.—Section 697(b) of the Post-Katrina Emergency Management Reform Act of
2006 (title VI of Public Law 109–295; 6 U.S.C. 796(b)) is amended—

(1) by amending paragraph (3) to read as follows:

“(3) **SOURCE OF INFORMATION.**—Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns.”; and

(2) in paragraph (5), by striking “consult the registry” and inserting “consult the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto”.

SEC. 113. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

Section 1903 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;
(B) by striking “with respect to a procure-
ment” and inserting the following: “with re-
spect to—
“(1) a procurement”;

(C) in subparagraph (B), as redesignated
by subparagraph (A) of this paragraph, by
striking “United States.” and inserting “United
States; and”; and

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

“(C) a procurement of property or services
by or for the Department of Homeland Security
that the Secretary of Homeland Security deter-
mines are to be used in support of domestic
emergency operations, in accordance with sub-
section (d).”;

(2) in subsection (c)(1), by striking “subsection
(a)(2)” and inserting “subsection (a)(1)(B)”; and

(3) by adding at the end the following new sub-
section:

“(d) DOMESTIC EMERGENCY OPERATIONS.—The
Secretary of Homeland Security, or a designee at the
Chief Procurement Officer level or higher, in consultation
with the Administrator, may utilize the authorities pro-
vided under paragraphs (1)(A), (2)(A), and (3) of sub-
section (b) in a domestic emergency operation to provide support for—

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

“(2) any occasion or instance for which the Secretary of Homeland Security 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.”.

SEC. 114. FIELD EFFICIENCIES REPORT AND IMPLEMENTATION PLAN.

(a) DEFINITION.—In this section, the term “designated geographic area”—

(1) means an area designated by the Secretary where there is a substantial physical presence of more than 1 component or operational entity of a component of the Department; and

(2) does not include the National Capitol Region, as defined under section 2674 of title 10, United States Code.

(b) REPORT AND PLAN.—
(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an efficiencies report and implementation plan that—

(A) examines the facilities and administrative and logistics functions of components or operational entities of components of the Department located within designated geographic areas; and

(B) provides specific recommendations and an associated cost-benefit analysis for the consolidation of the facilities and administrative and logistics functions of components or operational entities of components of the Department within each designated geographic area.

(2) CONTENTS.—The efficiencies report and implementation plan submitted under paragraph (1) shall—

(A) describe the facilities and administrative and logistics functions of components or operational entities of components of the De-
partment located within each designated geographic area;

(B) evaluate for each designated geographic area—

(i) specific facilities at which components or operational entities of components of the Department may be closed or consolidated, including the consideration of when leases expire or facilities owned by the Government become available;

(ii) the potential for the consolidation of administrative and logistics functions, including—

(I) engineering services;

(II) facility maintenance;

(III) janitorial services;

(IV) fleet vehicle services;

(V) shipping and receiving;

(VI) facility security;

(VII) procurement of goods and services;

(VIII) mail handling;

(IX) administrative support; and
(X) information technology and telecommunications services and sup-
port; and

(iii) additional ways to improve unity of effort and cost savings for field oper-
ations and related support activities;

(C) detail any other opportunities to im-
prove efficiency or reduce costs identified by a component of the Department; and

(D) from the elimination of duplicative component support functions, consolidation of facilities, and implementation of additional operational initiatives, reduce the aggregate amount of expenditures on all Department fa-
cilities, administrative and logistics functions, and operational activities in designated geo-
graphic areas by 5 percent.

(3) Implementation.—Not later than 2 years after the date of enactment of this Act, the imple-
mentation plan required by this section shall be fully implemented.

SEC. 115. COST SAVINGS AND EFFICIENCY REVIEWS.

(a) Management and Administrative Savings.—
Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Under Sec-
retary for Management, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that—

(1) provides a detailed accounting of the management and administrative expenditures and activities of the components of the Department; and

(2) identifies potential cost savings and efficiencies for the management and administrative expenditures and activities of each component of the Department.

(b) PERSONNEL ALLOCATION STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary for Management, shall—

(1) conduct 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, Border 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

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that details the findings of the study conducted under paragraph (1) and recommends adjustments to close gaps in capabilities, reduce costs, and enhance efficiencies.

SEC. 116. CONSOLIDATION OF YOUTH PROGRAMS.

The Secretary shall consolidate all youth preparedness educational programs of the Department, including the use of mascots and youth-focused websites, into 1 program, including—

(1) the Ready Kids Initiative;

(2) the FEMA for Kids website;

(3) the U.S. Fire Administration for Kids website; and

(4) the Disaster Twins website of the Federal Emergency Management Agency.

TITLE II—STRUCTURE AND ORGANIZATION

SEC. 201. 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 as section 890A and transferring that section to after section 890; and

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

“TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

“Subtitle A—Under Secretary for Policy

“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.—The Under Secretary for Policy shall—

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

“(2) coordinate and provide overall direction and supervision of policy development for the programs, offices, and activities of the Department;

“(3) work with the Under Secretary for Management and the General Counsel of the Department to ensure that the development of the budget of the
Department is compatible with the priorities, strategic plans, and policies established by the Secretary;

“(4) conduct long-range, strategic planning for the Department, including overseeing each quadrennial homeland security review under section 621; and

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

(b) INCUMBENT.—The individual serving as Assistant Secretary for Policy on the date of enactment of this Act may serve as the Under Secretary for Policy until the date on which an appointment to the position of Under Secretary for Policy is made, by and with the advice and consent of the Senate.

(c) 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—

(1) by striking the items relating to title VI and section 601 and inserting the following:

“TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

“Subtitle A—Under Secretary for Policy

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

and
(2) by inserting after the item relating to sec-

tion 890 the following:

“Sec. 890A. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.”.

3 SEC. 202. OFFICE OF INTERNATIONAL AFFAIRS.

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) E STABLISHMENT.—There is established within the Department an Office of International Affairs, which shall be headed by the Assistant Secretary for Inter-
national Affairs, who shall be appointed by the President.

“(b) R ESPONSIBILITIES OF THE ASSISTANT SEC-

RETARY.—The Assistant Secretary for International Af-

fairs shall—

“(1) coordinate international activities within the Department;

“(2) develop and update, in consultation with all components of the Department with international activities, an international strategic plan for the De-

partment and establish a process for managing its implementation;

“(3) provide guidance to components of the De-

partment on executing international activities and to employees of the Department who are deployed over-

seas, including—
“(A) establishing predeployment preparedness criteria for employees and any accompanying family members;

“(B) establishing, in coordination with the Under Secretary for Management, minimum support requirements for Department employees abroad, to ensure the employees have the proper resources and have received adequate and timely support prior to and during tours of duty;

“(C) providing information and training on administrative support services available to overseas employees from the Department of State and other Federal agencies;

“(D) establishing guidance on how Department attaches are expected to coordinate with other component staff and activities; and

“(E) developing procedures and guidance for employees of the Department returning to the United States;

“(4) identify areas for homeland security information and training exchange in which—

“(A) the United States has a demonstrated weakness; and
“(B) a country that is a friend or ally of the United States has a demonstrated expertise;
“(5) maintain situational awareness of—
“(A) all international engagement and travel conducted by offices and personnel of the Department; and
“(B) all spending by the Federal Government for international assistance activities relating to homeland security; and
“(6) perform other duties, as determined by the Secretary.”.

SEC. 203. CHIEF MEDICAL OFFICER.

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

(1) in subsection (a), by striking all that follows the second comma 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” at the end;

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

(C) by inserting after paragraph (6) the following:
“(7) ensuring that the workforce of the Department has science-based policy, standards, requirements, and metrics for occupational safety and health;

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

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

SEC. 204. 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 associ-
ated 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 enter-
prise should be adjusted based on any proposed
modifications to the mission areas, goals, or ob-
jectives;

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

“(F) identify redundant, wasteful, or un-
necessary capabilities and capacities where re-
sources 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 Congress a report—

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

“(ii) describing the findings and conclusions of the review, including findings and conclusions relating to each issue ad-
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) describing how the conclusions under the quadrennial homeland security review are to be implemented through the Future Years Homeland Security Program under section 874;

“(v) detailing how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian Tribes, and private entities, and of individuals, families, and communities;

“(vi) providing proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department
in order to better fulfill the responsibilities
of the Department; and
“(vii) describing any other matter the
Secretary considers appropriate; and
“(B) consistent with the protection of na-
tional security and other sensitive matters,
make the report required under subparagraph
(A) publicly available on the website of the De-
partment.
“(c) MIDTERM REVIEW OF IMPLEMENTATION.—Not
later than 2 years after the date on which the Secretary
submits a report under subsection (b)(2)(A), the Secretary
shall submit to Congress a report on—
“(1) the implementation of the recommenda-
tions in the report, including recommended revisions
to the national homeland security strategy made
under subsection (b)(2)(A)(iii) and changes proposed
under subsection (b)(2)(A)(vi); and
“(2) the preparations for the next quadrennial
homeland security review, including a detailed re-
source plan specifying the estimated budget and
number of staff members that will be required for
preparation of the quadrennial homeland security re-
view.”.
(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. 205. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

(a) **IN GENERAL.**—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 890A, as redesignated and transferred by section 201(a)(1), the following:

"**SEC. 890B. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

"In designating foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), the Secretary of State shall consult with the Secretary, the Attorney General, the Secretary of the Treasury, and the Director of National Intelligence."

(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 inserting after the item relating to section 890A, as added by section 201(c)(2), the following:

"Sec. 890B. Designation of foreign terrorist organizations."
SEC. 206. OFFICE FOR DOMESTIC PREPAREDNESS TERMINATION.

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

(b) Incumbent.—Notwithstanding the amendment made by subsection (a), an individual serving on the day before the date of enactment of this Act under an appointment by the President, by and with the advice and consent of the Senate, under section 430 of the Homeland Security Act of 2002 may continue to serve in the position held by the individual and to perform the responsibilities of the individual on the day before the date of enactment of this Act.

(c) Responsibilities.—

(1) In general.—On and after the date on which the individual described in subsection (b) leaves the position held by the individual on the day before the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the “Administrator”) may perform or delegate the responsibilities of the individual as determined appropriate by the Administrator.

(2) No incumbent.—If there is no individual described in subsection (b), on and after the date of
enactment of this Act the Administrator may per-
form or delegate the responsibilities of the individual
most recently serving under an appointment by the
President, by and with the advice and consent of the
Senate, under section 430 of the Homeland Security
Act of 2002 as determined appropriate by the Ad-
ministrator.

(d) TECHNICAL AND CONFORMING AMENDMENT.—
The table of contents under 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. 207. STATE AND LOCAL GOVERNMENT COORDINA-
TION.

(a) INTERGOVERNMENTAL AFFAIRS.—

(1) IN GENERAL.—Section 801 of the Home-
land Security Act of 2002 (6 U.S.C. 361) is amend-
ed—

(A) in the section heading by striking “OFF-
FICE FOR”; and

(B) in subsection (a)—

(i) by striking the subsection heading
and inserting “(a) IN GENERAL.—”;

(ii) by striking “established”; and
(iii) by striking “for State and Local Government Coordination” and inserting “of Intergovernmental Affairs”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF CONTENTS.—The table of contents under 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 801 and inserting the following:

“Sec. 801. State and Local Government Coordination.”.

(B) FUNCTIONS OF THE SECRETARY.—
Section 102(c) of the Homeland Security Act of 2002 (6 U.S.C. 112(c)) is amended by striking “the Office of State and Local Coordination (established under section 801)” and inserting “the Office of Intergovernmental Affairs described under section 801”.

(C) SPECIAL ASSISTANT TO THE SECRETARY.—Section 102(f)(11) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(11)) is amended by striking “the Office of State and Local Coordination and Preparedness” and inserting “the Office of Intergovernmental Affairs”.
(D) CHIEF INFORMATION OFFICER.—Section 703(b)(2)(D)(iv) of the Homeland Security Act of 2002 (6 U.S.C. 343(b)(2)(D)(iv)) is amended by striking “and the Executive Director of the Office of State and Local Coordination and Preparedness”.

(b) TRANSFER OF RESPONSIBILITIES.—Not later than 30 days after the date of enactment of this Act, the Secretary shall transfer to the Office of Intergovernmental Affairs any responsibility under section 801(b) of the Homeland Security Act of 2002 (6 U.S.C. 361(b)) which was transferred by the Secretary under section 872 of that Act (6 U.S.C. 452) or any other Act to an office or entity other than the Office of Intergovernmental Affairs before that date of enactment.

SEC. 208. TERMINATION OF OFFICE OF COUNTER-NARCOTICS ENFORCEMENT.

(a) Termination.—


(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.
(3) **Transition Provision.**—Notwithstanding the amendment made by paragraph (1), the Office of Counternarcotics Enforcement and the Director of the Office of Counternarcotics Enforcement shall continue to perform any function of the Office or the Director, respectively, under section 878 of the Homeland Security Act of 2002, as in effect on the day before the date of enactment of this Act, until the earlier of—

(A) the date on which the function is transferred under subsection (b); and

(B) the date that is 180 days after the date of enactment of this Act.

(b) **Transfer of Functions.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) determine whether to transfer to an appropriate official of the Department each function described in paragraph (1), (2), (3), or (5) of section 878(d) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)), as in effect on the day before the date of enactment of this Act;

(2) transfer to an appropriate official of the Department any function determined appropriate under paragraph (1) and any personnel, assets, com-
ponents, authorities, and liabilities relating to the function; and

(3) submit to Congress a notification regarding any function described in paragraph (1) that the Secretary does not transfer under paragraph (2).

