

114TH CONGRESS  
2D SESSION

# H. R. 6381

To provide for certain homeland security improvements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2016

Mr. McCAUL introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Foreign Affairs, the Judiciary, Transportation and Infrastructure, Energy and Commerce, Agriculture, Oversight and Government Reform, Ways and Means, Science, Space, and Technology, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for certain homeland security improvements, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “DHS Reform and Improvement Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—HOMELAND SECURITY DRONE ASSESSMENT AND  
ANALYSIS

Sec. 101. Drone assessment and analysis.

TITLE II—BORDER AND MARITIME COORDINATION  
IMPROVEMENT

Sec. 201. U.S. Customs and Border Protection coordination.

Sec. 202. Border and maritime security efficiencies.

Sec. 203. Public-private partnerships.

Sec. 204. Establishment of the Office of Biometric Identity Management.

Sec. 205. Cost-benefit analysis of co-locating operational entities.

Sec. 206. Strategic personnel plan for U.S. Customs and Border Protection personnel deployed abroad.

Sec. 207. Threat assessment for United States-bound international mail.

Sec. 208. Evaluation of Coast Guard Deployable Specialized Forces.

Sec. 209. Customs-Trade Partnership Against Terrorism improvement.

Sec. 210. Strategic plan to enhance the security of the international supply chain.

Sec. 211. Container Security Initiative.

Sec. 212. Transportation Worker Identification Credential waiver and appeals process.

Sec. 213. Repeals.

TITLE III—SECURING OUR AGRICULTURE AND FOOD

Sec. 301. Coordination of food, agriculture, and veterinary defense against terrorism.

TITLE IV—STRONG VISA INTEGRITY SECURES AMERICA

Sec. 401. Visa security.

Sec. 402. Electronic passport screening and biometric matching.

Sec. 403. Reporting of visa overstays.

Sec. 404. Student and exchange visitor information system verification.

TITLE V—PROMOTING RESILIENCE AND EFFICIENCY IN  
PREPARING FOR ATTACKS AND RESPONDING TO EMERGENCIES

Subtitle A—Grants, Training, Exercises, and Coordination

Sec. 501. Memoranda of understanding.

Sec. 502. Period of performance.

Sec. 503. Operation Stonegarden.

Sec. 504. Grants metrics.

Sec. 505. Grant management best practices.

Sec. 506. Administration and coordination of grants.

Sec. 507. Funding prohibition.

Sec. 508. Law enforcement terrorism prevention.

Sec. 509. Allowable uses.

Sec. 510. Maintenance of grant investments.

Sec. 511. National Domestic Preparedness Consortium.

Sec. 512. Rural Domestic Preparedness Consortium.

Sec. 513. Emergency support functions.

Sec. 514. Review of National Incident Management System.

- Sec. 515. Approval of certain equipment.
- Sec. 516. Remedial action management program.

Subtitle B—Communications

- Sec. 521. Office of Emergency Communications.
- Sec. 522. Responsibilities of Office of Emergency Communications Director.
- Sec. 523. Annual reporting on activities of the Office of Emergency Communications.
- Sec. 524. National Emergency Communications Plan.
- Sec. 525. Technical edits.
- Sec. 526. Public Safety Broadband Network.
- Sec. 527. Statewide interoperability coordinators.
- Sec. 528. Communications training.

Subtitle C—Medical Preparedness

- Sec. 531. Pre-event anthrax vaccination program for emergency response providers.
- Sec. 532. Chief Medical Officer.
- Sec. 533. Medical Countermeasures Program.

Subtitle D—Management

- Sec. 541. Mission support.
- Sec. 542. Systems modernization.
- Sec. 543. Strategic human capital plan.
- Sec. 544. Activities related to children.

Subtitle E—Flood Insurance Claims Process Reforms

- Sec. 551. Claims adjustment and engineering reports.
- Sec. 552. Judicial review.

TITLE VI—CYBERSECURITY AND INFRASTRUCTURE PROTECTION AGENCY

- Sec. 601. Cybersecurity and Infrastructure Protection Agency.
- Sec. 602. Establishment of the Office of Biometric Identity Management.
- Sec. 603. Rule of construction.
- Sec. 604. Prohibition on additional funding.

TITLE VII—STRENGTHENING CYBERSECURITY INFORMATION SHARING AND COORDINATION IN OUR PORT

- Sec. 701. Improving cybersecurity risk assessments, information sharing, and coordination.
- Sec. 702. Cybersecurity enhancements to maritime security activities.
- Sec. 703. Vulnerability assessments and security plans.

TITLE VIII—STRENGTHENING STATE AND LOCAL CYBER CRIME FIGHTING

- Sec. 801. Authorization of the National Computer Forensics Institute of the Department of Homeland Security.

TITLE IX—DEPARTMENT OF HOMELAND SECURITY CBRNE DEFENSE

- Sec. 901. CBRNE Office.
- Sec. 902. Chemical Division.
- Sec. 903. Biological Division.
- Sec. 904. Nuclear Division.
- Sec. 905. Explosives Division.
- Sec. 906. Savings provisions.
- Sec. 907. Clerical amendments.

TITLE X—GAINS IN GLOBAL NUCLEAR DETECTION  
ARCHITECTURE

- Sec. 1001. Duties of the Domestic Nuclear Detection Office.

TITLE XI—UNITED STATES IMMIGRATION AND CUSTOMS  
ENFORCEMENT AUTHORIZATION

- Sec. 1101. Establishment of United States Immigration and Customs Enforcement.

TITLE XII—FEDERAL LAW ENFORCEMENT TRAINING CENTERS  
REFORM AND IMPROVEMENT

- Sec. 1201. Federal Law Enforcement Training Centers.

TITLE XIII—PREVENT TRAFFICKING IN CULTURAL PROPERTY

- Sec. 1301. Definition.
- Sec. 1302. Statement of policy.
- Sec. 1303. Activities of the Department of Homeland Security.
- Sec. 1304. Role of the Smithsonian Institution.
- Sec. 1305. Report.

TITLE XIV—DEPARTMENT OF HOMELAND SECURITY  
HEADQUARTERS REFORM AND IMPROVEMENT

- Sec. 1401. Prohibition on additional authorization of appropriations.

Subtitle A—Department of Homeland Security Headquarters Reauthorization

- Sec. 1411. Definitions.
- Sec. 1412. Headquarters components.
- Sec. 1413. Chief Privacy Officer.
- Sec. 1414. Office of Policy.
- Sec. 1415. Quadrennial homeland security review.
- Sec. 1416. Future years homeland security program.
- Sec. 1417. Management and execution.
- Sec. 1418. Chief Financial Officer.
- Sec. 1419. Chief Procurement Officer.
- Sec. 1420. Chief Information Officer.
- Sec. 1421. Chief Human Capital Officer.
- Sec. 1422. Chief Security Officer.
- Sec. 1423. Cost savings and efficiency reviews.
- Sec. 1424. Field efficiencies plan.
- Sec. 1425. Resources to respond to operational surges.
- Sec. 1426. Department of Homeland Security rotation program.

Subtitle B—Department of Homeland Security Acquisition Accountability and  
Efficiency

Sec. 1431. Definitions.

#### PART 1—ACQUISITION AUTHORITIES

- Sec. 1441. Acquisition authorities for Under Secretary for Management.  
 Sec. 1442. Acquisition authorities for Chief Financial Officer.  
 Sec. 1443. Acquisition authorities for Chief Information Officer.  
 Sec. 1444. Requirements to ensure greater accountability for acquisition programs.

#### PART 2—ACQUISITION PROGRAM MANAGEMENT DISCIPLINE

- Sec. 1451. Acquisition Review Board.  
 Sec. 1452. Requirements to reduce duplication in acquisition programs.  
 Sec. 1453. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.  
 Sec. 1454. Excluded Party List System waivers.  
 Sec. 1455. Inspector General oversight of suspension and debarment.

#### PART 3—ACQUISITION PROGRAM MANAGEMENT ACCOUNTABILITY AND TRANSPARENCY

- Sec. 1461. Congressional notification and other requirements for major acquisition program breach.  
 Sec. 1462. Multiyear acquisition strategy.  
 Sec. 1463. Acquisition reports.  
 Sec. 1464. Government Accountability Office review of multiyear acquisition strategy.  
 Sec. 1465. Office of Inspector General report.

#### TITLE XV—QUADRENNIAL HOMELAND SECURITY REVIEW TECHNICAL CORRECTION

- Sec. 1501. Technical corrections to quadrennial homeland security review.

#### TITLE XVI—TERRORIST AND FOREIGN FIGHTER TRAVEL EXERCISE

- Sec. 1601. Exercise on terrorist and foreign fighter travel.  
 Sec. 1602. Emerging threats in the national exercise program.

#### TITLE XVII—AIRPORT PERIMETER AND ACCESS CONTROL SECURITY

- Sec. 1701. Risk assessments of airport security.  
 Sec. 1702. Airport security strategy development.

#### TITLE XVIII—COMMUNITY COUNTERTERRORISM PREPAREDNESS

- Sec. 1801. Major metropolitan area counterterrorism training and exercise grant program.

#### TITLE XIX—CYBER PREPAREDNESS

- Sec. 1901. Information sharing.  
 Sec. 1902. Homeland security grants.  
 Sec. 1903. Sense of Congress.

#### TITLE XX—TRANSIT SECURITY GRANT PROGRAM FLEXIBILITY

- Sec. 2001. Allowable uses of funds for public transportation security assistance grants.
- Sec. 2002. Periods of performance for public transportation security assistance grants.
- Sec. 2003. GAO review.

TITLE XXI—SUPPORT FOR RAPID INNOVATION

- Sec. 2101. Cybersecurity research and development projects.

TITLE XXII—LEVERAGING EMERGING TECHNOLOGIES

- Sec. 2201. Innovation engagement.

TITLE XXIII—FIRST RESPONDER ACCESS TO INNOVATIVE TECHNOLOGIES

- Sec. 2301. Approval of certain equipment.

TITLE XXIV—DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR INTERNATIONAL PROGRAMS

- Sec. 2401. Comprehensive strategy for international programs for vetting and screening persons seeking to enter the United States.

TITLE XXV—DHS STOP ASSET AND VEHICLE EXCESS

- Sec. 2601. DHS vehicle fleets.
- Sec. 2602. GAO report and Inspector General review.

TITLE XXVI—COUNTERTERRORISM SCREENING AND ASSISTANCE

- Sec. 2601. Foreign partner engagement plan.
- Sec. 2602. Sharing systems and equipment to obstruct travel by terrorists and foreign fighters.
- Sec. 2603. Actions with respect to foreign countries that fail to meet minimum standards for serious and sustained efforts to combat terrorist and foreign fighter travel.
- Sec. 2604. Definitions.
- Sec. 2605. Prohibition on additional funding.

TITLE XXVII—SOUTHWEST BORDER SECURITY THREAT ASSESSMENT

- Sec. 2701. Southwest border threat analysis.
- Sec. 2702. Border Patrol Strategic Plan.
- Sec. 2703. Definitions.

TITLE XXVIII—NATIONAL STRATEGY TO COMBAT TERRORIST TRAVEL

- Sec. 2801. National strategy to combat terrorist travel.

TITLE XXIX—STATE AND HIGH-RISK URBAN AREA WORKING GROUP

- Sec. 2901. Administration and coordination of certain DHS grants.

TITLE XXX—STATE AND LOCAL CYBER PROTECTION

Sec. 3001. State and local coordination on cybersecurity with the National Cybersecurity and Communications Integration Center.

TITLE XXXI—FUSION CENTER ENHANCEMENT

Sec. 3101. Department of Homeland Security Fusion Center Partnership Initiative.

TITLE XXXII—TRANSPORTATION SECURITY ADMINISTRATION REFORM AND IMPROVEMENT

Sec. 3201. Definitions.

Subtitle A—Aviation Security

- Sec. 3211. TSA PreCheck.
- Sec. 3212. PreCheck and general passenger biometric identification.
- Sec. 3213. Limitation; PreCheck operations maintained; alternate methods.
- Sec. 3214. Secure Flight program.
- Sec. 3215. Efficiency review by TSA.
- Sec. 3216. Donation of screening equipment to protect the United States.
- Sec. 3217. Review of sustained security directives.
- Sec. 3218. Maintenance of security-related technology.
- Sec. 3219. Vetting of aviation workers.
- Sec. 3220. Aviation Security Advisory Committee consultation.
- Sec. 3221. Private contractor canine evaluation and integration pilot program.
- Sec. 3222. Covert testing at airports.
- Sec. 3223. Training for Transportation Security Officers.

Subtitle B—Surface Transportation Security and Other Matters

- Sec. 3231. Surface Transportation Inspectors.
- Sec. 3232. Inspector General audit; TSA Office of Inspection workforce certification.
- Sec. 3233. Repeal of biennial reporting requirement for the Government Accountability Office relating to the Transportation Security Information Sharing Plan.
- Sec. 3234. Security training for frontline transportation workers.
- Sec. 3235. Feasibility assessment.

TITLE XXXIII—DHS SCIENCE AND TECHNOLOGY REFORM AND IMPROVEMENT

Sec. 3301. Science and technology in support of homeland security.

TITLE XXXIV—REVIEW OF UNIVERSITY-BASED CENTERS

Sec. 3401. Review of university-based centers.

1 **TITLE I—HOMELAND SECURITY**  
2 **DRONE ASSESSMENT AND**  
3 **ANALYSIS**

4 **SEC. 101. DRONE ASSESSMENT AND ANALYSIS.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-  
6 rity shall, in consultation with the Secretary of Defense,  
7 the Secretary of Transportation, the Secretary of Energy,  
8 and the Chairman of the Nuclear Regulatory Commission  
9 research how commercially available small- and medium-  
10 sized unmanned aircraft, excluding aircraft over 1,300  
11 pounds, could be used to perpetuate an attack and, based  
12 on such research, the Secretary of Homeland Security  
13 shall develop policies, guidance, and protocols for the De-  
14 partment of Homeland Security to prevent such an attack  
15 or mitigate the risks of such an attack. Not later than  
16 180 days after the completion of the research required  
17 under this subsection, the Secretary of Homeland Security  
18 may provide, as appropriate, the Secretary of Defense, the  
19 Secretary of Transportation, the Secretary of Energy, and  
20 the Chairman of the Nuclear Regulatory Commission in-  
21 formation, based on such research, regarding how to best  
22 prevent and mitigate the risk of such an attack.

23 (b) DISSEMINATION TO STATE AND LOCAL OFFI-  
24 CIALS.—The Secretary of Homeland Security shall dis-  
25 seminate information to State, local, and tribal law en-



1 enforcement officials and State and major urban area fusion  
2 centers, as appropriate, regarding how such officials may  
3 bolster preparedness for and responses to attacks per-  
4 petrated by commercially available small- and medium-  
5 sized unmanned aircraft, excluding aircraft over 1,300  
6 pounds.

7 (c) REPORT.—Not later than 1 year after the date  
8 of the enactment of this Act, the Secretary of Homeland  
9 Security shall submit to the Committee on Homeland Se-  
10 curity and the Committee on Transportation and Infra-  
11 structure of the House of Representatives and the Com-  
12 mittee on Homeland Security and Governmental Affairs  
13 and the Committee on Commerce, Science, and Transpor-  
14 tation of the Senate an assessment of the security risk  
15 associated with commercially available small- and medium-  
16 sized unmanned aircraft, excluding aircraft over 1,300  
17 pounds. Such assessment shall be informed by research  
18 conducted in accordance with subsection (a), shall contain  
19 recommendations, if applicable, to prevent and mitigate  
20 the risk of an unmanned aircraft system attack, and may  
21 be developed in coordination with the Centers of Excel-  
22 lence of the Department of Homeland Security and other  
23 academic institutions.

24 (d) PROHIBITION ON NEW FUNDING.—No funds are  
25 authorized to be appropriated to carry out this title. This

1 title shall be carried out using amounts appropriated or  
2 otherwise made available for such purposes.

3 **TITLE II—BORDER AND MARI-**  
4 **TIME COORDINATION IM-**  
5 **PROVEMENT**

6 **SEC. 201. U.S. CUSTOMS AND BORDER PROTECTION CO-**  
7 **ORDINATION.**

8 (a) IN GENERAL.—Subtitle B of title IV of the  
9 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)  
10 is amended by adding at the end the following new section:

11 **“SEC. 420. IMMIGRATION COOPERATION PROGRAM.**

12 “(a) IN GENERAL.—There is established within U.S.  
13 Customs and Border Protection a program to be known  
14 as the Immigration Cooperation Program. Under the Pro-  
15 gram, U.S. Customs and Border Protection officers, pur-  
16 suant to an arrangement with the government of a foreign  
17 country, may cooperate with authorities of that govern-  
18 ment, air carriers, and security employees at airports lo-  
19 cated in that country, to identify persons who may be in-  
20 admissible to the United States or otherwise pose a risk  
21 to border security.

22 “(b) ACTIVITIES.—In carrying out the program, U.S.  
23 Customs and Border Protection officers posted in a for-  
24 eign country under subsection (a) may—

1           “(1) be stationed at airports in that country,  
2 including for purposes of conducting risk assess-  
3 ments and enhancing border security;

4           “(2) assist authorities of that government, air  
5 carriers, and security employees with document ex-  
6 amination and traveler security assessments;

7           “(3) provide relevant training to air carriers,  
8 their security staff, and such authorities;

9           “(4) exchange information with, and provide  
10 technical assistance, equipment, and training to,  
11 such authorities to facilitate risk assessments of  
12 travelers and appropriate enforcement activities re-  
13 lated to such assessments;

14           “(5) make recommendations to air carriers to  
15 deny boarding to potentially inadmissible travelers  
16 bound for the United States; and

17           “(6) conduct other activities, as appropriate, to  
18 protect the international borders of the United  
19 States and facilitate the enforcement of United  
20 States laws, as directed by the Commissioner of U.S.  
21 Customs and Border Protection.

22 **“SEC. 420A. AIR CARGO ADVANCE SCREENING.**

23           “The Commissioner of U.S. Customs and Border  
24 Protection shall—

1           “(1) consistent with the requirements enacted  
2           by the Trade Act of 2002 (Public Law 107–210)—

3                   “(A) establish a program for the collection  
4                   by U.S. Customs and Border Protection of ad-  
5                   vance electronic information from air carriers  
6                   and other persons and governments within the  
7                   supply chain regarding cargo being transported  
8                   to the United States by air; and

9                   “(B) under such program, require that  
10                  such information be transmitted by such per-  
11                  sons and governments at the earliest point  
12                  practicable prior to loading of such cargo onto  
13                  an aircraft destined to or transiting through the  
14                  United States; and

15           “(2) coordinate with the Administrator for the  
16           Transportation Security Administration to identify  
17           opportunities where the information furnished in  
18           compliance with the program established under this  
19           section can be used to meet the requirements of a  
20           program administered by the Administrator of the  
21           Transportation Security Administration.

1 **“SEC. 420B. U.S. CUSTOMS AND BORDER PROTECTION OF-**  
2 **FICE OF AIR AND MARINE OPERATIONS**  
3 **ASSET DEPLOYMENT.**

4       “(a) IN GENERAL.—Any deployment of new assets  
5 by U.S. Customs and Border Protection’s Office of Air  
6 and Marine Operations following the date of the enact-  
7 ment of this section, shall, to the greatest extent prac-  
8 ticable, occur in accordance with a risk-based assessment  
9 that considers mission needs, validated requirements, per-  
10 formance results, threats, costs, and any other relevant  
11 factors identified by the Commissioner of U.S. Customs  
12 and Border Protection. Specific factors to be included in  
13 such assessment shall include, at a minimum, the fol-  
14 lowing:

15           “(1) Mission requirements that prioritize the  
16 operational needs of field commanders to secure the  
17 United States border and ports.

18           “(2) Other Department assets available to help  
19 address any unmet border and port security mission  
20 requirements, in accordance with paragraph (1).

21           “(3) Risk analysis showing positioning of the  
22 asset at issue to respond to intelligence on emerging  
23 terrorist or other threats.

24           “(4) Cost-benefit analysis showing the relative  
25 ability to use the asset at issue in the most cost-ef-

1       fective way to reduce risk and achieve mission suc-  
2       cess.

3       “(b) CONSIDERATIONS.—An assessment required  
4 under subsection (a) shall consider applicable Federal  
5 guidance, standards, and agency strategic and perform-  
6 ance plans, including the following:

7               “(1) The most recent departmental Quadrennial  
8 Homeland Security Review under section 707, and  
9 any follow-up guidance related to such Review.

10              “(2) The Department’s Annual Performance  
11 Plans.

12              “(3) Department policy guiding use of inte-  
13 grated risk management in resource allocation deci-  
14 sions.

15              “(4) Department and U.S. Customs and Border  
16 Protection Strategic Plans and Resource Deploy-  
17 ment Plans.

18              “(5) Applicable aviation guidance from the De-  
19 partment, including the DHS Aviation Concept of  
20 Operations.

21              “(6) Other strategic and acquisition guidance  
22 promulgated by the Federal Government as the Sec-  
23 retary determines appropriate.

24       “(c) AUDIT AND REPORT.—The Inspector General of  
25 the Department shall biennially audit the deployment of

1 new assets by U.S. Customs and Border Protection’s Of-  
2 fice of Air and Marine Operations and submit to the Com-  
3 mittee on Homeland Security of the House of Representa-  
4 tives and the Committee on Homeland Security and Gov-  
5 ernmental Affairs of the Senate a report on the compli-  
6 ance of the Department with the requirements of this sec-  
7 tion.

8 “(d) MARINE INTERDICTION STATIONS.—Not later  
9 than 180 days after the date of the enactment of this sec-  
10 tion, the Commissioner of U.S. Customs and Border Pro-  
11 tection shall submit to the Committee on Homeland Secu-  
12 rity of the House of Representatives and the Committee  
13 on Homeland Security and Governmental Affairs of the  
14 Senate an identification of facilities owned by the Federal  
15 Government in strategic locations along the maritime bor-  
16 der of California that may be suitable for establishing ad-  
17 ditional Office of Air and Marine Operations marine inter-  
18 diction stations.

19 **“SEC. 420C. INTEGRATED BORDER ENFORCEMENT TEAMS.**

20 “(a) ESTABLISHMENT.—The Secretary shall estab-  
21 lish within the Department a program to be known as the  
22 Integrated Border Enforcement Team program (referred  
23 to in this section as ‘IBET’).

1       “(b) PURPOSE.—The Secretary shall administer the  
2 IBET program in a manner that results in a cooperative  
3 approach between the United States and Canada to—

4           “(1) strengthen security between designated  
5 ports of entry;

6           “(2) detect, prevent, investigate, and respond to  
7 terrorism and violations of law related to border se-  
8 curity;

9           “(3) facilitate collaboration among components  
10 and offices within the Department and international  
11 partners;

12           “(4) execute coordinated activities in further-  
13 ance of border security and homeland security; and

14           “(5) enhance information-sharing, including the  
15 dissemination of homeland security information  
16 among such components and offices.

17       “(c) COMPOSITION AND LOCATION OF IBETs.—

18           “(1) COMPOSITION.—IBETs shall be led by the  
19 United States Border Patrol and may be comprised  
20 of personnel from the following:

21           “(A) Other subcomponents of U.S. Cus-  
22 toms and Border Protection.

23           “(B) U.S. Immigration and Customs En-  
24 forcement, led by Homeland Security Investiga-  
25 tions.



1           “(C) The Coast Guard, for the purpose of  
2           securing the maritime borders of the United  
3           States.

4           “(D) Other Department personnel, as ap-  
5           propriate.

6           “(E) Other Federal departments and agen-  
7           cies, as appropriate.

8           “(F) Appropriate State law enforcement  
9           agencies.

10          “(G) Foreign law enforcement partners.

11          “(H) Local law enforcement agencies from  
12          affected border cities and communities.

13          “(I) Appropriate tribal law enforcement  
14          agencies.

15          “(2) LOCATION.—The Secretary is authorized  
16          to establish IBETs in regions in which such teams  
17          can contribute to IBET missions, as appropriate.  
18          When establishing an IBET, the Secretary shall con-  
19          sider the following:

20                 “(A) Whether the region in which the  
21                 IBET would be established is significantly im-  
22                 pacted by cross-border threats.

23                 “(B) The availability of Federal, State,  
24                 local, tribal, and foreign law enforcement re-  
25                 sources to participate in an IBET.

1           “(C) Whether, in accordance with para-  
2           graph (3), other joint cross-border initiatives al-  
3           ready take place within the region in which the  
4           IBET would be established, including other De-  
5           partment cross-border programs such as the In-  
6           tegrated Cross-Border Maritime Law Enforce-  
7           ment Operation Program established under sec-  
8           tion 711 of the Coast Guard and Maritime  
9           Transportation Act of 2012 (46 U.S.C. 70101  
10          note) or the Border Enforcement Security Task  
11          Force established under section 432.

12          “(3) DUPLICATION OF EFFORTS.—In deter-  
13          mining whether to establish a new IBET or to ex-  
14          pand an existing IBET in a given region, the Sec-  
15          retary shall ensure that the IBET under consider-  
16          ation does not duplicate the efforts of other existing  
17          interagency task forces or centers within such re-  
18          gion, including the Integrated Cross-Border Mari-  
19          time Law Enforcement Operation Program estab-  
20          lished under section 711 of the Coast Guard and  
21          Maritime Transportation Act of 2012 (46 U.S.C.  
22          70101 note) or the Border Enforcement Security  
23          Task Force established under section 432.

24          “(d) OPERATION.—

1           “(1) IN GENERAL.—After determining the re-  
2           gions in which to establish IBETs, the Secretary  
3           may—

4                   “(A) direct the assignment of Federal per-  
5                   sonnel to such IBETs; and

6                   “(B) take other actions to assist Federal,  
7                   State, local, and tribal entities to participate in  
8                   such IBETs, including providing financial as-  
9                   sistance, as appropriate, for operational, admin-  
10                  istrative, and technological costs associated with  
11                  such participation.

12           “(2) LIMITATION.—Coast Guard personnel as-  
13           signed under paragraph (1) may be assigned only  
14           for the purposes of securing the maritime borders of  
15           the United States, in accordance with subsection  
16           (c)(1)(C).

17           “(e) COORDINATION.—The Secretary shall coordinate  
18           the IBET program with other similar border security and  
19           antiterrorism programs within the Department in accord-  
20           ance with the strategic objectives of the Cross-Border Law  
21           Enforcement Advisory Committee.

22           “(f) MEMORANDA OF UNDERSTANDING.—The Sec-  
23           retary may enter into memoranda of understanding with  
24           appropriate representatives of the entities specified in sub-  
25           section (e)(1) necessary to carry out the IBET program.

1       “(g) REPORT.—Not later than 180 days after the  
2 date on which an IBET is established and biannually  
3 thereafter for the following six years, the Secretary shall  
4 submit to the appropriate congressional committees, in-  
5 cluding the Committee on Homeland Security of the  
6 House of Representatives and the Committee on Home-  
7 land Security and Governmental Affairs of the Senate,  
8 and in the case of Coast Guard personnel used to secure  
9 the maritime borders of the United States, additionally to  
10 the Committee on Transportation and Infrastructure of  
11 the House of Representatives, a report that—

12               “(1) describes the effectiveness of IBETs in ful-  
13       filling the purposes specified in subsection (b);

14               “(2) assesses the impact of certain challenges  
15       on the sustainment of cross-border IBET operations,  
16       including challenges faced by international partners;

17               “(3) addresses ways to support joint training  
18       for IBET stakeholder agencies and radio interoper-  
19       ability to allow for secure cross-border radio commu-  
20       nications; and

21               “(4) assesses how IBETs, Border Enforcement  
22       Security Task Forces, and the Integrated Cross-Bor-  
23       der Maritime Law Enforcement Operation Program  
24       can better align operations, including interdiction  
25       and investigation activities.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by adding after the item relating to section 419  
4 the following new item:

“Sec. 420. Immigration cooperation program.

“Sec. 420A. Air cargo advance screening.

“Sec. 420B. U.S. Customs and Border Protection Office of Air and Marine Operations asset deployment.

“Sec. 420C. Integrated Border Enforcement Teams.”.

5 (c) DEADLINE FOR AIR CARGO ADVANCE SCREEN-  
6 ING.—The Commissioner of U.S. Customs and Border  
7 Protection shall implement section 420A of the Homeland  
8 Security Act of 2002, as added by this section, by not later  
9 than one year after the date of the enactment of this Act.

10 **SEC. 202. BORDER AND MARITIME SECURITY EFFI-**  
11 **CIENCIES.**

12 (a) IN GENERAL.—Subtitle C of title IV of the  
13 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)  
14 is amended by adding at the end the following new sec-  
15 tions:

16 **“SEC. 434. BORDER SECURITY JOINT TASK FORCES.**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-  
18 lish and operate the following departmental Joint Task  
19 Forces (in this section referred to as ‘Joint Task Force’)  
20 to conduct joint operations using Department component  
21 and office personnel and capabilities to secure the land  
22 and maritime borders of the United States:

1           “(1) JOINT TASK FORCE—EAST.—Joint Task  
2 Force—East shall, at the direction of the Secretary  
3 and in coordination with Joint Task Force—West,  
4 create and execute a strategic plan to secure the  
5 land and maritime borders of the United States and  
6 shall operate and be located in a place or region de-  
7 termined by the Secretary.

8           “(2) JOINT TASK FORCE—WEST.—Joint Task  
9 Force—West shall, at the direction of the Secretary  
10 and in coordination with Joint Task Force—East,  
11 create and execute a strategic plan to secure the  
12 land and maritime borders of the United States and  
13 shall operate and be located in a place or region de-  
14 termined by the Secretary.

15           “(3) JOINT TASK FORCE—INVESTIGATIONS.—  
16 Joint Task Force—Investigations shall, at the direc-  
17 tion of the Secretary, be responsible for coordinating  
18 criminal investigations supporting Joint Task  
19 Force—West and Joint Task Force—East.

20           “(b) JOINT TASK FORCE DIRECTORS.—The Sec-  
21 retary shall appoint a Director to head each Joint Task  
22 Force. Each Director shall be a senior official selected  
23 from a relevant component or office of the Department,  
24 rotating between relevant components and offices every  
25 two years. The Secretary may extend the appointment of

1 a Director for up to two additional years, if the Secretary  
2 determines that such an extension is in the best interest  
3 of the Department.

4 “(c) INITIAL APPOINTMENTS.—The Secretary shall  
5 make the following appointments to the following Joint  
6 Task Forces:

7 “(1) The initial Director of Joint Task Force—  
8 East shall be a senior officer of the Coast Guard.

9 “(2) The initial Director of Joint Task Force—  
10 West shall be a senior official of U.S. Customs and  
11 Border Protection.

12 “(3) The initial Director of Joint Task Force—  
13 Investigations shall be a senior official of U.S. Immi-  
14 gration and Customs Enforcement.

15 “(d) JOINT TASK FORCE DEPUTY DIRECTORS.—The  
16 Secretary shall appoint a Deputy Director for each Joint  
17 Task Force. The Deputy Director of a Joint Task Force  
18 shall, to the greatest extent practicable, be an official of  
19 a different component or office than the Director of each  
20 Joint Task Force.

21 “(e) RESPONSIBILITIES.—Each Joint Task Force Di-  
22 rector shall—

23 “(1) identify and prioritize border and maritime  
24 security threats to the homeland;

1           “(2) maintain situational awareness within  
2 their areas of responsibility, as determined by the  
3 Secretary;

4           “(3) provide operational plans and requirements  
5 for standard operating procedures and contingency  
6 operations;

7           “(4) plan and execute joint task force activities  
8 within their areas of responsibility, as determined by  
9 the Secretary;

10          “(5) set and accomplish strategic objectives  
11 through integrated operational planning and execu-  
12 tion;

13          “(6) exercise operational direction over per-  
14 sonnel and equipment from Department components  
15 and offices allocated to the respective Joint Task  
16 Force to accomplish task force objectives;

17          “(7) establish operational and investigative pri-  
18 orities within the Director’s operating areas;

19          “(8) coordinate with foreign governments and  
20 other Federal, State, and local agencies, where ap-  
21 propriate, to carry out the mission of the Director’s  
22 Joint Task Force;

23          “(9) identify and provide to the Secretary the  
24 joint mission requirements necessary to secure the  
25 land and maritime borders of the United States; and



1           “(10) carry out other duties and powers the  
2 Secretary determines appropriate.

3           “(f) PERSONNEL AND RESOURCES OF JOINT TASK  
4 FORCES.—

5           “(1) IN GENERAL.—The Secretary may, upon  
6 request of the Director of a Joint Task Force, allo-  
7 cate on a temporary basis component and office per-  
8 sonnel and equipment to the requesting Joint Task  
9 Force, with appropriate consideration of risk given  
10 to the other primary missions of the Department.

11           “(2) CONSIDERATION OF IMPACT.—When re-  
12 viewing requests for allocation of component per-  
13 sonnel and equipment under paragraph (1), the Sec-  
14 retary shall consider the impact of such allocation on  
15 the ability of the donating component to carry out  
16 the primary missions of the Department, and in the  
17 case of the Coast Guard, the missions specified in  
18 section 888.

19           “(3) LIMITATION.—Personnel and equipment of  
20 the Coast Guard allocated under this subsection may  
21 only be used to carry out operations and investiga-  
22 tions related to securing the maritime borders of the  
23 United States.

24           “(g) COMPONENT RESOURCE AUTHORITY.—As di-  
25 rected by the Secretary—

1           “(1) each Director of a Joint Task Force shall  
2           be provided sufficient resources from relevant com-  
3           ponents and offices of the Department and the au-  
4           thority necessary to carry out the missions and re-  
5           sponsibilities required under this section;

6           “(2) the resources referred to in paragraph (1)  
7           shall be under the operational authority, direction,  
8           and control of the Director of the Joint Task Force  
9           to which such resources were assigned; and

10           “(3) the personnel and equipment of the Joint  
11           Task Forces shall remain under the administrative  
12           direction of its primary component or office.

13           “(h) JOINT TASK FORCE STAFF.—Each Joint Task  
14           Force shall have a staff to assist the Directors in carrying  
15           out the mission and responsibilities of the Joint Task  
16           Forces. Such staff shall be filled by officials from relevant  
17           components and offices of the Department.

18           “(i) ESTABLISHMENT OF PERFORMANCE  
19           METRICS.—The Secretary shall—

20           “(1) establish performance metrics to evaluate  
21           the effectiveness of the Joint Task Forces in secur-  
22           ing the land and maritime borders of the United  
23           States;

24           “(2) submit such metrics to the Committee on  
25           Homeland Security of the House of Representatives

1 and the Committee on Homeland Security and Gov-  
2 ernmental Affairs of the Senate, and in the case of  
3 metrics related to securing the maritime borders of  
4 the United States, additionally to the Committee on  
5 Transportation and Infrastructure of the House of  
6 Representatives, by the date that is not later than  
7 120 days after the date of the enactment of this sec-  
8 tion; and

9 “(3) submit to such Committees—

10 “(A) an initial report that contains the  
11 evaluation described in paragraph (1) by not  
12 later than January 31, 2017; and

13 “(B) a second report that contains such  
14 evaluation by not later than January 31, 2018.

15 “(j) JOINT DUTY TRAINING PROGRAM.—

16 “(1) IN GENERAL.—The Secretary shall estab-  
17 lish a Department joint duty training program for  
18 the purposes of enhancing departmental unity of ef-  
19 forts and promoting workforce professional develop-  
20 ment. Such training shall be tailored to improve  
21 joint operations as part of the Joint Task Forces es-  
22 tablished under subsection (a).

23 “(2) ELEMENTS.—The joint duty training pro-  
24 gram established under paragraph (1) shall address,  
25 at minimum, the following topics:

1 “(A) National strategy.

2 “(B) Strategic and contingency planning.

3 “(C) Command and control of operations  
4 under joint command.

5 “(D) International engagement.

6 “(E) The Homeland Security Enterprise.

7 “(F) Border security.

8 “(G) Interagency collaboration.

9 “(H) Leadership.

10 “(3) OFFICERS AND OFFICIALS.—The joint  
11 duty training program established under paragraph  
12 (1) shall consist of—

13 “(A) one course intended for mid-level offi-  
14 cers and officials of the Department assigned to  
15 or working with the Joint Task Forces, and

16 “(B) one course intended for senior offi-  
17 cers and officials of the Department assigned to  
18 or working with the Joint Task Forces,

19 to ensure a systematic, progressive, and career-long  
20 development of such officers and officials in coordi-  
21 nating and executing Department-wide joint plan-  
22 ning and operations.

23 “(4) TRAINING REQUIRED.—

24 “(A) DIRECTORS AND DEPUTY DIREC-  
25 TORS.—Except as provided in subparagraph

1 (C), each Joint Task Force Director and Dep-  
2 uty Director of a Joint Task Force shall com-  
3 plete relevant parts of the joint duty training  
4 program under this subsection prior to assign-  
5 ment to a Joint Task Force.

6 “(B) JOINT TASK FORCE STAFF.—All sen-  
7 ior and mid-level officers and officials serving  
8 on the staff of a Joint Task Force shall com-  
9 plete relevant parts of the joint duty training  
10 program under this subsection within the first  
11 year of assignment to a Joint Task Force.

12 “(C) EXCEPTION.—Subparagraph (A) does  
13 not apply in the case of the initial Directors  
14 and Deputy Directors of a Joint Task Force.

15 “(k) ESTABLISHING ADDITIONAL JOINT TASK  
16 FORCES.—The Secretary may establish additional Joint  
17 Task Forces for the purposes of—

18 “(1) coordinating operations along the northern  
19 border of the United States;

20 “(2) homeland security crises, subject to sub-  
21 section (l);

22 “(3) establishing other regionally based oper-  
23 ations; or

24 “(4) cybersecurity.

1       “(1) LIMITATION ON ADDITIONAL JOINT TASK  
2 FORCES.—

3           “(1) IN GENERAL.—The Secretary may not es-  
4 tablish a Joint Task Force for any major disaster or  
5 emergency declared under the Robert T. Stafford  
6 Disaster Relief and Emergency Assistance Act (42  
7 U.S.C. 5121 et seq.) or an incident for which the  
8 Federal Emergency Management Agency has pri-  
9 mary responsibility for management of the response  
10 under title V of this Act, including section  
11 504(a)(3)(A), unless the responsibilities of the Joint  
12 Task Force—

13           “(A) do not include operational functions  
14 related to incident management, including co-  
15 ordination of operations; and

16           “(B) are consistent with the requirements  
17 of sections 509(c), 503(c)(3), and 503(c)(4)(A)  
18 of this Act and section 302 of the Robert T.  
19 Stafford Disaster Relief and Emergency Assist-  
20 ance Act (42 U.S.C. 5143).

21       “(2) RESPONSIBILITIES AND FUNCTIONS NOT  
22 REDUCED.—Nothing in this section reduces the re-  
23 sponsibilities or functions of the Federal Emergency  
24 Management Agency or the Administrator of the  
25 Federal Emergency Management Agency under title

1 V of this Act, provisions of law enacted by the Post-  
2 Katrina Emergency Management Reform Act of  
3 2006 (Public Law 109–295), and other laws, includ-  
4 ing the diversion of any asset, function, or mission  
5 from the Federal Emergency Management Agency  
6 or the Administrator of the Federal Emergency  
7 Management Agency pursuant to section 506.

8 “(m) NOTIFICATION.—

9 “(1) IN GENERAL.—The Secretary shall submit  
10 a notification to the Committee on Homeland Secu-  
11 rity of the House of Representatives and the Com-  
12 mittee on Homeland Security and Governmental Af-  
13 fairs of the Senate, and in the case of a Joint Task  
14 Force in which the Coast Guard will participate or  
15 a Joint Task Force established under paragraph (2)  
16 or (3) of subsection (k) to the Committee on Trans-  
17 portation and Infrastructure of the House of Rep-  
18 resentatives, 90 days prior to the establishment of  
19 the Joint Task Force.

20 “(2) WAIVER AUTHORITY.—The Secretary may  
21 waive the requirement of paragraph (1) in the event  
22 of an emergency circumstance that imminently  
23 threatens the protection of human life or the protec-  
24 tion of property.

25 “(n) REVIEW.—

1           “(1) IN GENERAL.—The Inspector General of  
2 the Department shall conduct a review of the Joint  
3 Task Forces established under this section.

4           “(2) CONTENTS.—The review required under  
5 paragraph (1) shall include an assessment of the ef-  
6 fectiveness of the Joint Task Force structure in se-  
7 curing the land and maritime borders of the United  
8 States, together with recommendations for enhance-  
9 ments to such structure to further strengthen border  
10 security.

11           “(3) SUBMISSION.—The Inspector General of  
12 the Department shall submit to the Committee on  
13 Homeland Security and the Committee on Transpor-  
14 tation and Infrastructure of the House of Represent-  
15 atives and the Committee on Homeland Security and  
16 Governmental Affairs of the Senate a report that  
17 contains the review required under paragraph (1) by  
18 not later than January 31, 2018.

19           “(o) DEFINITION.—In this section, the term ‘situa-  
20 tional awareness’ means a knowledge and unified under-  
21 standing of unlawful cross-border activity, including  
22 threats and trends concerning illicit trafficking and unlaw-  
23 ful crossings, and the ability to forecast future shifts in  
24 such threats and trends, the ability to evaluate such  
25 threats and trends at a level sufficient to create actionable



1 plans, and the operational capability to conduct contin-  
2 uous and integrated surveillance of the land and maritime  
3 borders of the United States.

4 “(p) SUNSET.—This section expires on September  
5 30, 2018.

6 **“SEC. 435. UPDATES OF MARITIME OPERATIONS COORDI-**  
7 **NATION PLAN.**

8 “(a) IN GENERAL.—Not later than 180 days after  
9 the enactment of this section, the Secretary shall submit  
10 to the Committee on Homeland Security and the Com-  
11 mittee on Transportation and Infrastructure of the House  
12 of Representatives and the Committee on Homeland Secu-  
13 rity and Governmental Affairs of the Senate a maritime  
14 operations coordination plan for the coordination and co-  
15 operation of maritime operations undertaken by compo-  
16 nents and offices of the Department with responsibility for  
17 maritime security missions. Such plan shall update the  
18 maritime operations coordination plan released by the De-  
19 partment in July 2011, and shall address the following:

20 “(1) Coordination of planning, integration of  
21 maritime operations, and development of joint mari-  
22 time domain awareness efforts of any component or  
23 office of the Department with responsibility for mar-  
24 itime homeland security missions.

1           “(2) Maintaining effective information sharing  
2 and, as appropriate, intelligence integration, with  
3 Federal, State, and local officials and the private  
4 sector, regarding threats to maritime security.

5           “(3) Leveraging existing departmental coordi-  
6 nation mechanisms, including the interagency oper-  
7 ational centers as authorized under section 70107A  
8 of title 46, United States Code, Coast Guard’s Re-  
9 gional Coordinating Mechanisms, the U.S. Customs  
10 and Border Protection Air and Marine Operations  
11 Center, the U.S. Customs and Border Protection  
12 Operational Integration Center, and other regional  
13 maritime operational command centers.

14           “(4) Cooperation and coordination with other  
15 departments and agencies of the Federal Govern-  
16 ment, and State and local agencies, in the maritime  
17 environment, in support of maritime homeland secu-  
18 rity missions.

19           “(5) Work conducted within the context of  
20 other national and Department maritime security  
21 strategic guidance.

22           “(b) ADDITIONAL UPDATES.—Not later than July 1,  
23 2020, the Secretary, acting through the Department’s Of-  
24 fice of Operations Coordination and Planning, shall sub-  
25 mit to the Committee on Homeland Security and the Com-

1 mittee on Transportation and Infrastructure of the House  
 2 of Representatives and the Committee on Homeland Secu-  
 3 rity and Governmental Affairs of the Senate an update  
 4 to the maritime operations coordination plan required  
 5 under subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
 7 in section 1(b) of the Homeland Security Act of 2002 is  
 8 amended by adding after the item relating to section 433  
 9 the following new items:

“Sec. 434. Border Security Joint Task Forces.

“Sec. 435. Updates of maritime operations coordination plan.”.

10 **SEC. 203. PUBLIC-PRIVATE PARTNERSHIPS.**

11 (a) IN GENERAL.—Title IV of the Homeland Secu-  
 12 rity Act of 2002 (6 U.S.C. 201 et seq.) is amended by  
 13 adding at the end the following new subtitle:

14 **“Subtitle G—U.S. Customs and Bor-**  
 15 **der Protection Public Private**  
 16 **Partnerships**

17 **“SEC. 481. FEE AGREEMENTS FOR CERTAIN SERVICES AT**  
 18 **PORTS OF ENTRY.**

19 “(a) IN GENERAL.—Notwithstanding section  
 20 13031(e) of the Consolidated Omnibus Budget Reconcili-  
 21 ation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of  
 22 the Tariff Act of 1930 (19 U.S.C. 1451), the Commis-  
 23 sioner of U.S. Customs and Border Protection may, upon

1 the request of any entity, enter into a fee agreement with  
2 such entity under which—

3 “(1) U.S. Customs and Border Protection shall  
4 provide services described in subsection (c) at a  
5 United States port of entry or any other facility at  
6 which U.S. Customs and Border Protection provides  
7 or will provide such services;

8 “(2) such entity shall remit to U.S. Customs  
9 and Border Protection a fee imposed under sub-  
10 section (e) in an amount equal to the full costs that  
11 are incurred or will be incurred in providing such  
12 services; and

13 “(3) if space is provided by such entity, each  
14 facility at which U.S. Customs and Border Protec-  
15 tion services are performed shall be maintained and  
16 equipped by such entity, without cost to the Federal  
17 Government, in accordance with U.S. Customs and  
18 Border Protection specifications.