(e) 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 878.

SEC. 209. REORGANIZATION AUTHORITY.

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

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

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

“(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

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

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

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

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

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

“(1) the reasons for the action taken; and
“(2) a list of each statutory provision implicated by the action.”.

SEC. 210. CHIEF INFORMATION OFFICER.

(a) In General.—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 Department for all activities relating to the programs and operations of the information technology functions of the Department;

“(2) establish the information technology priorities, 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 Department;

“(4) be responsible for information technology capital planning and investment management in accordance 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 integration 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.”.

(b) SOFTWARE LICENSING.—

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

(A) conduct a department-wide inventory
of all existing software licenses including uti-
lized and unutilized licenses;

(B) assess the needs of the Department
and the components of the Department for soft-
ware licenses for the upcoming 2 fiscal years;
and

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

(2) EXCESS SOFTWARE LICENSES.—

(A) Plan to Reduce Software Li-
censes.—If the Chief Information Officer de-
determines through the inventory conducted under
paragraph (1) 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 paragraph (1)(B), the Secretary, not later than 90 days after the date on which the inventory is completed under paragraph (1), shall establish a plan for bringing the number of software licenses into balance with such needs of the Department.

    (B) **Prohibition on procurement of new software licenses.**—

        (i) **In general.**—Except as provided in clause (ii), upon completion of a plan established under subparagraph (A), 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.

        (ii) **Exception.**—The Chief Information Officer of the Department may allow the purchase of additional licenses and amend the number of needed licenses as necessary.
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(3) Submission to Congress.—A copy of each inventory conducted under paragraph (1) and each plan established under paragraph (2) 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. 211. DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS.

(a) In General.—Notwithstanding any other provision of law and not later than the end of fiscal year 2018, the Secretary shall consolidate the location of the headquarters of the Department and the headquarters of components of the Department, as determined by the Secretary, in accordance with this section.

(b) St. Elizabeths Hospital.—The Secretary shall ensure that—

(1) the headquarters consolidation under subsection (a) occurs at the West Campus and East Campus of Saint Elizabeths Hospital in the District of Columbia; and

(2) the sites of the headquarters consolidation include adequate parking and infrastructure to support the offices and employees relocated to the sites.

(c) Other Mission Support Activities.—
(1) IN GENERAL.—The Secretary shall consolidate the physical location of all components and activities of the Department in the National Capitol Region that do not relocate to the West Campus or East Campus of Saint Elizabeths Hospital to as few locations within the National Capitol Region as possible.

(2) LIMITATION.—The Secretary may only consolidate components and activities described in paragraph (1) if the consolidation can be accomplished without adversely affecting the specific mission of the components or activities being consolidated.

SEC. 212. FUTURE YEARS HOMELAND SECURITY PROGRAM.

Section 874(a) of the Homeland Security Act of 2002 (6 U.S.C. 454(a)) is amended by inserting “but in any event not later than 30 days after the date on which the budget request is submitted,” after “at or about the same time,”.

SEC. 213. COUNTERING HOMEGROWN TERRORISM.

(a) FINDINGS.—Congress finds the following:

(1) The Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly know as, and in this section referred to as, the “9/11 Commission Report”) states that “our strategy must match our means to two ends: dis-
mantling the al Qaeda network and prevailing in the
longer term over the ideology that gives rise to
Islamist terrorism.”.

(2) The President released a document in Au-
gust 2011, entitled “Empowering Local Partners to
Prevent Violent Extremism in the United States”,
which set forth a framework for countering violent
extremism in the United States.

(b) DESIGNATION OF OFFICIAL.—Not later than 30
days after the date of enactment of this Act, the Secretary
shall designate an official of the Department to coordinate
efforts to counter violent extremism in the United States,
particularly the ideology that gives rise to Islamist ter-
rorism as identified in the 9/11 Commission Report.

(c) NOTICE.—Not later than 15 days after the date
on which the Secretary designates an official under sub-
section (b), the Secretary shall submit to the Committee
on Homeland Security and Governmental Affairs of the
Senate and the Committee on Homeland Security of the
House of Representatives a written notification of the des-
ignation.

(d) REPORT.—Not later than 90 days after the date
on which the Secretary designates an official under sub-
section (b), official designated shall submit to the Com-
mittee on Homeland Security and Governmental Affairs
of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) the strategy and activities of the Department to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(2) which offices of the Department have significant responsibilities for countering violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(3) the number of employees of the Department employees whose time is fully or partially dedicated and the amount of funding dedicated by the Department to countering violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(4) 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 violent extremism in the United States, particularly
the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(5) the metrics used to measure the effectiveness of programs or activities of the Department or sponsored by the Department aimed to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report; and

(6) the work of the Department to ensure that its activities to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission report, are in compliance with civil rights and civil liberties under applicable law.

**SEC. 214. OFFICE OF CARGO SECURITY POLICY.**

(a) **REPEAL.**—Section 431 of the Homeland Security Act of 2002 (6 U.S.C. 239) is repealed.

(b) **TRANSFER OF FUNCTIONS.**—All functions and responsibilities of the Office of Cargo Security Policy, as of the day before the date of the enactment of this Act, shall be transferred to appropriate officials within the Office of Policy.

**SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) **HOMELAND SECURITY ACT OF 2002.**—
(1) Title I.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended—

(A) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking “the Directorate of Border and Transportation Security” and inserting “Commissioner, Customs and Border Protection”; and

(B) in section 103(a) (6 U.S.C. 113(a))—

(i) in paragraph (3), by striking “Under Secretary for Border and Transportation Security” and inserting “Under Secretary for Policy”; and

(ii) in paragraph (5), by striking “the Bureau of” and inserting “U.S.”.

(2) Title IV.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(A) by amending the title heading to read as follows:

“TITLE IV—BORDER AND TRANSPORTATION SECURITY”;

(B) in subtitle A, by amending the subtitle heading to read as follows:
“Subtitle A—Border and Transportation Security”;  

(C) by striking section 401 (6 U.S.C. 201);  

(D) in section 402 (6 U.S.C. 202)—  

(i) in the section heading, by striking “RESPONSIBILITIES” by inserting “BORDER AND TRANSPORTATION RESPONSIBILITIES”; and  

(ii) by striking “, acting through the Under Secretary for Border and Transportation Security,”;  

(E) in section 411(a) (6 U.S.C. 211(a)), by striking “Under Secretary for Border and Transportation Security” and inserting “Secretary”;  

(F) in section 424(a) (6 U.S.C. 234(a)), by striking “Under Secretary for Border Transportation and Security” and inserting “Secretary”;  

(G) in section 441 (6 U.S.C. 251)—  

(i) in the section heading, by striking “TO UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY”;  

and
(ii) by striking “Under Secretary for Border and Transportation Security” and inserting “Secretary”;

(H) in section 442 (6 U.S.C. 252)—

(i) by amending the section heading to read as follows:

“SEC. 442. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.”;

(ii) in subsection (a)—

(I) in the subsection heading, by striking “ESTABLISHMENT OF BUREAU” and inserting “U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT”;

(II) in paragraph (1), by striking “a bureau to be known as the ‘Bureau of Border Security’.” and inserting “an agency to be known as ‘U.S. Immigration and Customs Enforcement’.”;

(III) by amending paragraph (2) to read as follows:

“(2) ASSISTANT SECRETARY.—The head of U.S. Immigration and Customs Enforcement shall be the Assistant Secretary of U.S. Immigration and Customs Enforcement, who—
“(A) shall also have the title of Director of
U.S. Immigration and Customs Enforcement;
and
“(B) shall have a minimum of—
“(i) 5 years of professional experience
in law enforcement; and
“(ii) 5 years of management experi-
ence.”;

(IV) in paragraph (3)—

(aa) in the matter preceding
subparagraph (A), by striking
“the Bureau of Border Security”
and inserting “U.S. Immigration
and Customs Enforcement”;

(bb) in subparagraph (A)—

(AA) by striking
“Under Secretary for Bor-
der and Transportation Se-
curity” each place such term
appears and inserting “Sec-
retary”; and

(BB) by inserting “of
U.S. Immigration and Cus-
toms Enforcement” after
“Assistant Secretary” each
place such term appears;

and

(cc) in subparagraph (C)—

(AA) by striking “Under Secretary for Border and Transportation Security” and inserting “Under Secretary for Policy”;

(BB) by striking “the Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; and

(CC) by striking “the Bureau of Citizenship and Immigration Services” and inserting “U.S. Citizenship and Immigration Services”;

(V) in paragraph (4)—

(aa) by striking “the Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; and
(bb) by striking “the Bureau” and inserting “U.S. Immigration and Customs Enforcement”; and

(VI) in paragraph (5)(A)—

(aa) by striking “the Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; and

(bb) by striking “such bureau” each place such term appears and inserting “U.S. Immigration and Customs Enforcement”;  

(iii) in subsection (b)—

(I) in paragraph (1), by striking “the Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; and

(II) in paragraph (2)—

(aa) in the matter preceding subparagraph (A), by striking “Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; and
(bb) in subparagraph (B),
by striking “the Bureau of Citizenship and Immigration Services (established under subtitle E)” and inserting “U.S. Citizenship and Immigration Services”;

(iv) in subsection (c)—

(I) by striking “the Bureau of Border Security” each place such term appears and inserting “U.S. Immigration and Customs Enforcement”; and

(II) by striking “the bureau” and inserting “U.S. Immigration and Customs Enforcement”;

(I) in section 443 (6 U.S.C. 253)—

(i) by striking “The Under Secretary for Border and Transportation Security” and inserting “The Secretary”; and

(ii) by striking “the Bureau of Border Security” each place such term appears and inserting “U.S. Immigration and Customs Enforcement”;

(J) in section 444 (6 U.S.C. 254)—
(i) by striking “The Under Secretary for Border and Transportation Security” and inserting “The Secretary”; (ii) by striking “pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation,”; and (iii) by striking “the Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; (K) by striking section 445 (6 U.S.C. 255); (L) in section 451 (6 U.S.C. 271)— (i) in the section heading, by striking “BUREAU OF” and inserting “U.S.”; (ii) in subsection (a)— (I) in the subsection heading, by striking “OF BUREAU”; (II) in paragraph (1), by striking “a bureau to be known as the Bureau of” and inserting “an agency to be known as U.S.”; (III) in paragraph (2)— (aa) by striking “the Bureau of Citizenship and Immigration Services” each place such term
appears and inserting “U.S. Citizenship and Immigration Services”; and

(bb) by striking “the Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”;

(IV) in paragraph (3)—

(aa) by striking “the Bureau of Citizenship and Immigration Services” each place such term appears and inserting “U.S. Citizenship and Immigration Services”; and

(bb) by striking “the Bureau of Border Security of the Department” and inserting “U.S. Immigration and Customs Enforcement”;

(V) in paragraph (4)(A)—

(aa) by striking “the Bureau of” and inserting “U.S.”; and

(bb) by striking “such bureau” each place such term appears and inserting “U.S. Citi-
zenship and Immigration Services’; and

(VI) in paragraph (5), by striking “the Bureau of” and inserting “U.S.”;

(iii) in subsection (b), by striking “the Bureau of” and inserting “U.S.”;

(iv) in subsection (c)—

(I) by striking “the Bureau of” each place such term appears and inserting “U.S.”; and

(II) in paragraph (2)—

(aa) in the matter preceding subparagraph (A), by striking “Bureau of” and inserting “U.S.”; and

(bb) in subparagraph (B), by striking “Border Security of the Department” and inserting “Immigration and Customs Enforcement”;

(v) in subsection (d), by striking “the Bureau of” each place such term appears and inserting “U.S.”; and
(vi) in subsection (e), by striking “the Bureau of” each place such term appears and inserting “U.S.”; and

(vii) in subsection (f), by striking “the Bureau of” each place such term appears and inserting “U.S.”;

(M) in section 452 (6 U.S.C. 272)—

(i) by striking “the Bureau of” each place such term appears and inserting “U.S.”; and

(ii) in the heading to subsection (f), by striking “BUREAU OF” and inserting “U.S.”;

(N) in section 453 (6 U.S.C. 273)—

(i) by striking “the Bureau of” each place such term appears and inserting “U.S.”; and

(ii) in subsection (a)(2), by striking “such bureau” and inserting “U.S. Citizenship and Immigration Services”;

(O) in section 454 (6 U.S.C. 274)—

(i) by striking “the Bureau of” each place such term appears and inserting “U.S.”; and
(ii) by striking “pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation,”;

(P) by striking section 455 (6 U.S.C. 271 note);

(Q) by redesignating section 456 (6 U.S.C. 275) as section 455;

(R) in section 455, as redesignated—

(i) by striking “the Bureau of” each place such term appears and inserting “U.S.”; and

(ii) by striking “the effective date specified in section 455” and inserting “the date on which the functions specified under section 441 were transferred”;

(S) by striking sections 459 and 460 (6 U.S.C. 276 and 277);

(T) by redesignating sections 461 and 462 as sections 456 and 457, respectively;

(U) by striking section 471 (6 U.S.C. 291);

(V) in section 472 (6 U.S.C. 292)—

(i) in subsection (a)(2)—

(I) in subparagraph (B), by striking “the Bureau of Border Secu-
rity of the Department of Homeland
Security’’ and inserting ‘‘U.S. Immi-

igration and Customs Enforcement’’;
and

(II) in subparagraph (C), by
striking ‘‘the Bureau of Citizenship
and Immigration Services of the De-
partment of Homeland Security’’ and
inserting ‘‘U.S. Citizenship and Immi-
gration Services’’; and

(ii) in subsection (e), by striking ‘‘or
the Under Secretary for Border and
Transportation Security’’;

(W) in section 474 (6 U.S.C. 294), by
striking ‘‘the Bureau of Border Security and
the Bureau of’’ and inserting ‘‘U.S. Immigra-
tion and Customs Enforcement and U.S.’’;

(X) in section 475(b) (6 U.S.C. 295(b)),
by striking ‘‘the Bureau of Border Security and
the Bureau of’’ and inserting ‘‘U.S. Immigra-
tion and Customs Enforcement and U.S.’’;

(Y) in section 476 (6 U.S.C. 296), by
striking ‘‘the Bureau of Citizenship and Immi-
gration Services and the Bureau of Border Se-
curity’’ each place it appears and inserting
“U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement”; and

(Z) in section 477 (6 U.S.C. 297)—

(i) by striking “the Bureau of Citizenship and Immigration Services and the Bureau of Border Security” each place it appears and inserting “U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement”; and

(ii) by striking subsections (c) and (d).


(4) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by striking the item relating to title IV and inserting the following:

“TITLE IV—BORDER AND TRANSPORTATION SECURITY”;
(B) by striking the item relating to subtitle A of title IV and inserting the following:

"Subtitle A—Border and Transportation Security";

(C) by striking the items relating to sections 401, 445, 455, 459, 460, and 471;

(D) by striking the items relating to section 441 and 442 and inserting the following:

"441. Transfer of functions.
442. United States Immigration and Customs Enforcement."

(E) by striking the items relating to sections 456, 461, and 462 and inserting the following:

"455. Transition.
457. Children’s affairs."

(5) OTHER LAWS.—

(A) VULNERABILITY AND THREAT ASSESSMENT.—Section 301 of the REAL ID Act of 2005 (8 U.S.C. 1778) is amended—

(i) in subsection (a)—

(I) in the first sentence, by striking “Under Secretary of Homeland Security for Border and Transportation Security” and inserting “Secretary of Homeland Security”; and

(II) in the second sentence, by striking “Under”;

and

(ii) in subsection (b)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(iii) in subsection (c)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(iv) in subsection (d)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”.

and

(v) in subsection (e)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(vi) in subsection (f)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(vii) in subsection (g)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(viii) in subsection (h)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(ix) in subsection (i)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(x) in subsection (j)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xi) in subsection (k)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xii) in subsection (l)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xiii) in subsection (m)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xiv) in subsection (n)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xv) in subsection (o)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xvi) in subsection (p)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xvii) in subsection (q)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xviii) in subsection (r)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xix) in subsection (s)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(xx) in subsection (t)—

(I) in the first sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

and

(II) in the second sentence, by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(3) ORDER TO PROCEED.—In addition to the authority provided by section 324 of the REAL ID Act of 2005 (8 U.S.C. 1784), the Secretary of Homeland Security may order an individual to take any action necessary to comply with any continuing compliance requirements of this Act or any other immigration law and to cooperate with any lawful investigation or enforcement action to detect and prevent fraud or misuse of identification documents.
(ii) in subsection (b)—

(I) by striking “Under”; and

(II) by striking “Under Secretary’s findings and conclusions” and inserting “Secretary’s findings and conclusions”; and

(iii) in subsection (c), by striking “Directorate of Border and Transportation Security”.

(B) Air charter program.—Section 44903(l)(1) of title 49, United States Code, is amended by striking “Under Secretary for Border and Transportation Security of the Department of” and inserting “Secretary of”.

(C) Basic security training.—Section 44918(a)(2)(E) of title 49, United States Code, is amended by striking “Under Secretary for Border and Transportation Security of the Department of” and inserting “Secretary of”.

(D) Airport security improvement projects.—Section 44923 of title 49, United States Code, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “Under Secretary for Border and Trans-
portation Security of the Department of’’
and inserting ‘‘Secretary of’’;

(ii) by striking ‘‘Under Secretary’’
each place it appears and inserting ‘‘Sec- 
retary of Homeland Security’’; and

(iii) in subsection (d)(3), in the para-
graph heading, by striking ‘‘UNDER’’.

(E) REPAIR STATION SECURITY.—Section
44924 of title 49, United States Code, is
amended—

(i) in subsection (a), by striking
‘‘Under Secretary for Border and Trans-
portation Security of the Department of’’
and inserting ‘‘Secretary of’’; and

(ii) by striking ‘‘Under Secretary’’
each place it appears and inserting ‘‘Sec-
retary of Homeland Security’’.

(F) CERTIFICATE ACTIONS IN RESPONSE
TO A SECURITY THREAT.—Section 46111 of
title 49, United States Code, is amended— 

(i) in subsection (a), by striking
‘‘Under Secretary for Border and Trans-
portation Security of the Department of’’
and inserting ‘‘Secretary of’’; and
(ii) by striking “Under Secretary” each place it appears and inserting “Secretary of Homeland Security”.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 310(b), is further amended by inserting after the item relating to section 837 the following new item:

“Sec. 838. Transparency and innovation in acquisition.”.

TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE

SEC. 301. INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.

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

(1) in section 103(a)(8) (6 U.S.C. 113), by striking “Secretary” and all that follows and inserting “Secretary for Infrastructure Protection and Resilience.”; and

(2) in section 201 (6 U.S.C. 121)—

(A) in the section heading, by striking “INFORMATION” and all that follows and inserting “INTELLIGENCE AND ANALYSIS”;

(B) in subsection (a)—

(i) in the subsection heading, by striking “AND INFRASTRUCTURE PROTECTION”; and
(ii) by striking “and an Office of Infrastructure Protection”; 

(C) in subsection (b)—

(i) in the subsection heading, by striking “AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION”; and

(ii) by striking paragraph (3);

(D) in subsection (c)—

(i) by striking “and infrastructure protection”; and

(ii) by striking “or the Assistant Secretary for Infrastructure Protection, as appropriate”;

(E) in subsection (d)—

(i) in the subsection heading, by striking “AND INFRASTRUCTURE PROTECTION”; 

(ii) in the matter preceding paragraph (1), by striking “and infrastructure protection”; and

(iii) by striking paragraphs (2), (5), (6), and (25);

(iv) in paragraph (3), in the matter preceding subparagraph (A), by inserting “, in coordination with the Office of Infra-
structure Protection,” after “To integrate”;

(v) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(vi) by redesignating paragraphs (7) through (24) as paragraphs (4) through (21), respectively;

(F) in subsection (g), in the matter preceding paragraph (1), by striking “under this section”.

(b) INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.—

(1) IN GENERAL.—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:

“Subtitle E—Infrastructure Protection and Resilience Directorate

“SEC. 241. INFRASTRUCTURE PROTECTION AND RESILIENCY DIRECTORATE.

“(a) IN GENERAL.—There is established in the Department, an Infrastructure Protection and Resilience Directorate.

“(b) UNDER SECRETARY FOR INFRASTRUCTURE PROTECTION AND RESILIENCE.—The Infrastructure Pro-
tection and Resilience Directorate shall be headed by the Under Secretary for Infrastructure Protection and Resilience.

“(c) Responsibilities.—The Under Secretary for Infrastructure Protection and Resilience shall—

“(1) coordinate critical infrastructure protection and resiliency activities within the Department;

“(2) ensure Federal facilities protected by the Federal Protective Service are rendered safe and secure for Federal employees, contract employees, officers, and visitors; and

“(3) perform such other duties as the Secretary may prescribe.

“(d) Office of Infrastructure Protection.—

“(1) In general.—There is established in the Infrastructure Protection and Resilience Directorate an Office of Infrastructure Protection.

“(2) Assistant Secretary for Infrastructure Protection.—The Office of Infrastructure Protection shall be headed by the Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

“(3) Responsibilities.—The Assistant Secretary for Infrastructure Protection shall—
“(A) promote, prioritize, coordinate, and plan for the protection, security, resiliency, and postdisaster restoration of critical infrastructure and key resources of the United States against or in the event of an act of terrorism, natural disaster, or other manmade disaster, in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities;

“(B) carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of the attacks and the feasibility and potential efficacy of various countermeasures to the attacks);

“(C) integrate, in coordination with the Office of Intelligence and Analysis, relevant information, analyses, and vulnerability assessments of critical infrastructure and key resources of the United States (whether such in-
formation, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State, and local government agencies;

“(D) develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology, and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems;

“(E) recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities;
“(F) for each sector identified in the National Infrastructure Protection Plan, prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and to other appropriate congressional committees having jurisdiction over the critical infrastructure or key resources, a report on the comprehensive assessments carried out by the Secretary of the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence, as required under this subsection, which—

“(i) shall contain, if applicable, actions or countermeasures recommended or taken by the Secretary or the head of another Federal agency to address issues identified in the assessments; and

“(ii) shall be submitted not later than the start of the third fiscal year beginning after the date of enactment of this subtitle, and every 4 years thereafter;

“(G) coordinate the identification and mitigation of risks associated with assets and sys-
tems located outside the United States, which, if disrupted or destroyed, would critically affect the public health and safety, economy, or national security of the United States; and

“(H) perform such other duties as the Secretary may prescribe.”.

(2) CONTINUATION IN OFFICE.—The individual serving as Under Secretary for National Protection and Programs on the day before the date of enactment of this Act, may serve as the Under Secretary for Infrastructure Protection and Resilience until the date on which an appointment to the position of Under Secretary for Infrastructure Protection and Resilience is made under section 103(a)(8) of the Homeland Security Act of 2002, as amended by this Act.

(3) 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 inserting after the item relating to section 235 the following:

“Subtitle E—Infrastructure Protection and Resilience Directorate

“Sec. 241. Infrastructure Protection and Resilience Directorate.”.
SEC. 302. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by section 301, is amended by adding at the end the following:

“Subtitle F—Federal Protective Service

“SEC. 251. FEDERAL PROTECTIVE SERVICE.

“(a) Establishment.—There is established within the Department the Federal Protective Service, which shall be headed by a Director, who shall report to the Under Secretary for Infrastructure Protection and Resilience.

“(b) Assessment and Collection of Fees.—The Secretary may assess and collect fees and security charges for the costs of providing protective service.

“(c) Deposit of Fees.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading ‘FEDERAL PROTECTIVE SERVICES’ under the heading ‘NATIONAL PROTECTION AND PROGRAMS DIRECTORATE’ of the Department.

“(d) Adjustment of Fees.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this section.”.

(b) Technical and Conforming Amendment.—

The table of contents in section 1(b) of the Homeland Se-
security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 241, as added by section 301 the following:

“Subtitle F—Federal Protective Service

“Sec. 251. Federal Protective Service.”

TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY

SEC. 401. CATASTROPHIC INCIDENT PLANNING.

(a) DEFINITIONS.—Section 602 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 701) is amended—

(1) by redesignating paragraphs (5) through (16) as paragraphs (6) through (17), respectively;

and

(2) by inserting after paragraph (4) the following:

“(5) the term ‘critical infrastructure’ has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));”.

(b) IN GENERAL.—Section 653 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 753) is amended—

(1) by redesignating subsections (b), (e), (d), and (e), as subsections (e), (f), (g), and (h), respectively;
(2) by redesignating subsection (a) as subsection (c);

(3) by inserting before subsection (c), as redesignated, the following:

“(a) DEFINITION.—In this section, the term ‘catastrophic incident planning’ means planning to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.

“(b) PLANNING.—In support of the national preparedness system, the President shall ensure that there are comprehensive plans to prevent, prepare for, protect against, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents, throughout the Federal Government.”;

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

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6);

(B) by inserting after paragraph (3), the following:

“(4) conducts catastrophic incident planning as required under subsection (d)(2);”;

and

(C) in paragraph (5), as redesignated, by inserting “, including for catastrophic incidents,” after “operational plans”;
(5) by inserting after subsection (c), as redesignated, the following:

“(d) CATASTROPHIC INCIDENT PLANNING.—In carrying out subsections (b) and (c), the President shall—

“(1) identify and prioritize risks of catastrophic incidents, including risks across all critical infrastructure sectors;

“(2) ensure that Federal agencies coordinate to conduct comprehensive and effective catastrophic incident planning to address prioritized catastrophic risks; and

“(3) review plans for catastrophic incidents developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—

“(A) the assumptions underlying plans for catastrophic incidents are realistic;

“(B) the resources identified to implement the plans are adequate for catastrophic incidents, including whether the number, skills, and training of the available workforce is sufficient to implement the plans; and

“(C) plans for catastrophic incidents reflect coordination with governmental and nongovernmental entities that would play a signifi-
cant role in the response to the catastrophic in-
cident.”;

(6) in subsection (e), as redesignated, by strik-
ing “subsection (a)(4)” and inserting “subsection
(c)(5)”; and

(7) in subsection (g), as redesignated, in the
matter preceding paragraph (1), by striking “sub-
sections (a) and (b)” and inserting “subsections (c)
and (e).”.