19 “(b) SERVICES DESCRIBED.—The services described  
20 in this section are any activities of any employee or con-  
21 tractor of U.S. Customs and Border Protection pertaining  
22 to, or in support of, customs, agricultural processing, bor-  
23 der security, or immigration inspection-related matters at  
24 a port of entry or any other facility at which U.S. Customs  
25 and Border Protection provides or will provide services.

1 “(c) LIMITATIONS.—

2 “(1) IMPACTS OF SERVICES.—The Commis-  
3 sioner of U.S. Customs and Border Protection—

4 “(A) may enter into fee agreements under  
5 this section only for services that will increase  
6 or enhance the operational capacity of U.S.  
7 Customs and Border Protection based on avail-  
8 able staffing and workload and that will not  
9 shift the cost of services funded in any appro-  
10 priations Act, or provided from any account in  
11 the Treasury of the United States derived by  
12 the collection of fees, to entities under this Act;  
13 and

14 “(B) may not enter into a fee agreement  
15 under this section if such agreement would un-  
16 duly and permanently impact services funded in  
17 any appropriations Act, or provided from any  
18 account in the Treasury of the United States,  
19 derived by the collection of fees.

20 “(2) NUMBER.—There shall be no limit to the  
21 number of fee agreements that the Commissioner of  
22 U.S. Customs and Border Protection may enter into  
23 under this section.

24 “(d) FEE.—

1           “(1) IN GENERAL.—The amount of the fee to  
2           be charged pursuant to an agreement authorized  
3           under subsection (a) shall be paid by each entity re-  
4           questing U.S. Customs and Border Protection serv-  
5           ices, and shall be for the full cost of providing such  
6           services, including the salaries and expenses of em-  
7           ployees and contractors of U.S. Customs and Border  
8           Protection, to provide such services and other costs  
9           incurred by U.S. Customs and Border Protection re-  
10          lating to such services, such as temporary placement  
11          or permanent relocation of such employees and con-  
12          tractors.

13           “(2) TIMING.—The Commissioner of U.S. Cus-  
14          toms and Border Protection may require that the fee  
15          referred to in paragraph (1) be paid by each entity  
16          that has entered into a fee agreement under sub-  
17          section (a) with U.S. Customs and Border Protec-  
18          tion in advance of the performance of U.S. Customs  
19          and Border Protection services.

20           “(3) OVERSIGHT OF FEES.—The Commissioner  
21          of U.S. Customs and Border Protection shall develop  
22          a process to oversee the services for which fees are  
23          charged pursuant to an agreement under subsection  
24          (a), including the following:

1           “(A) A determination and report on the  
2           full costs of providing such services, as well as  
3           a process for increasing such fees, as necessary.

4           “(B) Establishment of a periodic remit-  
5           tance schedule to replenish appropriations, ac-  
6           counts, or funds, as necessary.

7           “(C) Identification of costs paid by such  
8           fees.

9           “(e) DEPOSIT OF FUNDS.—

10           “(1) ACCOUNT.—Funds collected pursuant to  
11           any agreement entered into under subsection (a)  
12           shall be deposited as offsetting collections, shall re-  
13           main available until expended without fiscal year  
14           limitation, and shall be credited to the applicable ap-  
15           propriation, account, or fund for the amount paid  
16           out of such appropriation, account, or fund for any  
17           expenses incurred or to be incurred by U.S. Customs  
18           and Border Protection in providing U.S. Customs  
19           and Border Protection services under any such  
20           agreement and any other costs incurred or to be in-  
21           curred by U.S. Customs and Border Protection re-  
22           lating to such services.

23           “(2) RETURN OF UNUSED FUNDS.—The Com-  
24           missioner of U.S. Customs and Border Protection  
25           shall return any unused funds collected and depos-

1       ited into the account described in paragraph (1) in  
2       the event that a fee agreement entered into under  
3       subsection (a) is terminated for any reason, or in the  
4       event that the terms of such fee agreement change  
5       by mutual agreement to cause a reduction of U.S.  
6       Customs and Border Protections services. No inter-  
7       est shall be owed upon the return of any such un-  
8       used funds.

9       “(f) TERMINATION.—

10           “(1) IN GENERAL.—The Commissioner of U.S.  
11       Customs and Border Protection shall terminate the  
12       provision of services pursuant to a fee agreement en-  
13       tered into under subsection (a) with an entity that,  
14       after receiving notice from the Commissioner that a  
15       fee under subsection (d) is due, fails to pay such fee  
16       in a timely manner. In the event of such termi-  
17       nation, all costs incurred by U.S. Customs and Bor-  
18       der Protection which have not been paid shall be-  
19       come immediately due and payable. Interest on un-  
20       paid fees shall accrue based on the rate and amount  
21       established under sections 6621 and 6622 of the In-  
22       ternal Revenue Code of 1986.

23           “(2) PENALTY.—Any entity that, after notice  
24       and demand for payment of any fee under sub-  
25       section (d), fails to pay such fee in a timely manner



1 shall be liable for a penalty or liquidated damage  
2 equal to two times the amount of such fee. Any such  
3 amount collected pursuant to this paragraph shall be  
4 deposited into the appropriate account specified  
5 under subsection (e) and shall be available as de-  
6 scribed in such subsection.

7 “(g) ANNUAL REPORT.—The Commissioner of U.S.  
8 Customs and Border Protection shall submit to the Com-  
9 mittee on Homeland Security, the Committee on Appro-  
10 priations, and the Committee on Ways and Means of the  
11 House of Representatives and the Committee on Home-  
12 land Security and Governmental Affairs, the Committee  
13 on Appropriations, and the Committee on Finance of the  
14 Senate an annual report identifying the activities under-  
15 taken and the agreements entered into pursuant to this  
16 section.

17 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion may be construed as imposing in any manner on U.S.  
19 Customs and Border Protection any responsibilities, du-  
20 ties, or authorities relating to real property.

21 **“SEC. 482. PORT OF ENTRY DONATION AUTHORITY.**

22 “(a) PERSONAL PROPERTY DONATION AUTHOR-  
23 ITY.—

24 “(1) IN GENERAL.—The Commissioner of U.S.  
25 Customs and Border Protection, in consultation with

1 the Administrator of General Services, may enter  
2 into an agreement with any entity to accept a dona-  
3 tion of personal property, money, or nonpersonal  
4 services for uses described in paragraph (3) only  
5 with respect to the following locations at which U.S.  
6 Customs and Border Protection performs or will be  
7 performing inspection services:

8 “(A) A new or existing sea or air port of  
9 entry.

10 “(B) An existing Federal Government-  
11 owned land port of entry.

12 “(C) A new Federal Government-owned  
13 land port of entry if—

14 “(i) the fair market value of the dona-  
15 tion is \$50,000,000 or less; and

16 “(ii) the fair market value, including  
17 any personal and real property donations  
18 in total, of such port of entry when com-  
19 pleted, is \$50,000,000 or less.

20 “(2) LIMITATION ON MONETARY DONATIONS.—

21 Any monetary donation accepted pursuant to this  
22 subsection may not be used to pay the salaries of  
23 U.S. Customs and Border Protection employees per-  
24 forming inspection services.

1           “(3) USE.—Donations accepted pursuant to  
2 this subsection may be used for activities related to  
3 a new or existing sea or air port of entry or a new  
4 or existing Federal Government-owned land port of  
5 entry described in paragraph (1), including expenses  
6 related to—

7           “(A) furniture, fixtures, equipment, or  
8 technology, including installation or the deploy-  
9 ment thereof; and

10           “(B) operation and maintenance of such  
11 furniture, fixtures, equipment, or technology.

12           “(b) REAL PROPERTY DONATION AUTHORITY.—

13           “(1) IN GENERAL.—Subject to paragraph (3),  
14 the Commissioner of U.S. Customs and Border Pro-  
15 tection, and the Administrator of the General Serv-  
16 ices Administration, as applicable, may enter into an  
17 agreement with any entity to accept a donation of  
18 real property or money for uses described in para-  
19 graph (2) only with respect to the following locations  
20 at which U.S. Customs and Border Protection per-  
21 forms or will be performing inspection services:

22           “(A) A new or existing sea or air port of  
23 entry.

24           “(B) An existing Federal Government-  
25 owned land port of entry.

1           “(C) A new Federal Government-owned  
2 land port of entry if—

3           “(i) the fair market value of the dona-  
4 tion is \$50,000,000 or less; and

5           “(ii) the fair market value, including  
6 any personal and real property donations  
7 in total, of such port of entry when com-  
8 pleted, is \$50,000,000 or less.

9           “(2) USE.—Donations accepted pursuant to  
10 this subsection may be used for activities related to  
11 construction, alteration, operation, or maintenance  
12 of a new or existing sea or air port of entry or a new  
13 or existing a Federal Government-owned land port  
14 of entry described in paragraph (1), including ex-  
15 penses related to—

16           “(A) land acquisition, design, construction,  
17 repair, or alteration; and

18           “(B) operation and maintenance of such  
19 port of entry facility.

20           “(3) LIMITATION ON REAL PROPERTY DONA-  
21 TIONS.—A donation of real property under this sub-  
22 section at an existing land port of entry owned by  
23 the General Services Administration may only be ac-  
24 cepted by the Administrator of General Services.

25           “(4) SUNSET.—

1           “(A) IN GENERAL.—The authority to enter  
2           into an agreement under this subsection shall  
3           terminate on the date that is five years after  
4           the date of the enactment of this subsection.

5           “(B) RULE OF CONSTRUCTION.—The ter-  
6           mination date referred to in subparagraph (A)  
7           shall not apply to carrying out the terms of an  
8           agreement under this subsection if such agree-  
9           ment is entered into before such termination  
10          date.

11          “(c) GENERAL PROVISIONS.—

12           “(1) DURATION.—An agreement entered into  
13           under subsection (a) or (b) (and, in the case of such  
14           subsection (b), in accordance with paragraph (4) of  
15           such subsection) may last as long as required to  
16           meet the terms of such agreement.

17           “(2) CRITERIA.—In carrying out agreements  
18           entered into under subsection (a) or (b), the Com-  
19           missioner of U.S. Customs and Border Protection,  
20           in consultation with the Administrator of General  
21           Services, shall establish criteria that includes the fol-  
22           lowing:

23           “(A) Selection and evaluation of donors.

24           “(B) Identification of roles and responsibil-  
25           ities between U.S. Customs and Border Protec-

1           tion, the General Services Administration, as  
2           applicable, and donors.

3           “(C) Identification, allocation, and man-  
4           agement of explicit and implicit risks of  
5           partnering between the Federal Government  
6           and donors.

7           “(D) Decisionmaking and dispute resolu-  
8           tion processes.

9           “(E) Processes for U.S. Customs and Bor-  
10          der Protection, and the General Services Ad-  
11          ministration, as applicable, to terminate agree-  
12          ments if selected donors are not meeting the  
13          terms of any such agreement, including the se-  
14          curity standards established by U.S. Customs  
15          and Border Protection.

16          “(3) EVALUATION PROCEDURES.—

17                 “(A) IN GENERAL.—The Commissioner of  
18                 U.S. Customs and Border Protection, in con-  
19                 sultation with the Administrator of General  
20                 Services, as applicable, shall—

21                         “(i) establish criteria for evaluating a  
22                         proposal to enter into an agreement under  
23                         subsection (a) or (b); and

24                         “(ii) make such criteria publicly avail-  
25                         able.

1           “(B) CONSIDERATIONS.—Criteria estab-  
2           lished pursuant to subparagraph (A) shall con-  
3           sider the following:

4                   “(i) The impact of a proposal referred  
5                   to in such subparagraph on the land, sea,  
6                   or air port of entry at issue and other  
7                   ports of entry or similar facilities or other  
8                   infrastructure near the location of the pro-  
9                   posed donation.

10                   “(ii) Such proposal’s potential to in-  
11                   crease trade and travel efficiency through  
12                   added capacity.

13                   “(iii) Such proposal’s potential to en-  
14                   hance the security of the port of entry at  
15                   issue.

16                   “(iv) For a donation under subsection  
17                   (b)—

18                           “(I) whether such donation satis-  
19                           fies the requirements of such pro-  
20                           posal, or whether additional real prop-  
21                           erty would be required; and

22                           “(II) an explanation of how such  
23                           donation was acquired, including if  
24                           eminent domain was used.

1                   “(v) The funding available to complete  
2                   the intended use of such donation.

3                   “(vi) The costs of maintaining and  
4                   operating such donation.

5                   “(vii) The impact of such proposal on  
6                   U.S. Customs and Border Protection staff-  
7                   ing requirements.

8                   “(viii) Other factors that the Commis-  
9                   sioner or Administrator determines to be  
10                  relevant.

11                  “(C) DETERMINATION AND NOTIFICA-  
12                  TION.—Not later than 180 days after receiving  
13                  a proposal to enter into an agreement under  
14                  subsection (a) or (b), the Commissioner of U.S.  
15                  Customs and Border Protection, with the con-  
16                  currence of the Administrator of General Serv-  
17                  ices, as applicable, shall make a determination  
18                  to deny or approve such proposal, and shall no-  
19                  tify the entity that submitted such proposal of  
20                  such determination.

21                  “(4) SUPPLEMENTAL FUNDING.—Except as re-  
22                  quired under section 3307 of title 40, United States  
23                  Code, for real property donations to the Adminis-  
24                  trator of General Services at a GSA-owned land port  
25                  of entry, donations made pursuant to subsection (a)



1 and (b) may be used in addition to any other fund-  
2 ing for such purpose, including appropriated funds,  
3 property, or services.

4 “(5) RETURN OF DONATIONS.—The Commis-  
5 sioner of U.S. Customs and Border Protection, or  
6 the Administrator of General Services, as applicable,  
7 may return any donation made pursuant to sub-  
8 section (a) or (b). No interest shall be owed to the  
9 donor with respect to any donation provided under  
10 such subsections that is returned pursuant to this  
11 subsection.

12 “(6) PROHIBITION ON CERTAIN FUNDING.—Ex-  
13 cept as provided in subsections (a) and (b) regarding  
14 the acceptance of donations, the Commissioner of  
15 U.S. Customs and Border Protection and the Ad-  
16 ministrator of General Services, as applicable, may  
17 not, with respect to an agreement entered into under  
18 either of such subsections, obligate or expend  
19 amounts in excess of amounts that have been appro-  
20 priated pursuant to any appropriations Act for pur-  
21 poses specified in either of such subsections or oth-  
22 erwise made available for any of such purposes.

23 “(7) ANNUAL REPORTS.—The Commissioner of  
24 U.S. Customs and Border Protection, in collabora-  
25 tion with the Administrator of General Services, as

1 applicable, shall submit to the Committee on Home-  
2 land Security, the Committee on Transportation and  
3 Infrastructure, and the Committee on Appropria-  
4 tions of the House of Representatives and the Com-  
5 mittee on Homeland Security and Governmental Af-  
6 fairs, the Committee on Environment and Public  
7 Works, and the Committee on Appropriations of the  
8 Senate an annual report identifying the activities  
9 undertaken and agreements entered into pursuant to  
10 subsections (a) and (b).

11 “(d) **RULE OF CONSTRUCTION.**—Except as otherwise  
12 provided in this section, nothing in this section may be  
13 construed as affecting in any manner the responsibilities,  
14 duties, or authorities of U.S. Customs and Border Protec-  
15 tion or the General Services Administration.

16 **“SEC. 483. CURRENT AND PROPOSED AGREEMENTS.**

17 “Nothing in this subtitle may be construed as affect-  
18 ing in any manner—

19 “(1) any agreement entered into pursuant to  
20 section 560 of division D of the Consolidated and  
21 Further Continuing Appropriations Act, 2013 (Pub-  
22 lic Law 113–6) or section 559 of title V of division  
23 F of the Consolidated Appropriations Act, 2014 (6  
24 U.S.C. 211 note; Public Law 113–76), as in exist-  
25 ence on the day before the date of the enactment of

1 this subtitle, and any such agreement shall continue  
2 to have full force and effect on and after such date;  
3 or

4 “(2) a proposal accepted for consideration by  
5 U.S. Customs and Border Protection pursuant to  
6 such section 559, as in existence on the day before  
7 such date of enactment.

8 **“SEC. 484. DEFINITIONS.**

9 “In this subtitle:

10 “(1) DONOR.—The term ‘donor’ means any en-  
11 tity that is proposing to make a donation under this  
12 Act.

13 “(2) ENTITY.—The term ‘entity’ means any—

14 “(A) person;

15 “(B) partnership, corporation, trust, es-  
16 tate, cooperative, association, or any other orga-  
17 nized group of persons;

18 “(C) Federal, State or local government  
19 (including any subdivision, agency or instru-  
20 mentality thereof); or

21 “(D) any other private or governmental en-  
22 tity.”.

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

1 amended by adding at the end of the list of items relating  
 2 to title IV the following new items:

“Subtitle G—U.S. Customs and Border Protection Public Private  
 Partnerships

“Sec. 481. Fee agreements for certain services at ports of entry.

“Sec. 482. Port of entry donation authority.

“Sec. 483. Current and proposed agreements.

“Sec. 484. Definitions.”.

3 (c) REPEALS.—Section 560 of division D of the Con-  
 4 solidated and Further Continuing Appropriations Act,  
 5 2013 (Public Law 113–6) and section 559 of title V of  
 6 division F of the Consolidated Appropriations Act, 2014  
 7 (6 U.S.C. 211 note; Public Law 113–76) are repealed.

8 **SEC. 204. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC**  
 9 **IDENTITY MANAGEMENT.**

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

13 **“SEC. 708. OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.**

14 “(a) ESTABLISHMENT.—The Office of Biometric  
 15 Identity Management is established within the Depart-  
 16 ment.

17 “(b) DIRECTOR.—

18 “(1) IN GENERAL.—The Office of Biometric  
 19 Identity Management shall be administered by the  
 20 Director of the Office of Biometric Identity Manage-  
 21 ment (in this section referred to as the ‘Director’)

1 who shall report to the Secretary, or to another offi-  
2 cial of the Department, as the Secretary may direct.

3 “(2) QUALIFICATIONS AND DUTIES.—The Di-  
4 rector shall—

5 “(A) have significant professional manage-  
6 ment experience, as well as experience in the  
7 field of biometrics and identity management;

8 “(B) lead the Department’s biometric iden-  
9 tity services to support anti-terrorism, counter-  
10 terrorism, border security, credentialing, na-  
11 tional security, and public safety and enable  
12 operational missions across the Department by  
13 matching, storing, sharing, and analyzing bio-  
14 metric data;

15 “(C) deliver biometric identity information  
16 and analysis capabilities to—

17 “(i) the Department and its compo-  
18 nents;

19 “(ii) appropriate Federal, State, local,  
20 and tribal agencies;

21 “(iii) appropriate foreign govern-  
22 ments; and

23 “(iv) appropriate private sector enti-  
24 ties;

1           “(D) support the law enforcement, public  
2 safety, national security, and homeland security  
3 missions of other Federal, State, local, and trib-  
4 al agencies, as appropriate;

5           “(E) establish and manage the operation  
6 and maintenance of the Department’s sole bio-  
7 metric repository;

8           “(F) establish, manage, and operate Bio-  
9 metric Support Centers to provide biometric  
10 identification and verification analysis and serv-  
11 ices to the Department, appropriate Federal,  
12 State, local, and tribal agencies, appropriate  
13 foreign governments, and appropriate private  
14 sector entities;

15           “(G) in collaboration with the Undersecre-  
16 tary for Science and Technology, establish a  
17 Department-wide research and development  
18 program to support efforts in assessment, devel-  
19 opment, and exploration of biometric advance-  
20 ments and emerging technologies;

21           “(H) oversee Department-wide standards  
22 for biometric conformity, and work to make  
23 such standards Government-wide;

24           “(I) in coordination with the Department’s  
25 Office of Policy, and in consultation with rel-

1           evant component offices and headquarters of-  
2           fices, enter into data sharing agreements with  
3           appropriate Federal agencies to support immi-  
4           gration, law enforcement, national security, and  
5           public safety missions;

6           “(J) maximize interoperability with other  
7           Federal, State, local, and international biomet-  
8           ric systems, as appropriate; and

9           “(K) carry out the duties and powers pre-  
10          scribed by law or delegated by the Secretary.

11          “(c) DEPUTY DIRECTOR.—There shall be in the Of-  
12          fice of Biometric Identity Management a Deputy Director,  
13          who shall assist the Director in the management of the  
14          Office.

15          “(d) CHIEF TECHNOLOGY OFFICER.—

16                 “(1) IN GENERAL.—There shall be in the Office  
17          of Biometric Identity Management a Chief Tech-  
18          nology Officer.

19                 “(2) DUTIES.—The Chief Technology Officer  
20          shall—

21                         “(A) ensure compliance with policies, proc-  
22                         esses, standards, guidelines, and procedures re-  
23                         lated to information technology systems man-  
24                         agement, enterprise architecture, and data  
25                         management;

1           “(B) provide engineering and enterprise  
2           architecture guidance and direction to the Of-  
3           fice of Biometric Identity Management; and

4           “(C) leverage emerging biometric tech-  
5           nologies to recommend improvements to major  
6           enterprise applications, identify tools to opti-  
7           mize information technology systems perform-  
8           ance, and develop and promote joint technology  
9           solutions to improve services to enhance mission  
10          effectiveness.

11          “(e) OTHER AUTHORITIES.—

12           “(1) IN GENERAL.—The Director may establish  
13          such other offices within the Office of Biometric  
14          Identity Management as the Director determines  
15          necessary to carry out the missions, duties, func-  
16          tions, and authorities of the Office.

17           “(2) NOTIFICATION.—If the Director exercises  
18          the authority provided by paragraph (1), the Direc-  
19          tor shall notify the Committee on Homeland Secu-  
20          rity of the House of Representatives and the Com-  
21          mittee on Homeland Security and Governmental Af-  
22          fairs of the Senate not later than 30 days before ex-  
23          ercising such authority.”.

24          (b) TRANSFER LIMITATION.—The Secretary of  
25          Homeland Security may not transfer the location or re-



1 porting structure of the Office of Biometric Identity Man-  
2 agement (established by section 708 of the Homeland Se-  
3 curity Act of 2002, as added by subsection (a) of this sec-  
4 tion) to any component of the Department of Homeland  
5 Security.

6 (c) CLERICAL AMENDMENT.—The table of contents  
7 in section 1(b) of the Homeland Security Act of 2002 is  
8 amended by adding after the item relating to section 707  
9 the following new item:

“Sec. 708. Office of Biometric Identity Management.”.

10 **SEC. 205. COST-BENEFIT ANALYSIS OF CO-LOCATING OPER-**  
11 **ATIONAL ENTITIES.**

12 (a) IN GENERAL.—For any location in which U.S.  
13 Customs and Border Protection’s Office of Air and Marine  
14 Operations is based within 45 miles of locations where any  
15 other Department of Homeland Security agency also oper-  
16 ates air and marine assets, the Secretary of Homeland Se-  
17 curity shall conduct a cost-benefit analysis to consider the  
18 potential cost of and savings derived from co-locating avia-  
19 tion and maritime operational assets of the respective  
20 agencies of the Department. In analyzing such potential  
21 cost savings achieved by sharing aviation and maritime fa-  
22 cilities, such analysis shall consider, at a minimum, the  
23 following factors:

24 (1) Potential enhanced cooperation derived  
25 from Department personnel being co-located.

1           (2) Potential costs of, and savings derived  
2 through, shared maintenance and logistics facilities  
3 and activities.

4           (3) Joint use of base and facility infrastructure,  
5 such as runways, hangars, control towers, operations  
6 centers, piers and docks, boathouses, and fuel de-  
7 pots.

8           (4) Potential operational costs of co-locating  
9 aviation and maritime assets and personnel.

10          (5) Short term moving costs required in order  
11 to co-locate facilities.

12          (6) Acquisition and infrastructure costs for en-  
13 larging current facilities, as needed.

14          (b) REPORT.—Not later than one year after the date  
15 of the enactment of this Act, the Secretary of Homeland  
16 Security shall submit to the Committee on Homeland Se-  
17 curity and the Committee on Transportation and Infra-  
18 structure of the House of Representatives and the Com-  
19 mittee on Homeland Security and Governmental Affairs  
20 of the Senate a report summarizing the results of the cost-  
21 benefit analysis required under subsection (a) and any  
22 planned actions based upon such results.

1 **SEC. 206. STRATEGIC PERSONNEL PLAN FOR U.S. CUSTOMS**  
2 **AND BORDER PROTECTION PERSONNEL DE-**  
3 **PLOYED ABROAD.**

4 (a) IN GENERAL.—Not later than 270 days of after  
5 the date of the enactment of this Act, the Commissioner  
6 of U.S. Customs and Border Protection shall provide to  
7 the Committee on Homeland Security of the House of  
8 Representatives and the Committee on Homeland Security  
9 and Governmental Affairs of the Senate a three year stra-  
10 tegic plan for deployment of U.S. Customs and Border  
11 Protection (in this section referred to as “CBP”) per-  
12 sonnel to locations outside the United States.

13 (b) CONTENTS.—The plan required under subsection  
14 (a) shall include the following:

15 (1) A risk-based method for determining expan-  
16 sion of CBP international programs to new loca-  
17 tions, given resource constraints.

18 (2) A plan to ensure CBP personnel deployed at  
19 locations outside the United States have appropriate  
20 oversight and support to ensure performance in sup-  
21 port of program goals.

22 (3) Information on planned future deployments  
23 of CBP personnel for a three year period, together  
24 with corresponding information on locations for such  
25 deployments outside the United States.

1 (c) CONSIDERATIONS.—In preparing the plan re-  
2 quired under subsection (a), the Commissioner of U.S.  
3 Customs and Border Protection shall consider, and in-  
4 clude information on, the following:

5 (1) Existing CBP programs in operation out-  
6 side of the United States, together with specific in-  
7 formation on locations outside the United States in  
8 which each such program operates.

9 (2) The number of CBP personnel deployed at  
10 each location outside the United States during the  
11 preceding fiscal year.

12 **SEC. 207. THREAT ASSESSMENT FOR UNITED STATES-**  
13 **BOUND INTERNATIONAL MAIL.**

14 Not later than 180 days after the date of the enact-  
15 ment of this Act, the Commissioner of U.S. Customs and  
16 Border Protection shall submit to the Committee on  
17 Homeland Security of the House of Representatives and  
18 the Committee on Homeland Security and Governmental  
19 Affairs of the Senate an assessment of the security threats  
20 posed by United States-bound international mail.

21 **SEC. 208. EVALUATION OF COAST GUARD DEPLOYABLE**  
22 **SPECIALIZED FORCES.**

23 (a) IN GENERAL.—Not later than one year after the  
24 date of the enactment of this Act, the Comptroller General  
25 of the United States shall submit to the Committee on

1 Homeland Security and the Committee on Transportation  
2 and Infrastructure of the House of Representatives and  
3 the Committee on Homeland Security and Governmental  
4 Affairs and the Committee on Commerce, Science, and  
5 Transportation of the Senate a report that describes and  
6 assesses the state of the Coast Guard's Deployable Spe-  
7 cialized Forces (in this section referred to as the "DSF").  
8 Such report shall include, at a minimum, the following ele-  
9 ments:

10 (1) For each of the past three fiscal years, and  
11 for each type of DSF, the following:

12 (A) A cost analysis, including training, op-  
13 erating, and travel costs.

14 (B) The number of personnel assigned.

15 (C) The total number of units.

16 (D) The total number of operations con-  
17 ducted.

18 (E) The number of operations requested by  
19 each of the following:

20 (i) The Coast Guard.

21 (ii) Other components or offices of the  
22 Department of Homeland Security.

23 (iii) Other Federal departments or  
24 agencies.

25 (iv) State agencies.

1 (v) Local agencies.

2 (F) The number of operations fulfilled by  
3 the entities specified in subparagraph (E).

4 (2) Mission impact, feasibility, and cost, includ-  
5 ing potential cost savings, of locating DSF capabili-  
6 ties, including the following scenarios:

7 (A) Combining DSFs, primarily focused on  
8 counterdrug operations, under one centralized  
9 command.

10 (B) Distributing counter-terrorism and  
11 anti-terrorism capabilities to DSFs in each  
12 major United States port.

13 (b) DEPLOYABLE SPECIALIZED FORCE DEFINED.—  
14 In this section, the term “Deployable Specialized Force”  
15 means a unit of the Coast Guard that serves as a quick  
16 reaction force designed to be deployed to handle counter-  
17 drug, counter-terrorism, and anti-terrorism operations or  
18 other maritime threats to the United States.

19 **SEC. 209. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**  
20 **RORISM IMPROVEMENT.**

21 (a) C-TPAT EXPORTERS.—Section 212 of the Secu-  
22 rity and Accountability for Every Port Act of 2006 (6  
23 U.S.C. 962) is amended by inserting “exporters,” after  
24 “Importers,”.

1 (b) RECOGNITION OF OTHER COUNTRIES' TRUSTED  
2 SHIPPER PROGRAMS.—

3 (1) IN GENERAL.—Section 218 of the Security  
4 and Accountability for Every Port Act of 2006 (6  
5 U.S.C. 968) is amended to read as follows:

6 **“SEC. 218. RECOGNITION OF OTHER COUNTRIES' TRUSTED**  
7 **SHIPPER PROGRAMS.**

8 “Not later than 30 days before signing an arrange-  
9 ment between the United States and a foreign government  
10 providing for mutual recognition of supply chain security  
11 practices which might result in the utilization of benefits  
12 described in section 214, 215, or 216, the Secretary  
13 shall—

14 “(1) notify the appropriate congressional com-  
15 mittees of the proposed terms of such arrangement;  
16 and

17 “(2) determine, in consultation with the Com-  
18 missioner, that such foreign government's supply  
19 chain security program provides comparable security  
20 as that provided by C-TPAT.”.

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents in section 1(b) of the Security and Account-  
23 ability for Every Port Act of 2006 is amended by  
24 amending the item relating to section 218 to read as  
25 follows:

“Sec. 218. Recognition of other countries' trusted shipper programs.”.

1 **SEC. 210. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**  
2 **THE INTERNATIONAL SUPPLY CHAIN.**

3 Paragraph (2) of section 201(g) of the Security and  
4 Accountability for Every Port Act of 2006 (6 U.S.C. 941)  
5 is amended to read as follows:

6 “(2) UPDATES.—Not later than 270 days after  
7 the date of the enactment of this paragraph and  
8 every three years thereafter, the Secretary shall sub-  
9 mit to the appropriate congressional committees a  
10 report that contains an update of the strategic plan  
11 described in paragraph (1).”.

12 **SEC. 211. CONTAINER SECURITY INITIATIVE.**

13 Subsection (l) of section 205 of the Security and Ac-  
14 countability for Every Port Act of 2006 (6 U.S.C. 945)  
15 is amended—

16 (1) by striking “(1) IN GENERAL.—Not later  
17 than September 30, 2007,” and inserting “Not later  
18 than 270 days after the date of the enactment of the  
19 Border and Maritime Security Coordination Im-  
20 provement Act,”;

21 (2) by redesignating subparagraphs (A) through  
22 (H) as paragraphs (1) through (8), respectively (and  
23 by moving the margins of such paragraphs 2 ems to  
24 the left); and

25 (3) by striking paragraph (2).



1 **SEC. 212. TRANSPORTATION WORKER IDENTIFICATION**  
2 **CREDENTIAL WAIVER AND APPEALS PROC-**  
3 **ESS.**

4 (a) IN GENERAL.—Section 70105 of title 46, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 “(r) SECURING THE TRANSPORTATION WORKER  
8 IDENTIFICATION CREDENTIAL AGAINST USE BY UNAU-  
9 THORIZED ALIENS.—

10 “(1) IN GENERAL.—The Secretary, acting  
11 through the Administrator of the Transportation Se-  
12 curity Administration, shall seek to strengthen the  
13 integrity of transportation security cards issued  
14 under this section against improper access by an in-  
15 dividual who is not lawfully present in the United  
16 States.

17 “(2) COMPONENTS.—In carrying out subsection  
18 (a), the Administrator of the Transportation Secu-  
19 rity Administration shall—

20 “(A) publish a list of documents that will  
21 identify non-United States citizen transpor-  
22 tation security card applicants and verify the  
23 immigration statuses of such applicants by re-  
24 quiring each such applicant to produce a docu-  
25 ment or documents that demonstrate—

26 “(i) identity; and

1                   “(ii) proof of lawful presence in the  
2                   United States; and

3                   “(B) enhance training requirements to en-  
4                   sure that trusted agents at transportation secu-  
5                   rity card enrollment centers receive training to  
6                   identify fraudulent documents.

7                   “(3) EXPIRATION.—A transportation security  
8                   card issued under this section expires on the date of  
9                   its expiration or on the date on which the individual  
10                  to whom such card is issued is no longer lawfully en-  
11                  titled to be present in the United States, whichever  
12                  is earlier.”.

13                  (b) REPORT.—Not later than 90 days after the date  
14                  of the enactment of this Act, the Secretary of Homeland  
15                  Security shall provide to the Committee on Homeland Se-  
16                  curity of the House of Representatives and the Committee  
17                  on Commerce, Science, and Transportation of the Senate  
18                  information on the following:

19                   (1) The average time for the completion of an  
20                   appeal under the appeals process established pursu-  
21                   ant to paragraph (4) of subsection (c) of section  
22                   70105 of title 46, United States Code.

23                   (2) The most common reasons for any delays at  
24                   each step in such process.

1           (3) Recommendations on how to resolve any  
2           such delays as expeditiously as possible.

3 **SEC. 213. REPEALS.**

4           The following provisions of the Security and Account-  
5 ability for Every Port Act of 2006 (Public Law 109–347)  
6 are repealed:

7           (1) Section 105 (and the item relating to such  
8           section in the table of contents of such Act).

9           (2) Subsection (c) of section 108.

10           (3) Subsections (c), (d), and (e) of section 121  
11           (6 U.S.C. 921).

12           (4) Section 122 (6 U.S.C. 922) (and the item  
13 relating to such section in the table of contents of  
14 such Act).

15           (5) Section 127 (and the item relating to such  
16 section in the table of contents of such Act).

17           (6) Subsection (c) of section 233 (6 U.S.C.  
18 983).

19           (7) Section 235 (6 U.S.C. 984) (and the item  
20 relating to such section in the table of contents of  
21 such Act).

22           (8) Section 701 (and the item relating to such  
23 section in the table of contents of such Act).

24           (9) Section 708 (and the item relating to such  
25 section in the table of contents of such Act).

1           **TITLE III—SECURING OUR**  
2           **AGRICULTURE AND FOOD**

3   **SEC. 301. COORDINATION OF FOOD, AGRICULTURE, AND**  
4                           **VETERINARY DEFENSE AGAINST TERRORISM.**

5           (a) IN GENERAL.—Title V of the Homeland Security  
6 Act of 2002 is amended by inserting after section 526 (6  
7 U.S.C. 321o) the following new section:

8   **“SEC. 527. COORDINATION OF DEPARTMENT OF HOMELAND**  
9                           **SECURITY EFFORTS RELATED TO FOOD, AG-**  
10                          **RICULTURE, AND VETERINARY DEFENSE**  
11                          **AGAINST TERRORISM.**

12           “(a) PROGRAM REQUIRED.—The Secretary, acting  
13 through the Assistant Secretary for Health Affairs, shall  
14 carry out a program to coordinate the Department’s ef-  
15 forts related to defending the food, agriculture, and veteri-  
16 nary systems of the United States against terrorism and  
17 other high-consequence events that pose a high risk to  
18 homeland security.

19           “(b) PROGRAM ELEMENTS.—The coordination pro-  
20 gram required by subsection (a) shall include, at a min-  
21 imum, the following:

22                   “(1) Providing oversight and management of  
23 the Department’s responsibilities pursuant to Home-  
24 land Security Presidential Directive 9—Defense of  
25 United States Agriculture and Food.

1           “(2) Providing oversight and integration of the  
2 Department’s activities related to veterinary public  
3 health, food defense, and agricultural security.

4           “(3) Leading the Department’s policy initiatives  
5 relating to food, animal, and agricultural incidents,  
6 and the impact of such incidents on animal and pub-  
7 lic health.

8           “(4) Leading the Department’s policy initiatives  
9 relating to overall domestic preparedness for and col-  
10 lective response to agricultural terrorism.

11           “(5) Coordinating with other Department com-  
12 ponents, including U.S. Customs and Border Protec-  
13 tion, as appropriate, on activities related to food and  
14 agriculture security and screening procedures for do-  
15 mestic and imported products.

16           “(6) Coordinating with appropriate Federal de-  
17 partments and agencies.

18           “(7) Other activities as determined necessary  
19 by the Secretary.”.

20           (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of the Homeland Security Act of 2002 (6  
22 U.S.C. 101 note) is amended—

23           (1) by striking the items relating to sections  
24           523, 524, and 525; and

1           (2) by inserting after the item relating to sec-  
2           tion 522 the following new items:

“Sec. 523. Guidance and recommendations.

“Sec. 524. Voluntary private sector preparedness accreditation and certification program.

“Sec. 525. Acceptance of gifts.

“Sec. 526. Integrated public alert and warning system modernization.

“Sec. 527. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.”.

3                           **TITLE IV—STRONG VISA**  
4                           **INTEGRITY SECURES AMERICA**

5   **SEC. 401. VISA SECURITY.**

6           (a) VISA SECURITY UNITS AT HIGH RISK POSTS.—

7 Paragraph (1) of section 428(e) of the Homeland Security

8 Act of 2002 (6 U.S.C. 236(e)) is amended—

9                           (1) by striking “The Secretary” and inserting  
10           the following:

11                           “(A) AUTHORIZATION.—The Secretary”;

12                           and

13                           (2) by adding at the end the following new sub-  
14           paragraph:

15                           “(B) RISK-BASED ASSIGNMENTS.—

16                           “(i) IN GENERAL.—The Secretary

17                           shall assign, in a risk-based manner, and

18                           based on the criteria described in clause

19                           (ii), employees of the Department to not

20                           fewer than 30 diplomatic and consular

21                           posts at which visas are issued.

1           “(ii) CRITERIA DESCRIBED.—The cri-  
2           teria referred to in clause (i) are the fol-  
3           lowing:

4                   “(I) The number of nationals of  
5                   a country in which any of the diplo-  
6                   matic and consular posts referred to  
7                   in clause (i) are located who were  
8                   identified in United States Govern-  
9                   ment databases related to the identi-  
10                  ties of known or suspected terrorists  
11                  during the previous year.

12                   “(II) The level of cooperation of  
13                   such country with the counterter-  
14                   rorism efforts of the United States.

15                   “(III) Information analyzing the  
16                   presence, activity, or movement of ter-  
17                   rorist organizations (as such term is  
18                   defined in section 212(a)(3)(B)(vi) of  
19                   the Immigration and Nationality Act  
20                   (8 U.S.C. 1182(a)(3)(B)(vi))) within  
21                   or through such country.

22                   “(IV) The number of derogatory  
23                   Security Advisory Opinions issued by  
24                   the Visa Security Advisory Opinion  
25                   Unit pursuant to paragraph (10) re-

1                   garding nationals of a country in  
2                   which any of the diplomatic and con-  
3                   sular posts referred to in clause (i)  
4                   are located.

5                   “(V) The adequacy of the border  
6                   and immigration control of such coun-  
7                   try.

8                   “(VI) Any other criteria the Sec-  
9                   retary determines appropriate.

10                  “(iii) RULE OF CONSTRUCTION.—The  
11                  assignment of employees of the Depart-  
12                  ment pursuant to this subparagraph is  
13                  solely the authority of the Secretary and  
14                  may not be altered or rejected by the Sec-  
15                  retary of State.”.

16                  (b) COUNTERTERROR VETTING AND SCREENING.—  
17                  Paragraph (2) of section 428(e) of the Homeland Security  
18                  Act of 2002 is amended—

19                   (1) by redesignating subparagraph (C) as sub-  
20                   paragraph (D); and

21                   (2) by inserting after subparagraph (B) the fol-  
22                   lowing new subparagraph:

23                   “(C) Screen any such applications against  
24                   the appropriate criminal, national security, and



1 terrorism databases maintained by the Federal  
2 Government.”.

3 (c) TRAINING AND HIRING.—Subparagraph (A) of  
4 section 428(e)(6) of the Homeland Security Act of 2002  
5 is amended by—

6 (1) striking “The Secretary shall ensure, to the  
7 extent possible, that any employees” and inserting  
8 “The Secretary, acting through the Commissioner of  
9 U.S. Customs and Border Protection and the Direc-  
10 tor of U.S. Immigration and Customs Enforcement,  
11 shall provide training to any employees”; and

12 (2) striking “shall be provided the necessary  
13 training”.

14 (d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE  
15 AND VISA SECURITY ADVISORY OPINION UNIT.—Sub-  
16 section (e) of section 428 of the Homeland Security Act  
17 of 2002 is amended by adding at the end the following  
18 new paragraphs:

19 “(9) REMOTE PRE-ADJUDICATED VISA SECU-  
20 RITY ASSISTANCE.—At the visa-issuing posts at  
21 which employees of the Department are not assigned  
22 pursuant to paragraph (1), the Secretary shall, to  
23 the greatest extent possible, in a risk-based manner,  
24 and in consultation, where appropriate, with the Sec-  
25 retary of State, assign employees of the Department

1 to remotely perform the functions required under  
2 paragraph (2) for such posts.

3 “(10) VISA SECURITY ADVISORY OPINION  
4 UNIT.—The Secretary shall establish within U.S.  
5 Immigration and Customs Enforcement a Visa Secu-  
6 rity Advisory Opinion Unit to respond to requests  
7 from the Secretary of State to conduct a visa secu-  
8 rity review using information maintained by the De-  
9 partment on visa applicants, including terrorism as-  
10 sociation, criminal history, and other relevant fac-  
11 tors, as determined by the Secretary.”.

12 **SEC. 402. ELECTRONIC PASSPORT SCREENING AND BIO-**  
13 **METRIC MATCHING.**

14 (a) IN GENERAL.—Subtitle C of title IV of the  
15 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)  
16 is amended by adding at the end the following new sec-  
17 tions:

18 **“SEC. 434. ELECTRONIC PASSPORT SCREENING AND BIO-**  
19 **METRIC MATCHING.**

20 “(a) IN GENERAL.—Not later than one year after the  
21 date of the enactment of this section, the Commissioner  
22 of U.S. Customs and Border Protection shall—

23 “(1) screen electronic passports at airports of  
24 entry by reading each such passport’s embedded  
25 chip; and

1           “(2) to the greatest extent practicable, utilize  
2           facial recognition technology or other biometric tech-  
3           nology, as determined by the Commissioner, to  
4           screen travelers at United States airports of entry.

5           “(b) APPLICABILITY.—

6           “(1) ELECTRONIC PASSPORT SCREENING.—  
7           Paragraph (1) of subsection (a) shall apply to pass-  
8           ports belonging to individuals who are United States  
9           citizens, individuals who are nationals of a program  
10          country pursuant to section 217 of the Immigration  
11          and Nationality Act (8 U.S.C. 1187), and individ-  
12          uals who are nationals of any other foreign country  
13          that issues electronic passports.

14          “(2) FACIAL RECOGNITION MATCHING.—Para-  
15          graph (2) of subsection (a) shall apply to individuals  
16          who are nationals of a program country pursuant to  
17          section 217 of the Immigration and Nationality Act.

18       **“SEC. 435. CONTINUOUS SCREENING BY U.S. CUSTOMS AND**  
19                               **BORDER PROTECTION.**

20          “The Commissioner of U.S. Customs and Border  
21          Protection shall, in a risk based manner, continuously  
22          screen individuals issued any visa, and individuals who are  
23          nationals of a program country pursuant to section 217  
24          of the Immigration and Nationality Act, who are present,  
25          or will soon be arriving, in the United States, against the

1 appropriate criminal, national security, and terrorism  
2 databases maintained by the Federal Government.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of the Homeland Security Act of 2002 is  
5 amended by inserting after the item relating to section  
6 433 the following new items:

“Sec. 434. Electronic passport screening and biometric matching.

“Sec. 435. Continuous screening by U.S. Customs and Border Protection.”.