(c) HOMELAND SECURITY ACT.—Title V of the
is amended by adding at the end the following:

“SEC. 526. CATASTROPHIC INCIDENT PLANNING.

“(a) DEFINITION.—In this section, the term ‘cata-
strophic incident planning’ means planning to prevent,
prepare for, protect against, respond to, and recover from
a catastrophic incident.

“(b) DIRECTOR.—The Secretary shall appoint a sen-
ior official within the Agency who shall be responsible for
catastrophic incident planning, including—

“(1) assisting the President and the heads of
Federal agencies in identifying risks of catastrophic
incidents for which planning is likely to be most
needed or beneficial, including risks across all crit-
ical infrastructure sectors;
“(2) leading the efforts of the Department to conduct catastrophic incident planning to address risks in the areas of responsibility of the Department;

“(3) leading, promoting, and coordinating efforts of Federal agencies to conduct catastrophic incident planning to address risks, including by assisting in the assessing and reviewing of plans of Federal agencies for catastrophic incidents and plans of private sector entities for catastrophic incidents submitted to the Federal agencies;

“(4) developing communications plans and prescribed messages and message templates in accordance with section 530;

“(5) providing assistance to State, local, and tribal governments in developing plans for catastrophic incidents;

“(6) promoting and supporting appropriate catastrophic incident planning by private sector entities, including private sector entities that own or manage critical infrastructure; and

“(7) otherwise assisting in the implementation of section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753).”.
(d) **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 inserting after the item relating to section 525 the following:

"Sec. 526. Catastrophic incident planning."

**SEC. 402. PREPAREDNESS OF INDIVIDUALS AND COMMUNITIES.**

(a) **In General.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 401, is amended by adding at the end the following:

"**SEC. 527. PREPAREDNESS OF INDIVIDUALS AND COMMUNITIES.**

"(a) In General.—The Administrator shall enhance and promote the preparedness of individuals and communities for natural disasters, acts of terrorism, and other man-made disasters and coordinate with State, local, and tribal governments and private sector and nongovernmental organizations in these efforts.

"(b) Lead Official.—The Administrator shall appoint a senior official within the Department to coordinate and oversee the activities of the Agency to enhance and promote the preparedness of individuals and communities for natural disasters, acts of terrorism, and other man-made disasters."
(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 inserting after the item relating to section 526, as added by section 401, the following:

"Sec. 527. Preparedness of individuals and communities."

**SEC. 403. FEDERAL RESPONSE AND RECOVERY PREPAREDNESS OFFICIALS.**

(a) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) in section 501 (6 U.S.C. 311)—

(A) in paragraph (8), by striking “section 502(a)(6)” and inserting “section 504(a)(6)”;

(B) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(C) by inserting after paragraph (8) the following:

“(9) the term ‘recovery’ means the short- and long-term process of restoring, reshaping, and enhancing the resiliency of the physical, social, economic, and natural environments, government institutions, and the lives of affected individuals.”; and

(2) by adding after section 527, as added by section 402 of this Act, the following:
“SEC. 528. FEDERAL RESPONSE AND RECOVERY PREPAREDNESS OFFICIALS.

“(a) In General.—The Administrator shall ensure the preparedness of Federal agencies to respond to and support recovery from a natural disaster, act of terrorism, or other man-made disaster by—

“(1) ensuring the development of and preparedness of the Agency to implement the National Response Framework and the National Disaster Recovery Framework;

“(2) ensuring Federal agencies with responsibilities under the National Response Framework and the National Disaster Recovery Framework are prepared to fulfill those responsibilities, including having appropriate staffing and training; and

“(3) unless a major disaster is a catastrophic incident relating to which the President has established a Commission under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, resolving disagreements relating to response to and recovery from major disasters between Federal agencies with responsibilities under the National Disaster Recovery Framework, including disagreements relating to a particular major disaster and disagreements that arise before a major disaster is declared.
“(b) Disaster Response and Recovery Officials.—The head of each Federal agency with major responsibilities under the National Response Framework or the National Disaster Recovery Framework, as determined by the Administrator, shall designate a senior official to—

“(1) ensure the Federal agency is prepared to execute its response and recovery responsibilities under such plans; and

“(2) coordinate disaster response and recovery efforts and activities with the Administrator.”.

(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 inserting after the item relating to section 527, as added by section 402, the following:

“Sec. 528. Federal response and recovery preparedness officials.”.

SEC. 404. Recovery.

(a) Definition of Major Disaster.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (2) and inserting the following:

“(2) Major disaster.—The term ‘major disaster’ means any natural disaster (including a pandemic), act of terrorism, or other man-made disaster, in any part of the United States, which in the
determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act 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) OTHER DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:


“(13) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).”.
(c) Recovery Efforts.—Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a) is amended—

(1) in paragraph (3)—

(A) in subparagraph (D), by inserting “and” after “measures;”;

(B) in subparagraph (E), by striking “and” at the end; and

(C) by striking subparagraph (F);

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5)(B), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(6) assist State and local governments to recover from a major disaster and coordinate Federal assistance for recovery from the major disaster by—

“(A) identifying and coordinating Federal resources, programs, and agencies to support the implementation of recovery and mitigation efforts of State and local governments;

“(B) providing technical and other advice to State and local governments to manage, control, and mitigate hazards and risk to reduce damages from a subsequent major disaster;
“(C) in the case of a catastrophic incident, establishing a Commission under section 327; and

“(D) providing financial and technical assistance and advice to State and local governments affected by a major disaster to—

“(i) assess the effects of the major disaster;

“(ii) support coordinated and comprehensive recovery planning; and

“(iii) support and facilitate implementation of recovery plans and actions.”.

(d) RECOVERY FROM A CATASTROPHIC INCIDENT.—

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

“SEC. 327. CATASTROPHIC INCIDENT RECOVERY COMMISSIONS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency;

“(2) the term ‘Chairperson’ means the Chairperson of a Commission selected under subsection (b)(2); and
“(3) the term ‘Commission’ means a commission established under subsection (b)(1).

“(b) COMMISSION ESTABLISHMENT.—

“(1) IN GENERAL.—Immediately following a catastrophic incident, the President may establish a commission to facilitate and support States and local governments in achieving an efficient, effective, and expeditious recovery from the catastrophic incident.

“(2) CHAIRPERSON.—The President shall select an official to serve as the Chairperson of each Commission to ensure the responsibilities of the Commission are fulfilled. The Chairperson shall have the authority to direct any Federal agency to use the authorities and resources granted to the Federal agency under Federal law in support of the efficient, effective, and expeditious recovery from the catastrophic incident.

“(3) MEMBERS OF COMMISSIONS.—Each Commission shall include as a member the Administrator, the head of each Federal agency with major responsibilities under the National Disaster Recovery Framework, and the head of any other Federal agency that the President determines necessary.

“(4) STAFFING.—The Administrator and the head of each Federal agency with responsibilities
under the National Disaster Recovery Framework
shall each detail to each Commission a sufficient
number of senior officials with decisionmaking au-
thority and staff who shall serve full-time on the
Commission to ensure efficient administration of the
assistance provided by the Federal Government.

“(c) RESPONSIBILITIES OF A COMMISSION.—A Com-
mission shall—

“(1) develop and implement a strategic plan
under subsection (d) for the recovery from the cata-
strophic incident and to mitigate against the effects
of and foster resilience against subsequent disasters;

“(2) coordinate the activities of Federal agen-
cies represented by the members of the Commission
and other Federal agencies that the President deter-
mines necessary and resolve disagreements relating
to recovery from the catastrophic incident between
or among Federal agencies;

“(3) compile data relating to the recovery from
the catastrophic incident, including on the Federal
assistance provided and the status of meeting recov-
ery goals;

“(4) identify Federal regulations, policies, and
procedures that need to be streamlined and coordi-
nated to enable an efficient, expeditious, and effective recovery from the catastrophic incident;

“(5) identify and facilitate the provision of Federal funds to address gaps in the recovery from the catastrophic incident;

“(6) coordinate with State and local governments on the recovery from the catastrophic incident; and

“(7) take actions to prevent waste, fraud, and abuse in the recovery from the catastrophic incident.

“(d) STRATEGIC RECOVERY PLAN.—

“(1) IN GENERAL.—Not later than 90 days after the date of a catastrophic incident, the Commission established for the catastrophic incident shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a strategic recovery plan for how the Federal Government will expeditiously assist State and local governments in the recovery of the area affected by the catastrophic incident.

“(2) CONTENTS.—Each strategic plan submitted under paragraph (1) shall be written in co-
ordination with State and local governments affected
by the catastrophic incident and shall include—

“(A) an assessment of challenges and
needs faced in the recovery from the cata-
strophic incident;

“(B) a description of how each Federal
agency will support State and local governments
in the recovery efforts, including technical, fi-
nancial, and planning assistance, and the roles
and responsibilities of each Federal agency in
fulfilling the strategic plan;

“(C) a description of how each Federal
agency on the Commission will administer and
provide staffing to assist in the recovery from
the catastrophic incident;

“(D) a description of any procedures of a
Federal agency that will be streamlined to help
ensure an efficient and effective recovery from
the catastrophic incident; and

“(E) a description of any legislative au-
thority needed to help ensure an efficient, expe-
ditious, and effective recovery from the cata-
strophic incident.

“(3) UPDATE.—Not later than 180 days after
the date on which a Commission submits a strategic
plan under paragraph (1), and every 180 days thereafter until the date on which the Commission terminates under subsection (e), the Commission shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate a report describing—

“(A) progress in the recovery from the catastrophic incident since the date on which the most recent strategic plan or report relating to the catastrophic incident was submitted; and

“(B) major challenges and unmet needs remaining in the recovery from the catastrophic incident.

“(e) TERMINATION.—

“(1) IN GENERAL.—The President shall terminate a Commission established in relation to a catastrophic incident when the President determines that all issues relating to the Federal coordination of the recovery have been substantially resolved.

“(2) WITHDRAWAL.—Upon a determination by the President that the matters with which a Federal agency has been involved as part of a Commission have been substantially resolved, the Federal agency may withdraw from the Commission.”.
SEC. 405. ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 403, is amended by adding at the end the following:

“SEC. 529. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘annuitant’ means an annuitant under a Government retirement system;

“(2) the terms ‘deployed’ and ‘deployment’ mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;

“(3) the term ‘Disaster Reserve Workforce’ means the Disaster Reserve Workforce established under subsection (b);

“(4) the term ‘employee’ has the meaning given under section 2105 of title 5, United States Code;

“(5) the term ‘employee designated for short term deployments’ means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;
“(6) the term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States;

“(7) the term ‘major project’ means any project for which the total costs are greater than $400,000;

“(8) the term ‘permanent seasonal employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;

“(9) the term ‘reservist’ means an employee who is a member of the Disaster Reserve Workforce;

“(10) the term ‘response and recovery operations and programs’ means response operations and programs and recovery operations and programs;

“(11) the term ‘response operations and programs’ means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;

“(12) the term ‘recovery operations and programs’ means operations and programs to support
and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and

“(13) the term ‘term employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.

“(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a Disaster Reserve Workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.

“(c) PROVISION OF SERVICES PERFORMED UNDER RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

“(1) IN GENERAL.—The Administrator shall ensure that the Disaster Reserve Workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.

“(2) MANAGEMENT AND IMPLEMENTATION.—
“(A) IN GENERAL.—Sufficient numbers of qualified permanent full-time employees of the Agency shall lead and manage the Disaster Reserve Workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

“(B) RESERVISTS.—Reservists shall include—

“(i) term employees;
“(ii) permanent seasonal employees;
“(iii) employees designated for short-term deployments;
“(iv) employees of the Department who are not employees of the Agency; and
“(v) employees of other Federal agencies.

“(C) SHORT-TERM DEPLOYMENTS.—Employees designated for short-term deployments shall generally be deployed—

“(i) when necessary to temporarily respond to—
“(I) imminent natural disasters, acts of terrorism, and other manmade disasters; or

“(II) the immediate aftermath of those disasters or acts;

“(ii) only for uncertain or temporary durations; and

“(iii) absent extraordinary circumstances, for less than 180 days each calendar year.

“(D) RELIANCE ON CERTAIN RESERVISTS.—In supporting the work of permanent full-time employees, the Administrator—

“(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees, in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and

“(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.
“(3) Policies and procedures.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—

“(A) staffing policies and procedures that provide for the proper implementation of and management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

“(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

“(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

“(4) Minimum standards and guidelines for the disaster reserve workforce.—

“(A) Standards and guidelines.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop
standards and guidelines for the Disaster Reserve Workforce, including—

“(i) setting appropriate mandatory before and after disaster training requirements;

“(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the Disaster Reserve Workforce;

“(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and

“(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

“(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the Disaster Reserve Workforce, a reservist shall—

“(i) be credentialed in accordance with section 510; and

“(ii) meet all minimum standards and guidelines established under subparagraph (A)—
“(I) for term employees, before
being appointed to a term in the Dis-
aster Reserve Workforce; and
“(II) annually for all other re-
servists.
“(C) Evaluation system.—In consulta-
tion with the Director of the Office of Per-
sonnel Management, the Administrator shall de-
velop and implement a system to continuously 
evaluate reservists to ensure that all minimum 
standards and guidelines under this paragraph 
are satisfied annually by all reservists. Chapter 
43 of title 5, United States Code, shall not 
apply to reservists covered under the system de-
veloped and implemented under this subpara-
graph.
“(5) Contractors.—Not later than 180 days 
after the date of enactment of this section, the Ad-
ministrator, in conjunction with the Chief Human 
Capital Officer of the Agency, shall establish policies 
and procedures for contractors that support re-
response and recovery operations and programs, which 
shall ensure that the contractors have appropriate 
skills, training, knowledge, and experience for as-
signed tasks, including by ensuring that the contrac-
tors meet training, credentialing, and performance requirements similar to the requirements for reservists.

“(6) REEMPLOYED ANNUIANTS.—

“(A) IN GENERAL.—In appointing reservists to the Disaster Reserve Workforce, the application of sections 8344 and 8468 of title 5, United States Code (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

“(B) LIMITATIONS.—The authority under subparagraph (A)—

“(i) is granted to assist the Administrator in establishing and effectively operating the Disaster Reserve Workforce if no other qualified applicant is available for a reservist position; and

“(ii) may be exercised only—

“(I) with respect to natural disasters, acts of terrorism, or other
man-made disasters, including cata-

trophic incidents; and

“(II) if the applicant will not ac-
cept the position without a waiver.

“(C) NOT EMPLOYEE FOR RETIREMENT
PURPOSES.—An annuitant to whom a waiver
under subparagraph (A) is in effect shall not be
considered an employee for purposes of any
Government retirement system.

“(7) PERMANENT EMPLOYMENT POSITIONS.—

“(A) IN GENERAL.—A reservist hired
under section 306(b)(1) of the Robert T. Staff-
ford Disaster Relief and Emergency Assistance
Act (42 U.S.C. 5149(b)(1)) may compete for
permanent positions in the Agency under merit
promotion procedures. The actual time deployed
as a reservist shall be considered creditable
service for purposes of such competition and
shall be calculated, for purposes of section 8411
of title 5, United States Code, by dividing the
total number of days of service as a reservist by
365 to obtain the number of years of service
and dividing any remainder by 30 to obtain the
number of additional months of service and ex-
cluding from the aggregate the fractional part of a month, if any.

“(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

“(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

“(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

“(ii) apply to periods of service performed after that date.

“(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents in section 1(b) of the Homeland Se-
security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 528, as added by section 403, the following:

“Sec. 529. Administration of response and recovery operations and programs.”.

(c) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(1) in paragraph (1), by inserting “or permanent seasonal employees (as that term is defined under section 529(a)(8) of the Homeland Security Act of 2002)” after “temporary personnel”; and

(2) in paragraph (3), by inserting “or the employment of permanent seasonal employees (as that term is defined under section 529(a)(8) of the Homeland Security Act of 2002)” after “additional personnel”.

SEC. 406. DEPARTMENT AND AGENCY OFFICIALS.

(a) IN GENERAL.—Section 514(a) of the Homeland Security Act of 2002 (6 U.S.C. 321c(a)) is amended—

(1) by striking “The President” and inserting the following:

“(1) IN GENERAL.—The President”; and

(2) by striking “4 Deputy Administrators” and inserting “3 Deputy Administrators”; and

(3) by adding at the end the following:
“(2) CHIEF MANAGEMENT OFFICER.—

“(A) IN GENERAL.—In addition to any Deputy Administrators appointed under paragraph (1), the President shall appoint 1 Deputy Administrator who shall serve as the Chief Management Officer of the Agency and advise the Administrator on matters relating to the management of the Agency, including—

“(i) budgeting, appropriations, expenditures of funds, accounting, and finance;

“(ii) procurement;

“(iii) human resources and personnel;

“(iv) information technology and communications systems;

“(v) facilities, property, equipment, and other material resources;

“(vi) security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources;

“(vii) identification and tracking of performance measures relating to the responsibilities of the Agency;
“(viii) grants and other assistance management programs;

“(ix) the conduct of internal audits and management analyses of the programs and activities of the Agency;

“(x) controls over waste, fraud, and abuse; and

“(xi) any other management duties determined appropriate by the Administrator.

“(B) CRITERIA.—The Deputy Administrator appointed under subparagraph (A) shall have—

“(i) extensive executive level leadership and management experience in the public or private sector;

“(ii) strong leadership skills;

“(iii) a demonstrated ability to manage large and complex organizations; and

“(iv) a proven record in achieving positive operational results.”.

(b) PROVISION OF INFORMATION TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term “appropriate committees of Congress” means—
(A) the Committee on Homeland Security
and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security
and the Committee on Transportation and In-
frastructure of the House of Representatives.

(2) STRATEGY.—Not later than 1 year after the
date of enactment of this Act, the Chief Manage-
ment Officer of the Federal Emergency Management
Agency and the Under Secretary for Management
shall submit to the appropriate committees of Con-
gress a strategy for improving the management of
the Federal Emergency Management Agency.

(3) BRIEFINGS.—Not later than 90 days after
the date of enactment of this Act, and every 90 days
thereafter until the date that is 3 years after the
date of enactment of this Act, the Chief Manage-
ment Officer of the Federal Emergency Management
Agency and the Under Secretary for Management
shall brief the appropriate committees of Congress
on measures taken to improve the management of
the Federal Emergency Management Agency, includ-
ing, after the strategy is submitted under paragraph
(2), information regarding implementation of the
strategy.
SEC. 407. INFRASTRUCTURE PROTECTION ASSISTANCE.

(a) Port Security Grants.—There is authorized to be appropriated to the Secretary to make grants for port security in accordance with section 70107 of title 46, United States Code, $249,500,000 for fiscal year 2012.

(b) Surface Transportation Security Grants.—

(1) In general.—There is authorized to be appropriated to the Secretary to make grants for public transportation security, railroad security, and over-the-road bus security in accordance with sections 1406, 1513, and 1532 of the Implementing Recommendations of 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), $249,500,000 for fiscal year 2012.

(2) Program guidance.—The Secretary shall—

(A) ensure public transportation and passenger rail security grants are awarded on the basis of remediating risk to the system and to the region as a whole;

(B) require applications be reviewed and approved by a Regional Transit Security Working Group comprised of representatives of all eligible transportation systems in the region, the
homeland security offices of each State in the region, and other relevant regional officials;

(C) require a Federal Security Director familiar with the region, or another Federal security official familiar with the region and designated by the Secretary, to rank applications based on the anticipated ability of the proposed use of funds to protect passengers from acts of terrorism, including the use of explosive devices and the release of biological, chemical, and radiological agents; and

(D) in any year in which more than 50 percent (by dollar value) of all funding available for grants under sections 1406, 1513, and 1532 of the Implementing Recommendations of 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182) is awarded for securing or remediating risk to specific physical assets, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives describing how the grant funds awarded under those sections will be used to protect passengers from acts of terrorism, including the use of explosive devices and the re-
lease of biological, chemical, and radiological agents.

SEC. 408. FEDERAL-STATE BORDER SECURITY COOPERATION.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

“Subtitle C—Other Grant Programs

“SEC. 2041. OPERATION STONEGARDEN GRANT PROGRAM.

“(a) FINANCIAL ASSISTANCE.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—The Secretary, acting through the Administrator, may make grants to States to facilitate and enhance participation by States, local governments, and Indian tribes in border security efforts.

“(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Commissioner of U.S. Customs and Border Protection.

“(2) ELIGIBILITY.—A State is eligible for a grant under this section if the State has an international water border or is located on the inter-
national border between the United States and Mexico or the United States and Canada.

“(3) AVAILABILITY AND USE OF FUNDS.—

“(A) IN GENERAL.—Not later than 45 days after the date on which a State receives funds under a grant under this section, the State shall make available not less than 95 percent of the funds to participating entities of the State or a local government or Indian tribe in the State.

“(B) RETAINED FUNDS.—A States may use not more than 5 percent of the funds received under a grant under this section for expenses relating to the management and administration of the grant.

“(C) MANAGEMENT AND ADMINISTRATION.—A local government or Indian tribe that receives grant funds under this section may use not more than 5 percent of the funds for expenses relating to the management and administration of the grant.

“(4) LIMITATIONS ON USE OF FUNDS.—Funds provided under a grant under this section may not be used to—
“(A) supplant State, local, or tribal government funds;

“(B) pay salaries or benefits for personnel, other than overtime expenses of regular and reserve law enforcement personnel or regular pay expenses of reserve law enforcement personnel; or

“(C) construct or renovate buildings or other physical facilities.

“(5) PRIORITIZATION.—In allocating funds among eligible States applying for grants under this section, the Administrator shall consider—

“(A) an assessment of the risks associated with cross-border threats to a State, including terrorism and other criminal activities, including consideration of—

“(i) the most current threat assessments available to the Department relevant to the border of the State;

“(ii) border-specific law enforcement intelligence;

“(iii) the length of the international border of the State; and

“(iv) such other factors as the Administrator determines appropriate;
“(B) the anticipated effectiveness of the proposed use of the grant by the State to enhance border security capabilities; and

“(C) the results of peer review evaluations of applications conducted by State, local, and tribal law enforcement personnel.

“(b) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section $55,000,000 for each of fiscal years 2012 through 2017.”.

(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 inserting after the item relating to section 2022 the following:

“Subtitle C—Other Grant Programs

“Sec. 2041. Operation Stonegarden grant program.”.

SEC. 409. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

Section 661(d) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761(d)) is amended by striking “$4,000,000 for fiscal year 2008” and inserting “$2,000,000 for each of fiscal years 2012 through 2016”.
SEC. 410. REPEAL OF EMERGENCY OPERATIONS CENTER GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended—

(1) by striking section 614 (42 U.S.C. 5196c);

and

(2) by redesignating sections 615 and 616 (42 U.S.C. 5196d and 5196f) as sections 614 and 615, respectively.

(b) SAVINGS CLAUSE.—A grant made under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act before the date of enactment of this Act shall remain in full force and effect under the terms and conditions, and for the duration, of the grant.

SEC. 411. PERFORMANCE MEASURES.

In order to ensure that States, high-risk urban areas, and other grant recipients use grants administered by the Department effectively, the Administrator of the Federal Emergency Management Agency shall develop and implement performance metrics in accordance with the comprehensive assessment system under section 649 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 749) and section 2022(a)(4) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(4)).
SEC. 412. COMMUNICATIONS PLANNING.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 405, is amended by adding at the end the following:

“SEC. 530. COMMUNICATIONS PLANNING.

“(a) INCORPORATION OF COMMUNICATIONS PLANS.—

“(1) IN GENERAL.—The Secretary, acting through the senior official responsible for catastrophic incident planning appointed under section 526 (in this section referred to as the ‘designated official’), shall develop communications plans for providing information to the public related to preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents involving the use of weapons of mass destruction.

“(2) CONSULTATION.—In developing communications plans under paragraph (1), the designated official shall consult with State, local, and tribal governments and coordinate, as the designated official considers appropriate, with other executive agencies that have responsibilities under the National Response Framework and other relevant executive agencies.
“(b) Prescribed Messages and Message Templates.—

“(1) In General.—As part of the communication plans, the designated official shall develop prescribed messages or message templates to be included in the plans to be provided to State, local, and tribal government officials so that those officials can quickly and rapidly disseminate critical information to the public in anticipation or in the immediate aftermath of a disaster or incident.

“(2) Development and Design.—The prescribed messages or message templates shall—

“(A) be developed, as the designated official determines appropriate, in consultation with State, local, and tribal governments and in coordination with other executive agencies that have responsibilities under the National Response Framework and other relevant executive agencies;

“(B) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by a disaster or incident, including information related to evacuation, sheltering in place, and issues of immediate health and safety; and
“(C) be designed to provide accurate, essential, and appropriate technical information and instructions to emergency response providers and medical personnel responding to a disaster or incident.

“(e) COMMUNICATIONS FORMATS.—In developing the prescribed messages or message templates required under subsection (b), the designated official shall develop each such prescribed message or message template in multiple formats to ensure delivery—

“(1) in cases where the usual communications infrastructure is unusable as a result of the nature of a disaster or incident; and

“(2) to individuals with disabilities or other special needs and individuals with limited English proficiency in accordance with section 616 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196d).

“(d) DISSEMINATION AND TECHNICAL ASSISTANCE.—The designated official shall ensure that all prescribed messages and message templates developed under this section are made available to State, local, and tribal governments so that those governments may incorporate the messages and templates into the emergency plans of those governments. The designated official shall
also make available relevant technical assistance to those governments to support communications planning.

“(e) Exercises.—To ensure that the prescripted messages or message templates developed under this section can be effectively utilized in a disaster or incident, the designated official shall incorporate such prescripted messages or message templates into exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748).

“(f) Submission of Plans.—Not later than 1 year after the date of the enactment of this section, the designated official shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of the communications plans required to be developed under this section, including—

“(1) prescripted messages or message templates developed in conjunction with the plans; and

“(2) a description of the means that will be used to deliver such messages in a natural disaster, act of terrorism, or other man-made disaster.”.

(b) Table of Contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6
U.S.C. 101) is amended by inserting after the item relating to section 529, as added by section 405, the following:

“Sec. 530. Communications planning.”.

SEC. 413. GUIDELINES CONCERNING WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 412, is amended by adding at the end the following:

“SEC. 531. GUIDELINES CONCERNING WEAPONS OF MASS DESTRUCTION.