7 **SEC. 403. REPORTING OF VISA OVERSTAYS.**

8 Section 2 of Public Law 105–173 (8 U.S.C. 1376)  
9 is amended—

10 (1) in subsection (a)—

11 (A) by striking “Attorney General” and in-  
12 serting “Secretary of Homeland Security”; and

13 (B) by inserting before the period at the  
14 end the following: “, and any additional infor-  
15 mation that the Secretary determines necessary  
16 for purposes of the report under subsection  
17 (b)”;

18 (2) by amending subsection (b) to read as fol-  
19 lows:

20 “(b) ANNUAL REPORT.—Not later than June 30,  
21 2017, and not later than June 30 of each year thereafter,  
22 the Secretary of Homeland Security shall submit a report  
23 to the Committee on Homeland Security and the Com-  
24 mittee on the Judiciary of the House of Representatives

1 and to the Committee on Homeland Security and Govern-  
2 mental Affairs and the Committee on the Judiciary of the  
3 Senate providing, for the preceding fiscal year, numerical  
4 estimates of—

5 “(1) for each country, the number of aliens  
6 from the country who are described in subsection  
7 (a), including—

8 “(A) the total number of such aliens within  
9 all classes of nonimmigrant aliens described in  
10 section 101(a)(15) of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1101(a)(15)); and

12 “(B) the number of such aliens within each  
13 of the classes of nonimmigrant aliens, as well as  
14 the number of such aliens within each of the  
15 subclasses of such classes of nonimmigrant  
16 aliens, as applicable;

17 “(2) for each country, the percentage of the  
18 total number of aliens from the country who were  
19 present in the United States and were admitted to  
20 the United States as nonimmigrants who are de-  
21 scribed in subsection (a);

22 “(3) the number of aliens described in sub-  
23 section (a) who arrived by land at a port of entry  
24 into the United States; and

1           “(4) the number of aliens described in sub-  
2           section (a) who entered the United States using a  
3           border crossing identification card (as such term is  
4           defined in section 101(a)(6) of the Immigration and  
5           Nationality Act (8 U.S.C. 1101(a)(6))).”.

6   **SEC. 404. STUDENT AND EXCHANGE VISITOR INFORMATION**  
7                           **SYSTEM VERIFICATION.**

8           Not later than 90 days after the date of the enact-  
9           ment of this Act, the Secretary of Homeland Security shall  
10          ensure that the information collected under the program  
11          established under section 641 of the Illegal Immigration  
12          Reform and Immigrant Responsibility Act of 1996 (8  
13          U.S.C. 1372) is available to officers of U.S. Customs and  
14          Border Protection conducting primary inspections of  
15          aliens seeking admission to the United States at each port  
16          of entry of the United States.

1 **TITLE V—PROMOTING RESIL-**  
2 **IENCE AND EFFICIENCY IN**  
3 **PREPARING FOR ATTACKS**  
4 **AND RESPONDING TO EMER-**  
5 **GENCIES**

6 **Subtitle A—Grants, Training,**  
7 **Exercises, and Coordination**

8 **SEC. 501. MEMORANDA OF UNDERSTANDING.**

9 (a) IN GENERAL.—Subtitle B of title XX of the  
10 Homeland Security Act of 2002 (6 U.S.C. 611 et seq.)  
11 is amended by adding at the end the following new section:

12 **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**  
13 **PARTMENTAL COMPONENTS AND OFFICES.**

14 “The Administrator shall enter into memoranda of  
15 understanding with the heads of the following depart-  
16 mental components and offices delineating the roles and  
17 responsibilities of such components and offices regarding  
18 the policy and guidance for grants under section 1406 of  
19 the Implementing Recommendations of the 9/11 Commis-  
20 sion Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004  
21 of this Act, and section 70107 of title 46, United States  
22 Code, as appropriate:

23 “(1) The Commissioner of U.S. Customs and  
24 Border Protection.

1           “(2) The Administrator of the Transportation  
2 Security Administration.

3           “(3) The Commandant of the Coast Guard.

4           “(4) The Under Secretary for Intelligence and  
5 Analysis.

6           “(5) The Director of the Office of Emergency  
7 Communications.

8           “(6) The Assistant Secretary for State and  
9 Local Law Enforcement.

10           “(7) The Countering Violent Extremism Coor-  
11 dinator.

12           “(8) The Officer for Civil Rights and Civil Lib-  
13 erties.

14           “(9) The heads of other components or offices  
15 of the Department, as determined by the Sec-  
16 retary.”.

17       (b) CLERICAL AMENDMENT.—The table of contents  
18 in section 1(b) of the Homeland Security Act of 2002 is  
19 amended by inserting after the item relating to section  
20 2023 the following new item:

“Sec. 2024. Memoranda of understanding with departmental components and  
offices.”.

21 **SEC. 502. PERIOD OF PERFORMANCE.**

22       (a) URBAN AREA SECURITY INITIATIVE.—Section  
23 2003 of the Homeland Security Act of 2002 (6 U.S.C.  
24 604) is amended by—



1           (1) redesignating subsection (e) as subsection  
2           (f); and

3           (2) inserting after subsection (d) the following  
4           new subsection:

5           “(e) PERIOD OF PERFORMANCE.—The Administrator  
6           shall make funds provided under this section available for  
7           use by a recipient of a grant for a period of not less than  
8           36 months.”.

9           (b) STATE HOMELAND SECURITY GRANT PRO-  
10          GRAM.—Section 2004 of the Homeland Security Act of  
11          2002 (6 U.S.C. 605) is amended by—

12           (1) redesignating subsection (f) as subsection  
13           (g); and

14           (2) inserting after subsection (e) the following  
15           the new subsection:

16           “(f) PERIOD OF PERFORMANCE.—The Administrator  
17           shall make funds provided under this section available for  
18           use by a recipient of a grant for a period of not less than  
19           36 months.”.

20           (c) PUBLIC TRANSPORTATION SECURITY ASSIST-  
21          ANCE GRANT PROGRAM.—Section 1406 of the Imple-  
22          menting Recommendations of the 9/11 Commission Act (6  
23          U.S.C. 1135; Public Law 110–53) is amended by—

24           (1) redesignating subsection (m) as subsection  
25           (n); and

1           (2) inserting after subsection (l) the following  
2           new subsection:

3           “(m) PERIOD OF PERFORMANCE.—The Secretary  
4           shall make funds provided under this section available for  
5           use by a recipient of a grant for a period of not less than  
6           36 months.”.

7           (d) PORT SECURITY GRANT PROGRAM.—Section  
8           70107 of title 46, United States Code, is amended by add-  
9           ing at the end the following new subsection:

10          “(n) PERIOD OF PERFORMANCE.—The Secretary  
11          shall make funds provided under this section available for  
12          use by a recipient of a grant for a period of not less than  
13          36 months.”.

14          (e) TRIBAL SECURITY GRANT PROGRAM.—Section  
15          2005 of the Homeland Security Act of 2002 (6 U.S.C.  
16          606) is amended by—

17                 (1) redesignating subsections (h) through (k)  
18                 subsections (i) through (l), respectively; and

19                 (2) inserting after subsection (g) the following  
20                 new subsection:

21                 “(h) PERIOD OF PERFORMANCE.—The Secretary  
22                 shall make funds provided under this section available for  
23                 use by a recipient of a grant for a period of not less than  
24                 36 months.”.

1 **SEC. 503. OPERATION STONEGARDEN.**

2 (a) IN GENERAL.—Subtitle A of title XX of the  
3 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)  
4 is amended by adding at the end the following new section:

5 **“SEC. 2009. OPERATION STONEGARDEN.**

6 “(a) ESTABLISHMENT.—There is established in the  
7 Department a program to be known as ‘Operation  
8 Stonegarden’. Under such program, the Secretary, acting  
9 through the Administrator, shall make grants to eligible  
10 law enforcement agencies, through the State Administra-  
11 tive Agency, to enhance border security in accordance with  
12 this section.

13 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-  
14 ceive a grant under this section, a law enforcement agency  
15 shall—

16 “(1) be located in—

17 “(A) a State bordering either Canada or  
18 Mexico; or

19 “(B) a State or territory with a maritime  
20 border; and

21 “(2) be involved in an active, ongoing U.S. Cus-  
22 toms and Border Protection operation coordinated  
23 through a sector office.

24 “(c) PERMITTED USES.—The recipient of a grant  
25 under this section may use such grant for any of the fol-  
26 lowing:

1           “(1) Equipment, including maintenance and  
2           sustainment costs.

3           “(2) Personnel, including overtime and backfill,  
4           in support of enhanced border law enforcement ac-  
5           tivities.

6           “(3) Any activity permitted for Operation  
7           Stonegarden under the Department of Homeland  
8           Security’s Fiscal Year 2015 Homeland Security  
9           Grant Program Notice of Funding Opportunity.

10          “(4) Any other appropriate activity, as deter-  
11          mined by the Administrator, in consultation with the  
12          Commissioner of U.S. Customs and Border Protec-  
13          tion.

14          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
15          is authorized to be appropriated \$55,000,000 for each of  
16          fiscal years 2016 through 2020 for grants under this sec-  
17          tion.

18          “(e) REPORT.—The Administrator shall annually for  
19          each of fiscal years 2016 through 2020 submit to the  
20          Committee on Homeland Security of the House of Rep-  
21          resentatives and the Committee on Homeland Security  
22          and Governmental Affairs of the Senate a report con-  
23          taining information on the expenditure of grants made  
24          under this section by each grant recipient.”.

1 (b) CONFORMING AMENDMENT.—Subsection (a) of  
2 section 2002 of the Homeland Security Act of 2002 (6  
3 U.S.C. 603) is amended to read as follows:

4 “(a) GRANTS AUTHORIZED.—The Secretary, through  
5 the Administrator, may award grants under sections 2003,  
6 2004, and 2009 to State, local, and tribal governments,  
7 as appropriate.”.

8 (c) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002 is  
10 amended by inserting after the item relating to section  
11 2008 the following new item:

“Sec. 2009. Operation Stonegarden.”.

12 **SEC. 504. GRANTS METRICS.**

13 (a) IN GENERAL.—To determine the extent to which  
14 grants under sections 2003 and 2004 of the Homeland  
15 Security Act of 2002 (6 U.S.C. 603 and 604) have closed  
16 capability gaps identified in State Preparedness Reports  
17 required under subsection (c) of section 652 of the Post-  
18 Katrina Emergency Management Reform Act of 2006 (6  
19 U.S.C. 752; title VI of the Department of Homeland Secu-  
20 rity Appropriations Act, 2007; Public Law 109–295) and  
21 Threat and Hazard Identification and Risk Assessments  
22 from each State and high-risk urban area, the Adminis-  
23 trator of the Federal Emergency Management Agency  
24 shall conduct and submit to the Committee on Homeland  
25 Security and the Committee on Transportation and Infra-

1 structure of the House of Representatives and the Com-  
2 mittee on Homeland Security and Governmental Affairs  
3 of the Senate an assessment of information provided in  
4 such Reports and Assessments.

5 (b) ASSESSMENT REQUIREMENTS.—The assessment  
6 required under subsection (a) shall include a comparison  
7 of successive State Preparedness Reports and Threat and  
8 Hazard Identification and Risk Assessments from each  
9 State and high-risk urban area.

10 **SEC. 505. GRANT MANAGEMENT BEST PRACTICES.**

11 The Administrator of the Federal Emergency Man-  
12 agement Agency shall include in the annual Notice of  
13 Funding Opportunity relating to grants under sections  
14 2003 and 2004 of the Homeland Security Act of 2002  
15 (6 U.S.C. 604 and 605) an appendix that includes a sum-  
16 mary of findings identified by the Office of the Inspector  
17 General of the Department of Homeland Security in au-  
18 dits of such grants and methods to address areas identi-  
19 fied for improvement and innovative practices instituted  
20 by grant recipients.

21 **SEC. 506. ADMINISTRATION AND COORDINATION OF**  
22 **GRANTS.**

23 (a) IN GENERAL.—Paragraphs (1) and (2) of sub-  
24 section (b) of section 2021 of the Homeland Security Act  
25 of 2002 (6 U.S.C. 611) are amended to read as follows:

1           “(1) IN GENERAL.—Any State or high-risk  
2 urban area receiving a grant under section 2003 or  
3 2004 shall establish a State planning committee or  
4 urban area working group to assist in preparation  
5 and revision of the State, regional, or local homeland  
6 security plan or the threat and hazard identification  
7 and risk assessment, as the case may be, and to as-  
8 sist in determining effective funding priorities for  
9 grants under such sections 2003 and 2004.

10           “(2) COMPOSITION.—The State planning com-  
11 mittees and urban area working groups referred to  
12 in paragraph (1) shall include at least one represent-  
13 ative from each of the following significant stake-  
14 holders:

15           “(A) Local or tribal government officials.

16           “(B) Emergency response providers, in-  
17 cluding representatives of the fire service, law  
18 enforcement, emergency medical services, and  
19 emergency managers.

20           “(C) Public health officials and other ap-  
21 propriate medical practitioners.

22           “(D) Individuals representing educational  
23 institutions, including elementary schools, com-  
24 munity colleges, and other institutions of higher  
25 education.

1           “(E) State and regional interoperable com-  
2           munications coordinators, as appropriate.

3           “(F) State and major urban area fusion  
4           centers, as appropriate.”.

5           (b) CONFORMING AMENDMENT.—Paragraph (3) of  
6           section 2021(b) (6 U.S.C. 611) is amended by inserting  
7           “or urban area working group, as the case may be,” after  
8           “planning committee”.

9           **SEC. 507. FUNDING PROHIBITION.**

10          The Secretary of Homeland Security may not imple-  
11          ment the National Preparedness Grant Program or any  
12          successor grant program unless the Secretary receives  
13          prior authorization from Congress permitting such imple-  
14          mentation.

15          **SEC. 508. LAW ENFORCEMENT TERRORISM PREVENTION.**

16          (a) LAW ENFORCEMENT TERRORISM PREVENTION  
17          PROGRAM.—Subsection (a) of section 2006 of the Home-  
18          land Security Act of 2002 (6 U.S.C. 607) is amended—

19                 (1) in paragraph (1)—

20                         (A) by inserting “States and high-risk  
21                         urban areas use” after “that”; and

22                         (B) by striking “is used”; and

23                 (2) in paragraph (2), by amending subpara-  
24                 graph (I) to read as follows:



1           “(I) activities as determined appropriate  
2           by the Administrator, in coordination with the  
3           Assistant Secretary for State and Local Law  
4           Enforcement within the Office of Policy of the  
5           Department, through outreach to relevant  
6           stakeholder organizations.”.

7           (b) OFFICE FOR STATE AND LOCAL LAW ENFORCE-  
8           MENT.—Subsection (b)(4) of section 2006 of the Home-  
9           land Security Act of 2002 (6 U.S.C. 607) is amended—

10           (1) in subparagraph (B), by inserting “, includ-  
11           ing through consultation with such agencies regard-  
12           ing Department programs that may impact such  
13           agencies” before the semicolon; and

14           (2) in subparagraph (D), by striking “ensure”  
15           and inserting “certify”.

16           **SEC. 509. ALLOWABLE USES.**

17           Subsection (a) of section 2008 of the Homeland Secu-  
18           rity Act of 2002 (6 U.S.C. 609) is amended—

19           (1) in the matter preceding paragraph (1), by  
20           inserting “including by working in conjunction with  
21           a National Laboratory (as defined in section 2(3) of  
22           the Energy Policy Act of 2005 (42 U.S.C.  
23           15801(3))),” after “plans,”;

24           (2) by redesignating paragraphs (6) through  
25           (13) as paragraphs (7) through (14), respectively;

1           (3) by inserting after paragraph (5) the fol-  
2           lowing new paragraph:

3           “(6) enhancing medical preparedness, medical  
4           surge capacity, and mass prophylaxis capabilities, in-  
5           cluding the development and maintenance of an ini-  
6           tial pharmaceutical stockpile, including medical kits  
7           and diagnostics sufficient to protect first responders,  
8           their families, immediate victims, and vulnerable  
9           populations from a chemical or biological event;”;  
10          and

11          (4) in subsection (b)(3)(B), by striking  
12          “(a)(10)” and inserting “(a)(11)”.

13 **SEC. 510. MAINTENANCE OF GRANT INVESTMENTS.**

14          Section 2008 of the Homeland Security Act of 2002  
15          (6 U.S.C. 609) is amended by adding at the end the fol-  
16          lowing new subsection:

17          “(g) MAINTENANCE OF EQUIPMENT.—Any applicant  
18          for a grant under section 2003 or 2004 seeking to use  
19          funds to purchase equipment, including pursuant to para-  
20          graph (3), (4), (5), or (9) of subsection (a) of this section,  
21          shall by the time of the receipt of such grant develop a  
22          plan for the maintenance of such equipment over its life-  
23          cycle that includes information identifying which entity is  
24          responsible for such maintenance.”.

1 **SEC. 511. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**  
2 **TIUM.**

3 Section 1204 of the Implementing Recommendations  
4 of the 9/11 Commission Act (6 U.S.C. 1102) is amend-  
5 ed—

6 (1) in subsection (d), by amending paragraphs  
7 (1) and (2) to read as follows:

8 “(1) for the Center for Domestic Preparedness,  
9 \$65,000,000 for each of fiscal years 2016 and 2017;  
10 and

11 “(2) for the remaining Members of the National  
12 Domestic Preparedness Consortium, \$98,000,000  
13 for each of fiscal years 2016 and 2017.”; and

14 (2) in subsection (e), in the matter preceding  
15 paragraph (1), by striking “2007” and inserting  
16 “2015”.

17 **SEC. 512. RURAL DOMESTIC PREPAREDNESS CONSORTIUM.**

18 (a) **IN GENERAL.**—The Secretary of Homeland Secu-  
19 rity is authorized to establish a Rural Domestic Prepared-  
20 ness Consortium within the Department of Homeland Se-  
21 curity consisting of universities and nonprofit organiza-  
22 tions qualified to provide training to emergency response  
23 providers from rural communities.

24 (b) **DUTIES.**—The Rural Domestic Preparedness  
25 Consortium authorized under subsection (a) shall identify,  
26 develop, test, and deliver training to State, local, and trib-

1 al emergency response providers from rural communities,  
2 provide on-site and mobile training, and facilitate the de-  
3 livery of training by the training partners of the Depart-  
4 ment of Homeland Security.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Of  
6 amounts appropriated for Continuing Training Grants of  
7 the Department of Homeland Security, \$5,000,000 is au-  
8 thorized to be used for the Rural Domestic Preparedness  
9 Consortium authorized under subsection (a).

10 **SEC. 513. EMERGENCY SUPPORT FUNCTIONS.**

11 (a) UPDATE.—Paragraph (13) of section 504(a) of  
12 the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is  
13 amended by inserting “, periodically updating (but not less  
14 often than once every five years),” after “administering”.

15 (b) EMERGENCY SUPPORT FUNCTIONS.—Section  
16 653 of the Post-Katrina Emergency Management Reform  
17 Act of 2006 (6 U.S.C. 753; title VI of the Department  
18 of Homeland Security Appropriations Act, 2007; Public  
19 Law 109–295) is amended—

20 (1) by redesignating subsections (d) and (e) as  
21 subsections (e) and (f), respectively; and

22 (2) by inserting after subsection (c) the fol-  
23 lowing new subsection:

24 “(d) COORDINATION.—The President, acting through  
25 the Administrator, shall develop and provide to Federal

1 departments and agencies with coordinating, primary, or  
2 supporting responsibilities under the National Response  
3 Framework performance metrics to ensure readiness to  
4 execute responsibilities under the emergency support func-  
5 tions of such Framework.”.

6 **SEC. 514. REVIEW OF NATIONAL INCIDENT MANAGEMENT**  
7 **SYSTEM.**

8 Paragraph (2) of section 509(b) of the Homeland Se-  
9 curity Act of 2002 (6 U.S.C. 319(b)) is amended, in the  
10 matter preceding subparagraph (A), by inserting “, but  
11 not less often than once every five years,” after “periodi-  
12 cally”.

13 **SEC. 515. APPROVAL OF CERTAIN EQUIPMENT.**

14 Section 2008 of the Homeland Security Act of 2002  
15 (6 U.S.C. 609) is amended by adding at the end the fol-  
16 lowing:

17 “(g) REVIEW PROCESS.—The Administrator shall de-  
18 velop and implement a uniform process for reviewing ap-  
19 plications to use grants provided under section 2003 or  
20 2004 to purchase equipment or systems not included on  
21 the Authorized Equipment List maintained by the Admin-  
22 istrator.”.

23 **SEC. 516. REMEDIAL ACTION MANAGEMENT PROGRAM.**

24 Section 650 of the Post-Katrina Emergency Manage-  
25 ment Reform Act of 2006 (6 U.S.C. 750; title VI of the

1 Department of Homeland Security Appropriations Act,  
2 2007; Public Law 109–295) is amended to read as follows:

3 **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

4 “(a) IN GENERAL.—The Administrator, in coordina-  
5 tion with the National Council on Disability and the Na-  
6 tional Advisory Council, shall establish a remedial action  
7 management program to—

8 “(1) analyze training, exercises, and real world  
9 events to identify lessons learned, corrective actions,  
10 and best practices;

11 “(2) generate and disseminate, as appropriate,  
12 the lessons learned, corrective actions, and best  
13 practices referred to in paragraph (1); and

14 “(3) conduct remedial action tracking and long  
15 term trend analysis.

16 “(b) FEDERAL CORRECTIVE ACTIONS.—The Admin-  
17 istrator, in coordination with the heads of appropriate  
18 Federal departments and agencies, shall utilize the pro-  
19 gram established in subsection (a) to collect information  
20 on corrective actions identified by such Federal depart-  
21 ments and agencies during exercises and the response to  
22 natural disasters, acts of terrorism, and other man-made  
23 disasters, and shall, not later than one year after the date  
24 of the enactment of this section and annually thereafter

1 for each of the next four years, submit to Congress a re-  
2 port on the status of such corrective actions.

3 “(c) DISSEMINATION OF AFTER ACTION REPORTS.—  
4 The Administrator shall provide electronically, to the max-  
5 imum extent practicable, to Congress and Federal, State,  
6 local, tribal, and private sector officials after-action re-  
7 ports and information on lessons learned and best prac-  
8 tices from responses to acts of terrorism, natural disas-  
9 ters, capstone exercises conducted under the national exer-  
10 cise program under section 648(b), and other emergencies  
11 or exercises.”.

## 12 **Subtitle B—Communications**

### 13 **SEC. 521. OFFICE OF EMERGENCY COMMUNICATIONS.**

14 The Secretary of Homeland Security may not change  
15 the location or reporting structure of the Office of Emer-  
16 gency Communications of the Department of Homeland  
17 Security unless the Secretary receives prior authorization  
18 from the Committee on Homeland Security of the House  
19 of Representatives and the Committee on Homeland Secu-  
20 rity and Governmental Affairs of the Senate permitting  
21 such change.

### 22 **SEC. 522. RESPONSIBILITIES OF OFFICE OF EMERGENCY** 23 **COMMUNICATIONS DIRECTOR.**

24 Subsection (c) of section 1801 of the Homeland Secu-  
25 rity Act of 2002 (6 U.S.C. 571) is amended—

1 (1) by striking paragraph (3);

2 (2) by redesignating paragraphs (4) through  
3 (15) as paragraphs (3) through (14), respectively;

4 (3) in paragraph (8), as so redesignated, by  
5 striking “, in cooperation with the National Commu-  
6 nications System,”;

7 (4) in paragraph (9), as so redesignated, by  
8 striking “the Homeland Security Council,”;

9 (5) in paragraph (12) by striking “Assistant  
10 Secretary for Grants and Training” and inserting  
11 “Assistant Administrator of the Grant Programs Di-  
12 rectorate of the Federal Emergency Management  
13 Agency”;

14 (6) in paragraph (13), as so redesignated, by  
15 striking “and” at the end; and

16 (7) by adding after paragraph (14), as so redesi-  
17 gnated, the following new paragraphs:

18 “(15) administer the Government Emergency  
19 Telecommunications Service (GETS) and Wireless  
20 Priority Service (WPS) programs, or successor pro-  
21 grams; and

22 “(16) assess the impact of emerging tech-  
23 nologies on interoperable emergency communica-  
24 tions.”.



1 **SEC. 523. ANNUAL REPORTING ON ACTIVITIES OF THE OF-**  
2 **FICE OF EMERGENCY COMMUNICATIONS.**

3       Subsection (f) of section 1801 of the Homeland Secu-  
4 rity Act of 2002 (6 U.S.C. 571) is amended to read as  
5 follows:

6       “(f) ANNUAL REPORTING OF OFFICE ACTIVITIES.—  
7 The Director of the Office of Emergency Communications  
8 shall, not later than one year after the date of the enact-  
9 ment of this subsection and annually thereafter for each  
10 of the next four years, report to the Committee on Home-  
11 land Security and the Committee on Energy and Com-  
12 merce of the House of Representatives and the Committee  
13 on Homeland Security and Governmental Affairs of the  
14 Senate on the activities and programs of the Office, in-  
15 cluding specific information on efforts to carry out para-  
16 graphs (4), (5), and (6) of subsection (c).”.

17 **SEC. 524. NATIONAL EMERGENCY COMMUNICATIONS PLAN.**

18       Section 1802 of the Homeland Security Act of 2002  
19 (6 U.S.C. 572) is amended—

20               (1) in subsection (a), in the matter preceding  
21 paragraph (1)—

22                       (A) by striking “, and in cooperation with  
23 the Department of National Communications  
24 System (as appropriate),”; and

25                       (B) by inserting “, but not less than once  
26 every five years,” after “periodically”; and

1 (2) in subsection (c)—

2 (A) by redesignating paragraphs (3)  
3 through (10) as paragraphs (4) through (11),  
4 respectively; and

5 (B) by inserting after paragraph (2) the  
6 following new paragraph:

7 “(3) consider the impact of emerging tech-  
8 nologies on the attainment of interoperable emer-  
9 gency communications;”.

10 **SEC. 525. TECHNICAL EDITS.**

11 Title XVIII of the Homeland Security Act of 2002  
12 is amended—

13 (1) in subsection (d) of section 1801 (6 U.S.C.  
14 571) by—

15 (A) striking paragraph (2); and

16 (B) redesignating paragraph (3) as para-  
17 graph (2); and

18 (2) in paragraph (1) of section 1804(b) (6  
19 U.S.C. 574(b)), in the matter preceding subpara-  
20 graph (A), by striking “Assistant Secretary for  
21 Grants and Planning” and inserting “Assistant Ad-  
22 ministrator of the Grant Programs Directorate of  
23 the Federal Emergency Management Agency”.

1 **SEC. 526. PUBLIC SAFETY BROADBAND NETWORK.**

2       The Undersecretary of the National Protection and  
3 Programs Directorate of the Department of Homeland Se-  
4 curity shall submit to the Committee on Homeland Secu-  
5 rity and the Committee on Energy and Commerce of the  
6 House of Representatives and the Committee on Home-  
7 land Security and Governmental Affairs of the Senate in-  
8 formation on the Department of Homeland Security's re-  
9 sponsibilities related to the development of the nationwide  
10 Public Safety Broadband Network authorized in section  
11 6202 of the Middle Class Tax Relief and Job Creation  
12 Act of 2012 (47 U.S.C. 1422; Public Law 112-96), in-  
13 cluding information on efforts by the Department to work  
14 with the First Responder Network Authority of the De-  
15 partment of Commerce to identify and address cyber risks  
16 that could impact the near term or long term availability  
17 and operations of such network and recommendations to  
18 mitigate such risks.

19 **SEC. 527. STATEWIDE INTEROPERABILITY COORDINATORS.**

20       (a) IN GENERAL.—Paragraph (2) of section 2004(b)  
21 of the Homeland Security Act of 2002 (6 U.S.C. 605(b))  
22 is amended by—

23               (1) redesignating subparagraphs (B) and (C) as  
24               subparagraphs (C) and (D), respectively; and

25               (2) inserting after subparagraph (A) the fol-  
26               lowing new subparagraph:

1           “(B)(i) certification that the Governor of  
2 the State has designated a Statewide Interoper-  
3 ability Coordinator, including identification in  
4 such certification of the individual so des-  
5 igned, who shall be responsible for—

6           “(I) coordinating the daily operations  
7 of the State’s interoperability efforts;

8           “(II) coordinating State interoper-  
9 ability and communications projects and  
10 grant applications for such projects;

11           “(III) establishing and maintaining  
12 working groups to develop and implement  
13 key interoperability initiatives; and

14           “(IV) coordinating and updating, as  
15 necessary, a Statewide Communications  
16 Interoperability Plan that specifies the cur-  
17 rent status of State efforts to enhance  
18 communications interoperability within the  
19 State, including progress, modifications, or  
20 setbacks, and future goals for communica-  
21 tions interoperability among emergency re-  
22 sponse agencies in the State; or

23           “(ii) if a Statewide Interoperability Coordi-  
24 nator has not been designated in accordance  
25 with clause (i)—

1           “(I) certification that the State is per-  
2           forming in another manner the functions  
3           described in subclauses (I) through (IV) of  
4           such clause; and

5           “(II) identification in such certifi-  
6           cation of an individual who has been des-  
7           ignated by the State as the primary point  
8           of contact for performance of such func-  
9           tions;”.

10       (b) **LIMITATION ON APPLICATION.**—The amendment  
11       made by subsection (a) shall not apply with respect to any  
12       grant for which an application was submitted under the  
13       State Homeland Security Grant Program under section  
14       2004 of the Homeland Security Act of 2002 (6 U.S.C.  
15       605) before the date of the enactment of this section.

16       **SEC. 528. COMMUNICATIONS TRAINING.**

17       The Under Secretary for Management of the Depart-  
18       ment of Homeland Security, in coordination with the ap-  
19       propriate component heads, shall develop a mechanism,  
20       consistent with the strategy required pursuant to the De-  
21       partment of Homeland Security Interoperable Commu-  
22       nications Act (Public Law 114–29), to verify that radio  
23       users within the Department receive initial and ongoing  
24       training on the use of the radio systems of such compo-  
25       nents, including interagency radio use protocols.

1    **Subtitle C—Medical Preparedness**

2    **SEC. 531. PRE-EVENT ANTHRAX VACCINATION PROGRAM**  
3                   **FOR EMERGENCY RESPONSE PROVIDERS.**

4           (a) ANTHRAX PREPAREDNESS.—

5                 (1) IN GENERAL.—Title V of the Homeland Se-  
6           curity Act of 2002 (6 U.S.C. 311 et seq.) is amend-  
7           ed by adding at the end the following new section:

8    **“SEC. 526. ANTHRAX PREPAREDNESS.**

9           “(a) PRE-EVENT ANTHRAX VACCINATION PROGRAM  
10 FOR EMERGENCY RESPONSE PROVIDERS.—For the pur-  
11 pose of domestic preparedness for and collective response  
12 to terrorism, the Secretary, in coordination with the Sec-  
13 retary of Health and Human Services, shall establish a  
14 program to provide anthrax vaccines from the strategic  
15 national stockpile under section 319F–2(a) of the Public  
16 Health Service Act (42 U.S.C. 247d–6b(a)) that will be  
17 nearing the end of their labeled dates of use at the time  
18 such vaccines are to be administered to emergency re-  
19 sponse providers who are at high risk of exposure to an-  
20 thrax and who voluntarily consent to such administration,  
21 and shall—

22                 “(1) establish any necessary logistical and  
23           tracking systems to facilitate making such vaccines  
24           so available;

1           “(2) distribute disclosures regarding associated  
2 benefits and risks to end users; and

3           “(3) conduct outreach to educate emergency re-  
4 sponse providers about the voluntary program.

5           “(b) THREAT ASSESSMENT.—The Secretary shall—

6           “(1) support homeland security-focused risk  
7 analysis and risk assessments of the threats posed  
8 by anthrax from an act of terror;

9           “(2) leverage existing and emerging homeland  
10 security intelligence capabilities and structures to  
11 enhance prevention, protection, response, and recov-  
12 ery efforts with respect to an anthrax terror attack;  
13 and

14           “(3) share information and provide tailored an-  
15 alytical support on threats posed by anthrax to  
16 State, local, and tribal authorities, as well as other  
17 national biosecurity and biodefense stakeholders.”.

18           (2) CLERICAL AMENDMENT.—The table of con-  
19 tents in section 1(b) of the Homeland Security Act  
20 of 2002 is amended by inserting at the end of the  
21 items relating to title V the following new item:

“Sec. 526. Anthrax preparedness.”.

22           (b) PILOT PROGRAM.—

23           (1) IN GENERAL.—In carrying out the pre-  
24 event vaccination program authorized in subsection

25           (a) of section 526 of the Homeland Security Act of

1 2002, as added by subsection (a) of this section, the  
2 Secretary of Homeland Security, in coordination  
3 with the Secretary of Health and Human Services,  
4 shall carry out a pilot program to provide anthrax  
5 vaccines to emergency response providers as so au-  
6 thorized. The duration of the pilot program shall be  
7 24 months from the date the initial vaccines are ad-  
8 ministered to participants.

9 (2) PRELIMINARY REQUIREMENTS.—Prior to  
10 implementing the pilot program under paragraph  
11 (1), the Secretary of Homeland Security shall—

12 (A) establish a communication platform for  
13 such pilot program;

14 (B) establish education and training mod-  
15 ules for such pilot program;

16 (C) conduct economic analysis of such pilot  
17 program; and

18 (D) create a logistical platform for the an-  
19 thrax vaccine request process under such pilot  
20 program.

21 (3) LOCATION.—In carrying out the pilot pro-  
22 gram under paragraph (1), the Secretary of Home-  
23 land Security shall select emergency response pro-  
24 viders based in at least two States for participation  
25 in such pilot program.



1           (4) DISTRIBUTION OF INFORMATION.—The  
2 Secretary of Homeland Security shall provide to  
3 each emergency response provider who participates  
4 in the pilot program under paragraph (1) disclosures  
5 and educational materials regarding the associated  
6 benefits and risks of any vaccine provided under  
7 such pilot program and of exposure to anthrax.

8           (5) REPORT.—Not later than one year after the  
9 date of the enactment of this Act and annually  
10 thereafter until one year after the completion of the  
11 pilot program under paragraph (1), the Secretary of  
12 Homeland Security shall submit to the Committee  
13 on Homeland Security and the Committee on En-  
14 ergy and Commerce of the House of Representatives  
15 and the Committee on Homeland Security and Gov-  
16 ernmental Affairs of the Senate a report on the  
17 progress and results of such pilot program, including  
18 the percentage of eligible emergency response pro-  
19 viders, as determined by each pilot location, that vol-  
20 unteer to participate, the degree to which partici-  
21 pants obtain necessary vaccinations, as appropriate,  
22 and recommendations to improve initial and recur-  
23 rent participation in such pilot program. Each such  
24 report shall include a discussion of plans to continue  
25 such pilot program to provide vaccines to emergency

1 response providers under subsection (a) of section  
2 526 of the Homeland Security Act of 2002, as  
3 added by subsection (a) of this section.

4 (6) DEADLINE FOR IMPLEMENTATION.—The  
5 Secretary of Homeland Security shall begin imple-  
6 menting the pilot program under paragraph (1) by  
7 not later than the date that is one year after the  
8 date of the enactment of this Act.

9 **SEC. 532. CHIEF MEDICAL OFFICER.**

10 (a) IN GENERAL.—Subsection (c) of section 516 of  
11 the Homeland Security Act of 2002 (6 U.S.C. 321e) is  
12 amended—

13 (1) in the matter preceding paragraph (1), by  
14 inserting “and shall establish medical and human,  
15 animal, and occupational health exposure policy,  
16 guidance, strategies, and initiatives,” before “includ-  
17 ing—”;

18 (2) in paragraph (1), by inserting before the  
19 semicolon at the end the following: “, including ad-  
20 vice on how to prepare for, protect against, respond  
21 to, recover from, and mitigate against the medical  
22 effects of terrorist attacks or other high consequence  
23 events utilizing chemical, biological, radiological, or  
24 nuclear agents or explosives”;

1           (3) in paragraph (2), by inserting before the  
2           semicolon at the end the following: “, including co-  
3           ordinating the Department’s policy, strategy and  
4           preparedness for pandemics and emerging infectious  
5           diseases”;

6           (4) in paragraph (5), by inserting “emergency  
7           medical services and medical first responder stake-  
8           holders,” after “the medical community”;

9           (5) in paragraph (6), by striking “and” at the  
10          end; and

11          (6) by adding after paragraph (7) the following  
12          new paragraphs:

13                 “(8) ensuring that the workforce of the Depart-  
14                 ment has evidence-based policy, standards, require-  
15                 ments, and metrics for occupational health and oper-  
16                 ational medicine programs;

17                 “(9) directing and maintaining a coordinated  
18                 system for medical support for the Department’s  
19                 operational activities;

20                 “(10) providing oversight of the Department’s  
21                 medical programs and providers, including—

22                         “(A) reviewing and maintaining  
23                         verification of the accreditation of the Depart-  
24                         ment’s health provider workforce;

1           “(B) developing quality assurance and clin-  
2           ical policy, requirements, standards, and  
3           metrics for all medical and health activities of  
4           the Department;

5           “(C) providing oversight of medical records  
6           systems for employees and individuals in the  
7           Department’s care and custody; and

8           “(D) providing medical direction for emer-  
9           gency medical services activities of the Depart-  
10          ment; and

11          “(11) as established under section 527, main-  
12          taining a medical countermeasures stockpile and dis-  
13          pensing system, as necessary, to facilitate personnel  
14          readiness, and protection for working animals, em-  
15          ployees, and individuals in the Department’s care  
16          and custody in the event of a chemical, biological,  
17          radiological, nuclear, or explosives attack, naturally  
18          occurring disease outbreak, or pandemic.”.

19          (b) MEDICAL LIAISONS.—The Chief Medical Officer  
20          of the Department of Homeland Security may provide  
21          medical liaisons to the components of the Department to  
22          provide subject matter expertise on medical and public  
23          health issues and a direct link to the Chief Medical Offi-  
24          cer. Such expertise may include the following:

1           (1) Providing guidance on health and medical  
2           aspects of policy, planning, operations, and work-  
3           force health protection.

4           (2) Identifying and resolving component med-  
5           ical issues.

6           (3) Supporting the development and alignment  
7           of medical and health systems.

8           (4) Identifying common gaps in medical and  
9           health standards, policy, and guidance, and enter-  
10          prise solutions to bridge such gaps.

11 **SEC. 533. MEDICAL COUNTERMEASURES PROGRAM.**

12          (a) IN GENERAL.—Title V of the Homeland Security  
13 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
14 531 of this title, is further amended by adding at the end  
15 the following new section:

16 **“SEC. 527. MEDICAL COUNTERMEASURES.**

17          “(a) IN GENERAL.—The Secretary shall establish a  
18 medical countermeasures program to facilitate personnel  
19 readiness, and protection for working animals, employees,  
20 and individuals in the Department’s care and custody, in  
21 the event of a chemical, biological, radiological, nuclear,  
22 or explosives attack, naturally occurring disease outbreak,  
23 or pandemic, and to support Department mission con-  
24 tinuity.

1       “(b) OVERSIGHT.—The Chief Medical Officer, estab-  
2 lished under section 516, shall provide programmatic over-  
3 sight of the medical countermeasures program established  
4 pursuant to subsection (a), and shall—

5           “(1) develop Department-wide standards for  
6 medical countermeasure storage, security, dis-  
7 pensing, and documentation;

8           “(2) maintain a stockpile of medical counter-  
9 measures, including antibiotics, antivirals, and radio-  
10 logical countermeasures, as appropriate;

11          “(3) preposition appropriate medical counter-  
12 measures in strategic locations nationwide, based on  
13 threat and employee density, in accordance with ap-  
14 plicable Federal statutes and regulations;

15          “(4) provide oversight and guidance on dis-  
16 pensing of stockpiled medical countermeasures;

17          “(5) ensure rapid deployment and dispensing of  
18 medical countermeasures in a chemical, biological,  
19 radiological, nuclear, or explosives attack, naturally  
20 occurring disease outbreak, or pandemic;

21          “(6) provide training to Department employees  
22 on medical countermeasure dispensing; and

23          “(7) support dispensing exercises.

24       “(c) MEDICAL COUNTERMEASURES WORKING  
25 GROUP.—The Chief Medical Officer shall establish a med-

1 ical countermeasures working group comprised of rep-  
2 resentatives from appropriate components and offices of  
3 the Department to ensure that medical countermeasures  
4 standards are maintained and guidance is consistent.

5 “(d) MEDICAL COUNTERMEASURES MANAGE-  
6 MENT.—Not later than 180 days after the date of the en-  
7 actment of this section, the Chief Medical Officer shall de-  
8 velop and submit to the Secretary an integrated logistics  
9 support plan for medical countermeasures, including—

10 “(1) a methodology for determining the ideal  
11 types and quantities of medical countermeasures to  
12 stockpile and how frequently such methodology shall  
13 be reevaluated;

14 “(2) a replenishment plan; and

15 “(3) inventory tracking, reporting, and rec-  
16 onciliation procedures for existing stockpiles and  
17 new medical countermeasure purchases.

18 “(e) STOCKPILE ELEMENTS.—In determining the  
19 types and quantities of medical countermeasures to stock-  
20 pile under subsection (d), the Chief Medical Officer shall  
21 utilize, if available—

22 “(1) Department chemical, biological, radio-  
23 logical, and nuclear risk assessments; and

24 “(2) Centers for Disease Control and Preven-  
25 tion guidance on medical countermeasures.

1       “(f) REPORT.—No later than 180 days after the date  
2 of the enactment of this section, the Chief Medical Officer  
3 shall report to the Committee on Homeland Security of  
4 the House of Representatives and the Committee on  
5 Homeland Security and Governmental Affairs of the Sen-  
6 ate on progress in achieving the requirements of this sec-  
7 tion.”.

8       (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002, as  
10 amended by section 531 of this title, is further amended  
11 by inserting at the end of the items relating to title V  
12 the following new item:

“Sec. 527. Medical countermeasures.”.

## 13                   **Subtitle D—Management**

### 14   **SEC. 541. MISSION SUPPORT.**

15       (a) ESTABLISHMENT.—The Administrator of the  
16 Federal Emergency Management Agency shall designate  
17 an individual to serve as the chief management official and  
18 principal advisor to the Administrator on matters related  
19 to the management of the Federal Emergency Manage-  
20 ment Agency, including management integration in sup-  
21 port of emergency management operations and programs.

22       (b) MISSION AND RESPONSIBILITIES.—The Adminis-  
23 trator of the Federal Emergency Management Agency,  
24 acting through the official designated pursuant to sub-  
25 section (a), shall be responsible for the management and



1 administration of the Federal Emergency Management  
2 Agency, including with respect to the following:

3 (1) Procurement.

4 (2) Human resources and personnel.

5 (3) Information technology and communications  
6 systems.

7 (4) Real property investment and planning, fa-  
8 cilities, accountable personal property (including  
9 fleet and other material resources), records and dis-  
10 closure, privacy, safety and health, and sustain-  
11 ability and environmental management.

12 (5) Security for personnel, information tech-  
13 nology and communications systems, facilities, prop-  
14 erty, equipment, and other material resources.

15 (6) Any other management duties that the Ad-  
16 ministrator may designate.

17 (c) MOUNT WEATHER EMERGENCY OPERATIONS  
18 AND ASSOCIATED FACILITIES.—Nothing in this section  
19 shall be construed as limiting or otherwise affecting the  
20 role or responsibility of the Assistant Administrator for  
21 National Continuity with respect to the matters described  
22 in subsection (b) as they relate to the Mount Weather  
23 Emergency Operations Center and associated facilities.  
24 The management and administration of the Mount Weath-  
25 er Emergency Operations Center and associated facilities

1 remains the responsibility of the Assistant Administrator  
2 for National Continuity.

3 (d) REPORT.—Not later than 270 days after the date  
4 of the enactment of this Act, the Administrator of the  
5 Federal Emergency Management Agency shall submit to  
6 the Committee on Homeland Security and the Committee  
7 on Transportation and Infrastructure of the House of  
8 Representatives and the Committee on Homeland Security  
9 and Governmental Affairs of the Senate a report that in-  
10 cludes—

11 (1) a review of financial, human capital, infor-  
12 mation technology, real property planning, and ac-  
13 quisition management of headquarters and all re-  
14 gional offices of the Federal Emergency Manage-  
15 ment Agency; and

16 (2) a strategy for capturing financial, human  
17 capital, information technology, real property plan-  
18 ning, and acquisition data.

19 **SEC. 542. SYSTEMS MODERNIZATION.**

20 Not later than 120 days after the date of the enact-  
21 ment of this Act, the Administrator of the Federal Emer-  
22 gency Management Agency shall submit to the Committee  
23 on Homeland Security and the Committee on Transpor-  
24 tation and Infrastructure of the House of Representatives  
25 and the Committee on Homeland Security and Govern-

1 mental Affairs of the Senate a report on the Federal  
2 Emergency Management Agency’s efforts to modernize its  
3 grants and financial information technology systems, in-  
4 cluding the following:

5           (1) A summary of all previous efforts to mod-  
6 ernize such systems.

7           (2) An assessment of long term cost savings  
8 and efficiencies gained through such modernization  
9 effort.

10           (3) A capability needs assessment.

11           (4) Estimated quarterly costs.

12           (5) Estimated acquisition life cycle dates, in-  
13 cluding acquisition decision events.

14 **SEC. 543. STRATEGIC HUMAN CAPITAL PLAN.**

15           Subsection (c) of section 10102 of title 5, United  
16 States Code, is amended by striking “2007” and inserting  
17 “2016”.

18 **SEC. 544. ACTIVITIES RELATED TO CHILDREN.**

19           Paragraph (2) of section 503(b) of the Homeland Se-  
20 curity Act of 2002 (6 U.S.C. 313(b)) is amended—

21           (1) in subparagraph (G), by striking “and” at  
22 the end;

23           (2) in subparagraph (H), by striking the period  
24 at the end and inserting “; and”; and

1           (3) by adding at the end the following new sub-  
2 paragraph:

3           “(I) integrate the needs of children into  
4 the Agency’s activities to prepare for, protect  
5 against, respond to, recover from, and mitigate  
6 against natural disasters, acts of terrorism, and  
7 other man-made disasters, including by appoint-  
8 ing a technical expert to coordinate such activi-  
9 ties, as necessary.”.