“(a) Establishment of Guidelines.—Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2011, the Secretary shall—

“(1) develop guidelines for responding to an explosion or release of nuclear, biological, radiological, or chemical material, in coordination with—

“(A) State, local, and tribal governments;

“(B) Federal agencies with—

“(i) responsibilities for responding to weapons of mass destruction incidents under the National Response Framework;

or

“(ii) relevant scientific or worker health expertise; and

“(C) representatives of—
“(i) emergency response provider organizations; and

“(ii) public health and medical organizations; and

“(2) make the guidelines developed under paragraph (1) available to State, local, and tribal governments, nongovernmental organizations, and the private sector.

“(b) CONTENTS.—The guidelines developed under subsection (a)(1) shall contain, at a minimum—

“(1) protective action guidelines for ensuring the health and safety of emergency response providers;

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

“(3) information regarding how emergency response providers and mass care facilities may most effectively deal with individuals affected by an incident involving a nuclear, biological, radiological, or chemical material.

“(c) REVIEW AND REVISION OF GUIDELINES.—The Secretary shall—
“(1) not less frequently than every 2 years, re-
view the guidelines developed under subsection
(a)(1);
“(2) make revisions to the guidelines as appro-
priate; and
“(3) make the revised guidelines available to
State, local, and tribal governments, nongovern-
mental organizations, the private sector, and the
general public.
“(d) PROCEDURES FOR DEVELOPING AND REVISING
GUIDELINES.—In carrying out the requirements of this
section, the Secretary shall establish procedures to—
“(1) inventory any relevant hazardous material
response guidelines;
“(2) enable the public to submit recommenda-
tions of areas for which guidelines could be devel-
oped under subsection (a)(1);
“(3) determine which entities should be con-
sulted in developing or revising the guidelines;
“(4) on a regular basis, prioritize guidelines
that should be developed or revised; and
“(5) develop and disseminate the guidelines in
accordance with the prioritization under paragraph
(4).
“(e) Submission of Guidelines.—Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2011, and annually thereafter, the Secretary shall submit guidelines developed under this section to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.”.

(b) Table of Contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 530, as added by section 409, the following:

“Sec. 531. Guidelines concerning weapons of mass destruction.”.

SEC. 414. PLUME MODELING.

(a) In General.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by inserting after section 317 the following:

“SEC. 318. PLUME MODELING.

“(a) Definitions.—In this section—

“(1) the term ‘integrated plume model’ means a plume model that integrates protective action guidance and other information as the Secretary of Homeland Security determines appropriate; and

“(2) the term ‘plume model’ means the assessment of the location and prediction of the spread of nuclear, radioactive, or chemical fallout and biologi-
cal pathogens resulting from an explosion or release
of nuclear, radioactive, chemical, or biological sub-
stances.

“(b) DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary shall develop
and disseminate integrated plume models to enable
rapid response activities following a nuclear, radio-
logical, chemical, or biological explosion or release.

“(2) SCOPE.—The Secretary shall—

“(A) ensure the rapid development and
distribution of integrated plume models to ap-
propriate officials of the Federal Government
and State, local, and tribal governments to en-
able immediate response to a nuclear, radio-
logical, chemical, or biological incident; and

“(B) establish mechanisms for dissemina-
tion by appropriate emergency response officials
of the integrated plume models described in
paragraph (1) to nongovernmental organiza-
tions and the public to enable appropriate re-
response activities by individuals.

“(3) CONSULTATION WITH OTHER DEPART-
MENTS AND AGENCIES.—In developing the inte-
grated plume models described in this section, the
Secretary shall consult, as appropriate, with—
“(A) the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other executive agencies determined appropriate by the Secretary; and

“(B) State, local, and tribal governments and nongovernmental organizations.

“(c) EXERCISES.—The Secretary shall ensure that the development and dissemination of integrated plume models are assessed during exercises administered by the Department.

“(d) REVIEW.—Not later than 180 days after the date of enactment of this section, and every 2 years thereafter, the Secretary shall review the process for providing integrated plume models developed under this section to ensure that the integrated plume models—

“(1) are clear and informative;

“(2) meet the needs of incident commanders; and

“(3) incorporate lessons learned during exercises administered by the Department.”.

(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
inserting after the item relating to section 317 the follow-

"Sec. 318. Plume modeling.".

3 SEC. 415. IDENTIFICATION OF DISASTER MANAGEMENT RE-
SOURCES.

Section 1105(a)(35) of title 31, United States Code, is amended by adding at the end the following:

“(D) In implementing this paragraph, the President shall include in each budget a description of resources identified to support the preparedness, response, and recovery responsibilities of each Federal agency with responsibilities under the National Response Framework and the National Disaster Recovery Framework.”.

SEC. 416. ANTIFRAUD TRAINING.

Section 698 of the Post-Katrina Emergency Manage-
ment Reform Act of 2006 (6 U.S.C. 797) is amended—

(1) by striking “The Administrator” and inserting the following:

“(a) IN GENERAL.—The Administrator”; and

(2) by adding at the end the following:

“(b) REPORTING.—For the fiscal year in which this subsection is enacted, and each fiscal year thereafter for 5 fiscal years, the Administrator shall submit to Com-
mittee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security
and the Committee on Transportation and Infrastructure of the House of Representatives a report identifying the number of employees of the Agency and contractors trained under the program developed under subsection (a).”.

SEC. 417. INFORMATION TECHNOLOGY.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered information technology purchase” means a purchase of information technology for an amount greater than a threshold amount, which the Administrator shall establish.

(b) POLICY.—Not later than 90 days after the date of enactment of this Act, the Administrator shall implement a policy requiring the Chief Information Officer of the Federal Emergency Management Agency to approve a covered information technology purchase before the Federal Emergency Management Agency may make the covered information technology purchase.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Administrator shall submit to the Committee on
Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the policy described in subsection (b), which shall include a list of any covered information technology purchases made by the Federal Emergency Management Agency in violation of the policy during the period covered by the report.

SEC. 418. METROPOLITAN MEDICAL RESPONSE SYSTEM.

(a) DEFINITION.—Section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601) is amended—

(1) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) MASS CASUALTY INCIDENT.—The term ‘mass casualty incident’ means any natural disaster, act of terrorism, or other man-made disaster, including a disease epidemic, that results in significant numbers of injuries or deaths and to which the response has the potential to overwhelm routine emergency medical services.”.
(b) Authorization.—Subtitle C of title XX of the Homeland Security Act of 2002, as added by section 408, is amended by adding at the end the following:

“SEC. 2042. METROPOLITAN MEDICAL RESPONSE SYSTEM.

“(a) In General.—There is in the Department a Metropolitan Medical Response System.

“(b) Purpose.—The purpose of the Metropolitan Medical Response System shall be to support States, local governments, and Indian tribes in preparing for, protecting against, and responding to mass casualty incidents by systematically enhancing cooperation and integration of emergency response providers and public health and medical personnel.

“(c) Metropolitan Medical Response System Management.—In coordination with the Chief Medical Officer, the Administrator shall—

“(1) establish objectives and a strategy for the Metropolitan Medical Response System, consistent with the National Response Framework and National Incident Management System;

“(2) develop and oversee standards, plans, training, and exercises; and

“(3) provide technical assistance to States, local governments, and Indian tribes in preparing for,
protecting against, and responding to mass casualty incidents.

“(d) FINANCIAL ASSISTANCE.—

“(1) AUTHORIZATION OF GRANTS.—

“(A) IN GENERAL.—The Secretary, acting through the Administrator, may make grants under this section to States, local governments, and Indian tribes to assist in preparing for, protecting against, and responding to mass casualty incidents.

“(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Chief Medical Officer.

“(2) USE OF FUNDS.—A grant made under this section may be used in support of public health and medical preparedness for mass casualty incidents through the integration of emergency response providers and public health and medical personnel, including—

“(A) medical surge capacity;

“(B) mass prophylaxis;

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

“(E) planning;

“(F) information sharing and collaboration capabilities of State, local, and tribal governments and Federal response entities and regional areas;

“(G) medicinal stockpiling, management, distribution, and dispensing;

“(H) fatality management;

“(I) training and exercises;

“(J) 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 private sector and nonprofit organizations; and

“(K) any other activities as the Administrator may provide.

“(3) ELIGIBILITY.—

“(A) IN GENERAL.—The Administrator, in consultation with the Chief Medical Officer, shall establish criteria for determining whether a State, local government, or Indian tribe may be awarded a grant under this subsection.
“(B) LIMITATIONS.—In determining which States, local governments, and Indian tribes shall be awarded grants under this subsection, the Administrator shall ensure that—

“(i) not less than 1 jurisdiction in each State is awarded a grant; and

“(ii) the total number of jurisdictions awarded grants does not exceed the number of jurisdictions awarded grants under the Metropolitan Medical Response Program under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723) in fiscal year 2010.

“(C) REGIONAL COORDINATION.—The Administrator shall ensure that each recipient of a grant under this subsection, as a condition of receiving that grant, is actively coordinating its preparedness efforts with surrounding jurisdictions and with emergency response providers from all relevant disciplines, to effectively enhance regional preparedness.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the pro-
gram under this section $41,000,000 for each of fiscal years 2012 through 2014.”

(c) Program Review.—

(1) In general.—The Administrator of the Federal Emergency Management Agency and the Chief Medical Officer shall conduct a review of the Metropolitan Medical Response System authorized under section 2042 of the Homeland Security Act of 2002, as added by subsection (b), including an examination of—

(A) the goals and objectives of the Metropolitan Medical Response System;

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

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

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

(E) how the Metropolitan Medical Response System can best be coordinated with other preparedness programs supported by the Department;

(F) how the number of jurisdictions, the criteria to award jurisdictions, and the relative
allocation of financial assistance under the Metropolitan Medical Response System should be determined; and

(G) the resource requirements of the Metropolitan Medical Response System.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Chief Medical Officer shall submit a report on the results of the review under this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—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 inserting after the item relating to section 2041, as added by section 408, the following:

``Sec. 2042. Metropolitan Medical Response System.''.

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

(3) PROGRAM NOT AFFECTED.—Section 2002(b)(5) of the Homeland Security Act of 2002 (6

SEC. 419. REGIONAL CATASTROPHIC GRANT PROGRAM.

(a) In General.—On and after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency may not award a grant under the Regional Catastrophic Preparedness Grant Program.

(b) Savings Clause.—Any grant awarded for a fiscal year beginning before October 1, 2011 and any funds provided under a grant under the Regional Catastrophic Preparedness Grant Program before the date of enactment of this Act shall continue and may be used under the terms and conditions of the program.

(c) Rule of Construction.—Nothing in this section shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from providing support and assistance to grantees under the Regional Catastrophic Preparedness Grant Program, including assistance with program implementation, through the remaining performance period of a grant awarded before the date of enactment of this Act.
SEC. 420. REPORT ON CONSOLIDATION OF GRANT PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the suitability, feasibility, and efficiency of consolidating grant programs administered by the Department, other than grants awarded in conjunction with a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE V—BORDER SECURITY

SEC. 501. WORKFORCE STAFFING PLAN.

(a) In General.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

“SEC. 447. WORKFORCE STAFFING PLAN.

“(a) In General.—Not later than 1 year after the date of the enactment of this section, and every 2 years thereafter through September 30, 2017, the Secretary of shall develop a workforce staffing plan that—

“(1) details the optimal level of staffing required to carry out the responsibilities of U.S. Customs and Border Protection (referred to in this sec-
tion as ‘CBP’) and U.S. Immigration and Customs Enforcement (referred to in this section as ‘ICE’);

“(2) describes the process through which CBP and ICE will make workforce allocation decisions;

“(3) links CBP and ICE workforce allocation decisions to analyses of threats; and

“(4) describes any coordination between CBP and ICE staffing plans to secure specific segments of the border region.

“(b) SUBMISSION.—The Secretary shall submit each workforce staffing plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 446 the following:

“Sec. 447. Workforce staffing plan.”.

SEC. 502. SURGE DEPLOYMENT.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 501(a), is further amended by adding at the end the following new section:
“SEC. 448. SURGE DEPLOYMENT.

“The Commissioner of U.S. Customs and Border Protection may deploy existing surge teams to proactively respond to intelligence-related, high-risk threats or to assist or augment agency operations at ports of entry in the United States during emergencies or other events that require additional staffing for a limited period of time.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 501(b), is further amended by adding after the item relating to section 447 the following:

“Sec. 448. Surge deployment.”.

SEC. 503. ENHANCED TRAINING FOR BORDER PATROL AGENTS.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 502(a), is further amended by adding at the end the following:

“SEC. 449. ENHANCED TRAINING FOR BORDER PATROL AGENTS.

“(a) IN GENERAL.—The Secretary shall review and, to the extent necessary, revise the field training provided to Border Patrol agents to ensure that Border Patrol agents are adequately prepared to deal with the specific challenges posed by the station to which they are assigned.
“(b) TRAINING COMPONENTS.—Training described in subsection (a) should include—

“(1) a station-specific threat analysis that informs Border Patrol agents of the enforcement priorities in the station to which they are assigned;

“(2) a station-specific enforcement plan that sets out how Border Patrol agents will be deployed to meet those threats;

“(3) border- and region-specific survival training to acclimate Border Patrol agents for operating in extreme weather and environmental conditions, especially in emergency situations; and

“(4) communications training to ensure that Border Patrol agents are effectively and respectfully communicating with the public.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 502(b), is further amended by adding after the item relating to section 448 the following:

“Sec. 449. Enhance training for Border Patrol agents.”.