10           **Subtitle E—Flood Insurance**  
11           **Claims Process Reforms**

12           **SEC. 551. CLAIMS ADJUSTMENT AND ENGINEERING RE-**  
13           **PORTS.**

14           Section 1312 of the National Flood Insurance Act of  
15 1968 (42 U.S.C. 4019) is amended by adding at the end  
16 the following new subsections:

17           “(d) FINAL ENGINEERING REPORTS.—The Adminis-  
18 trator shall require that, in the case of any on-site inspec-  
19 tion of a property by an engineer for the purpose of assess-  
20 ing any claim for losses covered by a policy for flood insur-  
21 ance coverage provided under this title, the final engineer-  
22 ing report shall be provided to the insured under the pol-  
23 icy, as follows:

24           “(1) TIMING.—The final engineering report  
25 may not be transmitted to any other person, em-

1       ployer, agency, or entity, before it is transmitted to  
2       the insured.

3               “(2) PROHIBITION ON ALTERATIONS; CERTIFI-  
4       CATION.—The final engineering report may not in-  
5       clude alterations by, or at the request of, anyone  
6       other than the responsible in charge for such report  
7       and shall include a certification, signed by the re-  
8       sponsible in charge for the report, that it does not  
9       contain any such alterations.

10              “(3) TRANSMITTAL.—The final engineering re-  
11       port shall be transmitted to the insured in a manner  
12       as the Administrator shall provide that provides rea-  
13       sonable assurance that it was transmitted directly to  
14       the insured by the responsible in charge.

15              “(4) REPORTS COVERED.—For purposes of this  
16       subsection, the term ‘final engineering report’ means  
17       an engineering report, survey, or other document in  
18       connection with such claim that—

19                      “(A) is based on such on-site inspection;

20                      “(B) contains final conclusions with re-  
21       spect to an engineering issue or issues involved  
22       in such claim; and

23                      “(C) is signed by the responsible in charge  
24       or affixed with the seal of such responsible in  
25       charge, or both.

1       “(e) CLAIMS ADJUSTMENT REPORTS.—The Adminis-  
2 trator shall require that, in the case of any on-site inspec-  
3 tion of a property by a claims adjustor for the purpose  
4 of assessing any claim for losses covered by a policy for  
5 flood insurance coverage provided under this title, any re-  
6 port shall be provided to the insured under the policy, as  
7 follows:

8           “(1) TIMING.—Such report may not be trans-  
9 mitted to any other person, employer, agency, or en-  
10 tity, before it is transmitted to the insured.

11           “(2) PROHIBITION ON ALTERATIONS; CERTIFI-  
12 CATION.—The report may not include alterations by,  
13 or at the request of, anyone other than such pre-  
14 parer and shall include a certification, signed by the  
15 preparer of the report, that it does not contain any  
16 such alterations.

17           “(3) TRANSMITTAL.—The report shall be trans-  
18 mitted to the insured in a manner as the Adminis-  
19 trator shall provide that provides reasonable assur-  
20 ance that it was transmitted directly to the insured  
21 by the preparer.

22           “(4) REPORTS COVERED.—For purposes of this  
23 subsection, the term ‘report’ means any report or  
24 document in connection with such claim that is  
25 based on such on-site inspection by the claims adjus-

1 tor, including any adjustment report and field re-  
2 port. Such term also includes any draft, preliminary  
3 version, or copy of any such report and any amend-  
4 ments or additions to any such report. Such term  
5 does not include any engineering report, as such  
6 term is defined for purposes of subsection (d).”.

7 **SEC. 552. JUDICIAL REVIEW.**

8 (a) GOVERNMENT PROGRAM WITH INDUSTRY AS-  
9 SISTANCE.—Section 1341 of the National Flood Insurance  
10 Act of 1968 (42 U.S.C. 4072) is amended by striking  
11 “within one year after the date of mailing of notice of dis-  
12 allowance or partial disallowance by the Administrator”  
13 and inserting the following: “not later than the expiration  
14 of the 2-year period beginning upon the date of the occur-  
15 rence of the losses involved in such claim or, in the case  
16 of a denial of a claim for losses that is appealed to the  
17 Administrator, not later than (1) the expiration of the 90-  
18 day period beginning upon the date of a final determina-  
19 tion upon appeal denying such claim in whole or in part,  
20 or (2) the expiration of such 2-year period, whichever is  
21 later”.

22 (b) INDUSTRY PROGRAM WITH FEDERAL FINANCIAL  
23 ASSISTANCE.—Section 1333 of the National Flood Insur-  
24 ance Act of 1968 (42 U.S.C. 4053) is amended by striking  
25 “within one year after the date of mailing of notice of dis-

1 allowance or partial disallowance of the claim” and insert-  
2 ing the following: “not later than the expiration of the 2-  
3 year period beginning upon the date of the occurrence of  
4 the losses involved in such claim or, in the case of a denial  
5 of a claim for losses that is appealed to the Administrator,  
6 not later than (1) the expiration of the 90-day period be-  
7 ginning upon the date of a final determination upon ap-  
8 peal denying such claim in whole or in part, or (2) the  
9 expiration of such 2-year period, whichever is later”.

10 **TITLE VI—CYBERSECURITY AND**  
11 **INFRASTRUCTURE PROTEC-**  
12 **TION AGENCY**

13 **SEC. 601. CYBERSECURITY AND INFRASTRUCTURE PRO-**  
14 **TECTION AGENCY.**

15 (a) IN GENERAL.—The Homeland Security Act of  
16 2002 is amended by adding at the end the following new  
17 title:

18 **“TITLE XXII—CYBERSECURITY**  
19 **AND INFRASTRUCTURE PRO-**  
20 **TECTION AGENCY**

21 **“Subtitle A—Cybersecurity and**  
22 **Infrastructure Protection**

23 **“SEC. 2201. DEFINITIONS.**

24 “In this subtitle—



1           “(1) CRITICAL INFRASTRUCTURE INCIDENT.—  
2           The term ‘critical infrastructure incident’ means an  
3           occurrence that actually or immediately jeopardizes,  
4           without lawful authority, the integrity, confiden-  
5           tially, or availability of critical infrastructure.

6           “(2) CRITICAL INFRASTRUCTURE INFORMA-  
7           TION.—The term ‘critical infrastructure information’  
8           has the meaning given such term in section 2215.

9           “(3) CRITICAL INFRASTRUCTURE RISK.—The  
10          term ‘critical infrastructure risk’ means threats to  
11          and vulnerabilities of critical infrastructure and any  
12          related consequences caused by or resulting from un-  
13          authorized access, use, disclosure, degradation, dis-  
14          ruption, modification, or destruction of such critical  
15          infrastructure, including such related consequences  
16          caused by an act of terrorism.

17          “(4) CYBERSECURITY RISK.—The term ‘cyber-  
18          security risk’ has the meaning given such term in  
19          section 2209.

20          “(5) CYBERSECURITY THREAT.—The term ‘cy-  
21          bersecurity threat’ has the meaning given such term  
22          in paragraph (5) of section 102 of the Cybersecurity  
23          Information Sharing Act of 2015 (contained in divi-  
24          sion N of the Consolidated Appropriations Act, 2016  
25          (Public Law 114–113; 6 U.S.C. 1501)).

1           “(6) FEDERAL ENTITY.—The term ‘Federal en-  
2           tity’ has the meaning given such term in paragraph  
3           (8) of section 102 of the Cybersecurity Information  
4           Sharing Act of 2015 (contained in division N of the  
5           Consolidated Appropriations Act, 2016 (Public Law  
6           114–113; 6 U.S.C. 1501)).

7           “(7) NON-FEDERAL ENTITY.—The term ‘non-  
8           Federal entity’ has the meaning given such term in  
9           paragraph (14) of section 102 of the Cybersecurity  
10          Information Sharing Act of 2015 (contained in divi-  
11          sion N of the Consolidated Appropriations Act, 2016  
12          (Public Law 114–113; 6 U.S.C. 1501)).

13          “(8) SHARING.—The term ‘sharing’ has the  
14          meaning given such term in section 2209.

15   **“SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE PRO-**  
16                           **TECTION AGENCY.**

17          “(a) REDESIGNATION.—

18               “(1) IN GENERAL.—The National Protection  
19               and Programs Directorate of the Department shall,  
20               on and after the date of the enactment of this sub-  
21               title, be known as the ‘Cybersecurity and Infrastruc-  
22               ture Protection Agency’ (in this subtitle referred to  
23               as the ‘Agency’).

24               “(2) REFERENCES.—Any reference to the Na-  
25               tional Protection and Programs Directorate of the

1 Department in any law, regulation, map, document,  
2 record, or other paper of the United States shall be  
3 deemed to be a reference to the Cybersecurity and  
4 Infrastructure Protection Agency of the Department.

5 “(b) MISSION.—The mission of the Agency shall be  
6 to lead national efforts to protect and enhance the security  
7 and resilience of the cyber and critical infrastructure of  
8 the United States.

9 “(c) DIRECTOR.—

10 “(1) IN GENERAL.—The Agency shall be head-  
11 ed by a Director of National Cybersecurity (in this  
12 subtitle referred to as the ‘Director’).

13 “(2) REFERENCE.—Any reference to an Under  
14 Secretary responsible for overseeing critical infra-  
15 structure protection, cybersecurity, and any other re-  
16 lated program of the Department as described in  
17 section 103(a)(1)(H) as in effect on the day before  
18 the date of the enactment of this subtitle in any law,  
19 regulation, map, document, record, or other paper of  
20 the United States shall be deemed to be a reference  
21 to the Director of National Cybersecurity of the De-  
22 partment.

23 “(d) RESPONSIBILITIES.—The Director shall—

1           “(1) lead cybersecurity and critical infrastruc-  
2           ture protection policy and operations for the Depart-  
3           ment;

4           “(2) serve as the primary representative of the  
5           Department for coordinating with Federal entities,  
6           non-Federal entities, and international partners the  
7           cybersecurity and critical infrastructure protection  
8           policy and operations referred to in paragraph (1);

9           “(3) facilitate a national effort to strengthen  
10          and maintain secure, functioning, and resilient crit-  
11          ical infrastructure from threats;

12          “(4) maintain and utilize mechanisms, includ-  
13          ing a coordinating body for the regular and ongoing  
14          consultation and collaboration among the Agency’s  
15          Divisions to further operation coordination, inte-  
16          grated situational awareness, and improved integra-  
17          tion across the Agency;

18          “(5) develop, coordinate, and implement—

19                 “(A) comprehensive strategic plans for cy-  
20                 bersecurity and critical infrastructure protec-  
21                 tion; and

22                 “(B) risk assessments for the Department,  
23                 in accordance with subsection (f);

24          “(6) carry out emergency communications re-  
25          sponsibilities, in accordance with title XVIII;

1           “(7) carry out the authorities designated to the  
2 Secretary under section 1315 of title 40 United  
3 States Code; and

4           “(8) carry out such other duties and powers  
5 prescribed by law or delegated by the Secretary.

6           “(e) RISK ASSESSMENTS.—

7           “(1) NATIONAL RISK ASSESSMENTS.—The Di-  
8 rector, in coordination with the heads of relevant  
9 components of the Department and other appro-  
10 priate Federal entities, shall develop, coordinate, and  
11 update periodically (not less often than once every  
12 two years) a national risk assessment of—

13                   “(A) cybersecurity risks; and

14                   “(B) critical infrastructure risks.

15           “(2) INTEGRATED NATIONAL RISK ASSESS-  
16 MENTS.—The Director shall develop, coordinate, and  
17 update periodically (not less often than once every  
18 two years) an integrated national risk assessment  
19 that assesses all of the cybersecurity risks and crit-  
20 ical infrastructure risks referred to in paragraph (1)  
21 and compares each such risk and incident against  
22 one another according to their relative risk, includ-  
23 ing cascading effects between each such risk.

24           “(3) INCLUSION IN ASSESSMENTS.—Each na-  
25 tional risk assessment required under paragraph (1)

1 and integrated national risk assessment required  
2 under paragraph (2) shall include—

3 “(A) a description of the data and method-  
4 ology used for each such assessment; and

5 “(B) if applicable, actions or counter-  
6 measures recommended or taken by the Sec-  
7 retary or the head of another Federal agency to  
8 address issues identified in each such assess-  
9 ment.

10 “(4) CLASSIFICATION.—The Director shall en-  
11 sure that each national risk assessment required  
12 under paragraph (1) and integrated national risk as-  
13 sessment required under paragraph (2) has a classi-  
14 fied and unclassified version.

15 “(5) PROVISION TO CONGRESS.—The Director  
16 shall provide to the Committee on Homeland Secu-  
17 rity of the House of Representatives and the Com-  
18 mittee on Homeland Security and Governmental Af-  
19 fairs of the Senate each national risk assessment re-  
20 quired under paragraph (1) and integrated national  
21 risk assessment required under paragraph (2) not  
22 later than 30 days after the completion of each such  
23 assessment.

24 “(f) METHODOLOGY.—In developing each national  
25 risk assessment required under subsection (f)(1) and inte-

1 grated national risk assessment required under subsection  
2 (g)(2), the Director, in consultation with the heads of rel-  
3 evant Federal entities, shall—

4 “(1) assess the proposed methodology to be  
5 used for such assessments; and

6 “(2) consider the evolving threat to the United  
7 States as indicated by the intelligence community  
8 (as such term is defined in section 3(4) of the Na-  
9 tional Security Act of 1947 (50 U.S.C. 3003(4))).

10 “(g) USAGE.—The national risk assessments and in-  
11 tegrated national risk assessments required under sub-  
12 section (f) shall be used to inform and guide allocation  
13 of resources for cybersecurity and critical infrastructure  
14 protection activities of the Department.

15 “(h) INPUT AND SHARING.—The Director shall, for  
16 each national risk assessment and integrated national risk  
17 assessment required under subsection (f)—

18 “(1) seek input from relevant Federal and non-  
19 Federal entities involved in efforts to counter  
20 threats;

21 “(2) ensure that written procedures are in place  
22 to guide the development of such assessments, in-  
23 cluding for input, review, and implementation pur-  
24 poses, among relevant Federal entities;

1           “(3) share the classified versions of such assess-  
2           ments with appropriate representatives from relevant  
3           Federal and non-Federal entities with appropriate  
4           security clearances and a need for such assessments;  
5           and

6           “(4) to the maximum extent practicable, make  
7           available the unclassified versions of such assess-  
8           ments to relevant Federal and non-Federal entities  
9           for cybersecurity and critical infrastructure protec-  
10          tion.

11          “(i) COMPOSITION.—The Agency shall be composed  
12 of the following divisions:

13           “(1) The Cybersecurity Division, headed by a  
14           Principal Deputy Director.

15           “(2) The Infrastructure Protection Division,  
16           headed by a Deputy Director.

17           “(3) The Emergency Communications Division  
18           under title XVIII, headed by a Deputy Director.

19           “(4) The Federal Protective Service, headed by  
20           a Deputy Director.

21          “(j) CONTRACTING AUTHORITY.—

22           “(1) DEFINITION.—In this subsection the term  
23           ‘head of contracting activity’ means each official re-  
24           sponsible for the creation, management, and over-  
25           sight of a team of procurement professionals prop-



1 erly trained, certified, and warranted to accomplish  
2 the acquisition of products and services on behalf of  
3 the designated components, offices, and organiza-  
4 tions of the Department, and as authorized, other  
5 Federal Government entities.

6 “(2) APPLICATION.—All procurement and con-  
7 tracting activities for the Agency shall be performed  
8 in accordance with the Federal Acquisition Regula-  
9 tion, the Department of Homeland Security Acquisi-  
10 tion Policy, and other applicable laws, Federal regu-  
11 lations, and policies.

12 “(3) DELEGATED AUTHORITY.—The Secretary,  
13 acting through the Chief Procurement Officer of the  
14 Department, may delegate procurement and con-  
15 tracting authority to the Agency head of contracting  
16 activity, as appropriate, after—

17 “(A) verifying that the head of contracting  
18 activity has the training and experience to carry  
19 out the authority to be delegated;

20 “(B) validating that Agency has identified  
21 the personnel, systems, and resources to carry  
22 out the authority to be delegated; and

23 “(C) providing Congress with a notification  
24 of the delegation and attestations under para-  
25 graphs (1) and (2).

1           “(4) PERFORMANCE REVIEW.—

2                   “(A) IN GENERAL.—The Chief Procure-  
3           ment Officer shall provide input on the periodic  
4           performance review of the Agency’s head of  
5           contracting activity.

6                   “(B) RULE OF CONSTRUCTION.—None of  
7           the authorities authorized in this subsection  
8           shall prohibit the Chief Procurement Officer  
9           from retaining contracting authority for the  
10          Agency, as warranted.

11           “(5) COMPLIANCE.—The Agency shall comply  
12          with Department policy prior to obligating funds  
13          when using reimbursable work agreements or inter-  
14          agency acquisitions with other Federal agencies or  
15          Department components.

16           “(6) DEPARTMENT REVIEW.—Not later than  
17          one year after any delegation pursuant to paragraph  
18          (3), the Director shall report to Congress on the ex-  
19          ercise of procurement and contracting authority by  
20          the head of contracting activity of the Agency and  
21          the status of Agency major acquisition programs,  
22          cost, schedule, and performance.

23          “(k) STAFF.—

24                   “(1) IN GENERAL.—The Secretary shall provide  
25          the Agency with a staff of analysts having appro-

1       prate expertise and experience to assist the Agency  
2       in discharging its responsibilities under this section.

3           “(2) PRIVATE SECTOR ANALYSTS.—Analysts  
4       under this subsection may include analysts from the  
5       private sector.

6           “(3) SECURITY CLEARANCES.—Analysts under  
7       this subsection shall possess security clearances ap-  
8       propriate for their work under this section.

9           “(1) DETAIL OF PERSONNEL.—

10          “(1) IN GENERAL.—In order to assist the  
11       Agency in discharging its responsibilities under this  
12       section, personnel of the Federal agencies referred to  
13       in paragraph (2) may be detailed to the Agency for  
14       the performance of analytic functions and related  
15       duties.

16          “(2) AGENCIES SPECIFIED.—The Federal agen-  
17       cies referred to in paragraph (1) are the following:

18           “(A) The Department of State.

19           “(B) The Central Intelligence Agency.

20           “(C) The Federal Bureau of Investigation.

21           “(D) The National Security Agency.

22           “(E) The National Geospatial-Intelligence  
23       Agency.

24           “(F) The Defense Intelligence Agency.

1           “(G) Any other agency of the Federal Gov-  
2           ernment that the President considers appro-  
3           priate.

4           “(3) COOPERATIVE AGREEMENTS.—The Sec-  
5           retary and the head of the agency concerned under  
6           this subsection may enter into cooperative agree-  
7           ments for the purpose of detailing personnel under  
8           this subsection.

9           “(4) BASIS.—The detail of personnel under this  
10          subsection may be on a reimbursable or non-reim-  
11          bursable basis.

12 **“SEC. 2203. CYBERSECURITY DIVISION.**

13          “(a) ESTABLISHMENT.—

14               “(1) IN GENERAL.—There is established in the  
15          Agency a Cybersecurity Division.

16               “(2) PRINCIPAL DEPUTY DIRECTOR.—The Cy-  
17          bersecurity Division shall be headed by a Principal  
18          Deputy Director of Cybersecurity (in this subtitle re-  
19          ferred to as the ‘Principal Deputy Director’), who  
20          shall—

21                       “(A) be at the level of Assistant Secretary  
22                       within the Department; and

23                       “(B) report to the Director.

24               “(3) REFERENCE.—Any reference to the Assist-  
25          ant Secretary for Cybersecurity and Communica-

1 tions in any law, regulation, map, document, record,  
2 or other paper of the United States shall be deemed  
3 to be a reference to Principal Deputy Director of  
4 Cybersecurity.

5 “(b) FUNCTIONS.—The Cybersecurity Division  
6 shall—

7 “(1) lead the cybersecurity efforts of the Agen-  
8 cy;

9 “(2) carry out—

10 “(A) the Department’s activities related to  
11 Federal information security; and

12 “(B) the functions of the national cyberse-  
13 curity and communications integration center  
14 under section 2209;

15 “(3) coordinate cybersecurity initiatives with  
16 Federal and non-Federal entities for all activities re-  
17 lating to stakeholder outreach, engagement, and  
18 education, including engagement and coordination  
19 activities for cybersecurity initiatives carried out by  
20 the National Protection and Programs Directorate,  
21 Office of Cybersecurity and Communications Stake-  
22 holder Engagement and Cyber Infrastructure Resil-  
23 ience division as of June 1, 2015;

1           “(4) provide coordination and support to non-  
2           Federal entities to reduce cybersecurity risks, includ-  
3           ing through voluntary partnerships;

4           “(5) conduct network and malicious code anal-  
5           ysis for known and unknown cybersecurity threats;  
6           and

7           “(6) in coordination with the Director, carry  
8           out the consultation, coordination, and collaboration  
9           required under subsection (d)(4) of section 2202.

10          “(c) ADDITIONAL FUNCTIONS.—In addition to the  
11          responsibilities specified in subsection (b), the Principal  
12          Deputy Director shall also—

13               “(1) under section 201, carry out paragraphs  
14               (1), (3), (4), (5), (6), (8), (10), (11), (13), (14), and  
15               (22) of subsection (d) of such section;

16               “(2) carry out comprehensive assessments of  
17               the cybersecurity risks to critical infrastructure, includ-  
18               ing the performance of risk assessments to de-  
19               termine the risks posed by particular types of ter-  
20               rorist attacks within the United States (including an  
21               assessment of the probability of success of such at-  
22               tacks and the feasibility and potential efficacy of  
23               various countermeasures to such attacks);

24               “(3) recommend cybersecurity measures nec-  
25               essary to protect critical infrastructure in coordina-

1 tion with other Federal entities and in cooperation  
2 with non-Federal entities; and

3 “(4) ensure that any material received pursuant  
4 to this title is protected from unauthorized disclo-  
5 sure and handled and used only for the performance  
6 of official duties.

7 **“SEC. 2204. INFRASTRUCTURE PROTECTION DIVISION.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—There is established in the  
10 Agency an Infrastructure Protection Division.

11 “(2) DEPUTY DIRECTOR.—The Infrastructure  
12 Protection Division shall be headed by a Deputy Di-  
13 rector of Infrastructure Protection (in this section  
14 referred to as the ‘Deputy Director’), who shall re-  
15 port to the Director.

16 “(3) REFERENCE.—Any reference to the Assist-  
17 ant Secretary for Infrastructure Protection in any  
18 law, regulation, map, document, record, or other  
19 paper of the United States shall be deemed to be a  
20 reference to Deputy Director of Infrastructure Pro-  
21 tection.

22 “(b) FUNCTIONS.—The Infrastructure Protection Di-  
23 vision shall—

24 “(1) lead the critical infrastructure protection  
25 efforts of the Agency;

1           “(2) gather and manage critical infrastructure  
2 information and ensure that such information is  
3 available to the leadership of the Department and  
4 critical infrastructure owners and operators;

5           “(3) lead the efforts of the Department to se-  
6 cure the United States high-risk chemical facilities,  
7 including the Chemical Facilities Anti-Terrorism  
8 Standards established under title XXI;

9           “(4) provide coordination and support to non-  
10 Federal entities to reduce risk to critical infrastruc-  
11 ture from terrorist attack or natural disaster, includ-  
12 ing through voluntary partnerships;

13           “(5) operate stakeholder engagement mecha-  
14 nisms for appropriate critical infrastructure sectors,  
15 except that such mechanisms may not duplicate any  
16 engagement and coordination activities for cyberse-  
17 curity initiatives carried out by the National Protec-  
18 tion and Programs Directorate, Office of Cybersecu-  
19 rity and Communications Stakeholder Engagement  
20 and Cyber Infrastructure Resilience division as of  
21 June 1, 2015;

22           “(6) administer the Coordinating Center estab-  
23 lished under subsection (d);



1           “(7) in coordination with the Director, carry  
2 out the consultation and collaboration required  
3 under subsection (d)(4) of section 2202; and

4           “(8) carry out such other duties and powers as  
5 prescribed by the Director.

6           “(c) ADDITIONAL FUNCTIONS.—In addition to the  
7 responsibilities specified in subsection (b), the Deputy Di-  
8 rector shall also—

9           “(1) under section 201, carry out paragraphs  
10 (1), (3), (4), (5), (6), (8), (10), (11), (13), (14), and  
11 (22) subsection (d) of such section;

12           “(2) carry out comprehensive assessments of  
13 the vulnerabilities of critical infrastructure, including  
14 the performance of risk assessments to determine  
15 the risks posed by particular types of terrorist at-  
16 tacks within the United States (including an assess-  
17 ment of the probability of success of such attacks  
18 and the feasibility and potential efficacy of various  
19 countermeasures to such attacks);

20           “(3) recommend measures necessary to protect  
21 critical infrastructure in coordination with other  
22 Federal entities and in cooperation with non-Federal  
23 entities; and

24           “(4) ensure that any material received pursuant  
25 to this title is protected from unauthorized disclo-

1       sure and handled and used only for the performance  
2       of official duties.

3       “(d) COORDINATING CENTER.—There shall be within  
4 the Infrastructure Protection Division a National Infra-  
5 structure Coordinating Center which shall be headed by  
6 an Assistant Director and be co-located with the national  
7 cybersecurity communications and integrated center estab-  
8 lished under section 2209. The National Infrastructure  
9 Coordinating Center shall—

10           “(1) collect, maintain, and share critical infra-  
11       structure information;

12           “(2) evaluate critical infrastructure information  
13       for accuracy, importance, and implications;

14           “(3) provide recommendations to non-Federal  
15       entities and Department leadership;

16           “(4) advise the Secretary and the Director re-  
17       garding actions required before and after a critical  
18       infrastructure incident; and

19           “(5) carry out such other duties and powers as  
20       prescribed by the Director.”.

21       (b) TREATMENT OF CERTAIN POSITIONS.—

22           (1) UNDER SECRETARY.—The individual serv-  
23       ing as the Under Secretary appointed pursuant to  
24       section 103(a)(1)(H) of the Homeland Security Act  
25       of 2002 (6 U.S.C. 113(a)(1)) of the Department of

1 Homeland Security on the day before the date of the  
2 enactment of this Act may continue to serve as the  
3 Director of the Cybersecurity and Infrastructure  
4 Protection Agency of the Department on and after  
5 such date.

6 (2) DIRECTOR FOR EMERGENCY COMMUNICA-  
7 TIONS.—The individual serving as the Director for  
8 Emergency Communications of the Department of  
9 Homeland Security on the day before the date of the  
10 enactment of this Act may continue to serve as the  
11 Deputy Director of Emergency Communications of  
12 the Department on and after such date.

13 (3) ASSISTANT SECRETARY FOR CYBERSECUR-  
14 RITY AND COMMUNICATIONS.—The individual serv-  
15 ing as the Assistant Secretary for Cybersecurity and  
16 Communications on the day before the date of the  
17 enactment of this Act may continue to serve as the  
18 Principal Deputy Director of Cybersecurity.

19 (4) ASSISTANT SECRETARY FOR INFRASTRUC-  
20 TURE PROTECTION.—The individual serving as the  
21 Assistant Secretary for Infrastructure Protection on  
22 the day before the date of the enactment of this Act  
23 may continue to serve as the Deputy Director of In-  
24 frastructure Protection.

1           (c) OPERATIONAL COORDINATION.—The Director of  
2 the Cybersecurity and Infrastructure Protection Agency of  
3 the Department of Homeland Security shall provide, in ac-  
4 cordance with the deadlines specified in paragraphs (1)  
5 and (2), to the Committee on Homeland Security of the  
6 House and the Committee on Homeland Security and Gov-  
7 ernmental Affairs of the Senate information on the fol-  
8 lowing:

9           (1) Not later than 90 days after the date of the  
10 enactment of this Act, the Agency’s mechanisms for  
11 regular consultation and collaboration, including in-  
12 formation on composition (including leadership  
13 structure), authorities, frequency of meetings, and  
14 visibility within the Agency.

15           (2) Not later than one year after the date of  
16 the enactment of this Act, the activities of the Agen-  
17 cy’s consultation and collaboration mechanisms and  
18 how such mechanisms have impacted operational co-  
19 ordination, situational awareness, and integration  
20 across the Agency.

21           (d) CONFORMING AMENDMENTS.—The Homeland  
22 Security Act of 2002 is amended—

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

24                   (A) in paragraph (1), by amending sub-  
25 paragraphs (H) and (I) to read as follows:

1           “(H) A Director of the Cybersecurity and In-  
2           frastructure Protection Agency.

3           “(I) The Administrator of the Transportation  
4           Security Administration.”; and

5           (B) by amending paragraph (2) to read as  
6           follows:

7           “(2) OTHER ASSISTANT SECRETARIES AND OFFI-  
8           CIALS.—

9           “(A) PRESIDENTIAL APPOINTMENTS.—The De-  
10          partment shall have the following officers appointed  
11          by the President:

12                 “(i) The Principal Deputy Director of the  
13                 Cybersecurity Division under section 2203.

14                 “(ii) The Assistant Secretary of the Office  
15                 of Public Affairs.

16                 “(iii) The Assistant Secretary of the Office  
17                 of Legislative Affairs.

18           “(B) SECRETARIAL APPOINTMENTS.—The De-  
19          partment shall have the following Assistant Secre-  
20          taries appointed by the Secretary:

21                 “(i) The Assistant Secretary for Inter-  
22                 national Affairs under section 602.

23                 “(ii) The Assistant Secretary for Partner-  
24                 ship and Engagement under section 603.

1           “(C) LIMITATION ON CREATION OF POSI-  
2           TIONS.—No Assistant Secretary position may be cre-  
3           ated in addition to the positions provided for by this  
4           section unless such position is authorized by a stat-  
5           ute enacted after the date of the enactment of the  
6           Cybersecurity and Infrastructure Protection Agency  
7           Act of 2016.”;

8           (2) in title II (6 U.S.C. 121 et seq.)—

9           (A) in the title heading, by striking “**AND**  
10           **INFRASTRUCTURE PROTECTION**”;

11           (B) in the subtitle A heading, by striking  
12           “**and Infrastructure Protection; Ac-**  
13           **cess to Information**”;

14           (C) in section 201 (6 U.S.C. 121)—

15           (i) in the section heading, by striking  
16           “**AND INFRASTRUCTURE PROTEC-**  
17           **TION**”;

18           (ii) in subsection (a)—

19           (I) in the heading, by striking  
20           “**AND INFRASTRUCTURE PROTEC-**  
21           **TION**”; and

22           (II) by striking “and an Office of  
23           Infrastructure Protection”;

24           (iii) in subsection (b)—

- 1 (I) in the heading, by striking  
2 “AND ASSISTANT SECRETARY FOR IN-  
3 FRASTRUCTURE PROTECTION”; and
- 4 (II) by striking paragraph (3);
- 5 (iv) in subsection (c)—
- 6 (I) by striking “and infrastruc-  
7 ture protection”; and
- 8 (II) by striking “or the Assistant  
9 Secretary for Infrastructure Protec-  
10 tion, as appropriate”;
- 11 (v) in subsection (d)—
- 12 (I) in the heading, by striking  
13 “AND INFRASTRUCTURE PROTEC-  
14 TION”;
- 15 (II) in the matter preceding  
16 paragraph (1), by striking “and infra-  
17 structure protection”;
- 18 (III) by striking paragraphs (5)  
19 and (6) and redesignating paragraphs  
20 (7) through (25) as paragraphs (4)  
21 through (23), respectively; and
- 22 (IV) by striking paragraph (23),  
23 as so redesignated;

1 (vi) in subsection (e)(1), by striking  
2 “and the Office of Infrastructure Protec-  
3 tion”; and

4 (vii) in subsection (f)(1), by striking  
5 “and the Office of Infrastructure Protec-  
6 tion”;

7 (D) by redesignating sections 223 through  
8 230 (6 U.S.C. 143–151) as sections 2205  
9 through 2212, respectively, and inserting such  
10 redesignated sections after section 2204, as  
11 added by this title;

12 (E) by redesignating section 210E (6  
13 U.S.C. 124) as section 2213 and inserting such  
14 redesignated section after section 2212; and

15 (F) in subtitle B, by redesignating sections  
16 211 through 215 (6 U.S.C. 101 note through  
17 134) as sections 2214 through 2218, respec-  
18 tively, and inserting such redesignated sections,  
19 including the subtitle B designation (including  
20 the enumerator and heading), after section  
21 2213;

22 (3) in title XVIII (6 U.S.C. 571 et seq.)—

23 (A) in section 1801 (6 U.S.C. 571)—

24 (i) in the section heading, by striking  
25 **“OFFICE OF EMERGENCY COMMU-**



1           **NICATIONS”** and inserting **“EMERGENCY**  
2           **COMMUNICATIONS DIVISION”**;

3           (ii) in subsection (a)—

4                 (I) by striking “Office of Emer-  
5                 gency Communications” and inserting  
6                 “Emergency Communications Divi-  
7                 sion”; and

8                 (II) by adding at the end the fol-  
9                 lowing new sentence: “The Division  
10                shall be located in the Cybersecurity  
11                and Infrastructure Protection Agen-  
12                cy.”; and

13           (iii) in subsection (b)—

14                 (I) in the first sentence, by strik-  
15                 ing “Director for” and inserting  
16                 “Deputy Director of”; and

17                 (II) in the second sentence, by  
18                 striking “Assistant Secretary for Cy-  
19                 bersecurity and Communications” and  
20                 inserting “Director of the Cybersecu-  
21                 rity and Infrastructure Protection  
22                 Agency”; and

23           (III) in subsection (e)—

24                 (aa) in the matter preceding  
25                 paragraph (1), by striking “Di-

1 rector for” and inserting “Dep-  
2 uty Director of”;

3 (bb) by redesignating para-  
4 graphs (1) and (2) as paragraphs  
5 (2) and (3), respectively; and

6 (cc) by inserting before  
7 paragraph (2), as so redesign-  
8 dated, the following new para-  
9 graph:

10 “(1) with the Director of the Cybersecurity and  
11 Infrastructure Protection Agency to carry out the  
12 consultation and collaboration required under sub-  
13 section (d)(4) of section 2202;”;

14 (B) in sections 1801 through 1805 (6  
15 U.S.C. 575), by striking “Director for Emer-  
16 gency Communications” each place it appears  
17 and inserting “Deputy Director of Emergency  
18 Communications”;

19 (C) in section 1809 (6 U.S.C. 579)—

20 (i) by striking “Director for Emer-  
21 gency Communications” each place it ap-  
22 pears and inserting “Deputy Director of  
23 Emergency Communications”; and

24 (ii) by striking “Office of Emergency  
25 Communications” each place it appears

1 and inserting “Emergency Communica-  
2 tions Division”; and

3 (D) in section 1810 (6 U.S.C. 580)—

4 (i) by striking “Director” each place  
5 it appears and inserting “Deputy Direc-  
6 tor”;

7 (ii) by striking “Office of Emergency  
8 Communications” each place it appears  
9 and inserting “Emergency Communica-  
10 tions Division”; and

11 (iii) in subsection (a)(1), by striking  
12 “Director of the Office of Emergency Com-  
13 munications (referred to in this section as  
14 the ‘Director’)” and inserting “Deputy Di-  
15 rector of the Emergency Communications  
16 Division (referred to in this section as the  
17 ‘Deputy Director’)”;

18 (4) in title XXI (6 U.S.C. 621 et seq.)—

19 (A) in section 2101 (6 U.S.C. 621)—

20 (i) by redesignating paragraphs (4)  
21 through (14) as paragraphs (5) through  
22 (15), respectively;

23 (ii) by inserting after paragraph (3)  
24 the following new paragraph:

1           “(4) the term ‘Director’ means the Director of  
2 the Cybersecurity and Infrastructure Protection  
3 Agency;”;

4                   (iii) by further redesignating para-  
5 graphs (11) through (15) (as redesignated  
6 pursuant to clause (i)) as paragraphs (12)  
7 through (16); and

8                   (iv) by inserting after paragraph (10)  
9 (as redesignated pursuant to clause (i)) the  
10 following new paragraph:

11           “(11) the term ‘Secretary’ means the Secretary  
12 acting through the Director;”;

13                   (B) in paragraph (1) of section 2102(a) (6  
14 U.S.C. 622(a)), by inserting at the end the fol-  
15 lowing new sentence: “Such Programs shall be  
16 located in the Cybersecurity and Infrastructure  
17 Protection Agency.”; and

18                   (C) in paragraph (2) of section 2104(c) (6  
19 U.S.C. 624(c)), by striking “Under Secretary  
20 responsible for overseeing critical infrastructure  
21 protection, cybersecurity, and other related pro-  
22 grams of the Department appointed under sec-  
23 tion 103(a)(1)(H)” and inserting “Director of  
24 the Cybersecurity and Infrastructure Protection  
25 Agency”; and

1 (5) in title XXII, as added by this title—

2 (A) in section 2205, as so redesignated, in  
3 the matter preceding paragraph (1), by striking  
4 “Under Secretary appointed under section  
5 103(a)(1)(H)” and inserting “Director of the  
6 Cybersecurity and Infrastructure Protection  
7 Agency”;

8 (B) in section 2209, as so redesignated—

9 (i) by striking “Under Secretary ap-  
10 pointed under section 103(a)(1)(H)” each  
11 place it appears and inserting “Director of  
12 the Cybersecurity and Infrastructure Pro-  
13 tection Agency”;

14 (ii) in subsection (b), by adding at the  
15 end the following new sentences: “The  
16 Center shall be located in the Cybersecu-  
17 rity and Infrastructure Protection Agency.  
18 The head of the Center shall be an Assist-  
19 ant Director of the Center, who shall re-  
20 port to the Principal Deputy Director for  
21 Cybersecurity.”; and

22 (iii) in subsection (c), by striking “Of-  
23 fice of Emergency Communications” and  
24 inserting “Emergency Communications Di-  
25 vision”;

1 (C) in section 2210, as so redesignated—

2 (i) by striking “section 227” each  
3 place it appears and inserting “section  
4 2209”; and

5 (ii) in subsection (c), by striking  
6 “Under Secretary appointed under section  
7 103(a)(1)(H)” and inserting “Director of  
8 the Cybersecurity and Infrastructure Pro-  
9 tection Agency”;

10 (D) in section 2211, as so redesignated, by  
11 striking “section 212(5)” and inserting “section  
12 2215(5)”; and

13 (E) in section 2212, as so redesignated, in  
14 subsection (a)—

15 (i) in paragraph (3), by striking “sec-  
16 tion 228” and inserting “section 2210”;  
17 and

18 (ii) in paragraph (4), by striking “sec-  
19 tion 227” and inserting “section 2209”.

20 (e) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of the Homeland Security Act of 2002 is  
22 amended—

23 (1) by striking the item relating to section  
24 210E;

1 (2) by striking the items relating to section 211  
 2 through section 215, including the subtitle B des-  
 3 ignation (including the enumerator and heading);

4 (3) by striking the items relating to section 223  
 5 through section 230; and

6 (4) by adding at the end the following new  
 7 items:

“TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE  
 PROTECTION AGENCY

“Subtitle A—Cybersecurity and Infrastructure Protection

- “Sec. 2201. Definitions.
- “Sec. 2202. Cybersecurity and Infrastructure Protection Agency.
- “Sec. 2203. Cybersecurity Division.
- “Sec. 2204. Infrastructure Protection Division.
- “Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.
- “Sec. 2206. Net guard.
- “Sec. 2207. Cyber Security Enhancement Act of 2002.
- “Sec. 2208. Cybersecurity recruitment and retention.
- “Sec. 2209. National cybersecurity and communications integration center.
- “Sec. 2210. Cybersecurity plans.
- “Sec. 2211. Clearances.
- “Sec. 2212. Federal intrusion detection and prevention system.
- “Sec. 2213. National Asset Database.

“Subtitle B—Critical Infrastructure Information

- “Sec. 2214. Short title.
- “Sec. 2215. Definitions.
- “Sec. 2216. Designation of critical infrastructure protection program.
- “Sec. 2217. Protection of voluntarily shared critical infrastructure information.
- “Sec. 2218. No private right of action.”.

8 **SEC. 602. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC**  
 9 **IDENTITY MANAGEMENT.**

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

1 **“SEC. 708. OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.**

2       “(a) ESTABLISHMENT.—The Office of Biometric  
3 Identity Management is established within the Depart-  
4 ment.

5       “(b) DIRECTOR.—

6           “(1) IN GENERAL.—The Office of Biometric  
7 Identity Management shall be administered by the  
8 Director of the Office of Biometric Identity Manage-  
9 ment (in this section referred to as the ‘Director’)  
10 who shall report to the Under Secretary for Manage-  
11 ment, or to another official of the Department, as  
12 the Under Secretary for Management may direct.

13           “(2) QUALIFICATIONS AND DUTIES.—The Di-  
14 rector shall—

15           “(A) have significant professional manage-  
16 ment experience, as well as experience in the  
17 field of biometrics and identity management;

18           “(B) lead the Department’s biometric iden-  
19 tity services to support anti-terrorism, counter-  
20 terrorism, border security, credentialing, na-  
21 tional security, and public safety, and enable  
22 operational missions across the Department by  
23 matching, storing, sharing, and analyzing bio-  
24 metric data;

25           “(C) deliver biometric identity information  
26 and analysis capabilities to—



1                   “(i) the Department and its compo-  
2                   nents;

3                   “(ii) appropriate Federal, State, local,  
4                   territorial, and tribal agencies;

5                   “(iii) appropriate foreign govern-  
6                   ments; and

7                   “(iv) appropriate private sector enti-  
8                   ties;

9                   “(D) support the law enforcement, public  
10                  safety, national security, and homeland security  
11                  missions of other Federal, State, local, terri-  
12                  torial, and tribal agencies, as appropriate;

13                  “(E) establish and manage the operation  
14                  and maintenance of the Department’s sole bio-  
15                  metric repository;

16                  “(F) establish, manage, and operate Bio-  
17                  metric Support Centers to provide biometric  
18                  identification and verification analysis and serv-  
19                  ices to the Department, appropriate Federal,  
20                  State, local, territorial, and tribal agencies, ap-  
21                  propriate foreign governments, and appropriate  
22                  private sector entities;

23                  “(G) in collaboration with the Undersecre-  
24                  tary for Science and Technology, establish a  
25                  Department-wide research and development

1 program to support efforts in assessment, devel-  
2 opment, and exploration of biometric advance-  
3 ments and emerging technologies;

4 “(H) oversee Department-wide standards  
5 for biometric conformity, and work to make  
6 such standards Government-wide;

7 “(I) in coordination with the Department’s  
8 Office of Policy, and in consultation with rel-  
9 evant component offices and headquarters of-  
10 fices, enter into data sharing agreements with  
11 appropriate Federal agencies to support immi-  
12 gration, law enforcement, national security, and  
13 public safety missions;

14 “(J) maximize interoperability with other  
15 Federal, State, local, and international biomet-  
16 ric systems, as appropriate; and

17 “(K) carry out the duties and powers pre-  
18 scribed by law or delegated by the Secretary.

19 “(c) DEPUTY DIRECTOR.—There shall be in the Of-  
20 fice of Biometric Identity Management a Deputy Director,  
21 who shall assist the Director in the management of the  
22 Office.

23 “(d) CHIEF TECHNOLOGY OFFICER.—

1           “(1) IN GENERAL.—There shall be in the Office  
2 of Biometric Identity Management a Chief Tech-  
3 nology Officer.

4           “(2) DUTIES.—The Chief Technology Officer  
5 shall—

6                   “(A) ensure compliance with policies, proc-  
7 esses, standards, guidelines, and procedures re-  
8 lated to information technology systems man-  
9 agement, enterprise architecture, and data  
10 management;

11                   “(B) provide engineering and enterprise  
12 architecture guidance and direction to the Of-  
13 fice of Biometric Identity Management; and

14                   “(C) leverage emerging biometric tech-  
15 nologies to recommend improvements to major  
16 enterprise applications, identify tools to opti-  
17 mize information technology systems perform-  
18 ance, and develop and promote joint technology  
19 solutions to improve services to enhance mission  
20 effectiveness.

21           “(e) OTHER AUTHORITIES.—

22                   “(1) IN GENERAL.—The Director may establish  
23 such other offices within the Office of Biometric  
24 Identity Management as the Director determines

1 necessary to carry out the missions, duties, func-  
2 tions, and authorities of the Office.

3 “(2) NOTIFICATION.—If the Director exercises  
4 the authority provided by paragraph (1), the Direc-  
5 tor shall notify the Committee on Homeland Secu-  
6 rity of the House of Representatives and the Com-  
7 mittee on Homeland Security and Governmental Af-  
8 fairs of the Senate not later than 30 days before ex-  
9 ercising such authority.”.

10 (b) TRANSFER LIMITATION.—The Secretary of  
11 Homeland Security may not transfer the location or re-  
12 porting structure of the Office of Biometric Identity Man-  
13 agement (established by section 708 of the Homeland Se-  
14 curity Act of 2002, as added by subsection (a) of this sec-  
15 tion) to any component of the Department of Homeland  
16 Security.

17 (c) CLERICAL AMENDMENT.—The table of contents  
18 in section 1(b) of the Homeland Security Act of 2002 is  
19 amended by adding after the item relating to section 707  
20 the following new item:

“Sec. 708. Office of Biometric Identity Management.”.