SEC. 504. OUTBOUND INSPECTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that U.S. Customs and Border

Protection has instituted an outbound inspections program at land, air, and maritime 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 the inspections to 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 outbound inspections; and


(c) WAIT TIMES.—The Secretary shall ensure that outbound inspections carried out under this subsection do not add significantly to wait times for crossing the border.

SEC. 505. SITUATIONAL AWARENESS OF THE NORTHERN BORDER.

(a) DEFINITIONS.—In this section:
(1) NORTHERN BORDER.—The term “northern border” means the land and maritime border between the United States and Canada.

(2) SITUATIONAL AWARENESS.—The term “situational awareness” means the perception of activity at and between land, maritime, and air ports of entry into the United States.

(b) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a plan for improving situational awareness over the northern border, including U.S. Customs and Border Protection’s ability to identify illegal entries.

(e) PLAN CONTENTS.—The plan developed under subsection (b) shall include—

(1) an assessment of the assets or technologies currently deployed on the northern border;

(2) a description of other assets or technologies that are needed to improve situational awareness over the northern border, including the ability to detect low-flying aircraft and suspicious small boat traffic;
(3) steps that will be taken to increase information sharing and coordination among law enforcement agencies operating along the northern border; and

(4) a description of how the Department of Homeland Security will coordinate with Federal, State, and local law enforcement and the Government of Canada to improve the detection of illegal entries across the northern border.

SEC. 506. OFFICE OF INTERNATIONAL TRAVEL SECURITY AND SCREENING.

(a) Amendments.—

(1) In General.—Subtitle C of title IV of the Homeland Security Act of 2002 (8 U.S.C. 231), as amended by section 214(a) of this Act, is amended by adding at the end the following:

"SEC. 431. OFFICE OF INTERNATIONAL TRAVEL SECURITY AND SCREENING.

“(a) Establishment.—There is established within the Department an Office of International Travel Security and Screening, which shall be headed by the Assistant Secretary for International Travel Security and Screening (referred to in this section as the ‘Assistant Secretary’), who shall be appointed by the President."
“(b) Responsibilities of the Assistant Secretary.—The Assistant Secretary shall—

“(1) have primary responsibility for—

“(A) the integrated entry and exit data system commonly known as ‘US–VISIT’, which was authorized under section 110 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

“(B) the visa waiver program authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187); and

“(C) the Screening Coordination Office, which shall be transferred from the Office of Policy;

“(2) coordinate activities within the Department to identify, interdict, and prevent the travel of terrorists to the United States; and

“(3) develop a strategic plan for preventing the travel of terrorists to the United States, in consultation with other relevant Federal agencies.

“(c) Annual Visa Overstay Report.—

“(1) In general.—Not later than 1 year after the date of enactment of this Act and annually thereafter through 2022, the Assistant Secretary shall submit a report to the Committee on Home-
land Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that details data collected, in accordance with the National Institute of Standards and Technology’s protocols on statistical significance, concerning individuals who overstayed the terms of their admission in that year, including—

“(A) statistics on the nationality and visa class (including those traveling under the visa waiver program) of all individuals who overstayed their admission;

“(B) statistics on the nationality and visa class (including those traveling under the visa waiver program) of individuals who overstayed their admission by 30 days or less, 180 days or less, 1 year or less, or for more than 1 year; and

“(C) the number of individuals who overstayed their admission and were subsequently apprehended, left the country, or transitioned to a new visa class.”.

(2) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 431 and inserting the following:

“Sec. 431. Office of International Travel Security and Screening.”.
(b) REVIEW OF AUTOMATED ENTRY AND EXIT SYSTEM.—The Assistant Secretary for International Travel Security and Screening shall—

(1) develop a plan for implementing the biometric exit system required under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including a detailed time line; and

(2) conduct a review of US–VISIT—

(A) to ensure that all entry and exit records for air and sea passengers are being matched to accurately identify all visa overstays in a rigorous, science-based manner that meets applicable standards for statistical significance provided by the National Institute of Standards and Technology;

(B) to ensure that biographic exit data collected by the outbound inspections program authorized under section 504 meets applicable standards for statistical significance provided by the National Institute of Standards and Technology;

(C) to determine whether biographic exit data on visa overstay rates should be used instead of visa denial rates to make decisions re-
garding the admittance of prospective member states into the Visa Waiver Program; and

(D) to determine the feasibility of using entry data from foreign countries in order to collect exit information on individuals who departed the United States; and

(3) not later than 270 days after the effective date of this Act, submit the results of the review conducted under paragraph (2) and the plan developed under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(e) Placement Within the Department of Homeland Security.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall determine the position of the Office of International Travel Security and Screening within the Department of Homeland Security.

SEC. 507. VISA SECURITY.

(a) In General.—

(1) In General.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 503(a), is further
amended by adding at the end the following new section:

"SEC. 449A. ELECTRONIC SYSTEMS FOR NOTIFICATION OF VISA DENIALS AND REVIEWING VISAS.

"(a) ELECTRONIC SYSTEM FOR NOTIFYING AIRLINES OF VISA DENIALS.—

"(1) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Secretary of State, in cooperation with the Secretary, shall deploy an electronic system to notify airlines of the cancellation of any traveler's visa for entry into the United States.

"(2) USE OF EXISTING SYSTEMS.—In deploying the system described in paragraph (1), the Secretary of State, in cooperation with the Secretary, shall, to the extent feasible, utilize the existing electronic passenger manifest systems required under section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) and section 44909 of title 49, United States Code, to notify airlines of a canceled visa.

"(b) ELECTRONIC SYSTEM FOR REMOTELY REVIEWING VISAS.—

"(1) DEVELOPMENT.—The Secretary, in consultation with the Secretary of State, shall develop an electronic system for remotely reviewing visa ap-
plications and supporting documentation at diplo-
matic and consular posts at which visas are issued.

“(2) SAVINGS PROVISION.—Nothing in this sub-
section may be construed as not requiring visa secu-
rity officers to be stationed at all visa adjudicating
posts that are designated as high risk by the Sec-
retary.”.

(2) CLERICAL AMENDMENT.—The table of con-
tents of the Homeland Security Act of 2002 (6
U.S.C. 101 et seq.), as amended by section 503(b),
is further amended by adding after the item relating
to section 449 the following:

“Sec. 449A. Electronic systems for notification of visa denials and reviewing
visas.”.

(b) ISSUANCE OF VISAS AT DESIGNATED DIPLO-
MATIC AND CONSULAR POSTS.—Section 428(i) of the
Homeland Security Act of 2002 (6 U.S.C. 236(i)) is
amended to read as follows:

“(i) VISA ISSUANCE AT CONSULAR POSTS AND EM-
BASSIES.—

“(1) STANDARD OPERATING PROCEDURES.—
The Secretary of Homeland Security, in coordination
with the Secretary of State, shall institute standard
operating procedures for the visa security program
at all consular posts.
“(2) MEDIATION.—The Secretary of Homeland Security and the Secretary of State shall create and implement a system for mediating disagreements about visa revocation decisions between visa security officers and consular officers at posts, including designating senior officials at each Department to adjudicate disputes.

“(3) POLICY REVIEW.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall review all policies relating to the issuing of visas to ensure that all individuals associated with terrorism are denied visas to travel to the United States.

“(4) SECURITY OFFICERS.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop a plan for deploying visa security officers to all consular posts determined to be high-risk by the Secretary.”.

(c) CLARIFYING CONGRESSIONAL INTENT IN THE HOMELAND SECURITY ACT OF 2002.—Section 428(e)(6) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(6)) is amended to read as follows:

“(6) TRAINING AND HIRING.—

“(A) TRAINING.—The Secretary of Homeland Security shall require all employees of the
Department assigned to perform functions described in paragraph (2), in advance of their deployments—

“(i) to obtain training on the day-to-day operations of a consular post at the National Foreign Affairs Training Center, on a reimbursable basis;

“(ii) to receive training in the foreign language of the post at which they will be assigned, unless they are already proficient in the foreign language;

“(iii) to receive a course in interview and fraud detection techniques; and

“(iv) to be stationed, to the extent feasible, for a minimum of 3 years in a post.

“(B) Promotion Preferences.—The Secretary of Homeland Security shall ensure that employees of the Department assigned to perform functions described in subparagraph (A) be given preference in promotions and in subsequent postings if they meet the minimum standards set by the Secretary for their performance.”.
SEC. 508. REPORT ON BORDER SECURITY TASK FORCES
AND DRUG INTELLIGENCE CENTERS.

(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—

(1) conduct a study on interagency border secu-
rity task forces and drug intelligence and informa-
tion sharing centers; and

(2) submit a report containing the results of
the study conducted under paragraph (1) to the
Committee on Homeland Security and Governmental
Affairs of the Senate and the Committee on Home-
land Security of the House of Representatives.

(b) Contents.—The report submitted under sub-
section (a) shall—

(1) detail—

(A) the number of information sharing and
intelligence centers that address counter-
narcotics; and

(B) the level and source of Federal funding
for such centers;

(2) detail—

(A) the number of border-security-focused
task forces that address human smuggling and
counter terrorism activities; and
(B) the level and source of Federal funding for such task forces;

(3) evaluate—

(A) the missions and functions of information sharing and intelligence centers and interagency border security task forces;

(B) the extent to which such centers and task forces are distinct or duplicative; and

(C) whether there are any opportunities for consolidation or cost efficiencies; and

(4) analyze the views of selected entities that use information and products from such centers and task forces on—

(A) the benefits provided by such centers and task forces;

(B) the weaknesses in operations and focus areas of in such centers and task forces; and

(C) any solutions or improvements from which such centers and task forces could benefit.
TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS

SEC. 601. AUTHORIZATION OF INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Funds authorized or made available for intelligence activities of the Department are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012.

(b) RULE OF CONSTRUCTION.—The authorization under this Act for intelligence activities of the Department shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 602. CLASSIFIED NATIONAL SECURITY INFORMATION PROGRAM FOR STATES, LOCAL GOVERNMENTS, INDIAN TRIBES, AND PRIVATE SECTOR ENTITIES.

(a) 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. CLASSIFIED NATIONAL SECURITY INFORMATION PROGRAM FOR STATES, LOCAL GOVERNMENTS, INDIAN TRIBES, AND PRIVATE SECTOR ENTITIES.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘classified information’ means information that is classified or classifiable under Executive Order 13526 (75 Fed. Reg. 707) or any successor thereto; and

“(2) the term ‘Program’ means the Classified National Security Information Program established under subsection (b).

“(b) ESTABLISHMENT.—There is established a Classified National Security Information Program, which shall be designed to safeguard and govern access to classified information shared by the Federal Government with States, local governments, Indian tribes, and private sector entities.

“(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall manage the Program and be responsible for—

“(1) oversight of the Program;

“(2) accreditation, periodic inspection, and monitoring of all facilities where classified information is used or store that are owned or operated by a State, local government, or Indian tribe, unless
there is an agreement in effect between another ex-
ecutive agency and the Secretary to perform some or
all of these functions;

“(3) upon request by the head of an executive
agency, processing an application for a security
clearance for an employee of a State, local govern-
ment, Indian tribe, or private entity, which shall be
processed on a reimbursable basis unless determined
otherwise by the Secretary and the head of the exec-
utive agency making the request;

“(4) in consultation with the Director of the
Office of Personnel Management, the Secretary of
Defense, and the Director of National Intelligence,
documenting and tracking the final status of all ap-
plications for a security clearance for an employee of
a State, local government, Indian tribe, or private
entity;

“(5) developing and maintaining a security pro-
file of facilities owned or operated by a State, local
government, or Indian tribe that have access to clas-
sified information;

“(6) developing training for all employees of a
State, local government, Indian tribe, or private en-
tity who have been determined eligible for access to
classified information, which shall address the prop-
er safeguarding of classified information and sanctions for unauthorized disclosure of classified information; and

“(7) any other responsibilities provided to the Secretary by the President.

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than December 31, 2012, and every year thereafter until December 31, 2024, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of the activities of the Department under Executive Order 13549, or any successor thereto, and this section.

“(2) REQUIREMENTS OF ANNUAL REPORT.—Each annual report under paragraph (1) shall include—

“(A) a general description of the progress made in satisfying the requirements under this section and under Executive Order 13549, or any successor thereto;

“(B) a description of funds expended by the Department to carry this section and to
carry out Executive Order 13549, or any successor thereto;

“(C) annual statistical information on the Program, including—

“(i) the number of employees of a State, local government, Indian tribe, or private entity for whom an application for a security clearance was submitted to the Federal Government;

“(ii) the number of security clearance applications processed under the Program; and

“(iii) the number of facilities described in subsection (c)(2);

“(D) a description of the training carried out under the Program;

“(E) information regarding performance measures under the Program;

“(F) an assessment of whether executive agencies are complying with the security clearance reciprocity requirement under section 1.3(c) of Executive Order 13549, or any successor thereto;

“(G) information relating to the inspection and monitoring of facilities described in sub-
section (c)(2), including information on security violations discovered as a result of the inspection and monitoring; and

“(H) an assessment of any counterintelligence threats and risks associated with the Program.

“(3) CONSISTENCY.—To the extent possible, each report submitted under paragraph (1) shall be consistent in the collection and analysis of relevant statistical information and the use of performance measures.

“(4) CLASSIFICATION.—Each report submitted under paragraph (1) shall be in unclassified form, but may include a classified annex.

“(e) REPORT ON SECURITY CLEARANCE VERIFICATION PROCESSES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Director of the Office of Personnel Management, shall submit to Congress a report on the activities conducted by the Federal Government to support the efficient management and verification of security clearances,
including by employees of States, local governments, Indian tribes, and private sector entities.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—
The table of contents under 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 210F the following:

“Sec. 210G. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.”.

SEC. 603. FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.

(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 FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.

“(a) Authority To Establish Positions in Excepted Service.—

“(1) In general.—With the concurrence of the Director of National Intelligence and in coordination with the Director of the Office of Personnel Management, the Secretary may—

“(A) convert competitive service positions, and the incumbents of such positions, within the Office of Intelligence and Analysis to ex-
cepted service positions as the Secretary determines necessary to carry out the intelligence functions of the Department; and

“(B) establish new positions within the Office of Intelligence and Analysis in the excepted service, if the Secretary determines such positions are necessary to carry out the intelligence functions of the Department.

“(2) Classification and pay ranges.—In coordination with the Director of National Intelligence, the Secretary may establish the classification and ranges of rates of basic pay for any position converted under paragraph (1)(A) or established under paragraph (1)(B), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

“(3) Appointment and compensation.—The Secretary may appoint individuals for service in positions converted under paragraph (1)(A) or established under paragraph (1)(B) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established under paragraph (2).
“(4) MAXIMUM RATE OF BASIC PAY.—The maximum rate of basic pay the Secretary may establish under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(b) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘compensation authority’—

“(i) means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments; and

“(ii) shall not include—

“(I) authorities relating to benefits such as leave, severance pay, retirement, and insurance;

“(II) authority to grant a rank award by the President under section 4507, 4507a, or 3151(c) of title 5, United States Code, or any other provision of law; or

“(III) compensation authorities and performance management au-
the term ‘intelligence community’ has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(2) IN GENERAL.—Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Secretary, with the concurrence of the Director of National Intelligence, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or executive order, in coordination with the Director of the Office of Personnel Management, may authorize the Office of Intelligence and Analysis to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Secretary and the Director of National Intelligence—

“(A) determine that the adoption of that authority would improve the management and performance of the intelligence community; and
“(B) not later than 60 days before that authority is to take effect, submit notice of the adoption of that authority by the Office of Intelligence and Analysis, including the authority to be so adopted, and an estimate of the costs associated with the adoption of that authority to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Homeland Security of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

“(3) Equivalent Application of Compensation Authority.—To the extent that a compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted by the Office of Intelligence and Analysis under this subsection only for employees in an equivalent category or in an equivalent situation.”.

(b) Technical and Conforming Amendment.—

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

“Sec. 846. Authority for flexible personnel management at the Office of Intelligence and Analysis.”.

4 SEC. 604. UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS TECHNICAL CORRECTION.

Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) by inserting after paragraph (8) the following:

“(9) An Under Secretary for Intelligence and Analysis.”.

TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS

SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) IN GENERAL.—

(1) DIRECTORATE.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), is amended by striking section 301 and inserting the following:
“SEC. 301. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

“(a) IN GENERAL.—There shall be in the Department a Directorate of Science Technology headed by an Under Secretary for Science and Technology.

“(b) RESPONSIBILITIES.—The Directorate of Science and Technology shall serve as the primary research, development, testing, and evaluation agency in the Department.”.

(2) 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 301 and inserting the following:

“Sec. 301. Directorate of Science and Technology.”.

(b) RESPONSIBILITIES AND AUTHORITIES.—Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(1) in paragraph (5)(A), by striking the second comma after “biological” and inserting “radiological, nuclear,”;

(2) in paragraph (12), by inserting “, including conducting strategic planning and providing technical assistance for such activities within the Department” after “activities of the Department”; 

(3) in paragraph (13), by striking “and” at the end;
(4) in paragraph (14), by striking the period and inserting “; and”; and

(5) by adding after paragraph (14) the following:

“(15) supporting the acquisition of technologies and systems by the Department by providing—

“(A) the Secretary with independent assessments; and

“(B) technical assistance within the Department for development, testing and evaluation;

“(16) conducting strategic planning within the Department for basic, advanced and applied research and development; and

“(17) providing technical assistance within the Department for the development, testing, evaluation and acquisition of technologies.”.

SEC. 702. DIRECTOR OF TESTING AND EVALUATION.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 188) is amended by adding at the end the following:

“(d) DIRECTOR OF TESTING AND EVALUATION.—

“(1) DEFINITION.—In this subsection, the term ‘operational testing and evaluation activity’ means—

“(A) any field test, under realistic conditions, of technologies, equipment, or systems for the purpose of determining the performance, effectiveness and operational suitability of the technologies, equipment, or systems for use by the Department; and

“(B) the evaluation of the results of such tests against established operational requirements.

“(2) ESTABLISHMENT.—There is established in the Directorate of Science and Technology a Director of Testing and Evaluation.

“(3) RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—

“(A) PRINCIPLE ADVISER.—The Director of Testing and Evaluation is the principal adviser to the Under Secretary for Science and Technology for all testing and evaluation, in-
cluding operational testing and evaluation activities in the Department.

“(B) OTHER RESPONSIBILITIES, AUTHORITY, AND FUNCTIONS.—The Director of Testing and Evaluation shall—

“(i) establish testing and evaluation policies, procedures, standards and practices for the Department;

“(ii) monitor and review all operational testing and evaluation activities within the Department;

“(iii) provide support to the Acquisition Review Board, established under section 836, including by preparing a Letter of Assessment for any investment reviewed by the Acquisition Review Board, that sets forth an assessment of the technology and the testing and evaluation activity.

“(C) ACCESS TO INFORMATION.—The Director of Testing and Evaluation—

“(i) shall have access to all acquisition records and data within the Department that the Director determines are necessary to carry out the duties authorized under this subsection;
“(ii) may designate observers to be present during the preparation for, and the execution of, any operational testing and evaluation activity within the Department; and

“(iii) shall have prompt access to the results of any operational testing and evaluation activity.”.

SEC. 703. FIVE-YEAR RESEARCH AND DEVELOPMENT INVESTMENT PLAN; TECHNOLOGY READINESS ASSESSMENT PROCESS; AND AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by inserting after section 318, as added by section 414(a), the following:

“SEC. 319. FIVE-YEAR RESEARCH AND DEVELOPMENT INVESTMENT PLAN.

“(a) DEFINITION.—In this section the term ‘Plan’ means the Five-year Research and Development Investment Plan developed under this section.

“(b) IN GENERAL.—Acting through the Under Secretary of Science and Technology, the Secretary shall develop a Five-Year Research and Development Investment Plan that shall guide all expenditures by the Department...
for basic, advanced, or applied research and technology development activities.

“(c) CONTENTS.—The Plan shall—

“(1) set forth anticipated annual expenditures for each fiscal year from 2012 through 2017;

“(2) set forth annual milestones and objectives that shall be—

“(A) for all basic, advanced, applied research and development; and

“(B) aligned with the operational requirements of the Department, including the improvement and development of technologies to—

“(i) combat chemical, biological, nuclear, and radiological and high-explosive terrorist attacks;

“(ii) strengthen border and maritime security, cyber security, aviation security, transportation security, and response and recovery capabilities; and

“(iii) address other needs as determined by the Secretary; and

“(3) take into account the operational requirements of State and local governments.

“(d) SUBMISSIONS OF THE PLAN AND UPDATES.—
“(1) Initial Plan.—Not later than 180 days after the date of enactment of the Department of Homeland Security Authorization Act of 2011, the Secretary shall submit the Plan to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

“(2) Annual Updates.—The Secretary shall submit an annual update of the Plan that sets forth each expenditure in the preceding fiscal year to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

“SEC. 320. ESTABLISHING A TECHNOLOGY EVALUATION AND READINESS ASSESSMENT PROCESS.

“Acting through the Under Secretary for Science and Technology, the Secretary shall establish a process for evaluating the readiness, performance, and suitability of any technologies or systems that the Department acquires or develops to carry out the missions of the Department.

“SEC. 321. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

“(a) Authority.—The Under Secretary for Science and Technology may make available to any person or entity, for an appropriate fee, the services of any center or
other testing facility owned and operated by the Department 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 for Science and Technology shall ensure that the testing of materials, equipment, models, computer software, or other items not owned by the Federal Government shall 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 with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of the tests may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

“(d) Use of Fees.—Any fee collected under subsection (a) shall be used to recoup the direct and indirect costs incurred by the Federal Government to provide for testing and any remaining funds shall be used by the Secretary to support research and development activities within the Department.”.
SEC. 704. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) Definition.—In this section—

(1) the term “2002 report” means the report prepared by the National Research Council entitled “Making the Nation Safer: The Role of Science and Technology in Countering Terrorism (2002)”; and

(2) the term “National Research Council” means the National Research Council of the National Academy of Sciences.

(b) Agreement.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Research Council to update the 2002 report.

(e) Contents of Report.—The report described under subsection (b) shall—

(1) update the 2002 report to assess progress made towards the recommendations in that report; and

(2) make recommendations to guide the Federal government to strengthen and improve homeland security over the next decade.

(d) Submission of Report.—Not later than 1 year after the date of enactment of this Act, the National Research Council shall submit the report described under subsection (b) to the Committee on Homeland Security
and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(c) FORM OF REPORT.—The report submitted under subsection (d) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 705. DOMESTIC NUCLEAR DETECTION OFFICE.

(a) MISSION.—Section 1902(a) of the Homeland Security Act of 2002 (6 U.S.C. 592(a)) is amended—

(1) by striking paragraph (6);

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(3) by inserting after paragraph (1) the following:

“(2) coordinate strategic planning and investments, within the Department and with other Federal agencies and State and local governments—

“(A) to detect and prevent illegal trafficking in nuclear weapons-making materials or technologies; and

“(B) to reduce the risk of a nuclear terrorist attack”; and

(4) in paragraph (8), by striking “government agencies” and inserting “Federal, State, and local entities”.

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(b) Domestic Nuclear Threat Detection and Prevention Plan.—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:

“SEC. 1908. DOMESTIC NUCLEAR THREAT DETECTION AND PREVENTION PLAN.

“(a) In General.—Not later than 270 days after the effective date of the Department of Homeland Security Authorization Act of 2011, the Secretary, acting through the Director of the Domestic Nuclear Detection Office, in coordination with relevant Federal agencies, as determined by the Secretary, shall develop a plan to integrate and strengthen the Nation’s capabilities to deter, detect, and prevent nuclear terrorist threats in the domestic portion of the global nuclear detection architecture within 10 years.

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

“(1) set forth national strategic goals;

“(2) set forth initiatives to integrate and strengthen the domestic portion of the global nuclear detection architecture;

“(3) describe steps to monitor and assess the development and execution of the plan;
“(4) set forth the investments, expenditures, and schedules for the deployment of nuclear and radiological detection equipment and countermeasures within the Department;

“(5) assess the investments, expenditures, or deployments that the Department makes to substantially reduce the illegal trafficking of nuclear weapons making materials and to measurably reduce the risk of a nuclear terrorist attack occurring inside the United States; and

“(6) set forth annual milestones and schedules for the deployment of advanced, commercially-available nuclear detection technologies and countermeasures by the Department.

“(c) CLASSIFIED INFORMATION.—The plan developed under subsection (a) shall be submitted in unclassified form, but may contain an unclassified annex.

“(d) SUBMISSION OF PLAN.—

“(1) INITIAL SUBMISSION.—Not later than 270 days after the effective date of the Department of Homeland Security Authorization Act of 2011, the Secretary shall submit the plan developed under subsection (a) to the Committee on Homeland Security and Governmental Affairs of the Senate and the
Committee on Homeland Security of the House of Representatives.

“(2) UPDATE.—Not later than 2 years after submitting the plan under paragraph (1), the Secretary shall submit an update of the plan to the committees set forth in paragraph (1).”.

(c) CONTRACTING AUTHORITY.—Section 1906 of the Homeland Security Act of 2002 (6 U.S.C. 596) is amended by striking “paragraphs (6) and (7) of section 1902(a)” each place it appears and inserting “section 1902(a)(7)”.

(d) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding after the item relating to section 1907 the following:

“Sec. 1908. Domestic nuclear threat detection and prevention plan.”.

SEC. 706. FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) DEFINITION.—In this subsection, the term “employee” has the meaning given that term under section 2105 of title 5, United States Code.

(b) AUTHORITY.—The Secretary may make appointments to a position described under paragraph (3) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title.
(c) Positions.—This subsection applies with respect to any scientific or engineering position within the Science and Technology Directorate which requires an advanced degree.

(d) Limitation.—

(1) In general.—Authority under this subsection may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within that laboratory that are filled as of the end of the most recent fiscal year before the start of that calendar year.

(2) Full-time equivalent basis.—For purposes of this paragraph, positions shall be counted on a full-time equivalent basis.

(e) Termination.—The authority to make appointments under this subsection shall terminate on January 1, 2014.

SEC. 707. 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 inserting after the item relating to section 318, as added by section 414(b), the following:

 Sec. 319. Five-year research and development investment plan.
“Sec. 320. Establishing a technology evaluation and readiness assessment process.
“Sec. 321. Availability of testing facilities and equipment.”.