21 **SEC. 603. RULE OF CONSTRUCTION.**

22 Nothing in this title may be construed to confer new  
23 authorities to the Secretary of Homeland Security, includ-  
24 ing programmatic and regulatory authorities, outside of

1 the authorities that existed on the day before the date of  
2 the enactment of this Act.

3 **SEC. 604. PROHIBITION ON ADDITIONAL FUNDING.**

4 No additional funds are authorized to be appro-  
5 priated to carry out this title or the amendments made  
6 by this title.

7 **TITLE VII—STRENGTHENING CY-**  
8 **BERSECURITY INFORMATION**  
9 **SHARING AND COORDINA-**  
10 **TION IN OUR PORT**

11 **SEC. 701. IMPROVING CYBERSECURITY RISK ASSESSMENTS,**  
12 **INFORMATION SHARING, AND COORDINA-**  
13 **TION.**

14 The Secretary of Homeland Security shall—

15 (1) develop and implement a maritime cyberse-  
16 curity risk assessment model within 120 days after  
17 the date of the enactment of this Act, consistent  
18 with the National Institute of Standards and Tech-  
19 nology Framework for Improving Critical Infrastruc-  
20 ture Cybersecurity and any update to that document  
21 pursuant to Public Law 113–274, to evaluate cur-  
22 rent and future cybersecurity risks (as that term is  
23 defined in the second section 226 of the Homeland  
24 Security Act of 2002 (6 U.S.C. 148));

1           (2) evaluate, on a periodic basis but not less  
2 than once every two years, the effectiveness of the  
3 cybersecurity risk assessment model established  
4 under paragraph (1);

5           (3) seek to ensure participation of at least one  
6 information sharing and analysis organization (as  
7 that term is defined in section 212 of the Homeland  
8 Security Act of 2002 (6 U.S.C. 131)) representing  
9 the maritime community in the National Cybersecu-  
10 rity and Communications Integration Center, pursu-  
11 ant to subsection (d)(1)(B) of the second section  
12 226 of the Homeland Security Act of 2002 (6  
13 U.S.C. 148);

14           (4) establish guidelines for voluntary reporting  
15 of maritime-related cybersecurity risks and incidents  
16 (as such terms are defined in the second section 226  
17 of the Homeland Security Act of 2002 (6 U.S.C.  
18 148)) to the Center (as that term is defined sub-  
19 section (b) of the second section 226 of the Home-  
20 land Security Act of 2002 (6 U.S.C. 148)), and  
21 other appropriate Federal agencies; and

22           (5) request the National Maritime Security Ad-  
23 visory Committee established under section 70112 of  
24 title 46, United States Code, to report and make  
25 recommendations to the Secretary on enhancing the

1 sharing of information related to cybersecurity risks  
2 and incidents between relevant Federal agencies and  
3 State, local, and tribal governments and consistent  
4 with the responsibilities of the Center (as that term  
5 is defined subsection (b) of the second section 226  
6 of the Homeland Security Act of 2002 (6 U.S.C.  
7 148)); relevant public safety and emergency response  
8 agencies; relevant law enforcement and security or-  
9 ganizations; maritime industry; port owners and op-  
10 erators; and terminal owners and operators.

11 **SEC. 702. CYBERSECURITY ENHANCEMENTS TO MARITIME**  
12 **SECURITY ACTIVITIES.**

13 The Secretary of Homeland Security, acting through  
14 the Commandant of the Coast Guard, shall direct—

15 (1) each Area Maritime Security Advisory Com-  
16 mittee established under section 70112 of title 46,  
17 United States Code, to facilitate the sharing of cy-  
18 bersecurity risks and incidents to address port-spe-  
19 cific cybersecurity risks, which may include the es-  
20 tablishment of a working group of members of Area  
21 Maritime Security Advisory Committees to address  
22 port-specific cybersecurity vulnerabilities; and

23 (2) that any area maritime security plan and  
24 facility security plan required under section 70103  
25 of title 46, United States Code approved after the

1 development of the cybersecurity risk assessment  
2 model required by paragraph (1) of section 801 in-  
3 clude a mitigation plan to prevent, manage, and re-  
4 spond to cybersecurity risks.

5 **SEC. 703. VULNERABILITY ASSESSMENTS AND SECURITY**  
6 **PLANS.**

7 Title 46, United States Code, is amended—

8 (1) in section 70102(b)(1)(C), by inserting “cy-  
9 bersecurity,” after “physical security,”; and

10 (2) in section 70103(c)(3)(C), by striking  
11 “and” after the semicolon at the end of clause (iv),  
12 by redesignating clause (v) as clause (vi), and by in-  
13 serting after clause (iv) the following:

14 “(v) prevention, management, and re-  
15 sponse to cybersecurity risks; and”.

16 **TITLE VIII—STRENGTHENING**  
17 **STATE AND LOCAL CYBER**  
18 **CRIME FIGHTING**

19 **SEC. 801. AUTHORIZATION OF THE NATIONAL COMPUTER**  
20 **FORENSICS INSTITUTE OF THE DEPARTMENT**  
21 **OF HOMELAND SECURITY.**

22 (a) **IN GENERAL.**—Subtitle C of title VIII of the  
23 Homeland Security Act of 2002 (6 U.S.C. 381 et seq.)  
24 is amended by adding at the end the following new section:



1 **“SEC. 822. NATIONAL COMPUTER FORENSICS INSTITUTE.**

2       “(a) IN GENERAL.—There is established in the De-  
3 partment a National Computer Forensics Institute (in this  
4 section referred to as the ‘Institute’), to be operated by  
5 the United States Secret Service, for the dissemination of  
6 homeland security information related to the investigation  
7 and prevention of cyber and electronic crime and related  
8 threats to educate, train, and equip State, local, tribal,  
9 and territorial law enforcement officers, prosecutors, and  
10 judges.

11       “(b) FUNCTIONS.—The functions of the Institute  
12 shall include the following:

13               “(1) Educating State, local, tribal, and terri-  
14 torial law enforcement officers, prosecutors, and  
15 judges on current—

16                       “(A) cyber and electronic crimes and re-  
17 lated threats;

18                       “(B) methods for investigating cyber and  
19 electronic crime and related threats and con-  
20 ducting computer and mobile device forensic ex-  
21 aminations; and

22                       “(C) prosecutorial and judicial challenges  
23 related to cyber and electronic crime and re-  
24 lated threats, and computer and mobile device  
25 forensic examinations.

1           “(2) Training State, local, tribal, and territorial  
2 law enforcement officers to—

3                   “(A) conduct cyber and electronic crime  
4 and related threat investigations;

5                   “(B) conduct computer and mobile device  
6 forensic examinations; and

7                   “(C) respond to network intrusion inci-  
8 dents.

9           “(3) Training State, local, tribal, and territorial  
10 law enforcement officers, prosecutors, and judges on  
11 methods to obtain, process, store, and admit digital  
12 evidence in court.

13           “(c) PRINCIPLES.—In carrying out the functions  
14 under subsection (b), the Institute shall ensure, to the ex-  
15 tent practicable, that timely, actionable, and relevant ex-  
16 pertise and homeland security information related to cyber  
17 and electronic crime and related threats is shared with  
18 State, local, tribal, and territorial law enforcement offi-  
19 cers, prosecutors, and judges.

20           “(d) EQUIPMENT.—The Institute is authorized to  
21 provide State, local, tribal, and territorial law enforcement  
22 officers, prosecutors, and judges with computer equip-  
23 ment, hardware, software, manuals, and tools necessary  
24 to conduct cyber and electronic crime and related threats

1 investigations and computer and mobile device forensic ex-  
2 aminations.

3       “(e) ELECTRONIC CRIME TASK FORCES.—The Insti-  
4 tute shall facilitate the expansion of the Secret Service’s  
5 network of Electronic Crime Task Forces through the ad-  
6 dition of task force officers of State, local, tribal, and ter-  
7 ritorial law enforcement officers, prosecutors, and judges  
8 educated and trained at the Institute, in addition to aca-  
9 demia and private sector stakeholders.

10       “(f) COORDINATION WITH FEDERAL LAW ENFORCE-  
11 MENT TRAINING CENTER.—The Institute shall seek op-  
12 portunities to coordinate with the Federal Law Enforce-  
13 ment Training Center within the Department to help en-  
14 hance, to the extent practicable, the training provided by  
15 the Center to stakeholders, including by helping to ensure  
16 that such training reflects timely, actionable, and relevant  
17 expertise in homeland security information related to  
18 cyber and electronic crime and related threats.”.

19       (b) NO ADDITIONAL FUNDING.—No additional funds  
20 are authorized to be appropriated to carry out this title  
21 and the amendment made by this title. This title and such  
22 amendment shall be carried out using amounts otherwise  
23 available for such purposes.

24       (c) CLERICAL AMENDMENT.—The table of contents  
25 of the Homeland Security Act of 2002 is amended by in-

1 serting after the item relating to section 821 the following  
 2 new item:

“Sec. 822. National Computer Forensics Institute.”.

3 **TITLE IX—DEPARTMENT OF**  
 4 **HOMELAND SECURITY CBRNE**  
 5 **DEFENSE**

6 **SEC. 901. CBRNE OFFICE.**

7 (a) IN GENERAL.—The Homeland Security Act of  
 8 2002 is amended by adding at the end the following new  
 9 title:

10 **“TITLE XXII—CBRNE OFFICE**  
 11 **“Subtitle A—Chemical, Biological,**  
 12 **Radiological, Nuclear, and Ex-**  
 13 **plosives Office**

14 **“SEC. 2201. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**  
 15 **CLEAR, AND EXPLOSIVES OFFICE.**

16 “(a) ESTABLISHMENT.—There is established in the  
 17 Department a Chemical, Biological, Radiological, Nuclear,  
 18 and Explosives Office (referred to in this title as the  
 19 ‘CBRNE Office’). The CBRNE Office shall be comprised  
 20 of the Chemical Division, the Biological Division, the Nu-  
 21 clear Division, and the Explosives Division. The CBRNE  
 22 Office may include a Health Division.

23 “(b) MISSION OF OFFICE.—The mission of the  
 24 CBRNE Office is to coordinate, strengthen, and provide

1 chemical, biological, radiological, nuclear, and explosives  
2 (CBRNE) capabilities in support of homeland security.

3 “(c) ASSISTANT SECRETARY.—The Office shall be  
4 headed by an Assistant Secretary for the Chemical, Bio-  
5 logical, Radiological, Nuclear, and Explosives Office (re-  
6 ferred to in this title as the ‘Assistant Secretary’), who  
7 shall be appointed by the President by and with the advice  
8 and consent of the Senate.

9 “(d) RESPONSIBILITIES.—The Assistant Secretary  
10 shall—

11 “(1) develop, coordinate, and maintain overall  
12 CBRNE strategy and policy for the Department;

13 “(2) develop, coordinate, and maintain for the  
14 Department periodic CBRNE risk assessments;

15 “(3) serve as the primary Department rep-  
16 resentative for coordinating CBRNE activities with  
17 other Federal departments and agencies;

18 “(4) provide oversight for the Department’s  
19 preparedness for CBRNE threats;

20 “(5) provide support for operations during  
21 CBRNE threats or incidents; and

22 “(6) carry out such other responsibilities as the  
23 Secretary determines appropriate, consistent with  
24 this title.

1       “(e) OTHER OFFICERS.—The Director of the Chem-  
2 ical Division, the Director of the Biological Division, the  
3 Director of the Nuclear Division, and the Director of the  
4 Explosives Division shall report directly to the Assistant  
5 Secretary.

6       **“SEC. 2202. COMPOSITION OF THE CBRNE OFFICE.**

7       “The Secretary shall transfer to the CBRNE Office,  
8 the functions, personnel, budget authority, and assets of  
9 the following:

10           “(1) The Office of Health Affairs as in exist-  
11       ence on the day before the date of the enactment of  
12       this title, including the Chief Medical Officer author-  
13       ized under section 516, and the National Biosurveil-  
14       lance Integration Center authorized under section  
15       316.

16           “(2) The Domestic Nuclear Detection Office  
17       authorized under title XIX, as in existence on the  
18       date before the date of the enactment of this title  
19       (and redesignated as the Nuclear Division).

20           “(3) CBRNE threat awareness and risk assess-  
21       ment activities of the Science and Technology Direc-  
22       torate.

23           “(4) The CBRNE functions of the Office of  
24       Policy and the Office of Operations Coordination.

1           “(5) The Office for Bombing Prevention of the  
2 National Protection and Programs Directorate, as in  
3 existence on the day before the date of the enact-  
4 ment of this title.

5 **“SEC. 2203. HIRING AUTHORITY.**

6           “In hiring personnel for the CBRNE Office, the Sec-  
7 retary shall have the hiring and management authorities  
8 provided in section 1101 of the Strom Thurmond National  
9 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.  
10 3104 note; Public Law 105–261), except that the term  
11 of appointments for employees under subsection (c)(1) of  
12 such section may not exceed 5 years before granting any  
13 extension under subsection (c)(2) of such section.

14 **“SEC. 2204. GRANTS, COOPERATIVE AGREEMENTS, AND**  
15 **OTHER TRANSACTIONS AND CONTRACTS.**

16           “The Assistant Secretary, in carrying out the respon-  
17 sibilities under this title, may distribute funds through  
18 grants, cooperative agreements, and other transactions  
19 and contracts.

20 **“SEC. 2205. TERRORISM RISK ASSESSMENTS.**

21           “(a) TERRORISM RISK ASSESSMENTS.—

22           “(1) IN GENERAL.—The Assistant Secretary  
23 shall, in coordination with relevant Department com-  
24 ponents and other appropriate Federal departments  
25 and agencies, develop, coordinate, and update peri-

1       odically terrorism risk assessments of chemical, bio-  
2       logical, radiological, and nuclear threats.

3           “(2) COMPARISON.—The Assistant Secretary  
4       shall develop, coordinate, and update periodically an  
5       integrated terrorism risk assessment that assesses  
6       all of the threats referred to in paragraph (1) and,  
7       as appropriate, explosives threats, and compares  
8       each such threat against one another according to  
9       their relative risk.

10          “(3) INCLUSION IN ASSESSMENT.—Each ter-  
11       rorism risk assessment under this subsection shall  
12       include a description of the methodology used for  
13       each such assessment.

14          “(4) UPDATES.—Each terrorism risk assess-  
15       ment under this subsection shall be updated not less  
16       often than once every 2 years.

17          “(5) PROVISION TO CONGRESS.—The Assistant  
18       Secretary shall provide a copy of each risk assess-  
19       ment under this subsection to the Committee on  
20       Homeland Security of the House of Representatives  
21       and the Committee on Homeland Security and Gov-  
22       ernmental Affairs of the Senate not later than 30  
23       days after completion of each such assessment.

24          “(b) METHODOLOGY.—In developing the terrorism  
25       risk assessments under subsection (a), the Assistant Sec-



1 retary, in consultation with appropriate Federal depart-  
2 ments and agencies, shall—

3 “(1) assess the proposed methodology to be  
4 used for such assessments; and

5 “(2) consider the evolving threat to the United  
6 States as indicated by the intelligence community  
7 (as such term is defined in section 3(4) of the Na-  
8 tional Security Act of 1947 (50 U.S.C. 3003(4))).

9 “(c) USAGE.—The terrorism risk assessments re-  
10 quired under subsection (a) shall be used to inform and  
11 guide allocation of resources for chemical, biological, radi-  
12 ological, and nuclear threat activities of the Department.

13 “(d) INPUT AND SHARING.—The Assistant Secretary  
14 shall, for each terrorism risk assessment under subsection  
15 (a)—

16 “(1) seek input from national stakeholders and  
17 other Federal, State, local, tribal, and territorial of-  
18 ficials involved in efforts to counter chemical, bio-  
19 logical, radiological, and nuclear threats;

20 “(2) ensure that written procedures are in place  
21 to guide the development of such assessments, in-  
22 cluding for input, review, and implementation pur-  
23 poses, among relevant Federal partners;

24 “(3) share such assessments with Federal,  
25 State, local, tribal, and territorial officials with ap-

1 appropriate security clearances and a need for the in-  
2 formation in the classified versions of such assess-  
3 ments; and

4 “(4) to the maximum extent practicable, make  
5 available an unclassified version of such assessments  
6 for Federal, State, local, tribal, and territorial offi-  
7 cials involved in prevention and preparedness for  
8 chemical, biological, radiological, and nuclear events.

9 **“SEC. 2206. CBRNE COMMUNICATIONS AND PUBLIC MES-**  
10 **SAGING.**

11 “(a) IN GENERAL.—The Secretary, in coordination  
12 with the Assistant Secretary, shall develop an overarching  
13 risk communication strategy for terrorist attacks and  
14 other high consequence events utilizing chemical, biologi-  
15 cal, radiological, or nuclear agents or explosives that pose  
16 a high risk to homeland security, and shall—

17 “(1) develop threat-specific risk communication  
18 plans, in coordination with appropriate Federal de-  
19 partments and agencies;

20 “(2) develop risk communication messages, in-  
21 cluding pre-scripted messaging to the extent prac-  
22 ticable;

23 “(3) develop clearly defined interagency proc-  
24 esses and protocols to assure coordinated risk and

1 incident communications and information sharing  
2 during incident response;

3 “(4) engage private and nongovernmental enti-  
4 ties in communications planning, as appropriate;

5 “(5) identify ways to educate and engage the  
6 public about CBRNE threats and consequences;

7 “(6) develop strategies for communicating using  
8 social and new media; and

9 “(7) provide guidance on risk and incident com-  
10 munications for CBRNE events to State, local, trib-  
11 al, and territorial governments, and other stake-  
12 holders, as appropriate.

13 “(b) COMMUNICATION DURING RESPONSE.—The  
14 Secretary shall provide appropriate timely, accurate infor-  
15 mation to the public, governmental partners, the private  
16 sector, and other appropriate stakeholders in the event of  
17 a suspected or confirmed terrorist attack or other high  
18 consequence event utilizing chemical, biological, radio-  
19 logical, or nuclear agents or explosives that pose a high  
20 risk to homeland security.

21 “(c) REPORTS.—

22 “(1) DEVELOPMENT EFFORTS.—Not later than  
23 120 days after the date of the enactment of this  
24 title, the Secretary shall submit to the Committee on  
25 Homeland Security of the House of Representatives

1 and the Committee on Homeland Security and Gov-  
2 ernmental Affairs of the Senate a report on current  
3 and future efforts of the Department to develop the  
4 communication strategy required under subsection  
5 (a).

6 “(2) FINALIZATION.—Not later than 2 years  
7 after the date the report required under paragraph  
8 (1) is submitted, the Secretary shall submit to the  
9 Committee on Homeland Security of the House of  
10 Representatives and the Committee on Homeland  
11 Security and Governmental Affairs of the Senate the  
12 communication strategy required under subsection  
13 (a).

14 **“SEC. 2207. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**  
15 **CLEAR, AND EXPLOSIVES INTELLIGENCE AND**  
16 **INFORMATION SHARING.**

17 “(a) IN GENERAL.—The Under Secretary of Intel-  
18 ligence and Analysis of the Department shall—

19 “(1) support homeland security-focused intel-  
20 ligence analysis of terrorist actors, their claims, and  
21 their plans to conduct attacks involving chemical, bi-  
22 ological, radiological, or nuclear materials or explo-  
23 sives against the United States;

1           “(2) support homeland security-focused intel-  
2           ligence analysis of global infectious diseases, public  
3           health, food, agricultural, and veterinary issues;

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

9           “(4) leverage existing and emerging homeland  
10          security intelligence capabilities and structures to  
11          enhance prevention, protection, response, and recov-  
12          ery efforts with respect to a chemical, biological, ra-  
13          diological, nuclear, or explosives attack;

14          “(5) share appropriate information regarding  
15          such threats to appropriate State, local, tribal, and  
16          territorial authorities, as well as other national bio-  
17          security and biodefense stakeholders; and

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

20          “(b) COORDINATION.—Where appropriate, the Under  
21          Secretary of Intelligence and Analysis shall coordinate  
22          with the heads of other relevant Department components,  
23          including the Assistant Secretary, members of the intel-  
24          ligence community, including the National Counter Pro-  
25          liferation Center and the National Counterterrorism Cen-

1 ter, and other Federal, State, local, tribal, and territorial  
2 authorities, including officials from high-threat areas, to  
3 enable such entities to provide recommendations on opti-  
4 mal information sharing mechanisms, including expedi-  
5 tious sharing of classified information, and on how such  
6 entities can provide information to the Department.

7 “(c) REPORT.—

8 “(1) IN GENERAL.—Not later than 1 year after  
9 the date of the enactment of this section and annu-  
10 ally thereafter for 5 years, the Secretary shall sub-  
11 mit to the Committee on Homeland Security of the  
12 House of Representatives and the Committee on  
13 Homeland Security and Governmental Affairs of the  
14 Senate a report on—

15 “(A) the intelligence and information shar-  
16 ing activities under subsections (a) and (b) and  
17 of all relevant entities within the Department to  
18 prevent, protect against, prepare for, respond  
19 to, mitigate, and recover from terrorist attacks  
20 and other high consequence events utilizing  
21 chemical, biological, radiological, or nuclear  
22 agents or explosives that pose a high risk to  
23 homeland security; and

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

1           “(2) ASSESSMENT OF IMPLEMENTATION.—

2           Each report required under paragraph (1) shall also  
3           include—

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

7                   “(B) such assessment of such progress.

8           “(d) DEFINITIONS.—In this section:

9                   “(1) INTELLIGENCE COMMUNITY.—The term  
10                  ‘intelligence community’ has the meaning given such  
11                  term in section 3(4) of the National Security Act of  
12                  1947 (50 U.S.C. 3003(4)).

13                  “(2) NATIONAL BIOSECURITY AND BIODEFENSE  
14                  STAKEHOLDERS.—The term ‘national biosecurity  
15                  and biodefense stakeholders’ means officials from  
16                  Federal, State, local, tribal, and territorial authori-  
17                  ties and individuals from the private sector who are  
18                  involved in efforts to prevent, protect against, pre-  
19                  pare for, respond to, mitigate, and recover from a  
20                  biological attack or other phenomena that may have  
21                  serious health consequences for the United States,  
22                  including infectious disease outbreaks.”.

23           (b) AFTER ACTION AND EFFICIENCIES REVIEW.—

24           Not later than 1 year after the date of the enactment of  
25           this Act, the Secretary of Homeland Security, acting

1 through the Assistant Secretary for the Chemical, Biologi-  
2 cal, Radiological, Nuclear, and Explosives Office of the  
3 Department of Homeland Security (established pursuant  
4 to section 2201 of the Homeland Security Act of 2002,  
5 as added by subsection (a) of this section), shall submit  
6 to the Committee on Homeland Security of the House of  
7 Representatives and the Committee on Homeland Security  
8 and Governmental Affairs of the Senate a report that—

9           (1) reviews the functions and responsibilities of  
10 the Chemical, Biological, Radiological, Nuclear, and  
11 Explosives Office of the Department (established  
12 pursuant to section 2201 of the Homeland Security  
13 Act of 2002, as added by subsection (a) of this sec-  
14 tion) to identify and eliminate areas of unnecessary  
15 duplication;

16           (2) provides a detailed accounting of the man-  
17 agement and administrative expenditures and activi-  
18 ties of the Office, including expenditures related to  
19 the establishment of the CBRNE Office, such as ex-  
20 penditures associated with the utilization of the Sec-  
21 retary's authority to award retention bonuses pursu-  
22 ant to Federal law;

23           (3) identifies any potential cost savings and ef-  
24 ficiencies within the CBRNE Office or its divisions;  
25 and



1           (4) identifies opportunities to enhance the effec-  
2           tiveness of the management and administration of  
3           the CBRNE Office to improve operational impact  
4           and enhance efficiencies.

5           (c) CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-  
6           CLEAR, AND EXPLOSIVES RESEARCH AND DEVELOP-  
7           MENT.—

8           (1) IN GENERAL.—The Secretary of Homeland  
9           Security shall assess the organizational structure of  
10          the management and execution of the Department of  
11          Homeland Security’s chemical, biological, radio-  
12          logical, nuclear, and explosives research and develop-  
13          ment activities, and shall develop and submit to the  
14          Committee on Homeland Security, the Committee on  
15          Science, Space, and Technology, and the Committee  
16          on Appropriations of the House of Representatives  
17          and the Committee on Homeland Security and Gov-  
18          ernmental Affairs and the Committee on Appropria-  
19          tions of the Senate at the time the President sub-  
20          mits the budget under section 1105 of title 31,  
21          United States Code, for the fiscal year that follows  
22          the issuance of the Comptroller General review re-  
23          quired pursuant to subsection (d) a proposed organi-  
24          zational structure for the management and execution

1 of such chemical, biological, radiological, nuclear,  
2 and explosives research and development activities.

3 (2) ORGANIZATIONAL JUSTIFICATION.—The  
4 Secretary of Homeland Security shall include in the  
5 assessment required under paragraph (1) a thorough  
6 justification and rationalization for the proposed or-  
7 ganizational structure for management and execu-  
8 tion of chemical, biological, radiological, nuclear, and  
9 explosives research and development activities, in-  
10 cluding the following:

11 (A) A discussion of the methodology for  
12 determining such proposed organizational struc-  
13 ture.

14 (B) A comprehensive inventory of chem-  
15 ical, biological, radiological, nuclear, and explo-  
16 sives research and development activities of the  
17 Department of Homeland Security and where  
18 each such activity will be located within or out-  
19 side such proposed organizational structure.

20 (C) Information relating to how such pro-  
21 posed organizational structure will facilitate and  
22 promote coordination and requirements genera-  
23 tion with customers.

24 (D) Information relating to how such pro-  
25 posed organizational structure will support the

1 development of chemical, biological, radiological,  
2 nuclear, and explosives research and develop-  
3 ment priorities across the Department.

4 (E) If the chemical, biological, radiological,  
5 nuclear, and explosives research and develop-  
6 ment activities of the Department are not co-lo-  
7 cated in such proposed organizational structure,  
8 a justification for such separation.

9 (F) The strategy for coordination between  
10 the Under Secretary for Science and Tech-  
11 nology and the Assistant Secretary for the  
12 Chemical, Biological, Radiological, Nuclear, and  
13 Explosives Office on chemical, biological, radio-  
14 logical, nuclear, and explosives research and de-  
15 velopment activities.

16 (G) Recommendations for necessary statu-  
17 tory changes.

18 (3) LIMITATION ON ACTION.—The Secretary of  
19 Homeland Security may not take any action to reor-  
20 ganize the structure referred to in paragraph (1) un-  
21 less the Secretary receives prior authorization from  
22 the Committee on Homeland Security and the Com-  
23 mittee on Science, Space, and Technology of the  
24 House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the  
2 Senate permitting any such action.

3 (d) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW  
4 OF CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR,  
5 AND EXPLOSIVES RESEARCH AND DEVELOPMENT ACTIVI-  
6 TIES.—

7 (1) IN GENERAL.—The Comptroller General of  
8 the United States shall conduct a review of the orga-  
9 nizational structure of the Department of Homeland  
10 Security’s management and execution of chemical,  
11 biological, radiological, nuclear, and explosives re-  
12 search and development activities.

13 (2) SCOPE.—The review required under para-  
14 graph (1) shall include the following:

15 (A) An assessment of the organizational  
16 structure for the management and execution of  
17 chemical, biological, radiological, nuclear, and  
18 explosives research and development activities  
19 of the Department of Homeland Security, in-  
20 cluding identification of any overlap or duplica-  
21 tion of effort.

22 (B) Recommendations to streamline and  
23 improve the organizational structure of the De-  
24 partment’s management and execution of chem-

1           ical, biological, radiological, nuclear, and explo-  
2           sives research and development activities.

3           (3) REPORT.—Not later than 2 years after the  
4           date of the enactment of this Act, the Comptroller  
5           General shall submit to the Committee on Homeland  
6           Security and the Committee on Science, Space, and  
7           Technology of the House of Representatives and the  
8           Committee on Homeland Security and Governmental  
9           Affairs of the Senate a report on the review required  
10          under this subsection.

11          (e) DISSEMINATION OF INFORMATION ANALYZED BY  
12          THE DEPARTMENT OF HOMELAND SECURITY TO STATE,  
13          LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPON-  
14          SIBILITIES RELATING TO HOMELAND SECURITY.—Para-  
15          graph (8) of section 201(d) of the Homeland Security Act  
16          of 2002 (6 U.S.C. 121(d)) is amended by striking “and  
17          to agencies of State” and all that follows through the pe-  
18          riod at the end and inserting “to State, local, tribal, terri-  
19          torial, and appropriate private entities with such respon-  
20          sibilities, and, as appropriate, to the public, in order to  
21          assist in preventing, protecting against, preparing for, re-  
22          sponding to, mitigating, and recovering from terrorist at-  
23          tacks against the United States.”.

24          (f) TECHNICAL AND CONFORMING AMENDMENTS.—  
25          The Homeland Security Act of 2002 is amended—

1           (1) in paragraph (2) of section 103(a) (6  
2 U.S.C. 113(a)), by striking “Assistant Secretary for  
3 Health Affairs, the Assistant Secretary for Legisla-  
4 tive Affairs, or the Assistant Secretary for Public  
5 Affairs,” and inserting “Assistant Secretary for Leg-  
6 islative Affairs or the Assistant Secretary for Public  
7 Affairs,”;

8           (2) in section 302 (6 U.S.C. 182)—

9           (A) by redesignating paragraphs (13) and  
10           (14) as paragraphs (14) and (15), respectively;  
11           and

12           (B) by inserting after paragraph (12) the  
13           following new paragraph:

14           “(13) collaborating with the Assistant Secretary  
15           for the Chemical, Biological, Radiological, Nuclear,  
16           and Explosives Office on all chemical, biological, and  
17           explosives research and development activities;”;

18           (3) in subsection (b) of section 307 (6 U.S.C.  
19           187), by adding at the end the following new para-  
20           graph:

21           “(8) CBRNE DEFENSE.—The Director shall  
22           coordinate with the Assistant Secretary for the  
23           Chemical, Biological, Radiological, Nuclear, and Ex-  
24           plosives Office on all chemical, biological, and explo-  
25           sives research and development activities.”; and

1           (4) in subsection (c) of section 516 (6 U.S.C.  
2     321e)—

3           (A) in the matter preceding paragraph (1),  
4           by inserting “, including the health impacts of  
5           chemical, biological, radiological, and nuclear  
6           agents and explosives” after “natural disas-  
7           ters”;

8           (B) by amending paragraph (2) to read as  
9           follows:

10          “(2) coordinating the Department’s policy,  
11          strategy, and preparedness for pandemics and  
12          emerging infectious diseases;” and

13          (C) in paragraph (6), by striking “Under  
14          Secretary for Science and Technology” and in-  
15          serting “Assistant Secretary for the Chemical,  
16          Biological, Radiological, Nuclear, and Explo-  
17          sives Office”.

18 **SEC. 902. CHEMICAL DIVISION.**

19          (a) IN GENERAL.—Title XXII of the Homeland Se-  
20          curity Act of 2002, as added by section 901 of this title,  
21          is amended by adding at the end the following new sub-  
22          title:

1       **“Subtitle B—Chemical Division**

2       **“SEC. 2211. CHEMICAL DIVISION.**

3           “(a) ESTABLISHMENT.—There is established in the  
4 CBRNE Office a Chemical Division, headed by a Director  
5 of the Chemical Division (in this subtitle referred to as  
6 the ‘Director’).

7           “(b) MISSION AND RESPONSIBILITIES.—The Direc-  
8 tor shall be responsible for coordinating departmental  
9 strategy and policy relating to terrorist attacks and other  
10 high-consequence events utilizing chemical agents that  
11 pose a high risk to homeland security, including the fol-  
12 lowing:

13                   “(1) Developing and maintaining the Depart-  
14 ment’s strategy against chemical threats.

15                   “(2) Serving as the Department representative  
16 for chemical threats and related activities with other  
17 Federal departments and agencies.

18                   “(3) Providing oversight of the Department’s  
19 preparedness, including operational requirements,  
20 for chemical threats.

21                   “(4) Enhancing the capabilities of Federal,  
22 State, local, tribal, and territorial governments, and  
23 private entities as appropriate, against chemical  
24 threats.



1           “(5) Evaluating and providing guidance to Fed-  
2           eral, State, local, tribal, and territorial governments,  
3           and private entities as appropriate, on detection and  
4           communication technology that could be effective in  
5           terrorist attacks and other high-consequence events  
6           utilizing chemical agents.

7           “(6) Supporting and enhancing the effective  
8           sharing and use of appropriate information gen-  
9           erated by the intelligence community (as such term  
10          is defined in section 3(4) of the National Security  
11          Act of 1947 (50 U.S.C. 3003(4))), law enforcement  
12          agencies, other Federal, State, local tribal, and terri-  
13          torial governments, and foreign governments, on  
14          chemical threats.

15 **“SEC. 2212. DEMONSTRATION PROJECTS.**

16          “(a) IN GENERAL.—The Director may, subject to the  
17          availability of appropriations for such purpose, partner  
18          with high-risk urban areas or facilities to conduct dem-  
19          onstration projects to enhance, through Federal, State,  
20          local, tribal, and territorial governments, and private enti-  
21          ties, capabilities of the United States to counter terrorist  
22          attacks and other high-consequence events utilizing chem-  
23          ical agents that pose a high risk to homeland security.

24          “(b) GOALS.—The Director may provide guidance  
25          and evaluations for all situations and venues at risk of

1 terrorist attacks and other high-consequence events uti-  
2 lizing chemical agents, such as at ports, areas of mass  
3 gathering, and transit facilities, and may—

4           “(1) ensure all high-risk situations and venues  
5           are studied; and

6           “(2) ensure key findings and best practices are  
7           made available to State, local, tribal, and territorial  
8           governments and the private sector.

9           “(c) CONGRESSIONAL NOTIFICATION.—The Director  
10 shall notify the Committee on Homeland Security of the  
11 House of Representatives and the Committee on Home-  
12 land Security and Governmental Affairs of the Senate not  
13 later than 30 days before initiating a new demonstration  
14 project.”.

15           (b) REPORT.—Not later than 1 year after the date  
16 of the enactment of this Act, the Comptroller General of  
17 the United States shall submit to the Committee on  
18 Homeland Security of the House of Representatives and  
19 the Committee on Homeland Security and Governmental  
20 Affairs of the Senate an assessment of the Department  
21 of Homeland Security’s programs and activities related to  
22 terrorist attacks and other high-consequence events uti-  
23 lizing chemical agents that pose a high risk to homeland  
24 security.

1 **SEC. 903. BIOLOGICAL DIVISION.**

2 Title XXII of the Homeland Security Act of 2002,  
3 as added by section 901 of this title and as amended by  
4 section 902 of this title, is further amended by adding at  
5 the end the following new subtitle:

6 **“Subtitle C—Biological Division**

7 **“SEC. 2221. BIOLOGICAL DIVISION.**

8 “(a) ESTABLISHMENT.—There is established in the  
9 CBRNE Office a Biological Division, headed by a Director  
10 of the Biological Division (in this subtitle referred to as  
11 the ‘Director’).

12 “(b) MISSION AND RESPONSIBILITIES.—The Office  
13 shall be responsible for coordinating departmental strat-  
14 egy and policy relating to terrorist attacks and other high-  
15 consequence events utilizing biological agents that pose a  
16 high risk to homeland security, including the following:

17 “(1) Developing and maintaining the Depart-  
18 ment’s strategy against biological threats.

19 “(2) Serving as the Department representative  
20 for biological threats and related activities with  
21 other Federal departments and agencies.

22 “(3) Providing oversight for the Department’s  
23 preparedness, including operational requirements,  
24 for biological threats.

25 “(4) Enhancing the capabilities of Federal,  
26 State, local, tribal, and territorial governments, and

1 private entities as appropriate, against biological  
2 threats.

3 “(5) Supporting and enhancing the effective  
4 sharing and use of appropriate information gen-  
5 erated by the intelligence community (as such term  
6 is defined in section 3(4) of the National Security  
7 Act of 1947 (50 U.S.C. 3003(4))), law enforcement  
8 agencies, other Federal, State, local, tribal, and ter-  
9 ritorial governments, and foreign governments, on  
10 biological threats.

11 “(6) Achieving a biological detection program.

12 “(7) Maintaining the National Biosurveillance  
13 Integration Center, authorized under section 316.”.

14 **SEC. 904. NUCLEAR DIVISION.**

15 (a) IN GENERAL.—Title XXII of the Homeland Se-  
16 curity Act of 2002, as added by section 901 of this title  
17 and as amended by sections 902 and 903 of this title, is  
18 further amended by adding at the end the following new  
19 subtitle:

20 **“Subtitle D—Nuclear Division**

21 **“SEC. 2231. NUCLEAR DIVISION.**

22 “(a) ESTABLISHMENT.—The Secretary shall include  
23 within the CBRNE Office the Nuclear Division under title  
24 XIX, headed by the Director of the Nuclear Division (in

1 this subtitle referred to as the ‘Director’) pursuant to sec-  
2 tion 1901.

3 “(b) MISSION AND RESPONSIBILITIES.—In addition  
4 to the responsibilities specified in title XIX, the Director  
5 shall also be responsible for coordinating departmental  
6 strategy and policy relating to terrorist attacks and other  
7 high-consequence events utilizing nuclear or other radio-  
8 logical materials, and for coordinating Federal efforts to  
9 detect and protect against the unauthorized importation,  
10 possession, storage, transportation, development, or use of  
11 a nuclear explosive device, fissile material, or radiological  
12 material in the United States, and to protect against an  
13 attack using such devices or materials against the people,  
14 territory, or interests of the United States, in accordance  
15 with title XIX.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
17 Title XIX of the Homeland Security Act of 2002 is  
18 amended—

19 (1) in the title heading, by striking “**DOMES-**  
20 **TIC NUCLEAR DETECTION OFFICE**” and  
21 inserting “**NUCLEAR DIVISION**”;

22 (2) in section 1901 (6 U.S.C. 591)—

23 (A) in the heading, by striking “**DOMES-**  
24 **TIC NUCLEAR DETECTION OFFICE**” and in-  
25 serting “**NUCLEAR DIVISION**”;

1 (B) in subsection (a), by striking “There  
2 shall be established in the Department a Do-  
3 mestic Nuclear Detection Office” and inserting  
4 “There is in the Department a Nuclear Divi-  
5 sion, located in the CBRNE Office”; and

6 (C) in subsection (b), by striking “Director  
7 for Domestic Nuclear Detection, who shall be  
8 appointed by the President” and inserting “Di-  
9 rector of the Nuclear Division”;

10 (3) in subsection (a) of section 1902 (6 U.S.C.  
11 592)—

12 (A) in the matter preceding paragraph  
13 (1)—

14 (i) by inserting after “responsible for”  
15 the following: “coordinating departmental  
16 strategy and policy relating to terrorist at-  
17 tacks and other high-consequence events  
18 utilizing nuclear or other radiological mate-  
19 rials, and for”; and

20 (ii) by striking “to protect” and in-  
21 serting “protecting”; and

22 (B) in paragraph (11), in the matter pre-  
23 ceeding subparagraph (A), by striking “Domestic  
24 Nuclear Detection Office” and inserting “Nu-  
25 clear Division”;

1 (4) by repealing section 1903 (6 U.S.C. 593);

2 (5) in section 1906 (6 U.S.C. 596)—

3 (A) in the matter preceding paragraph

4 (1)—

5 (i) by striking “Domestic Nuclear De-

6 tection” and inserting “the Nuclear Divi-

7 sion”; and

8 (ii) by striking “paragraphs (6) and

9 (7) of”; and

10 (B) in paragraph (2), by striking “para-

11 graphs (6) and (7) of”;

12 (6) in section 1907 (6 U.S.C. 596a)—

13 (A) by striking “Annual” each place it ap-

14 pears and inserting “Biennial”;

15 (B) by striking “each year” each place it

16 appears and inserting “every 2 years”;

17 (C) by striking “previous year” each place

18 it appears and inserting “previous 2 years”;

19 (D) in the heading of subsection (a), by

20 striking “ANNUAL” and inserting “BIENNIAL”;

21 and

22 (E) subsection (b)—

23 (i) in the heading, by striking “AN-

24 NUAL” and inserting “BIENNIAL”;

1 (ii) in paragraph (1), by inserting  
2 “odd-numbered” after “each”; and

3 (iii) in paragraph (2), by striking “an-  
4 nual” and inserting “biennial”; and

5 (7) by adding at the end the following new sec-  
6 tion:

7 **“SEC. 1908. DOMESTIC IMPLEMENTATION OF THE GLOBAL**  
8 **NUCLEAR DETECTION ARCHITECTURE.**

9 “In carrying out the mission of the Office under sub-  
10 paragraph (A) of section 1902(a)(4), the Director of the  
11 Nuclear Division shall provide support for planning, orga-  
12 nization, equipment, training, exercises, and operational  
13 assessments to Federal, State, local, tribal, and territorial  
14 governments to assist such governments in implementing  
15 radiological and nuclear detection capabilities in the event  
16 of terrorist attacks or other high-consequence events uti-  
17 lizing nuclear or other radiological materials that pose a  
18 high risk to homeland security. Such capabilities shall be  
19 integrated into the enhanced global nuclear detection ar-  
20 chitecture referred to in such section 1902(a)(4), and shall  
21 inform and be guided by architecture studies, technology  
22 needs, and research activities of the Office.”.

23 (c) REFERENCE.—Any reference in any law, regula-  
24 tion, or rule to the Domestic Nuclear Detection Office or  
25 the Director for Domestic Nuclear Detection of the De-



1 partment of Homeland Security shall be deemed to be a  
2 reference to the Nuclear Division or the Director of the  
3 Nuclear Division, respectively, of the Department.

4 **SEC. 905. EXPLOSIVES DIVISION.**

5 Title XXII of the Homeland Security Act of 2002,  
6 as added by section 1001 of this title and as amended  
7 by sections 1002, 1003, and 1004 of this title, is further  
8 amended by adding at the end the following new subtitle:

9 **“Subtitle E—Explosives Division**

10 **“SEC. 2241. EXPLOSIVES DIVISION.**

11 “(a) ESTABLISHMENT.—There is established within  
12 the CBRNE Office an Explosives Division, headed by a  
13 Director of the Explosives Division (in this subtitle re-  
14 ferred to as the ‘Director’).

15 “(b) MISSION AND RESPONSIBILITIES.—The Direc-  
16 tor shall be responsible for coordinating departmental  
17 strategy and policy relating to terrorist attacks and other  
18 high-consequence events utilizing explosives that pose a  
19 high risk to homeland security, including the following:

20 “(1) Developing and maintaining the Depart-  
21 ment’s strategy against explosives threats.

22 “(2) Serving as the Department representative  
23 for explosives threats and related activities with  
24 other Federal departments and agencies.

1           “(3) Providing oversight of the Department’s  
2 preparedness, including operational requirements,  
3 for explosives threats.

4           “(4) Enhancing the capabilities of Federal,  
5 State, local, tribal, and territorial governments, and  
6 private entities as appropriate, to counter terrorist  
7 attacks and other high-consequence events utilizing  
8 explosives.

9           “(5) Evaluating and providing guidance to Fed-  
10 eral, State, local, tribal, and territorial governments  
11 and appropriate private entities on detection and  
12 communication technology that could be effective  
13 during terrorist attacks or other high-consequence  
14 events utilizing explosives.

15           “(6) Supporting and enhancing the effective  
16 sharing and use of appropriate information gen-  
17 erated by the intelligence community (as such term  
18 is defined in section 3(4) of the National Security  
19 Act of 1947 (50 U.S.C. 3003(4))), law enforcement  
20 agencies, other Federal, State, local, tribal, and ter-  
21 ritorial government agencies, and foreign govern-  
22 ments, on explosives threats.”.

23 **SEC. 906. SAVINGS PROVISIONS.**

24           Nothing in this title shall change the authority of the  
25 Administrator of the Federal Emergency Management

1 Agency to lead the emergency management system of the  
2 United States. Nothing in this title shall alter the respon-  
3 sibility of the Chief Medical Officer of the Department of  
4 Homeland Security to serve as the principal advisor to the  
5 Secretary of Homeland Security and the Administrator of  
6 the Federal Emergency Management Agency on medical  
7 and public health issues pursuant to paragraph (1) of sec-  
8 tion 516(c) of the Homeland Security Act of 2002 (6  
9 U.S.C. 321e(c)).

10 **SEC. 907. CLERICAL AMENDMENTS.**

11 The table of contents in section 1(b) of the Homeland  
12 Security Act of 2002 is amended—

13 (1) by striking the item relating to title XIX  
14 and inserting the following new item:

“TITLE XIX—NUCLEAR DIVISION”;

15 (2) by striking the item relating to section 1901  
16 and inserting the following new item:

“Sec. 1901. Nuclear Division.”;

17 (3) by striking the item relating to section  
18 1903;

19 (4) by adding after the item relating to section  
20 1907 the following new item:

“Sec. 1908. Domestic Implementation of the global nuclear detection architec-  
ture.”;

21 and

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

“TITLE XXII—CBRNE OFFICE

“Subtitle A—Chemical, Biological, Radiological, Nuclear, and Explosives  
Office

- “Sec. 2201. Chemical, Biological, Radiological, Nuclear, and Explosives Office.  
“Sec. 2202. Composition of the CBRNE Office.  
“Sec. 2203. Hiring authority.  
“Sec. 2204. Grants, cooperative agreements, and other transactions and con-  
tracts.  
“Sec. 2205. Terrorism risk assessments.  
“Sec. 2206. CBRNE communications and public messaging.  
“Sec. 2207. Chemical, biological, radiological, nuclear, and explosives intel-  
ligence and information sharing.

“Subtitle B—Chemical Division

- “Sec. 2211. Chemical Division.  
“Sec. 2212. Demonstration projects.

“Subtitle C—Biological Division

- “Sec. 2221. Biological Division.

“Subtitle D—Nuclear Division

- “Sec. 2231. Nuclear Division.

“Subtitle E—Explosives Division

- “Sec. 2241. Explosives Division.”.

1 **TITLE X—GAINS IN GLOBAL NU-**  
2 **CLEAR DETECTION ARCHI-**  
3 **TECTURE**

4 **SEC. 1001. DUTIES OF THE DOMESTIC NUCLEAR DETEC-**  
5 **TION OFFICE.**

6 Section 1902 of the Homeland Security Act of 2002  
7 (6 U.S.C. 592) is amended—

8 (1) by redesignating subsection (b) as sub-  
9 section (c); and

10 (2) by inserting after subsection (a) the fol-  
11 lowing new subsection:

1       “(b) IMPLEMENTATION.—In carrying out paragraph  
2 (6) of subsection (a), the Director of the Domestic Nuclear  
3 Detection Office shall—

4               “(1) develop and maintain documentation, such  
5 as a technology roadmap and strategy, that—

6                       “(A) provides information on how the Of-  
7 fice’s research investments align with—

8                               “(i) gaps in the enhanced global nu-  
9 clear detection architecture, as developed  
10 pursuant to paragraph (4) of such sub-  
11 section; and

12                               “(ii) research challenges identified by  
13 the Director; and

14                       “(B) defines in detail how the Office will  
15 address such research challenges;

16               “(2) document the rationale for prioritizing and  
17 selecting research topics; and

18                       “(3) develop a systematic approach, which may  
19 include annual metrics and periodic qualitative eval-  
20 uations, for evaluating how the outcomes of the Of-  
21 fice’s individual research projects collectively con-  
22 tribute to addressing the Office’s research chal-  
23 lenges.”.

1 **TITLE XI—UNITED STATES IMMI-**  
2 **GRATION AND CUSTOMS EN-**  
3 **FORCEMENT AUTHORIZATION**

4 **SEC. 1101. ESTABLISHMENT OF UNITED STATES IMMIGRA-**  
5 **TION AND CUSTOMS ENFORCEMENT.**

6 (a) IN GENERAL.—Section 442 of the Homeland Se-  
7 curity Act of 2002 (6 U.S.C. 252) is amended to read  
8 as follows:

9 **“SEC. 442. ESTABLISHMENT OF UNITED STATES IMMIGRA-**  
10 **TION AND CUSTOMS ENFORCEMENT.**

11 “(a) ESTABLISHMENT.—There is established within  
12 the Department an agency to be known as United States  
13 Immigration and Customs Enforcement.

14 “(b) DIRECTOR OF UNITED STATES IMMIGRATION  
15 AND CUSTOMS ENFORCEMENT.—There shall be at the  
16 head of United States Immigration and Customs Enforce-  
17 ment a Director of United States Immigration and Cus-  
18 toms Enforcement (in this section referred to as the ‘Di-  
19 rector’).

20 “(c) DUTIES AND QUALIFICATIONS.—The Director  
21 shall—

22 “(1) have a minimum of five years professional  
23 experience in law enforcement, which may include  
24 law enforcement as it relates to the immigration or  
25 customs laws, as defined by titles 8, 18, 19, and 31,

1 United States Code, and a minimum of five years  
2 management experience;

3 “(2) enforce the immigration laws, as defined in  
4 title 8, United States Code, and seek the removal of  
5 aliens identified as inadmissible and deportable;

6 “(3) have the power to investigate and, where  
7 appropriate, refer for prosecution, any criminal vio-  
8 lation of Federal law relating to or involving—

9 “(A) border control and security, including  
10 the prevention of the entry or residence of ter-  
11 rorists, criminals, and human rights violators;

12 “(B) customs, trade, fraud, false state-  
13 ments, or the import or export of merchandise,  
14 including the illicit possession, movement of, or  
15 trade in goods, services, property, arms, instru-  
16 ments of terrorism, items controlled or prohib-  
17 ited from export, child exploitation, intellectual  
18 property, or monetary instruments;

19 “(C) cross-border money laundering or  
20 bulk cash smuggling;

21 “(D) the immigration laws, as defined in  
22 section 101(a)(17) of the Immigration and Na-  
23 tionality Act;

24 “(E) gangs or criminal syndicates engaged  
25 in cross-border criminal activity;

1           “(F) chapter 40 or 44 of title 18, United  
2 States Code, or other violation relating to fire-  
3 arms, explosives, or other destructive devices in-  
4 volving an alien;

5           “(G) trafficking in persons, as defined in  
6 section 7102 of title 22, United States Code;

7           “(H) the production, procurement, coun-  
8 terfeiting, alteration or use of fraudulent immi-  
9 gration documents or fraudulently obtaining im-  
10 migration benefits;

11           “(I) unlawful use of personal information,  
12 when such use relates to or affects border secu-  
13 rity, terrorism, customs, immigration, natu-  
14 ralization, trade, or transportation security; and

15           “(J) computer crimes, pursuant to section  
16 1030(d) of title 18 United States Code, in col-  
17 laboration with the United States Secret Serv-  
18 ice and the Federal Bureau of Investigation;

19           “(4) coordinate, as otherwise permitted by law,  
20 with Federal, State, local, tribal, and foreign agen-  
21 cies in carrying out the duties set forth in para-  
22 graphs (2) and (3);

23           “(5) in coordination with the Department of  
24 State and the Office of International Affairs of the  
25 Department, establish staff liaison offices and vetted



1 units in foreign countries to support law enforce-  
2 ment activities that require international coopera-  
3 tion, including investigations and repatriation ef-  
4 forts;

5 “(6) establish, maintain, and administer appro-  
6 priate interagency law enforcement centers in fur-  
7 therance of the Director’s assigned duties, including  
8 the Centers specified in subparagraphs (B) and (C)  
9 of subsection (f)(3); and

10 “(7) carry out the duties and powers prescribed  
11 by law or delegated by the Secretary.

12 “(d) GENERAL ENFORCEMENT POWERS.—The Di-  
13 rector may authorize agents and officers of United States  
14 Immigration and Customs Enforcement to—

15 “(1) carry out the duties and responsibilities  
16 authorized under section 1357 of title 8, United  
17 States Code, and section 1589a of title 19, United  
18 States Code;

19 “(2) seize any property, whether real or per-  
20 sonal, that is involved in any violation or attempted  
21 violation, or which constitutes proceeds traceable to  
22 a violation, of those provisions of law which United  
23 States Immigration and Customs Enforcement is au-  
24 thorized to enforce;

1           “(3) offer and pay rewards for services and in-  
2           formation regarding the apprehension of persons in-  
3           volved in, or the seizure and forfeiture of property  
4           associated with, the violation or attempted violation  
5           of those provisions of law which United States Im-  
6           migration and Customs Enforcement is authorized  
7           to enforce;

8           “(4) issue civil detainers for purposes of immi-  
9           gration enforcement; and

10           “(5) conduct undercover investigative oper-  
11           ations pursuant to section 1363a of title 8, United  
12           States Code, and section 2081 of title 19, United  
13           States Code.

14           “(e) DEPUTY DIRECTOR.—There shall be in United  
15           States Immigration and Customs Enforcement a Deputy  
16           Director who shall assist the Director in the management  
17           of United States Immigration and Customs Enforcement.

18           “(f) OFFICE OF HOMELAND SECURITY INVESTIGA-  
19           TIONS.—

20           “(1) IN GENERAL.—There is established in  
21           United States Immigration and Customs Enforce-  
22           ment the Office of Homeland Security Investiga-  
23           tions.

24           “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There  
25           shall be at the head of the Office of Homeland Secu-

1        rity Investigations an Executive Associate Director,  
2        who shall report to the Director.

3            “(3) DUTIES.—The Office of Homeland Secu-  
4        rity Investigations shall—

5            “(A) serve as the law enforcement office of  
6        United States Immigration and Customs En-  
7        forcement with primary responsibility to con-  
8        duct investigations of terrorist organizations  
9        and other criminal organizations that threaten  
10       homeland or border security;

11           “(B) serve as the law enforcement office of  
12       U.S. Immigration and Customs Enforcement  
13       with primary responsibility to conduct investiga-  
14       tions of criminal violations of the immigration  
15       and customs laws, as defined in titles 8, 18,  
16       and 19, United States Code;

17           “(C) identify, arrest, detain, bring removal  
18       proceedings against and pursue the removal of  
19       aliens who are inadmissible or deportable;

20           “(D) administer the program to collect in-  
21       formation relating to nonimmigrant foreign stu-  
22       dents and other exchange program participants  
23       described in section 641 of the Illegal Immigra-  
24       tion Reform and Immigrant Responsibility Act  
25       of 1996 (8 U.S.C. 1372), including the Student

1 and Exchange Visitor Information System es-  
2 tablished under such section, and use such in-  
3 formation to carry out the enforcement func-  
4 tions of United States Immigration and Cus-  
5 toms Enforcement;

6 “(E) administer a National Intellectual  
7 Property Rights Coordination Center, which  
8 shall serve as the primary forum within the  
9 Federal Government to coordinate, promote,  
10 and assist Federal and international investiga-  
11 tions of intellectual property offenses;

12 “(F) administer a National Export En-  
13 forcement Coordination Center, which shall  
14 serve as the primary forum within the Federal  
15 Government to coordinate, promote, and assist  
16 Federal and international investigations of Ex-  
17 port Control offenses;

18 “(G) enforce Federal law relating to—

19 “(i) the unlawful employment of un-  
20 authorized aliens, as defined in section  
21 274A(h)(3) of the Immigration and Na-  
22 tionality Act; and

23 “(ii) immigration and naturalization  
24 fraud;

1           “(H) administer the Cyber Crimes Center,  
2           as authorized under section 890A of the Home-  
3           land Security Act of 2002 (6 U.S.C. 473); and

4           “(I) carry out other duties and powers pre-  
5           scribed by the Director.

6           “(g) OFFICE OF ENFORCEMENT AND REMOVAL OP-  
7           ERATIONS.—

8           “(1) IN GENERAL.—There is established in  
9           United States Immigration and Customs Enforce-  
10          ment the Office of Enforcement and Removal Oper-  
11          ations.

12          “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There  
13          shall be at the head of the Office of Enforcement  
14          and Removal Operations an Executive Associate Di-  
15          rector, who shall report to the Director.

16          “(3) DUTIES.—The Office of Enforcement and  
17          Removal Operations shall—

18                 “(A) serve as the law enforcement office of  
19                 U.S. Immigration and Customs Enforcement  
20                 with primary responsibility to enforce the civil  
21                 immigration and nationality laws of the United  
22                 States;

23                 “(B) identify, locate, and arrest aliens in  
24                 custodial settings or at-large two are subject to

1 exclusion, deportation, or removal from the  
2 United States;

3 “(C) manage the ICE administrative de-  
4 tention operations and provide medical care,  
5 dental, and mental health services to detained  
6 aliens in the custody of the agency;

7 “(D) detain or release on bond, super-  
8 vision, or other appropriate condition, aliens for  
9 purposes of exclusion, deportation, or removal  
10 from the United States;

11 “(E) plan, coordinate, and manage the re-  
12 moval from the United States of aliens who are  
13 subject to exclusion, deportation, or removal  
14 from the United States;

15 “(F) provide law enforcement support serv-  
16 ices to Federal, State, and local law enforce-  
17 ment partner agencies, relating to the identi-  
18 fication, location, and arrest of aliens subject to  
19 removal from the United States, as well as for-  
20 eign-nationals known or suspected to be in-  
21 volved in criminal activity and under investiga-  
22 tion by these partners; and

23 “(G) carry out other duties and powers  
24 prescribed by the Director.

25 “(h) OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—

1           “(1) IN GENERAL.—There is established in  
2 United States Immigration and Customs Enforce-  
3 ment the Office of the Principal Legal Advisor.

4           “(2) PRINCIPAL LEGAL ADVISOR.—There shall  
5 be at the head of the Office the Principal Legal Ad-  
6 visor a Principal Legal Advisor, who, for legal mat-  
7 ters, shall report to the General Counsel of the De-  
8 partment.

9           “(3) DUTIES.—The Office of the Principal  
10 Legal Advisor shall—

11                   “(A) provide specialized legal advice and  
12 policy guidance to the Director;

13                   “(B) represent the Department in all ex-  
14 clusion, deportation, and removal proceedings  
15 before the Executive Office for Immigration Re-  
16 view;

17                   “(C) represent the United States Immigra-  
18 tion and Customs Enforcement in matters be-  
19 fore the Office of the Chief Administrative  
20 Hearing Officer; and

21                   “(D) represent the United States Immigra-  
22 tion and Customs Enforcement in other venues  
23 and forums as authorized by the Director.

24           “(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

1           “(1) IN GENERAL.—There is established in the  
2 United States Immigration and Customs Enforce-  
3 ment the Office of Professional Responsibility.

4           “(2) ASSISTANT DIRECTOR.—There shall be at  
5 the head of the Office of Professional Responsibility  
6 an Assistant Director, who shall report to the Direc-  
7 tor.

8           “(3) DUTIES.—The Office of Professional Re-  
9 sponsibility shall—

10           “(A) investigate allegations of administra-  
11 tive, civil, and criminal misconduct involving  
12 any employee or contractor of United States  
13 Immigration and Customs Enforcement, or, as  
14 delegated by the Secretary, any employee or  
15 contractor of the Department;

16           “(B) inspect and review United States Im-  
17 migration and Customs Enforcement’s offices,  
18 operations, and processes, including detention  
19 facilities operated or used by United States Im-  
20 migration and Customs Enforcement, and pro-  
21 vide an independent review of United States  
22 Immigration and Custom Enforcement’s organi-  
23 zational health, effectiveness, and efficiency of  
24 mission; and



1           “(C) provide and manage the security pro-  
2           grams and operations for United States Immi-  
3           gration and Customs Enforcement.

4           “(j) OFFICE OF POLICY.—

5           “(1) IN GENERAL.—There is established in  
6           United States Immigration and Customs Enforce-  
7           ment the Office of Policy.

8           “(2) DUTIES.—The Office of the Policy shall—

9           “(A) identify and develop policies and  
10           guidance of U.S. Immigration and Customs En-  
11           forcement;

12           “(B) provide policy recommendations, re-  
13           search and analysis to the Director; and

14           “(C) coordinate policy issues with the De-  
15           partment, components of the Department, and  
16           other federal, state, and local agencies and of-  
17           fices.

18           “(k) OTHER AUTHORITIES.—

19           “(1) IN GENERAL.—The Secretary may estab-  
20           lish such other Executive Associate Directors, As-  
21           sistant Directors, agents, officers, or other offices as  
22           the Secretary determines necessary to carry out the  
23           missions, duties, functions, and authorities of United  
24           States Immigration and Customs Enforcement.

1           “(2) NOTIFICATION.—If the Secretary exercises  
2           the authority provided pursuant to paragraph (1),  
3           the Secretary shall notify the Committee on Home-  
4           land Security and the Committee on the Judiciary of  
5           the House of Representatives and the Committee on  
6           Homeland Security and Governmental Affairs and  
7           the Committee on the Judiciary of the Senate not  
8           later than 30 days before exercising the authority  
9           described in paragraph (1).

10          “(1) OTHER FEDERAL AGENCIES.—Nothing in this  
11          section shall be construed to limit the existing authority  
12          of any other Federal agency.”.

13          (b) SPECIAL RULES.—

14                 (1) TREATMENT.—Section 442 of the Home-  
15                 land Security Act of 2002, as amended by subsection  
16                 (a) of this section, shall be treated as if included in  
17                 such Act as of the date of the enactment of such  
18                 Act, and, in addition to the functions, missions, du-  
19                 ties, and authorities specified in such amended sec-  
20                 tion 442, United States Immigration and Customs  
21                 Enforcement shall continue to perform and carry out  
22                 the functions, missions, duties, and authorities  
23                 under section 442 of such Act as in existence on the  
24                 day before such date of enactment.

25                 (2) RULES OF CONSTRUCTION.—

1           (A) RULES AND REGULATIONS.—Notwith-  
2 standing paragraph (1), nothing in this title  
3 may be construed as affecting in any manner  
4 any rule or regulation issued or promulgated  
5 pursuant to any provision of law, including sec-  
6 tion 442 of the Homeland Security Act of 2002  
7 as in existence on the day before the date of the  
8 enactment of this Act, and any such rule or  
9 regulation shall continue to have full force and  
10 effect on and after such date.

11           (B) OTHER ACTIONS.—Notwithstanding  
12 paragraph (1), nothing in this title may be con-  
13 strued as affecting in any manner any action,  
14 determination, policy, or decision pursuant to  
15 section 442 of the Homeland Security Act of  
16 2002 as in existence on the day before the date  
17 of the enactment of this Act, and any such ac-  
18 tion, determination, policy, or decision shall  
19 continue to have full force and effect on and  
20 after such date.

21           (c) CONTINUATION IN OFFICE.—

22           (1) DIRECTOR.—The individual serving as As-  
23 sistant Secretary for United States Immigration and  
24 Customs Enforcement on the day before the date of  
25 the enactment of this Act may continue to serve as

1 the Director of United States Immigration and Cus-  
2 toms Enforcement in accordance with section 442 of  
3 the Homeland Security Act of 2002, as amended by  
4 this title until the earlier of—

5 (A) the date on which such individual is no  
6 longer eligible to serve as Director; or

7 (B) the date on which a person nominated  
8 by the President to be the Director is confirmed  
9 by the Senate in accordance with such amended  
10 section 442.

11 (2) OTHER POSITIONS.—The individuals serv-  
12 ing as the Deputy Director, Executive Associate Di-  
13 rectors, Deputy Executive Associate Directors, As-  
14 sistant Directors, and other officers and employees  
15 under section 442 of the Homeland Security Act of  
16 2002 on the day before the date of the enactment  
17 of this Act may serve as the appropriate Deputy Di-  
18 rector, Executive Associate Directors, Deputy Exec-  
19 utive Associate Directors, Assistant Directors, and  
20 other officers and employees under such section 442  
21 as amended by subsection (a) of this section unless  
22 the Director of United States Immigration and Cus-  
23 toms Enforcement determines that another indi-  
24 vidual should hold such position.

1 (d) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of such Act is amended by striking the  
3 item relating to section 442 and inserting the following:

“Sec. 442. Establishment of United States Immigration and Customs Enforcement.”.

4 (e) TRANSPORTATION.—Section 1344(b)(6) of title  
5 31, United States Code, is amended by inserting “the Di-  
6 rector of United States Immigration and Customs En-  
7 forcement, the Commissioner of Customs and Border Pro-  
8 tection,” after “the Administrator of the Drug Enforce-  
9 ment Administration,”.

10 (f) CONFORMING AMENDMENTS.—

11 (1) TITLE 5.—Section 5314 of title 5, United  
12 States Code, is amended by inserting after “Director  
13 of the Bureau of Citizenship and Immigration Serv-  
14 ices.” the following new item: “Director of United  
15 States Immigration and Customs Enforcement.”.

16 (2) HOMELAND SECURITY ACT OF 2002.—The  
17 Homeland Security Act of 2002 is amended—

18 (A) in subsection (a)(2)(C) of section 451  
19 (6 U.S.C. 271), by striking “at the same level  
20 as the Assistant Secretary of the Bureau of  
21 Border Security” and inserting “in accordance  
22 with section 5314 of title 5, United States  
23 Code”;

1 (B) in subsection (c) of section 459 (6  
2 U.S.C. 276), by striking “Assistant Secretary  
3 of the Bureau of Border Security” and insert-  
4 ing “Director of United States Immigration and  
5 Customs Enforcement”;

6 (C) in subsection (b)(2)(A) of section 462  
7 (6 U.S.C. 279), in the matter preceding clause  
8 (i), by striking “Assistant Secretary of the Bu-  
9 reau of Border Security” and inserting “Direc-  
10 tor of United States Immigration and Customs  
11 Enforcement”;

12 (D) by repealing sections, 445, and 446 (6  
13 U.S.C. 255, and 256); and

14 (E) in section 1(b), by striking the items  
15 relating to sections 445 and 446.

16 (3) TITLE 8.—Section 1357 of title 8, United  
17 States Code is amended in section (a)(5)(B) by  
18 striking “if the officer or employee is performing du-  
19 ties relating to the enforcement of the immigration  
20 laws at the time of the arrest and if there is a likeli-  
21 hood of the person escaping before a warrant can be  
22 obtained for his arrest”.

1 **TITLE XII—FEDERAL LAW EN-**  
2 **FORCEMENT TRAINING CEN-**  
3 **TERS REFORM AND IMPROVE-**  
4 **MENT**

5 **SEC. 1201. FEDERAL LAW ENFORCEMENT TRAINING CEN-**  
6 **TERS.**

7 (a) ESTABLISHMENT.—Section 884 of the Homeland  
8 Security Act of 2002 (6 U.S.C. 464) is amended to read  
9 as follows:

10 **“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CEN-**  
11 **TERS.**

12 “(a) ESTABLISHMENT.—The Secretary shall main-  
13 tain in the Department the Federal Law Enforcement  
14 Training Centers (FLETC), headed by a Director, who  
15 shall report to the Secretary.

16 “(b) POSITION.—The Director shall occupy a career-  
17 reserved position within the Senior Executive Service.

18 “(c) FUNCTIONS OF THE DIRECTOR.—The Director  
19 shall—

20 “(1) develop training goals and establish stra-  
21 tegic and tactical organizational program plan and  
22 priorities;

23 “(2) provide direction and management for  
24 FLETC’s training facilities, programs, and support  
25 activities while ensuring that organizational program

1 goals and priorities are executed in an effective and  
2 efficient manner;

3 “(3) develop homeland security and law en-  
4 forcement training curricula, including curricula re-  
5 lated to domestic preparedness and response to  
6 threats or acts of terrorism, for Federal, State, local,  
7 tribal, territorial, and international law enforcement  
8 and security agencies and private sector security  
9 agencies;

10 “(4) monitor progress toward strategic and tac-  
11 tical FLETC plans regarding training curricula, in-  
12 cluding curricula related to domestic preparedness  
13 and response to threats or acts of terrorism, and fa-  
14 cilities;

15 “(5) ensure the timely dissemination of home-  
16 land security information as necessary to Federal,  
17 State, local, tribal, territorial, and international law  
18 enforcement and security agencies and the private  
19 sector to achieve the training goals for such entities,  
20 in accordance with paragraph (1);

21 “(6) carry out acquisition responsibilities in a  
22 manner that—

23 “(A) fully complies with—

24 “(i) Federal law;



1                   “(ii) the Federal Acquisition Regula-  
2                   tion, including requirements regarding  
3                   agency obligations to contract only with re-  
4                   sponsible prospective contractors; and

5                   “(iii) Department acquisition manage-  
6                   ment directives; and

7                   “(B) ensures that a fair proportion of Fed-  
8                   eral contract and subcontract dollars are award-  
9                   ed to small businesses, maximizes opportunities  
10                  for small business participation, and ensures, to  
11                  the extent practicable, that small businesses  
12                  which achieve qualified vendor status for secu-  
13                  rity-related technologies have an opportunity to  
14                  compete for contracts for such technologies;

15                  “(7) coordinate and share information with the  
16                  heads of relevant components and offices on digital  
17                  learning and training resources, as appropriate;

18                  “(8) advise the Secretary on matters relating to  
19                  executive level policy and program administration of  
20                  Federal, State, local, tribal, territorial, and inter-  
21                  national law enforcement and security training ac-  
22                  tivities and private sector security agency training  
23                  activities, including training activities related to do-  
24                  mestic preparedness and response to threats or acts  
25                  of terrorism;

1           “(9) collaborate with the Secretary and relevant  
2 officials at other Federal departments and agencies,  
3 as appropriate, to improve international instruc-  
4 tional development, training, and technical assist-  
5 ance provided by the Federal Government to foreign  
6 law enforcement; and

7           “(10) carry out such other functions as the Sec-  
8 retary determines are appropriate.

9           “(d) TRAINING RESPONSIBILITIES.—

10           “(1) IN GENERAL.—The Director is authorized  
11 to provide training to employees of Federal agencies  
12 who are engaged, directly or indirectly, in homeland  
13 security operations or Federal law enforcement ac-  
14 tivities, including such operations or activities re-  
15 lated to domestic preparedness and response to  
16 threats or acts of terrorism. In carrying out such  
17 training, the Director shall—

18           “(A) evaluate best practices of law enforce-  
19 ment training methods and curriculum content  
20 to maintain state-of-the-art expertise in adult  
21 learning methodology;

22           “(B) provide expertise and technical assist-  
23 ance, including on domestic preparedness and  
24 response to threats or acts of terrorism, to Fed-  
25 eral, State, local, tribal, territorial, and inter-

1 national law enforcement and security agencies  
2 and private sector security agencies; and

3 “(C) maintain a performance evaluation  
4 process for students.

5 “(2) RELATIONSHIP WITH LAW ENFORCEMENT  
6 AGENCIES.—The Director shall consult with relevant  
7 law enforcement and security agencies in the devel-  
8 opment and delivery of FLETC’s training programs.

9 “(3) TRAINING DELIVERY LOCATIONS.—The  
10 training required under paragraph (1) may be con-  
11 ducted at FLETC facilities, at appropriate off-site  
12 locations, or by distributed learning.

13 “(4) STRATEGIC PARTNERSHIPS.—

14 “(A) IN GENERAL.—The Director may—

15 “(i) execute strategic partnerships  
16 with State and local law enforcement to  
17 provide such law enforcement with specific  
18 training, including maritime law enforce-  
19 ment training; and

20 “(ii) coordinate with the Under Sec-  
21 retary responsible for overseeing critical in-  
22 frastructure protection, cybersecurity, and  
23 other related programs of the Department  
24 and with private sector stakeholders, in-  
25 cluding critical infrastructure owners and

1 operators, to provide training pertinent to  
2 improving coordination, security, and resil-  
3 iency of critical infrastructure.

4 “(B) PROVISION OF INFORMATION.—The  
5 Director shall provide to the Committee on  
6 Homeland Security of the House of Representa-  
7 tives and the Committee on Homeland Security  
8 and Governmental Affairs of the Senate, upon  
9 request, information on activities undertaken in  
10 the previous year pursuant to subparagraph  
11 (A).

12 “(5) FLETC DETAILS TO DHS.—The Director  
13 may detail employees of FLETC to positions  
14 throughout the Department in furtherance of im-  
15 proving the effectiveness and quality of training pro-  
16 vided by the Department and, as appropriate, the  
17 development of critical departmental programs and  
18 initiatives.

19 “(6) DETAIL OF INSTRUCTORS TO FLETC.—  
20 Partner organizations that wish to participate in  
21 FLETC training programs shall assign non-reim-  
22 bursable detailed instructors to FLETC for des-  
23 ignated time periods to support all training pro-  
24 grams at FLETC, as appropriate. The Director  
25 shall determine the number of detailed instructors

1 that is proportional to the number of training hours  
2 requested by each partner organization scheduled by  
3 FLETC for each fiscal year. If a partner organiza-  
4 tion is unable to provide a proportional number of  
5 detailed instructors, such partner organization shall  
6 reimburse FLETC for the salary equivalent for such  
7 detailed instructors, as appropriate.

8 “(7) PARTNER ORGANIZATION EXPENSES RE-  
9 QUIREMENTS.—

10 “(A) IN GENERAL.—Partner organizations  
11 shall be responsible for the following expenses:

12 “(i) Salaries, travel expenses, lodging  
13 expenses, and miscellaneous per diem al-  
14 lowances of their personnel attending  
15 training courses at FLETC.

16 “(ii) Salaries and travel expenses of  
17 instructors and support personnel involved  
18 in conducting advanced training at  
19 FLETC for partner organization personnel  
20 and the cost of expendable supplies and  
21 special equipment for such training, unless  
22 such supplies and equipment are common  
23 to FLETC-conducted training and have  
24 been included in FLETC’s budget for the  
25 applicable fiscal year.

1           “(B) EXCESS BASIC AND ADVANCED FED-  
2           ERAL TRAINING.—All hours of advanced train-  
3           ing and hours of basic training provided in ex-  
4           cess of the training for which appropriations  
5           were made available shall be paid by the part-  
6           ner organizations and provided to FLETC on a  
7           reimbursable basis in accordance with section  
8           4104 of title 5, United States Code.

9           “(8) PROVISION OF NON-FEDERAL TRAINING.—

10           “(A) IN GENERAL.—The Director is au-  
11           thorized to charge and retain fees that would  
12           pay for its actual costs of the training for the  
13           following:

14                   “(i) State, local, tribal, and territorial  
15                   law enforcement personnel.

16                   “(ii) Foreign law enforcement offi-  
17                   cials, including provision of such training  
18                   at the International Law Enforcement  
19                   Academies wherever established.

20                   “(iii) Private sector security officers,  
21                   participants in the Federal Flight Deck  
22                   Officer program under section 44921 of  
23                   title 49, United States Code, and other ap-  
24                   propriate private sector individuals.

1           “(B) WAIVER.—The Director may waive  
2           the requirement for reimbursement of any cost  
3           under this section and shall maintain records  
4           regarding the reasons for any requirements so  
5           waived.

6           “(9) REIMBURSEMENT.—The Director is au-  
7           thorized to reimburse travel or other expenses for  
8           non-Federal personnel who attend activities related  
9           to training sponsored by FLETC, at travel and per  
10          diem rates established by the General Services Ad-  
11          ministration.

12          “(10) STUDENT SUPPORT.—In furtherance of  
13          its training mission, the Director is authorized to  
14          provide the following support to students:

15                  “(A) Athletic and related activities.

16                  “(B) Short-term medical services.

17                  “(C) Chaplain services.

18          “(11) AUTHORITY TO HIRE FEDERAL ANNU-  
19          ITANTS.—

20                  “(A) IN GENERAL.—Notwithstanding any  
21                  other provision of law, the Director is author-  
22                  ized to appoint and maintain, as necessary,  
23                  Federal annuitants who have expert knowledge  
24                  and experience to meet the training responsibil-  
25                  ities under this subsection.

1           “(B) NO REDUCTION IN RETIREMENT  
2 PAY.—A Federal annuitant employed pursuant  
3 to this paragraph shall not be subject to any re-  
4 duction in pay for annuity allocable to the pe-  
5 riod of actual employment under the provisions  
6 of section 8344 or 8468 of title 5, United  
7 States Code, or similar provision of any other  
8 retirement system for employees.

9           “(C) RE-EMPLOYED ANNUITANTS.—A  
10 Federal annuitant employed pursuant to this  
11 paragraph shall not be considered an employee  
12 for purposes of subchapter III of chapter 83 or  
13 chapter 84 of title 5, United States Code, or  
14 such other retirement system (referred to in  
15 subparagraph (B)) as may apply.

16           “(D) COUNTING.—Federal annuitants  
17 shall be counted on a full time equivalent basis.

18           “(E) LIMITATION.—No appointment under  
19 this paragraph may be made which would result  
20 in the displacement of any employee.

21           “(12) TRAVEL FOR INTERMITTENT EMPLOY-  
22 EES.—The Director is authorized to reimburse inter-  
23 mittent Federal employees traveling from outside a  
24 commuting distance (to be predetermined by the Di-  
25 rector) for travel expenses and to compensate such



1 employees for time spent traveling from their homes  
2 to work sites.

3 “(e) ON-FLETC HOUSING.—Notwithstanding any  
4 other provision of law, individuals attending training at  
5 any FLETC facility shall, to the extent practicable and  
6 in accordance with FLETC policy, reside in on-FLETC  
7 or FLETC-provided housing.

8 “(f) ADDITIONAL FISCAL AUTHORITIES.—In order to  
9 further the goals and objectives of FLETC, the Director  
10 is authorized to—

11 “(1) expend funds for public awareness and to  
12 enhance community support of law enforcement  
13 training, including the advertisement of available law  
14 enforcement training programs;

15 “(2) accept and use gifts of property, both real  
16 and personal, and to accept gifts of services, for pur-  
17 poses that promote the functions of the Director  
18 pursuant to subsection (c) and the training respon-  
19 sibilities of the Director under subsection (d);

20 “(3) accept reimbursement from other Federal  
21 agencies for the construction or renovation of train-  
22 ing and support facilities and the use of equipment  
23 and technology on government owned-property;

24 “(4) obligate funds in anticipation of reim-  
25 bursements from agencies receiving training at

1 FLETC, except that total obligations at the end of  
2 a fiscal year may not exceed total budgetary re-  
3 sources available at the end of such fiscal year;

4 “(5) in accordance with the purchasing author-  
5 ity provided under section 505 of the Department of  
6 Homeland Security Appropriations Act, 2004 (Pub-  
7 lic Law 108–90; 6 U.S.C. 453a)—

8 “(A) purchase employee and student uni-  
9 forms; and

10 “(B) purchase and lease passenger motor  
11 vehicles, including vehicles for police-type use;

12 “(6) provide room and board for student in-  
13 terns; and

14 “(7) expend funds each fiscal year to honor and  
15 memorialize FLETC graduates who have died in the  
16 line of duty.

17 “(g) DEFINITIONS.—In this section:

18 “(1) BASIC TRAINING.—The term ‘basic train-  
19 ing’ means the entry-level training required to instill  
20 in new Federal law enforcement personnel funda-  
21 mental knowledge of criminal laws, law enforcement  
22 and investigative techniques, laws and rules of evi-  
23 dence, rules of criminal procedure, constitutional  
24 rights, search and seizure, and related issues.

1           “(2) DETAILED INSTRUCTORS.—The term ‘de-  
2           tailed instructors’ means personnel who are assigned  
3           to the Federal Law Enforcement Training Centers  
4           for a period of time to serve as instructors for the  
5           purpose of conducting basic and advanced training.

6           “(3) DIRECTOR.—The term ‘Director’ means  
7           the Director of the Federal Law Enforcement Train-  
8           ing Centers.

9           “(4) DISTRIBUTED LEARNING.—The term ‘dis-  
10          tributed learning’ means education in which students  
11          take academic courses by accessing information and  
12          communicating with the instructor, from various lo-  
13          cations, on an individual basis, over a computer net-  
14          work or via other technologies.

15          “(5) EMPLOYEE.—The term ‘employee’ has the  
16          meaning given such term in section 2105 of title 5,  
17          United States Code.

18          “(6) FEDERAL AGENCY.—The term ‘Federal  
19          agency’ means—

20                 “(A) an Executive Department as defined  
21                 in section 101 of title 5, United States Code;

22                 “(B) an independent establishment as de-  
23                 fined in section 104 of title 5, United States  
24                 Code;

1           “(C) a Government corporation as defined  
2           in section 9101 of title 31, United States Code;

3           “(D) the Government Publishing Office;

4           “(E) the United States Capitol Police;

5           “(F) the United States Supreme Court Po-  
6           lice; and

7           “(G) Government agencies with law en-  
8           forcement related duties.

9           “(7) LAW ENFORCEMENT PERSONNEL.—The  
10          term ‘law enforcement personnel’ means an indi-  
11          vidual, including criminal investigators (commonly  
12          known as ‘agents’) and uniformed police (commonly  
13          known as ‘officers’), who has statutory authority to  
14          search, seize, make arrests, or to carry firearms.

15          “(8) LOCAL.—The term ‘local’ means—

16                 “(A) of or pertaining to any county, par-  
17                 ish, municipality, city, town, township, rural  
18                 community, unincorporated town or village,  
19                 local public authority, educational institution,  
20                 special district, intrastate district, council of  
21                 governments (regardless of whether the council  
22                 of governments is incorporated as a nonprofit  
23                 corporation under State law), regional or inter-  
24                 state government entity, any agency or instru-

1           mentality of a local government, or any other  
2           political subdivision of a State; and

3           “(B) an Indian tribe or authorized tribal  
4           organization, or in Alaska a Native village or  
5           Alaska Regional Native Corporation.

6           “(9) PARTNER ORGANIZATION.—The term  
7           ‘partner organization’ means any Federal agency  
8           participating in FLETC’s training programs under  
9           a formal memorandum of understanding.

10          “(10) STATE.—The term ‘State’ means any  
11          State of the United States, the District of Columbia,  
12          the Commonwealth of Puerto Rico, the Virgin Is-  
13          lands, Guam, American Samoa, the Commonwealth  
14          of the Northern Mariana Islands, and any possession  
15          of the United States.

16          “(11) STUDENT INTERN.—The term ‘student  
17          intern’ means any eligible baccalaureate or graduate  
18          degree student participating in FLETC’s College In-  
19          tern Program.

20          “(h) PROHIBITION ON NEW FUNDING.—No funds  
21          are authorized to carry out this section. This section shall  
22          be carried out using amounts otherwise appropriated or  
23          made available for such purpose.”.

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

1 amended by amending the item relating to section 884 to  
2 read as follows:

“Sec. 884. Federal Law Enforcement Training Centers.”.

3 **TITLE XIII—PREVENT TRAF-**  
4 **FICKING IN CULTURAL PROP-**  
5 **ERTY**

6 **SEC. 1301. DEFINITION.**

7 In this title, the term “cultural property” includes  
8 property covered under—

9 (1) Article 1 of the Hague Convention for the  
10 Protection of Cultural Property in the Event of  
11 Armed Conflict, adopted at the Hague on May 14,  
12 1954 (Treaty 13 Doc. 106–1(A)); or

13 (2) Article 1 of the Convention on the Means  
14 of Prohibiting and Preventing the Illicit Import, Ex-  
15 port, and Transfer of Ownership of Cultural Prop-  
16 erty, adopted by the United Nations Educational,  
17 Scientific and Cultural Organization (“UNESCO”)  
18 on November 14, 1970.

19 **SEC. 1302. STATEMENT OF POLICY.**

20 It shall be the policy of the United States to—

21 (1) ensure the components of the Department  
22 of Homeland Security enhance and unify efforts  
23 to—

1 (A) interdict, detain, seize, and investigate  
2 cultural property illegally imported into the  
3 United States;

4 (B) disrupt and dismantle smuggling and  
5 trafficking networks and transnational criminal  
6 organizations engaged in, conspiring to engage  
7 in, or facilitating illegal trade in cultural prop-  
8 erty, including stolen antiquities used to finance  
9 terrorism; and

10 (C) support Offices of United States Attor-  
11 neys in prosecuting persons engaged in, con-  
12 spiring to engage in, or facilitating illegal trade  
13 in cultural property; and

14 (2) protect cultural property pursuant to its ob-  
15 ligations under the 1954 Hague Convention for the  
16 Protection of Cultural Property in the Event of  
17 Armed Conflict, the 1970 UNESCO Convention on  
18 the Means of Prohibiting and Preventing the Illicit  
19 Import, Export, and Transfer of Ownership of Cul-  
20 tural Property, and the Convention on Cultural  
21 Property Implementation Act (19 U.S.C. 2601–  
22 2613).

1 **SEC. 1303. ACTIVITIES OF THE DEPARTMENT OF HOME-**  
2 **LAND SECURITY.**

3 The Commissioner of U.S. Customs and Border Pro-  
4 tection and the Director of U.S. Immigration and Customs  
5 Enforcement shall—

6 (1) designate a principal coordinator within  
7 U.S. Customs and Border Protection and U.S. Im-  
8 migration and Customs Enforcement, respectively, to  
9 direct, manage, coordinate, and update their respec-  
10 tive policies and procedures, as well as conduct  
11 interagency communications, regarding illegally im-  
12 ported cultural property;

13 (2) update existing directives, regulations, rules,  
14 and memoranda of understanding of U.S. Customs  
15 and Border Protection and U.S. Immigration and  
16 Customs Enforcement, respectively, and, if nec-  
17 essary, devise additional directives, regulations,  
18 rules, and memoranda of understanding, relating to  
19 policies and procedures on the illegal importation of  
20 cultural property in order to—

21 (A) reflect changes in cultural property  
22 law, including changes and updates to relevant  
23 treaties, bilateral agreements, statutes, regula-  
24 tions, and case law that occurred subsequent to  
25 Customs Directive No. 5230–015, “Customs



1 Directive on Detention and Seizure of Cultural  
2 Property”, dated April 18, 1991;

3 (B) emphasize investigating, and providing  
4 support for investigations and prosecutions, of  
5 persons engaged in, conspiring to engage in, or  
6 facilitating the illegal importation of cultural  
7 property, including smugglers, dealers, buyers,  
8 money launderers, and any other appropriate  
9 parties; and

10 (C) provide for communication and coordi-  
11 nation between relevant U.S. Customs and Bor-  
12 der Protection and U.S. Immigration and Cus-  
13 toms Enforcement offices, respectively, in inves-  
14 tigating and supporting prosecutions of persons  
15 engaged in, conspiring to engage in, or facili-  
16 tating the illegal importation of cultural prop-  
17 erty; and

18 (3) ensure relevant personnel within U.S. Cus-  
19 toms and Border Protection and U.S. Immigration  
20 and Customs Enforcement, respectively, receive suf-  
21 ficient training in—

22 (A) relevant cultural property laws;

23 (B) the identification of cultural property  
24 that is at greatest risk of looting and traf-  
25 ficking; and

1 (C) methods of interdiction and investiga-  
2 tive techniques specifically related to illegal  
3 trade in cultural property.

4 **SEC. 1304. ROLE OF THE SMITHSONIAN INSTITUTION.**

5 The Secretary of Homeland Security shall ensure  
6 that the heads of all components of the Department of  
7 Homeland Security involved in cultural property protec-  
8 tion activities are authorized to enter into agreements or  
9 memoranda of understanding with the Smithsonian Insti-  
10 tution to temporarily engage personnel from the Smithso-  
11 nian Institution for the purposes of furthering such cul-  
12 tural property protection activities.

13 **SEC. 1305. REPORT.**

14 Not later than 1 year after the date of the enactment  
15 of this Act and 3 years thereafter, the Commissioner of  
16 U.S. Customs and Border Protection and the Commis-  
17 sioner of U.S. Immigration and Customs Enforcement  
18 shall jointly submit to the Committee on Ways and Means  
19 and the Committee on Homeland Security of the House  
20 of Representatives and the Committee on Finance and the  
21 Committee on Homeland Security and Governmental Af-  
22 fairs of the Senate a report on—

23 (1) the progress of the implementation of this  
24 Act; and

1           (2) other actions to enhance and unify efforts  
2           to interdict, detain, seize, and investigate cultural  
3           property illegally imported into the United States,  
4           and investigate, disrupt, and dismantle smuggling  
5           and trafficking networks engaged in, conspiring to  
6           engage in, or facilitating the illegal importation of  
7           cultural property.

8           **TITLE XIV—DEPARTMENT OF**  
9           **HOMELAND SECURITY HEAD-**  
10           **QUARTERS REFORM AND IM-**  
11           **PROVEMENT**

12           **SEC. 1401. PROHIBITION ON ADDITIONAL AUTHORIZATION**  
13                                   **OF APPROPRIATIONS.**

14           No additional funds are authorized to be appro-  
15           priated to carry out this title and the amendments made  
16           by this title. This title and such amendments shall be car-  
17           ried out using amounts otherwise available for such pur-  
18           poses.

19           **Subtitle A—Department of Home-**  
20           **land Security Headquarters Re-**  
21           **authorization**

22           **SEC. 1411. DEFINITIONS.**

23           Section 2 of the Homeland Security Act of 2002 is  
24           amended—

1           (1) by redesignating paragraphs (13) through  
2           (18) as paragraphs (15) through (20);

3           (2) by redesignating paragraphs (9) through  
4           (12) as paragraphs (10) through (13);

5           (3) by inserting after paragraph (8) the fol-  
6           lowing:

7           “(9) The term ‘homeland security enterprise’  
8           means relevant governmental and nongovernmental  
9           entities involved in homeland security, including  
10          Federal, State, local, and tribal government officials,  
11          private sector representatives, academics, and other  
12          policy experts.”; and

13          (4) by inserting after paragraph (13), as so re-  
14          designated, the following:

15          “(14) The term ‘management integration and  
16          transformation’—

17                 “(A) means the development of consistent  
18                 and consolidated functions for information tech-  
19                 nology, financial management, acquisition man-  
20                 agement, and human capital management; and

21                 “(B) includes governing processes and pro-  
22                 cedures, management systems, personnel activi-  
23                 ties, budget and resource planning, training,  
24                 real estate management, and provision of secu-

1           rity, as they relate to functions cited in sub-  
2           paragraph (A).”.

3 **SEC. 1412. HEADQUARTERS COMPONENTS.**

4           (a) IN GENERAL.—Section 102 of the Homeland Se-  
5           curity Act of 2002 (6 U.S.C. 112) is amended—

6           (1) in subsection (c)—

7           (A) in the matter preceding paragraph (1),  
8           by striking “through the Office of State and  
9           Local Coordination (established under section  
10           801)” and inserting “through the Office of  
11           Partnership and Engagement”;

12           (B) in paragraph (2), by striking “and”  
13           after the semicolon at the end;

14           (C) in paragraph (3), by striking the pe-  
15           riod and inserting “; and”; and

16           (D) by adding at the end the following:

17           “(4) entering into agreements with governments  
18           of other countries, in consultation with the Secretary  
19           of State, and international nongovernmental organi-  
20           zations in order to achieve the missions of the De-  
21           partment.”; and

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

23           “(h) HEADQUARTERS.—

24           “(1) COMPONENTS.—The Department Head-  
25           quarters shall include the following:

1           “(A) The Office of the Secretary.

2           “(B) The Office of the Deputy Secretary.

3           “(C) The Executive Secretariat.

4           “(D) The Management Directorate, includ-  
5           ing the Office of the Chief Financial Officer.

6           “(E) The Office of Policy.

7           “(F) The Office of General Counsel.

8           “(G) The Office of the Chief Privacy Offi-  
9           cer.

10          “(H) The Office of Civil Rights and Civil  
11          Liberties.

12          “(I) The Office of Operations and Coordi-  
13          nation and Planning.

14          “(J) The Office of Intelligence and Anal-  
15          ysis.

16          “(K) The Office of Legislative Affairs.

17          “(L) The Office of Public Affairs.

18          “(2) FUNCTIONS.—The Secretary, through the  
19          Headquarters, shall—

20                 “(A) establish the Department’s overall  
21                 strategy for successfully completing its mission;

22                 “(B) establish initiatives that improve per-  
23                 formance Department-wide;

24                 “(C) establish mechanisms to ensure that  
25                 components of the Department comply with

1           Headquarters policies and fully implement the  
2           Secretary’s strategies and initiatives and re-  
3           quire the head of each component of the De-  
4           partment and component chief officers to com-  
5           ply with such policies and implement such  
6           strategies and initiatives;

7           “(D) establish annual operational and  
8           management objectives to determine the De-  
9           partment’s performance;

10           “(E) ensure that the Department success-  
11           fully meets operational and management per-  
12           formance objectives through conducting over-  
13           sight of component agencies;

14           “(F) ensure that the strategies, priorities,  
15           investments, and workforce of Department  
16           agencies align with Department objectives;

17           “(G) establish and implement policies re-  
18           lated to Department ethics and compliance  
19           standards;

20           “(H) manage and encourage shared serv-  
21           ices across Department components;

22           “(I) lead and coordinate interaction with  
23           Congress and other external organizations; and

24           “(J) carry out other such functions as the  
25           Secretary determines are appropriate.”.

1 (b) ABOLISHMENT OF DIRECTOR OF SHARED SERV-  
2 ICES.—

3 (1) ABOLISHMENT.—The position of Director of  
4 Shared Services is abolished.

5 (2) CONFORMING AMENDMENT.—Section 475  
6 of the Homeland Security Act of 2002 (6 U.S.C.  
7 295), and the item relating to such section in the  
8 table of contents in section 1(b) of such Act, are re-  
9 pealed.

10 (c) ABOLISHMENT OF THE OFFICE OF COUNTER-  
11 NARCOTICS ENFORCEMENT.—

12 (1) ABOLISHMENT.—The Office of Counter-  
13 narcotics Enforcement is abolished.

14 (2) CONFORMING AMENDMENTS.—The Home-  
15 land Security Act of 2002 is amended—

16 (A) by repealing section 878 (6 U.S.C.  
17 112), and the item relating to that section in  
18 the table of contents in section 1(b) of such  
19 Act; and

20 (B) in subparagraph (B) of section  
21 843(b)(1) (6 U.S.C. 413(b)(1)), by striking  
22 “by—” and all that follows through the end of  
23 that subparagraph and inserting “by the Sec-  
24 retary; and”.



1 **SEC. 1413. CHIEF PRIVACY OFFICER.**

2 (a) IN GENERAL.—Section 222 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 142) is amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph  
6 (1)—

7 (i) by inserting “to be the Chief Pri-  
8 vacy Officer of the Department,” after “in  
9 the Department,”; and

10 (ii) by striking “, to assume” and in-  
11 serting “and who shall have”;

12 (B) by amending paragraph (6) to read as  
13 follows:

14 “(6) preparing a report to Congress on an an-  
15 nual basis on—

16 “(A) activities of the Department that af-  
17 fect privacy, including complaints of privacy  
18 violations, implementation of section 554 of  
19 title 5, United States Code (popularly known as  
20 the Privacy Act of 1974), internal controls, and  
21 other matters; and

22 “(B) the number of new technology pro-  
23 grams implemented in the Department each fis-  
24 cal year, the number of those programs that the  
25 Chief Privacy Officer has evaluated to ensure  
26 that privacy protections are considered and im-

1           plemented, the number of those programs that  
2           effectively implemented privacy protections into  
3           new technology programs, and an explanation  
4           of why any new programs did not effectively im-  
5           plement privacy protections.”;

6           (2) by redesignating subsections (b) through (e)  
7           as subsections (c) through (f); and

8           (3) by inserting after subsection (a) the fol-  
9           lowing:

10          “(b) **ADDITIONAL RESPONSIBILITIES.**—In addition  
11          to the responsibilities under subsection (a), the Chief Pri-  
12          vacy Officer shall—

13               “(1) develop guidance to assist components of  
14               the Department in developing privacy policies and  
15               practices;

16               “(2) establish a mechanism to ensure such com-  
17               ponents are in compliance with Federal, regulatory,  
18               statutory, and the Department’s privacy require-  
19               ments, mandates, directives, and policy;

20               “(3) work with the Chief Information Officer of  
21               the Department to identify methods for managing  
22               and overseeing the Department’s records, manage-  
23               ment policies, and procedures;

1           “(4) work with components and offices of the  
2 Department to ensure that information sharing ac-  
3 tivities incorporate privacy protections;

4           “(5) serve as the Department’s central office  
5 for managing and processing requests related to sec-  
6 tion 552 of title 5, United States Code, popularly  
7 known as the Freedom of Information Act;

8           “(6) develop public guidance on procedures to  
9 be followed when making requests for information  
10 under section 552 of title 5, United States Code;

11           “(7) oversee the management and processing of  
12 requests for information under section 552 of title 5,  
13 United States Code, within Department Head-  
14 quarters and relevant Department component of-  
15 fices;

16           “(8) identify and eliminate unnecessary and du-  
17 plicative actions taken by the Department in the  
18 course of processing requests for information under  
19 section 552 of title 5, United States Code; and

20           “(9) carry out such other responsibilities as the  
21 Secretary determines are appropriate, consistent  
22 with this section.”; and

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

24           “(g) REASSIGNMENT OF FUNCTIONS.—The Sec-  
25 retary may reassign the functions related to managing and

1 processing requests for information under section 552 of  
2 title 5, United States Code, to another officer within the  
3 Department, consistent with requirements of that sec-  
4 tion.”.

5 **SEC. 1414. OFFICE OF POLICY.**

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 101 et seq.) is amended by—

8 (1) redesignating section 601 as section 890B,  
9 and transferring that section to appear immediately  
10 after section 890A; and

11 (2) striking the heading for title VI and insert-  
12 ing the following:

13 **“TITLE VI—POLICY AND**  
14 **PLANNING**

15 **“SEC. 601. OFFICE OF POLICY.**

16 “(a) ESTABLISHMENT OF OFFICE.—There shall be in  
17 the Department an Office of Policy. The Office of Policy  
18 shall be headed by an Under Secretary for Policy, who  
19 shall be appointed by the President, by and with the advice  
20 and consent of the Senate.

21 “(b) MISSION.—The mission of the Office of Policy  
22 is to lead, conduct, and coordinate Department-wide pol-  
23 icy, strategic planning, and relationships with organiza-  
24 tions or persons that are not part of the Department.

1       “(c) COMPONENTS OF OFFICE.—The Office of Policy  
2 shall include the following components:

3           “(1) The Office of Partnership and Engage-  
4 ment under section 602.

5           “(2) The Office of International Affairs under  
6 section 603.

7           “(3) The Office of Policy Implementation under  
8 section 604.

9           “(4) The Office of Strategy and Planning under  
10 section 605.

11       “(d) RESPONSIBILITIES OF THE UNDER SEC-  
12 RETARY.—Subject to the direction and control of the Sec-  
13 retary, the Under Secretary for Policy shall—

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

16           “(2) coordinate with the Under Secretary for  
17 Management and the General Counsel of the De-  
18 partment to ensure that development of the Depart-  
19 ment’s budget is compatible with the priorities, stra-  
20 tegic plans, and policies established by the Sec-  
21 retary, including those priorities identified through  
22 the Quadrennial Homeland Security Review required  
23 under section 707;

24           “(3) incorporate relevant feedback from, and  
25 oversee and coordinate relationships with, organiza-

1 tions and other persons that are not part of the De-  
2 partment to ensure effective communication of out-  
3 side stakeholders' perspectives to components of the  
4 Department;

5 “(4) establish a process to ensure that organi-  
6 zations and other persons that are not part of the  
7 Department can communicate with Department  
8 components without compromising adherence by the  
9 officials of such components to the Department's  
10 ethics and policies;

11 “(5) manage and coordinate the Department's  
12 international engagement activities;

13 “(6) advise, inform, and assist the Secretary on  
14 the impact of the Department's policy, processes,  
15 and actions on State, local, tribal, and territorial  
16 governments;

17 “(7) oversee the Department's engagement and  
18 development of partnerships with nonprofit organiza-  
19 tions and academic institutions;

20 “(8) administer the Homeland Security Advi-  
21 sory Council and make studies available to the Com-  
22 mittee on Homeland Security of the House of Rep-  
23 resentatives and the Committee on Homeland Secu-  
24 rity and Governmental Affairs of the Senate on an  
25 annual basis; and

1           “(9) carry out such other responsibilities as the  
2 Secretary determines are appropriate, consistent  
3 with this section.

4           “(e) COORDINATION BY DEPARTMENT COMPO-  
5 NENTS.—

6           “(1) IN GENERAL.—To ensure consistency with  
7 the Secretary’s policy priorities, the head of each  
8 component of the Department shall coordinate with  
9 the Office of Policy, as appropriate, in establishing  
10 new policies or strategic planning guidance.

11           “(2) INTERNATIONAL ACTIVITIES.—

12           “(A) FOREIGN NEGOTIATIONS.—Each  
13 component of the Department shall coordinate  
14 with the Under Secretary for Policy plans and  
15 efforts of the component before pursuing nego-  
16 tiations with foreign governments, to ensure  
17 consistency with the Department’s policy prior-  
18 ities.

19           “(B) NOTICE OF INTERNATIONAL TRAVEL  
20 BY SENIOR OFFICERS.—Each component of the  
21 Department shall notify the Under Secretary  
22 for Policy of the international travel of senior  
23 officers of the Department.

24           “(f) ASSIGNMENT OF PERSONNEL.—The Secretary  
25 shall assign to the Office of Policy permanent staff and,

1 as appropriate and consistent with sections 506(c)(2),  
2 821, and 888(d), other appropriate personnel detailed  
3 from other components of the Department to carry out  
4 the responsibilities under this section.

5 “(g) DEPUTY UNDER SECRETARY FOR POLICY.—

6 “(1) IN GENERAL.—The Secretary may—

7 “(A) establish within the Department of  
8 Homeland Security a position, to be called the  
9 Deputy Under Secretary for Policy, to support  
10 the Under Secretary for Policy in carrying out  
11 the Under Secretary’s responsibilities; and

12 “(B) appoint a career employee to such po-  
13 sition.

14 “(2) LIMITATION ON ESTABLISHMENT OF DEP-  
15 UTY UNDER SECRETARY POSITIONS.—A Deputy  
16 Under Secretary position (or any substantially simi-  
17 lar position) within the Department of Homeland  
18 Security may not be established except for the posi-  
19 tion provided for by paragraph (1) unless the Sec-  
20 retary of Homeland Security receives prior author-  
21 ization from Congress.

22 “(3) DEFINITIONS.—For purposes of paragraph  
23 (1)—

24 “(A) the term ‘career employee’ means any  
25 employee (as that term is defined in section



1           2105 of title 5, United States Code), but does  
2           not include a political appointee; and

3           “(B) the term ‘political appointee’ means  
4           any employee who occupies a position which has  
5           been excepted from the competitive service by  
6           reason of its confidential, policy-determining,  
7           policy-making, or policy-advocating character.

8   **“SEC. 602. OFFICE OF PARTNERSHIP AND ENGAGEMENT.**

9           “(a) IN GENERAL.—There shall be in the Office of  
10          Policy an Office of Partnership and Engagement.

11          “(b) HEAD OF OFFICE.—The Secretary shall appoint  
12          an Assistant Secretary for Partnership and Engagement  
13          to serve as the head of the Office.

14          “(c) RESPONSIBILITIES.—The Assistant Secretary  
15          for Partnership and Engagement shall—

16                 “(1) lead the coordination of Department-wide  
17                 policies relating to the role of State and local law en-  
18                 forcement in preventing, preparing for, protecting  
19                 against, and responding to natural disasters, acts of  
20                 terrorism, and other man-made disasters within the  
21                 United States;

22                 “(2) serve as a liaison between State, local, and  
23                 tribal law enforcement agencies and the Department,  
24                 including through consultation with such agencies

1 regarding Department programs that may impact  
2 such agencies;

3 “(3) coordinate with the Office of Intelligence  
4 and Analysis to certify the intelligence and informa-  
5 tion sharing requirements of State, local, and tribal  
6 law enforcement agencies are being addressed;

7 “(4) work with the Administrator to ensure  
8 that law enforcement and terrorism-focused grants  
9 to State, local, and tribal government agencies, in-  
10 cluding grants under sections 2003 and 2004, the  
11 Commercial Equipment Direct Assistance Program,  
12 and other grants administered by the Department to  
13 support fusion centers and law enforcement-oriented  
14 programs, are appropriately focused on terrorism  
15 prevention activities;

16 “(5) coordinate with the Science and Tech-  
17 nology Directorate, the Federal Emergency Manage-  
18 ment Agency, the Department of Justice, the Na-  
19 tional Institute of Justice, law enforcement organiza-  
20 tions, and other appropriate entities to support the  
21 development, promulgation, and updating, as nec-  
22 essary, of national voluntary consensus standards  
23 for training and personal protective equipment to be  
24 used in a tactical environment by law enforcement  
25 officers;

1           “(6) create and foster strategic communications  
2 with the private sector to enhance the primary mis-  
3 sion of the Department to protect the American  
4 homeland;

5           “(7) advise the Secretary on the impact of the  
6 Department’s policies, regulations, processes, and  
7 actions on the private sector;

8           “(8) interface with other relevant Federal agen-  
9 cies with homeland security missions to assess the  
10 impact of these agencies’ actions on the private sec-  
11 tor;

12           “(9) create and manage private sector advisory  
13 councils composed of representatives of industries  
14 and associations designated by the Secretary to—

15           “(A) advise the Secretary on private sector  
16 products, applications, and solutions as they re-  
17 late to homeland security challenges;

18           “(B) advise the Secretary on homeland se-  
19 curity policies, regulations, processes, and ac-  
20 tions that affect the participating industries  
21 and associations; and

22           “(C) advise the Secretary on private sector  
23 preparedness issues, including effective methods  
24 for—

1                   “(i) promoting voluntary preparedness  
2 standards to the private sector; and

3                   “(ii) assisting the private sector in  
4 adopting voluntary preparedness stand-  
5 ards;

6                   “(10) promote existing public-private partner-  
7 ships and developing new public-private partnerships  
8 to provide for collaboration and mutual support to  
9 address homeland security challenges;

10                  “(11) assist in the development and promotion  
11 of private sector best practices to secure critical in-  
12 frastructure;

13                  “(12) provide information to the private sector  
14 regarding voluntary preparedness standards and the  
15 business justification for preparedness and pro-  
16 moting to the private sector the adoption of vol-  
17 untary preparedness standards;

18                  “(13) coordinate industry efforts, with respect  
19 to functions of the Department of Homeland Secu-  
20 rity, to identify private sector resources and capabili-  
21 ties that could be effective in supplementing Federal,  
22 State, and local government agency efforts to pre-  
23 vent or respond to a terrorist attack;

24                  “(14) coordinate with the Commissioner of Cus-  
25 toms and Border Protection and the appropriate

1 senior official of the Department of Commerce on  
2 issues related to the travel and tourism industries;

3 “(15) coordinate the activities of the Depart-  
4 ment relating to State and local government;

5 “(16) assess, and advocate for, the resources  
6 needed by State and local governments to implement  
7 the national strategy for combating terrorism;

8 “(17) provide State and local governments with  
9 regular information, research, and technical support  
10 to assist local efforts at securing the homeland;

11 “(18) develop a process for receiving meaning-  
12 ful input from State and local governments to assist  
13 the development of the national strategy for com-  
14 bating terrorism and other homeland security activi-  
15 ties; and

16 “(19) perform such other functions as are es-  
17 tablished by law or delegated to such Assistant Sec-  
18 retary by the Under Secretary for Policy.

19 **“SEC. 603. OFFICE OF INTERNATIONAL AFFAIRS.**

20 “(a) IN GENERAL.—There shall be in the Office of  
21 Policy an Office of International Affairs.

22 “(b) HEAD OF OFFICE.—The Secretary shall appoint  
23 an Assistant Secretary for International Affairs to serve  
24 as the head of the Office and as the chief diplomatic offi-  
25 cer of the Department.

1 “(c) FUNCTIONS.—

2 “(1) IN GENERAL.—The Assistant Secretary for  
3 International Affairs shall—

4 “(A) coordinate international activities  
5 within the Department, including activities car-  
6 ried out by the components of the Department,  
7 in consultation with other Federal officials with  
8 responsibility for counterterrorism and home-  
9 land security matters;

10 “(B) advise, inform, and assist the Sec-  
11 retary with respect to the development and im-  
12 plementation of Departmental policy priorities,  
13 including strategic priorities for the deployment  
14 of assets, including personnel, outside the  
15 United States;

16 “(C) develop, in consultation with the  
17 Under Secretary for Management, guidance for  
18 selecting, assigning, training, and monitoring  
19 overseas deployments of Department personnel,  
20 including minimum standards for  
21 predeployment training;

22 “(D) develop and update, in coordination  
23 with all components of the Department engaged  
24 in international activities, a strategic plan for  
25 the international activities of the Department,

1 establish a process for managing its implemen-  
2 tation, and establish mechanisms to monitor the  
3 alignment between assets, including personnel,  
4 deployed by the Department outside the United  
5 States and the plan required by this subpara-  
6 graph;

7 “(E) develop and distribute guidance on  
8 Department policy priorities for overseas activi-  
9 ties to personnel deployed overseas, that, at a  
10 minimum, sets forth the regional and national  
11 priorities being advanced by their deployment,  
12 and establish mechanisms to foster better co-  
13 ordination of Department personnel, programs,  
14 and activities deployed outside the United  
15 States;

16 “(F) maintain awareness regarding the  
17 international travel of senior officers of the De-  
18 partment and their intent to pursue negotia-  
19 tions with foreign government officials, and re-  
20 view resulting draft agreements;

21 “(G) develop, in consultation with the com-  
22 ponents of the Department, including, as appro-  
23 priate, with the Under Secretary for the Science  
24 and Technology Directorate, programs to sup-  
25 port the overseas programs conducted by the

1 Department, including training, technical as-  
2 sistance, and equipment to ensure that Depart-  
3 ment personnel deployed abroad have proper re-  
4 sources and receive adequate and timely sup-  
5 port;

6 “(H) conduct the exchange of homeland  
7 security information, in consultation with the  
8 Under Secretary of the Office of Intelligence  
9 and Analysis, and best practices relating to  
10 homeland security with foreign nations that, in  
11 the determination of the Secretary, reciprocate  
12 the sharing of such information in a substan-  
13 tially similar manner;

14 “(I) submit information to the Under Sec-  
15 retary for Policy for oversight purposes, includ-  
16 ing preparation of the quadrennial homeland se-  
17 curity review and on the status of overseas ac-  
18 tivities, including training and technical assist-  
19 ance and information exchange activities and  
20 the Department’s resources dedicated to these  
21 activities;

22 “(J) promote, when appropriate, and over-  
23 see the exchange of education, training, and in-  
24 formation with nations friendly to the United



1 States in order to share best practices relating  
2 to homeland security; and

3 “(K) perform such other functions as are  
4 established by law or delegated by the Under  
5 Secretary for Policy.

6 “(2) INVENTORY OF ASSETS DEPLOYED  
7 ABROAD.—For each fiscal year, the Assistant Sec-  
8 retary for International Affairs, in coordination with  
9 the Under Secretary for Management, shall provide  
10 to the Committee on Homeland Security of the  
11 House of Representatives and the Committee on  
12 Homeland Security and Governmental Affairs of the  
13 Senate with the annual budget request for the De-  
14 partment, an annual accounting of all assets of the  
15 Department, including personnel, deployed outside  
16 the United States on behalf of the Department.

17 “(3) STANDARDIZED FRAMEWORK FOR COST  
18 DATA.—The Assistant Secretary for International  
19 Affairs shall utilize a standardized framework to col-  
20 lect and maintain comparable cost data for all assets  
21 of the Department, including personnel, deployed  
22 outside the United States to prepare the annual ac-  
23 counting required by paragraph (2).

24 “(4) EXCLUSIONS.—This subsection does not  
25 apply to international activities related to the protec-

1       tive mission of the United States Secret Service, or  
2       to the Coast Guard when operating under the direct  
3       authority of the Secretary of Defense or the Sec-  
4       retary of the Navy.

5       **“SEC. 604. OFFICE OF POLICY IMPLEMENTATION.**

6       “(a) IN GENERAL.—There shall be in the Office of  
7       Policy an Office of Policy Implementation.

8       “(b) HEAD OF OFFICE.—The Secretary shall appoint  
9       a Director of the Office of Policy Implementation to serve  
10      as the head of the Office.

11      “(c) RESPONSIBILITIES.—The Director of the Office  
12      of Policy Implementation shall lead, conduct, coordinate,  
13      and provide overall direction and supervision of Depart-  
14      ment-wide policy development for the programs, offices,  
15      and activities of the Department, in consultation with rel-  
16      evant officials of the Department, to ensure quality, con-  
17      sistency, and integration across the Department, as appro-  
18      priate.

19      **“SEC. 605. OFFICE OF STRATEGY AND PLANNING.**

20      “(a) IN GENERAL.—There shall be in the Office of  
21      Policy of the Department an Office of Strategy and Plan-  
22      ning.

23      “(b) HEAD OF OFFICE.—The Secretary shall appoint  
24      a Director of the Office of Strategy and Planning who  
25      shall serve as the head of the Office.

1       “(c) RESPONSIBILITIES.—The Director of the Office  
2 of Strategy and Planning shall—

3               “(1) lead and conduct long-term Department-  
4 wide strategic planning, including the Quadrennial  
5 Homeland Security Review and planning guidance  
6 for the Department, and translate the Department’s  
7 statutory responsibilities, strategic plans, and long-  
8 term goals into risk-based policies and procedures  
9 that improve operational effectiveness; and

10              “(2) develop strategies to address unconven-  
11 tional threats to the homeland.”.

12       (b) CLERICAL AMENDMENT.—The table of contents  
13 in section 1(b) of such Act is amended—

14              (1) by striking the items relating to title VI and  
15 inserting the following:

“TITLE VI—POLICY AND PLANNING

“Sec. 601. Office of Policy.

“Sec. 602. Office of Partnership and Engagement.

“Sec. 603. Office of International Affairs.

“Sec. 604. Office of Policy Implementation.

“Sec. 605. Office of Strategy and Planning.”.

16              (2) by inserting after the item relating to sec-  
17 tion 890A the following:

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

18       (c) APPOINTMENT OF UNDER SECRETARY FOR POL-  
19 ICY; CONTINUATION OF SERVICE OF ASSISTANT SEC-  
20 RETARY.—

1           (1) TIME OF APPOINTMENT.—The President  
2           may appoint an Under Secretary for Policy under  
3           section 601 of the Homeland Security Act of 2002,  
4           as amended by this title, only on or after January  
5           20, 2017.

6           (2) HEAD OF OFFICE PENDING APPOINT-  
7           MENT.—The individual serving as the Assistant Sec-  
8           retary for Policy of the Department of Homeland  
9           Security on the date of the enactment of this Act,  
10          or their successor, may continue to serve as an As-  
11          sistant Secretary and as the head of the Office of  
12          Policy established by such section, until the date on  
13          which the Under Secretary for Policy is appointed  
14          under such section in accordance with paragraph  
15          (1).

16          (d) APPOINTMENT OF ASSISTANT SECRETARY FOR  
17          INTERNATIONAL AFFAIRS; ABOLISHMENT OF EXISTING  
18          OFFICE.—

19               (1) TIME OF APPOINTMENT.—The Secretary of  
20               Homeland Security may appoint an Assistant Sec-  
21               retary for International Affairs under section 602 of  
22               the Homeland Security Act of 2002, as amended by  
23               this title, only on or after January 20, 2017.

24               (2) HEAD OF OFFICE PENDING APPOINT-  
25               MENT.—The individual serving as the Assistant Sec-

1       retary for International Affairs of the Department of  
2       Homeland Security on the date of the enactment of  
3       this Act, or their successor, may continue to serve  
4       as a Deputy Assistant Secretary and as the head of  
5       the Office of International Affairs established by  
6       such section, until the date the Under Secretary for  
7       Policy is appointed under such section in accordance  
8       with paragraph (1).

9               (3) ABOLISHMENT OF EXISTING OFFICE.—

10              (A) IN GENERAL.—The Office of Inter-  
11              national Affairs within the Office of the Sec-  
12              retary is abolished.

13              (B) TRANSFER OF ASSETS AND PER-  
14              SONNEL.—The assets and personnel associated  
15              with such Office are transferred to the head of  
16              the Office of International Affairs provided for  
17              by section 603 of the Homeland Security Act of  
18              2002, as amended by this title.

19              (C) CONFORMING AMENDMENT.—Sub-  
20              section 879 of the Homeland Security Act of  
21              2002 (6 U.S.C. 459), and the item relating to  
22              such section in section 1(b) of such Act, are re-  
23              pealed.

24              (e) ABOLISHMENT OF OFFICE FOR STATE AND  
25       LOCAL LAW ENFORCEMENT.—

1           (1) IN GENERAL.—The Office for State and  
2 Local Law Enforcement of the Department of  
3 Homeland Security is abolished.

4           (2) TRANSFER OF FUNCTIONS, ASSETS, AND  
5 PERSONNEL.—The functions authorized to be per-  
6 formed by such office immediately before the enact-  
7 ment of this Act, and the assets and personnel asso-  
8 ciated with such functions, are transferred to the  
9 head of the Office of Partnership and Engagement  
10 provided for by section 602 of the Homeland Secu-  
11 rity Act of 2002, as amended by this title.

12           (3) CONFORMING AMENDMENT.—Subsection (b)  
13 of section 2006 of the Homeland Security Act of  
14 2002 (6 U.S.C. 607) is repealed.

15           (f) ABOLISHMENT OF OFFICE FOR STATE AND  
16 LOCAL GOVERNMENT COORDINATION.—

17           (1) IN GENERAL.—The Office for State and  
18 Local Government Coordination of the Department  
19 of Homeland Security is abolished.

20           (2) TRANSFER OF FUNCTIONS AND ASSETS.—  
21 The functions authorized to be performed by such  
22 office immediately before the enactment of this Act,  
23 and the assets and personnel associated with such  
24 functions, are transferred to the head of Office of  
25 Partnership and Engagement provided for by section

1       602 of the Homeland Security Act of 2002, as  
2       amended by this title.

3           (3) CONFORMING AMENDMENTS.—Section 801  
4       of the Homeland Security Act of 2002 (6 U.S.C.  
5       631), and the item relating to that section in the  
6       table of contents in section 1(b) of such Act, are re-  
7       pealed.

8           (g) ABOLISHMENT OF SPECIAL ASSISTANT TO THE  
9       SECRETARY.—

10           (1) IN GENERAL.—The Special Assistant to the  
11       Secretary authorized by section 102(f) of the Home-  
12       land Security Act of 2002 (6 U.S.C. 112(f)), as in  
13       effect immediately before the enactment of this Act,  
14       is abolished.

15           (2) TRANSFER OF FUNCTIONS AND ASSETS.—  
16       The functions authorized to be performed by such  
17       Special Assistant to the Secretary immediately be-  
18       fore the enactment of this Act, and the assets and  
19       personnel associated with such functions, are trans-  
20       ferred to the head of the Office of Partnership and  
21       Engagement provided for by section 602 of the  
22       Homeland Security Act of 2002, as amended by this  
23       title.

1           (3) CONFORMING AMENDMENT.—Section 102(f)  
2       of the Homeland Security Act of 2002 (6 U.S.C.  
3       112(f)) is repealed.

4           (h) CONFORMING AMENDMENTS RELATING TO AS-  
5       SISTANT SECRETARIES.—Section 103(a) of the Homeland  
6       Security Act of 2002 (6 U.S.C. 113(a)) is amended—

7           (1) in paragraph (1), by striking subparagraph  
8       (I) and redesignating subparagraph (J) as subpara-  
9       graph (I); and

10          (2) by amending paragraph (2) to read as fol-  
11       lows:

12           “(2) ASSISTANT SECRETARIES.—

13               “(A) ADVICE AND CONSENT APPOINT-  
14       MENTS.—The Department shall have the fol-  
15       lowing Assistant Secretaries appointed by the  
16       President, by and with the advice and consent  
17       of the Senate:

18                   “(i) The Assistant Secretary, U.S.  
19       Immigration and Customs Enforcement.

20                   “(ii) The Assistant Secretary, Trans-  
21       portation Security Administration.

22               “(B) OTHER PRESIDENTIAL APPOINT-  
23       MENTS.—The Department shall have the fol-  
24       lowing Assistant Secretaries appointed by the  
25       President:



1           “(i) The Assistant Secretary, Infra-  
2           structure Protection.

3           “(ii) The Assistant Secretary, Office  
4           of Public Affairs.

5           “(iii) The Assistant Secretary, Office  
6           of Legislative Affairs.

7           “(C) SECRETARIAL APPOINTMENTS.—The  
8           Department shall have the following Assistant  
9           Secretaries appointed by the Secretary:

10           “(i) The Assistant Secretary, Office of  
11           Cybersecurity and Communications.

12           “(ii) The Assistant Secretary for  
13           International Affairs under section 602.

14           “(iii) The Assistant Secretary for  
15           Partnership and Engagement under sec-  
16           tion 603.

17           “(D) LIMITATION ON CREATION OF POSI-  
18           TIONS.—No Assistant Secretary position may  
19           be created in addition to the positions provided  
20           for by this section unless such position is au-  
21           thorized by a statute enacted after the date of  
22           the enactment of the DHS Headquarters Re-  
23           form and Improvement Act of 2015.”.

24           (i) HOMELAND SECURITY ADVISORY COUNCIL.—Sec-  
25           tion 102(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 112(b)) is amended by striking “and” after the  
2 semicolon at the end of paragraph (2), striking the period  
3 at the end of paragraph (3) and inserting “; and”, and  
4 adding at the end the following:

5           “(4) shall establish a Homeland Security Advi-  
6           sory Council to provide advice and recommendations  
7           on homeland-security-related matters.”.

8           (j) PROHIBITION ON NEW OFFICES.—No new office  
9 may be created to perform functions transferred by this  
10 section, other than as provided in section 601 of the  
11 Homeland Security Act of 2002, as amended by this title,  
12 unless the Secretary of Homeland Security receives prior  
13 authorization from Congress permitting such change.

14           (k) DEFINITIONS.—In this section each of the terms  
15 “functions”, “assets”, and “personnel” has the meaning  
16 that term has under section 2 of the Homeland Security  
17 Act of 2002 (6 U.S.C. 101).

18           (l) DUPLICATION REVIEW.—The Secretary of Home-  
19 land Security shall—

20           (1) within 1 year after the date of the enact-  
21           ment of this Act, complete a review of the inter-  
22           national affairs offices, functions, and responsibil-  
23           ities of the components of the Department of Home-  
24           land Security, to identify and eliminate areas of un-  
25           necessary duplication; and

1           (2) within 30 days after the completion of such  
2 review, provide the results of the review to the Com-  
3 mittee on Homeland Security of the House of Rep-  
4 resentatives and the Committee on Homeland Secu-  
5 rity and Governmental Affairs of the Senate.

6 **SEC. 1415. QUADRENNIAL HOMELAND SECURITY REVIEW.**

7           Section 707 of the Homeland Security Act of 2002  
8 (6 U.S.C. 347) is amended—

9           (1) in subsection (a)—

10           (A) by amending paragraph (1) to read as  
11 follows:

12           “(1) REVIEW REQUIRED.—In fiscal year 2017,  
13 and every 4 years thereafter, the Secretary shall  
14 conduct a review of the homeland security of the Na-  
15 tion (in this section referred to as a ‘quadrennial  
16 homeland security review’). Such review shall be con-  
17 ducted so that it is completed, and the report under  
18 subsection (c) is issued, by no later than December  
19 31, 2017, and by December 31 of every fourth year  
20 thereafter.”; and

21           (B) in paragraph (3) by striking “The Sec-  
22 retary shall conduct each quadrennial homeland  
23 security review under this subsection in con-  
24 sultation with” and inserting “In order to en-  
25 sure that each quadrennial homeland security

1 review conducted under this section is coordi-  
2 nated with the quadrennial defense review con-  
3 ducted by the Secretary of Defense under sec-  
4 tion 118 of title 10, United States Code, and  
5 any other major strategic review relating to di-  
6 plomacy, intelligence, or other national security  
7 issues, the Secretary shall conduct and obtain  
8 information and feedback from entities of the  
9 homeland security enterprise through”;

10 (2) in subsection (b)—

11 (A) in paragraph (5), by striking “and”  
12 after the semicolon at the end;

13 (B) in paragraph (6), by striking the pe-  
14 riod and inserting “; and”; and

15 (C) by adding after paragraph (6) the fol-  
16 lowing:

17 “(7) leverage analytical tools and resources de-  
18 veloped as part of the quadrennial homeland security  
19 review to support the Department’s ongoing pro-  
20 grams and missions.”;

21 (3) in subsection (c)(2)—

22 (A) by striking “and” after the semicolon  
23 at the end of subparagraph (H);

24 (B) by redesignating subparagraph (I) as  
25 subparagraph (L); and

1 (C) by inserting after subparagraph (H)  
2 the following:

3 “(I) a description of how the conclusions  
4 under the quadrennial homeland security review  
5 will inform efforts to develop capabilities and  
6 build capacity of States, local governments, In-  
7 dian tribes, and private entities, and of individ-  
8 uals, families, and communities;

9 “(J) as appropriate, proposed changes to  
10 the authorities, organization, governance struc-  
11 ture, or business processes (including acquisi-  
12 tion processes) of the Department in order to  
13 better fulfill responsibilities of the Department;

14 “(K) where appropriate, a classified annex,  
15 including materials prepared pursuant to sec-  
16 tion 306 of title 5, United States Code, relating  
17 to the preparation of an agency strategic plan,  
18 to satisfy, in whole or in part, the reporting re-  
19 quirements of this paragraph; and”.

20 **SEC. 1416. FUTURE YEARS HOMELAND SECURITY PRO-**  
21 **GRAM.**

22 Section 874 of the Homeland Security Act of 2002  
23 (6 U.S.C. 454) is amended—

24 (1) by amending subsection (a) to read as fol-  
25 lows:

1           “(a) IN GENERAL.—Not later than the 30 days fol-  
2           lowing the date of each fiscal year on which the budget  
3           of the President is submitted to Congress under section  
4           1105(a) of title 31, United States Code, the Secretary  
5           shall submit to the Committee on Homeland Security of  
6           the House of Representatives and the Committee on  
7           Homeland Security and Governmental Affairs of the Sen-  
8           ate a Future Years Homeland Security Program that pro-  
9           vides detailed estimates of the projected expenditures and  
10          corresponding requests for appropriations included in that  
11          budget. The Future Years Homeland Security Program  
12          shall cover the fiscal year for which the budget is sub-  
13          mitted and the 4 succeeding fiscal years.”; and

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

15          “(d) CONSISTENCY OF BUDGET REQUEST WITH ES-  
16          TIMATES.—For each fiscal year, the Secretary shall ensure  
17          that the projected amounts specified in program and  
18          budget information for the Department submitted to Con-  
19          gress in support of the President’s budget request are con-  
20          sistent with the estimated expenditures and proposed ap-  
21          propriations necessary to support the programs, projects,  
22          and activities of the Department included in the budget  
23          pursuant to section 1105(a)(5) of title 31, United States  
24          Code.

1           “(e) EXPLANATION OF ALIGNMENT WITH STRATE-  
2 GIES AND PLANS.—Together with the detailed estimates  
3 of the projected expenditures and corresponding requests  
4 for appropriations submitted for the Future Years Home-  
5 land Security Program, the Secretary shall provide an ex-  
6 planation of how those estimates and requests align with  
7 the homeland security strategies and plans developed and  
8 updated as appropriate by the Secretary. Such explanation  
9 shall include an evaluation of the organization, organiza-  
10 tional structure, governance structure, and business proc-  
11 esses (including acquisition processes) of the Department,  
12 to ensure that the Department is able to meet its respon-  
13 sibilities.

14           “(f) PROJECTION OF ACQUISITION ESTIMATES.—  
15 Each Future Years Homeland Security Program shall  
16 project—

17                   “(1) acquisition estimates for a period of 5 fis-  
18 cal years, with specified estimates for each fiscal  
19 year, for major acquisition programs by the Depart-  
20 ment and each component therein, including mod-  
21 ernization and sustainment expenses; and

22                   “(2) estimated annual deployment schedules for  
23 major acquisition programs over the 5-fiscal-year pe-  
24 riod.

1       “(g) CONTINGENCY AMOUNTS.—Nothing in this sec-  
2 tion shall be construed as prohibiting the inclusion in the  
3 Future Years Homeland Security Program of amounts for  
4 management contingencies, subject to the requirements of  
5 subsection (b).

6       “(h) CLASSIFIED OR SENSITIVE ANNEX.—The Sec-  
7 retary may include with each submission under this sec-  
8 tion a classified or sensitive annex containing any informa-  
9 tion required to be submitted under this section that is  
10 restricted from public disclosure in accordance with Fed-  
11 eral law, including information that is determined to be  
12 Sensitive Security Information under section 537 of the  
13 Department of Homeland Security Appropriations Act,  
14 2006 (6 U.S.C. 114) to Congress in a classified or sen-  
15 sitive annex.

16       “(i) AVAILABILITY OF INFORMATION TO THE PUB-  
17 LIC.—The Secretary shall make available to the public in  
18 electronic form the information required to be submitted  
19 to Congress under this section, other than information de-  
20 scribed in subsection (h).”.

21 **SEC. 1417. MANAGEMENT AND EXECUTION.**

22       Section 701 of the Homeland Security Act of 2002  
23 (6 U.S.C. 341) is amended by striking subsections (a) and  
24 (b) and inserting the following:



1       “(a) IN GENERAL.—Subject to the direction and con-  
2 trol of the Secretary, the Under Secretary for Manage-  
3 ment shall serve as the following:

4               “(1) The Chief Management Officer for all mat-  
5 ters related to the management and administration  
6 of the Department in support of homeland security  
7 operations and programs. With regard to the man-  
8 agement functions for which the Under Secretary  
9 has responsibility by law or by direction of the Sec-  
10 retary, the Under Secretary for Management takes  
11 precedence in the Department after the Secretary  
12 and the Deputy Secretary of Homeland Security.

13               “(2) The senior official with the authority to  
14 administer, implement, and direct management inte-  
15 gration and transformation across functional dis-  
16 ciplines of the Department, including—

17                       “(A) information technology, financial  
18 management, acquisition management, and  
19 human capital management of the Department  
20 to improve program efficiency and effectiveness;

21                       “(B) ensure compliance with laws, rules,  
22 regulations, and the Department’s policies;

23                       “(C) conduct regular oversight; and

24                       “(D) prevent unnecessary duplication of  
25 programs in the Department.

1       “(b) RESPONSIBILITIES.—In addition to responsibil-  
2 ities designated by the Secretary or otherwise established  
3 by law, the Under Secretary for Management shall be re-  
4 sponsible for performing, or delegating responsibility for  
5 performing, the following activities of the Department:

6           “(1) Development of the budget, management  
7 of appropriations, expenditures of funds, accounting,  
8 and finance.

9           “(2) Acquisition and procurement activities  
10 under section 701(d).

11          “(3) Human resources and personnel.

12          “(4) Information technology and communica-  
13 tion systems, in consultation with the Under Sec-  
14 retary for Intelligence and Analysis, as appropriate.

15          “(5) Facilities, property, equipment, and other  
16 material resources.

17          “(6) Real property and personal property.

18          “(7) Security for personnel, information tech-  
19 nology and communications systems, facilities, prop-  
20 erty, equipment, and other material resources.

21          “(8) Strategic management planning, annual  
22 performance planning, and identification and track-  
23 ing of performance measures relating to the respon-  
24 sibilities of the Department, including such respon-

1 sibilities under section 306 of title 5, United States  
2 Code.

3 “(9) Oversight of grants and other assistance  
4 management programs to ensure proper administra-  
5 tion.

6 “(10) Management integration and trans-  
7 formation within each functional management dis-  
8 cipline of the Department, including information  
9 technology, financial management, acquisition man-  
10 agement, and human capital management, and the  
11 transition process, to ensure an efficient and orderly  
12 consolidation of functions and personnel in the De-  
13 partment and transition, including the—

14 “(A) development of coordinated data  
15 sources and connectivity of information systems  
16 to the greatest extent practical to enhance pro-  
17 gram visibility and transparency;

18 “(B) development of standardized, auto-  
19 mated, and real-time management information  
20 to uniformly manage and oversee programs,  
21 and make informed decisions to improve the ef-  
22 ficiency of the Department;

23 “(C) development of effective program  
24 management and regular oversight mechanisms,  
25 including clear roles and processes for program

1 governance, sharing of best practices, and ac-  
2 cess to timely, reliable, and analyzed data on all  
3 acquisitions and investments;

4 “(D) implementation of mechanisms to  
5 promote accountability for management integra-  
6 tion among Department and component chief  
7 officers;

8 “(E) integration of financial management  
9 systems within and across the Department to  
10 ensure financial transparency, support daily  
11 operational and financial decisionmaking, and  
12 maintain consecutive unqualified opinions for  
13 all financial statements, including the responsi-  
14 bility to review, approve, and oversee the plan-  
15 ning, design, acquisition, deployment, operation,  
16 maintenance, and modernization of business  
17 systems;

18 “(F) integration of human resource man-  
19 agement systems within and across the Depart-  
20 ment to track and record information (including  
21 attrition rates, knowledge, skills, and abilities  
22 critical for workforce planning, identifying cur-  
23 rent and future human capital needs, including  
24 recruitment efforts and improving employee mo-  
25 rale), including the responsibility to review, ap-

1 prove, and oversee the planning, design, acquisi-  
2 tion, deployment, operation, maintenance, and  
3 modernization of business systems;

4 “(G) development of a management inte-  
5 gration strategy for the Department and its  
6 components to be submitted annually with the  
7 President’s budget to ensure that management  
8 of the Department is strengthened in the areas  
9 of human capital, acquisition, information tech-  
10 nology, and financial management, which shall  
11 include—

12 “(i) short- and long-term objectives to  
13 effectively guide implementation of inter-  
14 operable business systems solutions;

15 “(ii) issuance of guidance and action  
16 plans with dates, specific actions, and costs  
17 for implementing management integration  
18 and transformation of common functional  
19 disciplines across the Department and its  
20 components;

21 “(iii) specific operational and tactical  
22 goals, activities, and timelines needed to  
23 accomplish the integration effort;

24 “(iv) performance measures to mon-  
25 itor and validate corrective measures;

1 “(v) efforts to identify resources need-  
2 ed to achieve key actions and outcomes;

3 “(vi) other issues impeding manage-  
4 ment integration;

5 “(vii) reporting to the Government  
6 Accountability Office twice annually to  
7 demonstrate measurable, sustainable  
8 progress made in implementing the De-  
9 partment’s corrective action plans and  
10 achieving key outcomes, including regard-  
11 ing—

12 “(I) leadership commitment;

13 “(II) capacity building; and

14 “(III) continuous monitoring to  
15 address Government Accountability  
16 Office designations of programs at  
17 high risk for waste, fraud, and abuse,  
18 including with respect to strength-  
19 ening management functions;

20 “(viii) review and approve any major  
21 update to the Department’s strategy re-  
22 lated to management integration and  
23 transformation across functional disciplines  
24 and lines of business, including any busi-  
25 ness systems modernization plans to maxi-

1           mize benefits and minimize costs for the  
2           Department; and

3                   “(ix) before December 1 of each year  
4           in which a Presidential election is held, the  
5           development of a transition and succession  
6           plan to guide the transition of Department  
7           functions to a new Presidential administra-  
8           tion, and making such plan available to the  
9           next Secretary and Under Secretary for  
10          Management and to the homeland security  
11          congressional committees.

12                   “(H) Oversight, including the conduct of  
13          internal audits and management analyses, of  
14          the programs and activities of the Department.  
15          Such supervision includes establishing oversight  
16          procedures to ensure a full and effective review  
17          of the efforts by Department components to im-  
18          plement policies and procedures of the Depart-  
19          ment for management integration and trans-  
20          formation.

21                   “(I) Any other management duties that  
22          the Secretary may designate.”.

23 **SEC. 1418. CHIEF FINANCIAL OFFICER.**

24          Section 702 of the Homeland Security Act of 2002  
25          (6 U.S.C. 341) is amended by redesignating subsections

1 (b) and (c) as subsections (c) and (d), respectively, and  
2 by inserting after subsection (a) the following:

3 “(b) RESPONSIBILITIES.—Notwithstanding sections  
4 901 and 1122 of title 31, United States Code, the Chief  
5 Financial Officer, in consultation with the Under Sec-  
6 retary for Management and the Under Secretary for Intel-  
7 ligence and Analysis, as appropriate, shall—

8 “(1) lead cost-estimating practices for the De-  
9 partment, including the development of the Depart-  
10 ment’s policy on cost estimating and approval of life  
11 cycle cost estimates;

12 “(2) oversee coordination with the Office of Pol-  
13 icy on the Department’s long-term strategic plan-  
14 ning to ensure that the development of the Depart-  
15 ment’s budget is compatible with the priorities, stra-  
16 tegic plans, and policies established by the Sec-  
17 retary;

18 “(3) develop and oversee the Department’s fi-  
19 nancial management policy;

20 “(4) provide guidance for and over financial  
21 system modernization efforts throughout the Depart-  
22 ment;

23 “(5) establish effective internal controls over fi-  
24 nancial reporting systems and processes throughout  
25 the Department;



1           “(6) lead assessments of internal controls re-  
2           lated to the Department’s financial management sys-  
3           tems and review financial processes to ensure that  
4           internal controls are designed properly and operate  
5           effectively;

6           “(7) lead the Department’s efforts related to fi-  
7           nancial oversight, including identifying ways to  
8           streamline and standardize business processes;

9           “(8) lead and provide guidance on performance-  
10          based budgeting practices for the Department to en-  
11          sure that the Department and its components are  
12          meeting missions and goals;

13          “(9) ensure that Department components’ sen-  
14          ior financial officers certify that their major acquisi-  
15          tion programs have adequate resources to execute  
16          their programs through the 5-year future years  
17          homeland security program period, so that the De-  
18          partment’s funding requirements for major acquisi-  
19          tion programs match expected resources;

20          “(10) ensure that components identify and re-  
21          port all expected costs of acquisition programs to the  
22          Chief Financial Officer of the Department;

23          “(11) oversee Department budget formulation  
24          and execution;

1           “(12) fully implement a common accounting  
2 structure to be used across the entire Department  
3 by fiscal year 2019; and

4           “(13) track, approve, oversee, and make public  
5 information on expenditures by components of the  
6 Department for conferences, as appropriate, includ-  
7 ing by requiring each component of the Department  
8 to—

9           “(A) report to the Inspector General of the  
10 Department the expenditures by the component  
11 for each conference hosted or attended by De-  
12 partment employees for which the total expendi-  
13 tures of the Department exceed \$20,000, within  
14 15 days after the date of the conference; and

15           “(B) with respect to such expenditures,  
16 provide to the Inspector General—

17           “(i) the information described in sub-  
18 sections (a), (b), and (c) of section 739 of  
19 Public Law 113–235; and

20           “(ii) documentation of such expendi-  
21 tures.”.

22 **SEC. 1419. CHIEF PROCUREMENT OFFICER.**

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

1 **“SEC. 708. CHIEF PROCUREMENT OFFICER.**

2       “(a) IN GENERAL.—There is a Chief Procurement  
3 Officer of the Department, who shall report directly to the  
4 Under Secretary for Management. The Chief Procurement  
5 Officer is the senior procurement executive for purposes  
6 of section 1702(c) of title 41 United States Code, and  
7 shall perform procurement functions as specified in such  
8 section. The Chief Procurement Officer also shall perform  
9 other functions and responsibilities set forth in this section  
10 and as may be assigned by the Under Secretary for Man-  
11 agement.

12       “(b) RESPONSIBILITIES.—The Chief Procurement  
13 Officer shall—

14               “(1) exercise leadership and authority to the ex-  
15 tent delegated by the Under Secretary for Manage-  
16 ment over the Department’s procurement function;

17               “(2) issue procurement policies, and shall serve  
18 as a senior business advisor to agency officials on  
19 acquisition-related matters, including policy and  
20 workforce matters, as determined by the Under Sec-  
21 retary for Management;

22               “(3) account for the integrity, performance, and  
23 oversight of Department procurement and con-  
24 tracting functions and be responsible for ensuring  
25 that a procurement’s contracting strategy and plans

1 are consistent with the intent and direction of the  
2 Acquisition Review Board;

3 “(4) serve as the Department’s main liaison to  
4 industry on procurement-related issues;

5 “(5) oversee a centralized certification and  
6 training program, in consultation with the Under  
7 Secretary for Management, for the entire Depart-  
8 ment acquisition workforce while using, to the great-  
9 est extent practicable, best practices and acquisition  
10 training opportunities already in existence within the  
11 Federal Government, the private sector, or univer-  
12 sities and colleges, as appropriate, and including  
13 training on how best to identify actions that warrant  
14 referrals for suspension or debarment;

15 “(6) delegate or retain contracting authority, as  
16 appropriate;

17 “(7) provide input on the periodic performance  
18 reviews of each head of contracting activity of the  
19 Department;

20 “(8) collect baseline data and use such data to  
21 establish performance measures on the impact of  
22 strategic sourcing initiatives on the private sector,  
23 including, in particular, small businesses;

24 “(9) ensure that a fair proportion (as defined  
25 pursuant to the Small Business Act (15 U.S.C. 631

1 et seq.) of Federal contract and subcontract dollars  
2 are awarded to small businesses, maximize opportu-  
3 nities for small business participation, and ensure, to  
4 the extent practicable, small businesses that achieve  
5 qualified vendor status for security-related tech-  
6 nologies are provided an opportunity to compete for  
7 contracts for such technology; and

8 “(10) conduct oversight of implementation of  
9 administrative agreements to resolve suspension or  
10 debarment proceedings and, upon request, provide  
11 information to the Committee on Homeland Security  
12 of the House of Representatives and the Committee  
13 on Homeland Security and Governmental Affairs of  
14 the Senate about the effectiveness of such agree-  
15 ments at improving contractor responsibility.

16 “(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—  
17 In this section the term ‘head of contracting activity’  
18 means each official responsible for the creation, manage-  
19 ment, and oversight of a team of procurement profes-  
20 sionals properly trained, certified, and warranted to ac-  
21 complish the acquisition of products and services on behalf  
22 of the designated components, offices, and organizations  
23 of the Department, and as authorized, other government  
24 entities.”.

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

“Sec. 708. Chief Procurement Officer.”.

4 **SEC. 1420. CHIEF INFORMATION OFFICER.**

5 (a) IN GENERAL.—Section 703 of the Homeland Se-  
6 curity Act of 2002 (6 U.S.C. 343) is amended—

7 (1) in subsection (a), by adding at the end the  
8 following: “In addition to the functions under sec-  
9 tion 3506(a)(2) of title 44, United States Code, the  
10 Chief Information Officer shall perform the func-  
11 tions set forth in this section and such other func-  
12 tions as may be assigned by the Secretary.”;

13 (2) by redesignating subsection (b) as sub-  
14 section (e); and

15 (3) by inserting after subsection (a) the fol-  
16 lowing:

17 “(b) RESPONSIBILITIES.—In addition to the func-  
18 tions under section 3506 of title 44, United States Code,  
19 the Chief Information Officer, in consultation with the  
20 Under Secretary for Management, shall—

21 “(1) advise and assist the Secretary, heads of  
22 the components of the Department, and other senior  
23 officers in carrying out the responsibilities of the  
24 Department for all activities relating to the budgets,

1 programs, and operations of the information tech-  
2 nology functions of the Department;

3 “(2) to the extent delegated by the Secretary—

4 “(A) exercise leadership and authority over  
5 Department information technology manage-  
6 ment; and

7 “(B) establish the information technology  
8 priorities, policies, processes, standards, guide-  
9 lines, and procedures of the Department to en-  
10 sure interoperability and standardization of in-  
11 formation technology;

12 “(3) serve as the lead technical authority for in-  
13 formation technology programs;

14 “(4) maintain a consolidated inventory of the  
15 Department’s mission critical and mission essential  
16 information systems, and develop and maintain con-  
17 tingency plans for responding to a disruption in the  
18 operation of any of those information systems;

19 “(5) maintain the security, visibility, reliability,  
20 integrity, and availability of data and information  
21 technology of the Department including the security  
22 of the Homeland Security Data Network;

23 “(6) in coordination with relevant officials of  
24 the Department, ensure that the Department is in

1 compliance with subchapter II of chapter 35 of title  
2 44, United States Code;

3 “(7) establish policies and procedures to effec-  
4 tively monitor and manage vulnerabilities in the sup-  
5 ply chain for purchases of information technology;

6 “(8) in coordination with relevant officials of  
7 the Department, ensure Department compliance  
8 with Homeland Security Presidential Directive 12;

9 “(9) in coordination with relevant officials of  
10 the Department, ensure that information technology  
11 systems of the Department meet the standards es-  
12 tablished under the information sharing environ-  
13 ment, as defined in section 1016 of the Intelligence  
14 Reform and Terrorism Prevention Act of 2004 (6  
15 U.S.C. 485);

16 “(10) develop measures to monitor the perform-  
17 ance of Department components’ use and implemen-  
18 tation of information technology systems and con-  
19 sistently monitor such performance to ensure that  
20 such systems are used effectively;

21 “(11) ensure that Department components re-  
22 port to the Chief Information Officer of the Depart-  
23 ment a complete inventory of information systems  
24 and fully adhere to Department guidance related to  
25 information technology;



1           “(12) carry out any other responsibilities dele-  
2           gated by the Secretary consistent with an effective  
3           information system management function; and

4           “(13) carry out authorities over Department in-  
5           formation technology consistent with section 113419  
6           of title 40, United States Code.

7           “(c) STRATEGIC PLANS.—In coordination with the  
8           Chief Financial Officer, the Chief Information Officer  
9           shall develop an information technology strategic plan  
10          every 5 years and report to the Committee on Homeland  
11          Security and the Committee on Appropriations of the  
12          House of Representatives and the Committee on Home-  
13          land Security and Governmental Affairs and the Com-  
14          mittee on Appropriations of the Senate on—

15                 “(1) how the information technology strategic  
16                 plans developed under this subsection are used to  
17                 help inform the Department’s budget process;

18                 “(2) how the Department’s budget aligns with  
19                 priorities specified in the information technology  
20                 strategic plans;

21                 “(3) in cases in which it is not possible to fund  
22                 all information technology strategic plan activities  
23                 for a given fiscal year, the rationale as to why cer-  
24                 tain activities are not being funded in lieu of higher  
25                 priorities;

1           “(4) what decisionmaking process was used to  
2 arrive at these priorities and the role of Department  
3 components in that process; and

4           “(5) examine the extent to which unnecessary  
5 duplicate information technology within and across  
6 the components of the Department has been elimi-  
7 nated.

8           “(d) SOFTWARE LICENSING.—

9           “(1) IN GENERAL.—Not later than 180 days  
10 after the date of the enactment of the DHS Head-  
11 quarters Reform and Improvement Act of 2015, and  
12 every 2 years thereafter until 2020, the Chief Infor-  
13 mation Officer, in consultation with Department  
14 component chief information officers, shall—

15           “(A) conduct a Department-wide inventory  
16 of all existing software licenses held by the De-  
17 partment, including utilized and unutilized li-  
18 censes;

19           “(B) assess the needs of the Department  
20 and the components of the Department for soft-  
21 ware licenses for the subsequent 2 fiscal years;

22           “(C) examine how the Department can  
23 achieve the greatest possible economies of scale  
24 and cost savings in the procurement of software  
25 licenses;

1           “(D) determine how the use of shared  
2 cloud-computing services will impact the needs  
3 for software licenses for the subsequent 2 fiscal  
4 years; and

5           “(E) establish plans and estimated costs  
6 for eliminating unutilized software licenses for  
7 the subsequent 2 fiscal years.

8           “(2) EXCESS SOFTWARE LICENSING.—

9           “(A) PLAN TO REDUCE SOFTWARE LI-  
10 CENSES.—If the Chief Information Officer de-  
11 termines through the inventory conducted under  
12 paragraph (1) that the number of software li-  
13 censes held by the Department and the compo-  
14 nents of the Department exceed the needs of  
15 the Department as assessed under paragraph  
16 (1), the Secretary, not later than 90 days after  
17 the date on which the inventory is completed,  
18 shall establish a plan for bringing the number  
19 of such software licenses into balance with such  
20 needs of the Department.

21           “(B) PROHIBITION ON PROCUREMENT OF  
22 NEW SOFTWARE LICENSES.—

23           “(i) IN GENERAL.—Except as pro-  
24 vided in clause (ii), upon completion of a  
25 plan established under paragraph (1), no

1 additional resources may be obligated for  
2 the procurement of new software licenses  
3 for the Department until such time as the  
4 need of the Department exceeds the num-  
5 ber of used and unused licenses held by the  
6 Department.

7 “(ii) EXCEPTION.—The Chief Infor-  
8 mation Officer may authorize the purchase  
9 of additional licenses and amend the num-  
10 ber of needed licenses as necessary.

11 “(3) GAO REVIEW.—The Comptroller General  
12 of the United States shall review the inventory con-  
13 ducted under paragraph (1)(A) and the plan estab-  
14 lished under paragraph (2)(A).

15 “(4) SUBMISSION TO CONGRESS.—The Chief  
16 Information Officer shall submit a copy of each in-  
17 ventory conducted under paragraph (1)(A) and each  
18 plan established under paragraph (2)(A) to the  
19 Committee on Homeland Security of the House of  
20 Representatives and the Committee on Homeland  
21 Security and Governmental Affairs of the Senate.”.

22 (b) COMPLETION OF FIRST DEFINITION OF CAPA-  
23 BILITIES.—The Chief Information Officer shall complete  
24 the first implementation of section 701(c) of the Home-  
25 land Security Act of 2002, as amended by this section,

1 by not later than 1 year after the date of the enactment  
2 of this Act.

3 **SEC. 1421. CHIEF HUMAN CAPITAL OFFICER.**

4 Section 704 of the Homeland Security Act of 2002  
5 (6 U.S.C. 343) is amended to read as follows:

6 **“SEC. 704. CHIEF HUMAN CAPITAL OFFICER.**

7 “(a) IN GENERAL.—There is a Chief Human Capital  
8 Officer of the Department who shall report directly to the  
9 Under Secretary of Management.

10 “(b) RESPONSIBILITIES.—The Chief Human Capital  
11 Officer shall—

12 “(1) develop and implement strategic workforce  
13 planning efforts that are consistent with Govern-  
14 ment-wide leading principles, and that are in line  
15 with Department strategic human capital goals and  
16 priorities;

17 “(2) develop performance measures to provide a  
18 basis for monitoring and evaluating Department-  
19 wide strategic workforce planning efforts;

20 “(3) develop strategies to recruit, hire, and  
21 train the Department workforce;

22 “(4) work with the component heads to identify  
23 methods for managing and overseeing human capital  
24 programs and initiatives;

1           “(5) develop a career path framework, and cre-  
2           ate opportunities for leader development;

3           “(6) serve as the Department’s central office  
4           for managing employee resources, including training  
5           and development opportunities;

6           “(7) coordinate the Department’s human re-  
7           source management system;

8           “(8) conduct efficiency reviews to determine if  
9           components are implementing human capital pro-  
10          grams and initiatives; and

11          “(9) identify and eliminate unnecessary and du-  
12          plicative human capital policies and guidance.

13          “(c) COMPONENT STRATEGIES.—

14                 “(1) IN GENERAL.—Each component of the De-  
15                 partment shall coordinate with the Chief Human  
16                 Capital Officer of the Department to develop or  
17                 maintain its own 5-year workforce strategy that will  
18                 support the Department’s goals, objectives, perform-  
19                 ance measures, and determination of the proper bal-  
20                 ance of Federal employees and private labor re-  
21                 sources.

22                 “(2) STRATEGY REQUIREMENTS.—The Chief  
23                 Human Capital Officer shall ensure that, in the de-  
24                 velopment of the strategy required by subsection (c),  
25                 the head of the component reports to the Chief

1 Human Capital Officer on the human resources con-  
2 siderations associated with creating additional Fed-  
3 eral full-time equivalent positions, converting private  
4 contractor positions to Federal employee positions,  
5 or relying on the private sector for goods and serv-  
6 ices, including—

7 “(A) hiring projections, including occupa-  
8 tion and grade level, as well as corresponding  
9 salaries, benefits, and hiring or retention bo-  
10 nuses;

11 “(B) the identification of critical skills re-  
12 quirements over the 5-year period, any current  
13 or anticipated need for critical skills required at  
14 the Department, and the training or other  
15 measures required to address such need;

16 “(C) recruitment of qualified candidates  
17 and retention of qualified employees;

18 “(D) supervisory and management require-  
19 ments;

20 “(E) travel and related personnel support  
21 costs;

22 “(F) the anticipated cost and impact on  
23 mission performance associated with replacing  
24 Federal personnel due to their retirement or  
25 other attrition; and

1 “(G) other appropriate factors.

2 “(d) ANNUAL SUBMISSION.—The Secretary shall  
3 provide to the appropriate congressional committees, to-  
4 gether with submission of the annual budget justification,  
5 information on the progress within the Department of ful-  
6 filling the workforce strategies required under subsection  
7 (c).”.

8 **SEC. 1422. CHIEF SECURITY OFFICER.**

9 (a) IN GENERAL.—Title VII of the Homeland Secu-  
10 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
11 section 1619(a) of this title, is further amended by adding  
12 at the end the following:

13 **“SEC. 709. CHIEF SECURITY OFFICER.**

14 “(a) IN GENERAL.—There is a Chief Security Officer  
15 of the Department, who shall report directly to the Under  
16 Secretary for Management.

17 “(b) RESPONSIBILITIES.—The Chief Security Officer  
18 shall—

19 “(1) develop and implement the Department’s  
20 security policies, programs, and standards;

21 “(2) identify training and provide education to  
22 Department personnel on security-related matters;  
23 and

24 “(3) provide support to Department compo-  
25 nents on security-related matters.”.



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

“Sec. 709. Chief Security Officer.”.

4 **SEC. 1423. COST SAVINGS AND EFFICIENCY REVIEWS.**

5 Not later than 1 year after the date of the enactment  
6 of this Act, the Secretary of Homeland Security, acting  
7 through the Under Secretary for Management of the De-  
8 partment of Homeland Security, shall submit to the Com-  
9 mittee on Homeland Security of the House of Representa-  
10 tives and the Committee on Homeland Security and Gov-  
11 ernmental Affairs of the Senate a report that—

12 (1) provides a detailed inventory of the manage-  
13 ment and administrative expenditures and activities  
14 of the components of the Department and identifies  
15 potential cost savings and efficiencies for those ex-  
16 penditures and activities of each such component;

17 (2) examines the size, experience level, and geo-  
18 graphic distribution of the operational personnel of  
19 the Department, including Customs and Border Pro-  
20 tection officers, Border Patrol agents, Customs and  
21 Border Protection Air and Marine agents, Customs  
22 and Border Protection agriculture specialists, Fed-  
23 eral Protective Service law enforcement security offi-  
24 cers, Immigration and Customs Enforcement agents,  
25 Transportation Security Administration officers,

1 Federal air marshals, and members of the Coast  
2 Guard; and

3 (3) makes recommendations for adjustments in  
4 the management and administration of the Depart-  
5 ment that would reduce deficiencies in the Depart-  
6 ment's capabilities, reduce costs, and enhance effi-  
7 ciencies.

8 **SEC. 1424. FIELD EFFICIENCIES PLAN.**

9 (1) IN GENERAL.—Not later than 270 days  
10 after the date of the enactment of this Act, the Sec-  
11 retary of Homeland Security shall submit to the  
12 Committee on Homeland Security of the House of  
13 Representatives and Committee on Homeland Secu-  
14 rity and Governmental Affairs of the Senate a field  
15 efficiencies plan that—

16 (A) examines the facilities and administra-  
17 tive and logistics functions of components of the  
18 Department of Homeland Security located with-  
19 in designated geographic areas; and

20 (B) provides specific recommendations and  
21 an associated cost-benefit analysis for the con-  
22 solidation of the facilities and administrative  
23 and logistics functions of components of the De-  
24 partment within each designated geographic  
25 area.

1           (2) CONTENTS.—The field efficiencies plan sub-  
2           mitted under paragraph (1) shall include the fol-  
3           lowing:

4                   (A) An accounting of leases held by the  
5           Department or its components that have ex-  
6           pired in the current fiscal year or will be expir-  
7           ing in the next fiscal year, that have begun or  
8           been renewed in the current fiscal year, or that  
9           the Department or its components plan to sign  
10          or renew in the next fiscal year.

11                   (B)(i) An evaluation for each designated  
12          geographic area of specific facilities at which  
13          components, or operational entities of compo-  
14          nents, of the Department may be closed or con-  
15          solidated, including consideration of when leases  
16          expire or facilities owned by the Government  
17          become available.

18                   (ii) The evaluation shall include consider-  
19          ation of potential consolidation with facilities of  
20          other Federal, State, or local entities, includ-  
21          ing—

22                           (I) offices;

23                           (II) warehouses;

24                           (III) training centers;

25                           (IV) housing;

1 (V) ports, shore facilities, and air-  
2 fields;

3 (VI) laboratories; and

4 (VII) other assets as determined by  
5 the Secretary.

6 (iii) The evaluation shall include the poten-  
7 tial for the consolidation of administrative and  
8 logistics functions, including—

9 (I) facility maintenance;

10 (II) fleet vehicle services;

11 (III) mail handling and shipping and  
12 receiving;

13 (IV) facility security;

14 (V) procurement of goods and serv-  
15 ices;

16 (VI) information technology and tele-  
17 communications services and support; and

18 (VII) additional ways to improve unity  
19 of effort and cost savings for field oper-  
20 ations and related support activities as de-  
21 termined by the Secretary.

22 (C) An implementation plan, including—

23 (i) near-term actions that can co-lo-  
24 cate, consolidate, or dispose of property  
25 within 24 months;

1 (ii) identifying long-term occupancy  
2 agreements or leases that cannot be  
3 changed without a significant cost to the  
4 Government; and

5 (iii) how the Department can ensure  
6 it has the capacity, in both personnel and  
7 funds, needed to cover up-front costs to  
8 achieve consolidation and efficiencies.

9 (D) An accounting of any consolidation in  
10 the Department or its component's real estate  
11 footprint, including the co-location of personnel  
12 from different components, offices, and agencies  
13 within the Department.

14 **SEC. 1425. RESOURCES TO RESPOND TO OPERATIONAL**  
15 **SURGES.**

16 On an annual basis, the Secretary of Homeland Secu-  
17 rity shall provide to the Committee on Homeland Security  
18 of the House of Representatives and the Committee on  
19 Homeland Security and Governmental Affairs of the Sen-  
20 ate information on the circumstances in which the Sec-  
21 retary exercised the authority during the preceding year  
22 to reprogram or transfer funds to address unforeseen  
23 costs, including the costs associated with operational  
24 surges, and information on any circumstances in which  
25 limitations on the transfer or reprogramming of funds im-

1 pacted the Secretary's ability to address such unforeseen  
2 costs.

3 **SEC. 1426. DEPARTMENT OF HOMELAND SECURITY ROTA-**  
4 **TION PROGRAM.**

5 (a) ENHANCEMENTS TO THE ROTATION PROGRAM.—  
6 Section 844(a) of the Homeland Security Act of 2002 (6  
7 U.S.C. 414(a)) is amended as follows:

8 (1) In paragraph (1)—

9 (A) by striking “Not later than 180 days  
10 after the date of enactment of this section, the”  
11 and inserting “The”; and

12 (B) by striking “for employees of the De-  
13 partment” and inserting “for certain personnel  
14 within the Department”.

15 (2) In paragraph (2)—

16 (A) by redesignating subparagraphs (A)  
17 through (G) as subparagraphs (C) through (I),  
18 and inserting before subparagraph (C), as so  
19 redesignated, the following:

20 “(A) seek to foster greater Departmental  
21 integration and unity of effort;

22 “(B) seek to help enhance the knowledge,  
23 skills, and abilities of participating personnel  
24 with respect to the Department's programs,  
25 policies, and activities;”;

1 (B) in subparagraph (D), as so redesignated,  
2 nated, by striking “middle and senior level”;  
3 and

4 (C) in subparagraph (G), as so redesignated,  
5 nated, by inserting before “invigorate” the following:  
6 “seek to improve morale and retention  
7 throughout the Department and”.

8 (3) In paragraph (3)(B), by striking clause (iii)  
9 and redesignating clauses (iv) through (viii) as  
10 clauses (iii) through (vii).

11 (4) By redesignating paragraphs (4) and (5) as  
12 paragraphs (5) and (6), and inserting after paragraph  
13 (3) the following:

14 “(4) ADMINISTRATIVE MATTERS.—In carrying  
15 out any program established pursuant to this section,  
16 the Secretary shall—

17 “(A) before selecting employees for participation  
18 in such program, disseminate information broadly within  
19 the Department about the availability of the program,  
20 qualifications for participation in the program, including  
21 full-time employment within the employing component or  
22 office not less than one year, and the general  
23 provisions of the program;  
24

1           “(B) require each candidate for participa-  
2           tion in the program to be nominated by the  
3           head of the candidate’s employing component or  
4           office and that the Secretary, or the Secretary’s  
5           designee, select each employee for the program  
6           solely on the basis of relative ability, knowledge,  
7           and skills, after fair and open competition that  
8           assures that all candidates receive equal oppor-  
9           tunity;

10           “(C) ensure that each employee partici-  
11           pating in the program shall be entitled to re-  
12           turn, within a reasonable period of time after  
13           the end of the period of participation, to the po-  
14           sition held by the employee, or a corresponding  
15           or higher position, in the employee’s employing  
16           component or office;

17           “(D) require that the rights that would be  
18           available to the employee if the employee were  
19           detailed from the employing component or office  
20           to another Federal agency or office remain  
21           available to the employee during the employee  
22           participation in the program; and

23           “(E) require that, during the period of  
24           participation by an employee in the program,  
25           performance evaluations for the employee—



1           “(i) shall be conducted by officials in  
2           the employee’s office or component with  
3           input from the supervisors of the employee  
4           at the component or office in which the  
5           employee is placed during that period; and

6           “(ii) shall be provided the same  
7           weight with respect to promotions and  
8           other rewards as performance evaluations  
9           for service in the employee’s office or com-  
10          ponent.”.

11          (b) CONGRESSIONAL NOTIFICATION AND OVER-  
12          SIGHT.—Not later than 120 days after the date of the en-  
13          actment of this Act, the Secretary of Homeland Security  
14          shall provide information to the Committee on Homeland  
15          Security of the House of Representatives and the Com-  
16          mittee on Homeland Security and Governmental Affairs  
17          of the Senate about the status of the homeland security  
18          rotation program authorized by section 844 of the Home-  
19          land Security Act of 2002, as amended by this section.

20          **Subtitle B—Department of Home-**  
21          **land Security Acquisition Ac-**  
22          **countability and Efficiency**

23          **SEC. 1431. DEFINITIONS.**

24          (a) IN GENERAL.—In this subtitle:

1           (1) SECRETARY.—The term “Secretary” means  
2 the Secretary of Homeland Security.

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

5           (3) CONGRESSIONAL HOMELAND SECURITY  
6 COMMITTEES.—The term “congressional homeland  
7 security committees” means—

8                   (A) the Committee on Homeland Security  
9 of the House of Representatives and the Com-  
10 mittee on Homeland Security and Govern-  
11 mental Affairs of the Senate; and

12                   (B) the Committee on Appropriations of  
13 the House of Representatives and of the Sen-  
14 ate.

15 (b) ADDITIONAL DEFINITIONS.—In this subtitle:

16           (1) ACQUISITION.—The term “acquisition” has  
17 the meaning provided in section 131 of title 41,  
18 United States Code.

19           (2) BEST PRACTICES.—The term “best prac-  
20 tices”, with respect to acquisition, means a knowl-  
21 edge-based approach to capability development that  
22 includes identifying and validating needs; assessing  
23 alternatives to select the most appropriate solution;  
24 clearly establishing well-defined requirements; devel-  
25 oping realistic cost assessments and schedules; se-

1 curing stable funding that matches resources to re-  
2 quirements; demonstrating technology, design, and  
3 manufacturing maturity; using milestones and exit  
4 criteria or specific accomplishments that dem-  
5 onstrate progress; adopting and executing standard-  
6 ized processes with known success across programs;  
7 establishing an adequate workforce that is qualified  
8 and sufficient to perform necessary functions; and  
9 integrating these capabilities into the Department’s  
10 mission and business operations.

11 (c) AMENDMENTS TO DEFINITIONS IN HOMELAND  
12 SECURITY ACT OF 2002.—Section 2 of the Homeland Se-  
13 curity Act of 2002 is amended—

14 (1) by striking “In this Act,” and inserting “(a)  
15 IN GENERAL.—In this Act,”;

16 (2) in paragraph (2)—

17 (A) by inserting “(A)” after “(2)”; and

18 (B) by adding at the end the following new  
19 subparagraph:

20 “(B) The term ‘congressional homeland security  
21 committees’ means—

22 “(i) the Committee on Homeland Security  
23 of the House of Representatives and the Com-  
24 mittee on Homeland Security and Govern-  
25 mental Affairs of the Senate; and

1           “(ii) the Committees on Appropriations of  
2           the House of Representatives and of the Sen-  
3           ate, where appropriate.”; and

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

6           “(b) ACQUISITION-RELATED DEFINITIONS.—In this  
7           Act, the following definitions apply:

8           “(1) ACQUISITION.—The term ‘acquisition’ has  
9           the meaning provided in section 131 of title 41,  
10          United States Code.

11          “(2) ACQUISITION DECISION AUTHORITY.—The  
12          term ‘acquisition decision authority’ means the au-  
13          thority, held by the Secretary acting through the  
14          Deputy Secretary or Under Secretary for Manage-  
15          ment—

16                 “(A) to ensure compliance with Federal  
17                 law, the Federal Acquisition Regulation, and  
18                 Department acquisition management directives;

19                 “(B) to review (including approving, halt-  
20                 ing, modifying, or cancelling) an acquisition  
21                 program through the life cycle of the program;

22                 “(C) to ensure that program managers  
23                 have the resources necessary to successfully  
24                 execute an approved acquisition program;

1           “(D) to ensure good program management  
2 of cost, schedule, risk, and system performance  
3 of the acquisition, including assessing acquisi-  
4 tion program baseline breaches and directing  
5 any corrective action for such breaches; and

6           “(E) to ensure that program managers, on  
7 an ongoing basis, monitor cost, schedule, and  
8 performance against established baselines and  
9 use tools to assess risks to a program at all  
10 phases of the life cycle of the program to avoid  
11 and mitigate acquisition program baseline  
12 breaches.

13           “(3) ACQUISITION DECISION EVENT.—The term  
14 ‘acquisition decision event’, with respect to an in-  
15 vestment or acquisition program, means a predeter-  
16 mined point within the acquisition phases of the in-  
17 vestment or acquisition program at which the invest-  
18 ment or acquisition program will undergo a review  
19 prior to commencement of the next phase.

20           “(4) ACQUISITION DECISION MEMORANDUM.—  
21 The term ‘acquisition decision memorandum’, with  
22 respect to an acquisition, means the official acquisi-  
23 tion decision event record that includes a docu-  
24 mented record of decisions, exit criteria, and as-  
25 signed actions for the acquisition as determined by

1 the person exercising acquisition decision authority  
2 for the acquisition.

3 “(5) ACQUISITION PROGRAM BASELINE.—The  
4 term ‘acquisition program baseline’, with respect to  
5 an acquisition program, means a summary of the  
6 cost, schedule, and performance parameters, ex-  
7 pressed in standard, measurable, quantitative terms,  
8 which must be met in order to accomplish the goals  
9 of the program.

10 “(6) CAPABILITY DEVELOPMENT PLAN.—The  
11 term ‘capability development plan’, with respect to a  
12 proposed acquisition, means the document that the  
13 Acquisition Review Board approves for the first ac-  
14 quisition decision event related to validating the  
15 need of a proposed acquisition.

16 “(7) COMPONENT ACQUISITION EXECUTIVE.—  
17 The term ‘Component Acquisition Executive’ means  
18 the senior acquisition official within a component  
19 who is designated in writing by the Under Secretary  
20 for Management, in consultation with the component  
21 head, with authority and responsibility for leading a  
22 process and staff to provide acquisition and program  
23 management oversight, policy, and guidance to en-  
24 sure that statutory, regulatory, and higher level pol-  
25 icy requirements are fulfilled, including compliance

1 with Federal law, the Federal Acquisition Regula-  
2 tion, and Department acquisition management direc-  
3 tives established by the Under Secretary for Man-  
4 agement.

5 “(8) LIFE CYCLE COST.—The term ‘life cycle  
6 cost’, with respect to an acquisition program, means  
7 all costs associated with research, development, pro-  
8 curement, operation, integrated logistics support,  
9 and disposal under the program, including sup-  
10 porting infrastructure that plans, manages, and exe-  
11 cutes the program over its full life, and costs of com-  
12 mon support items incurred as a result of the pro-  
13 gram.

14 “(9) MAJOR ACQUISITION PROGRAM.—The term  
15 ‘major acquisition program’ means a Department  
16 acquisition program that is estimated by the Sec-  
17 retary to require an eventual total expenditure of at  
18 least \$300,000,000 (based on fiscal year 2015 con-  
19 stant dollars) over its life cycle cost.”.

20 **PART 1—ACQUISITION AUTHORITIES**

21 **SEC. 1441. ACQUISITION AUTHORITIES FOR UNDER SEC-**  
22 **RETARY FOR MANAGEMENT.**

23 Section 701 of the Homeland Security Act of 2002  
24 (6 U.S.C. 341), as amended by section 1417 of this title,  
25 is further amended by adding at the end the following:

1       “(e) ACQUISITION AND RELATED RESPONSIBIL-  
2 ITIES.—

3           “(1) IN GENERAL.—Notwithstanding section  
4 1702(b) of title 41, United States Code, the Under  
5 Secretary for Management is the Chief Acquisition  
6 Officer of the Department. As Chief Acquisition Of-  
7 ficer, the Under Secretary shall have the authority  
8 and perform the functions as specified in section  
9 1702(b) of such title, and perform all other func-  
10 tions and responsibilities delegated by the Secretary  
11 or described in this subsection.

12           “(2) DUTIES AND RESPONSIBILITIES.—In addi-  
13 tion to the authority and functions specified in sec-  
14 tion 1702(b) of title 41, United States Code, the du-  
15 ties and responsibilities of the Under Secretary for  
16 Management related to acquisition include the fol-  
17 lowing:

18           “(A) Advising the Secretary regarding ac-  
19 quisition management activities, taking into ac-  
20 count risks of failure to achieve cost, schedule,  
21 or performance parameters, to ensure that the  
22 Department achieves its mission through the  
23 adoption of widely accepted program manage-  
24 ment best practices and standards.



1           “(B) Exercising the acquisition decision  
2 authority to approve, halt, modify (including  
3 the rescission of approvals of program mile-  
4 stones), or cancel major acquisition programs,  
5 unless the Under Secretary delegates the au-  
6 thority to a Component Acquisition Executive  
7 pursuant to paragraph (3).

8           “(C) Establishing policies for acquisition  
9 that implement an approach that takes into ac-  
10 count risks of failure to achieve cost, schedule,  
11 or performance parameters that all components  
12 of the Department shall comply with, including  
13 outlining relevant authorities for program man-  
14 agers to effectively manage acquisition pro-  
15 grams.

16           “(D) Ensuring that each major acquisition  
17 program has a Department-approved acquisi-  
18 tion program baseline, pursuant to the Depart-  
19 ment’s acquisition management policy.

20           “(E) Ensuring that the heads of compo-  
21 nents and Component Acquisition Executives  
22 comply with Federal law, the Federal Acquisi-  
23 tion Regulation, and Department acquisition  
24 management directives.

1           “(F) Ensuring that grants and financial  
2 assistance are provided only to individuals and  
3 organizations that are not suspended or  
4 debarred.

5           “(G) Distributing guidance throughout the  
6 Department to ensure that contractors involved  
7 in acquisitions, particularly companies that ac-  
8 cess the Department’s information systems and  
9 technologies, adhere to internal cybersecurity  
10 policies established by the Department of  
11 Homeland Security.

12           “(3) DELEGATION OF ACQUISITION DECISION  
13 AUTHORITY.—

14           “(A) LEVEL 3 ACQUISITIONS.—The Under  
15 Secretary for Management may delegate acqui-  
16 sition decision authority in writing to the rel-  
17 evant Component Acquisition Executive for an  
18 acquisition program that has a life cycle cost  
19 estimate of less than \$300,000,000.

20           “(B) LEVEL 2 ACQUISITIONS.—The Under  
21 Secretary for Management may delegate acqui-  
22 sition decision authority in writing to the rel-  
23 evant Component Acquisition Executive for a  
24 major acquisition program that has a life cycle  
25 cost estimate of at least \$300,000,000 but not

1 more than \$1,000,000,000 if all of the following  
2 requirements are met:

3 “(i) The component concerned pos-  
4 sesses working policies, processes, and pro-  
5 cedures that are consistent with Depart-  
6 ment-level acquisition policy.

7 “(ii) The Component Acquisition Ex-  
8 ecutive has adequate, experienced, dedi-  
9 cated program management professional  
10 staff commensurate with the size of the  
11 delegated portfolio.

12 “(iii) Each major acquisition program  
13 concerned has written documentation  
14 showing that it has a Department-ap-  
15 proved acquisition program baseline and it  
16 is meeting agreed-upon cost, schedule, and  
17 performance thresholds.

18 “(4) EXCLUDED PARTIES LIST SYSTEM CON-  
19 SULTATION.—The Under Secretary for Management  
20 shall require that all Department contracting and  
21 procurement officials consult the Excluded Parties  
22 List System (or successor system) as maintained by  
23 the General Services Administration prior to award-  
24 ing a contract or grant or entering into other trans-  
25 actions to ascertain whether the selected contractor

1 is excluded from receiving Federal contracts, certain  
2 subcontracts, and certain types of Federal financial  
3 and nonfinancial assistance and benefits.

4 “(5) RELATIONSHIP TO UNDER SECRETARY  
5 FOR SCIENCE AND TECHNOLOGY.—

6 “(A) IN GENERAL.—Nothing in this sub-  
7 section shall diminish the authority granted to  
8 the Under Secretary for Science and Tech-  
9 nology under this Act. The Under Secretary for  
10 Management and the Under Secretary for  
11 Science and Technology shall cooperate in mat-  
12 ters related to the coordination of acquisitions  
13 across the Department so that investments of  
14 the Directorate of Science and Technology can  
15 support current and future requirements of the  
16 components.

17 “(B) OPERATIONAL TESTING AND EVALUA-  
18 TION.—The Under Secretary for Science and  
19 Technology shall—

20 “(i) ensure, in coordination with rel-  
21 evant component heads, that major acqui-  
22 sition programs—

23 “(I) complete operational testing  
24 and evaluation of technologies and  
25 systems;

1                   “(II) use independent verification  
2                   and validation of operational test and  
3                   evaluation implementation and re-  
4                   sults; and

5                   “(III) document whether such  
6                   programs meet all performance re-  
7                   quirements included in their acquisi-  
8                   tion program baselines;

9                   “(ii) ensure that such operational  
10                  testing and evaluation includes all system  
11                  components and incorporates operators  
12                  into the testing to ensure that systems per-  
13                  form as intended in the appropriate oper-  
14                  ational setting; and

15                  “(iii) determine if testing conducted  
16                  by other Federal agencies and private enti-  
17                  ties is relevant and sufficient in deter-  
18                  mining whether systems perform as in-  
19                  tended in the operational setting.”.

20 **SEC. 1442. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**  
21 **CIAL OFFICER.**

22                  Section 702 of the Homeland Security Act of 2002  
23 (6 U.S.C. 342), as amended by section 1618 of this title,  
24 is further amended by adding at the end of subsection  
25 (c)(2) the following new subparagraph:

1           “(J) Notwithstanding section 902 of title  
2           31, United States Code, provide leadership over  
3           financial management policy and programs for  
4           the Department as they relate to the Depart-  
5           ment’s acquisitions programs, in consultation  
6           with the Under Secretary for Management.”.

7 **SEC. 1443. ACQUISITION AUTHORITIES FOR CHIEF INFOR-**  
8 **MATION OFFICER.**

9           Section 703 of the Homeland Security Act of 2002  
10          (6 U.S.C. 343), as amended by section 1620(a) of this  
11          title, is further amended by adding at the end the fol-  
12          lowing new subsection:

13          “(f) ACQUISITION RESPONSIBILITIES.—Notwith-  
14          standing section 11315 of title 40, United States Code,  
15          the acquisition responsibilities of the Chief Information  
16          Officer, in consultation with the Under Secretary for Man-  
17          agement, shall include the following:

18                 “(1) Oversee the management of the Homeland  
19                 Security Enterprise Architecture and ensure that,  
20                 before each acquisition decision event, approved in-  
21                 formation technology acquisitions comply with de-  
22                 partmental information technology management  
23                 processes, technical requirements, and the Homeland  
24                 Security Enterprise Architecture, and in any case in  
25                 which information technology acquisitions do not

1 comply with the Department’s management direc-  
2 tives, make recommendations to the Acquisition Re-  
3 view Board regarding such noncompliance.

4 “(2) Be responsible for providing recommenda-  
5 tions to the Acquisition Review Board established in  
6 section 836 of this Act on information technology  
7 programs, and be responsible for developing infor-  
8 mation technology acquisition strategic guidance.”.

9 **SEC. 1444. REQUIREMENTS TO ENSURE GREATER AC-**  
10 **COUNTABILITY FOR ACQUISITION PRO-**  
11 **GRAMS.**

12 (a) IN GENERAL.—Title VII of the Homeland Secu-  
13 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
14 sections 1419(a) and 1422(a) of this title, is further  
15 amended by adding at the end the following:

16 **“SEC. 710. REQUIREMENTS TO ENSURE GREATER AC-**  
17 **COUNTABILITY FOR ACQUISITION PRO-**  
18 **GRAMS.**

19 “(a) REQUIREMENT TO ESTABLISH MECHANISM.—  
20 Within the Management Directorate, the Under Secretary  
21 for Management shall establish a mechanism to prioritize  
22 improving the accountability, standardization, and trans-  
23 parency of major acquisition programs of the Department  
24 in order to increase opportunities for effectiveness and ef-

1iciencies and to serve as the central oversight function  
2 of all Department acquisition programs.

3 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-  
4 TOR.—The Under Secretary for Management shall des-  
5 ignate an Executive Director to oversee the requirement  
6 under subsection (a). The Executive Director shall report  
7 directly to the Under Secretary and shall carry out the  
8 following responsibilities:

9 “(1) Monitor the performance of Department  
10 acquisition programs regularly between acquisition  
11 decision events to identify problems with cost, per-  
12 formance, or schedule that components may need to  
13 address to prevent cost overruns, performance  
14 issues, or schedule delays.

15 “(2) Assist the Under Secretary for Manage-  
16 ment in managing the Department’s acquisition  
17 portfolio.

18 “(3) Conduct oversight of individual acquisition  
19 programs to implement Department acquisition pro-  
20 gram policy, procedures, and guidance with a pri-  
21 ority on ensuring the data it collects and maintains  
22 from its components is accurate and reliable.

23 “(4) Serve as the focal point and coordinator  
24 for the acquisition life cycle review process and as



1 the executive secretariat for the Acquisition Review  
2 Board established under section 836 of this Act.

3 “(5) Advise the persons having acquisition deci-  
4 sion authority in making acquisition decisions con-  
5 sistent with all applicable laws and in establishing  
6 clear lines of authority, accountability, and responsi-  
7 bility for acquisition decisionmaking within the De-  
8 partment.

9 “(6) Engage in the strategic planning and per-  
10 formance evaluation process required under section  
11 306 of title 5, United States Code, and sections  
12 1105(a)(28), 1115, 1116, and 9703 of title 31,  
13 United States Code, by supporting the Chief Pro-  
14 curement Officer in developing strategies and spe-  
15 cific plans for hiring, training, and professional de-  
16 velopment in order to rectify any deficiency within  
17 the Department’s acquisition workforce.

18 “(7) Oversee the Component Acquisition Execu-  
19 tive structure to ensure it has sufficient capabilities  
20 and complies with Department policies.

21 “(8) Develop standardized certification stand-  
22 ards in consultation with the Component Acquisition  
23 Executives for all acquisition program managers.

24 “(9) In the event that a program manager’s  
25 certification or actions need review for purposes of

1 promotion or removal, provide input, in consultation  
2 with the relevant Component Acquisition Executive,  
3 into the relevant program manager’s performance  
4 evaluation, and report positive or negative experi-  
5 ences to the relevant certifying authority.

6 “(10) Provide technical support and assistance  
7 to Department acquisitions and acquisition per-  
8 sonnel in conjunction with the Chief Procurement  
9 Officer.

10 “(11) Prepare the Department’s Comprehensive  
11 Acquisition Status Report, as required by the De-  
12 partment of Homeland Security Appropriations Act,  
13 2013 (division D of Public Law 113–6; 127 Stat.  
14 343) and section 840 of this Act, and make such re-  
15 port available to congressional homeland security  
16 committees.

17 “(12) Prepare the Department’s Quarterly Pro-  
18 gram Accountability Report as required by section  
19 840 of this Act, and make such report available to  
20 the congressional homeland security committees.

21 “(c) RESPONSIBILITIES OF COMPONENTS.—Each  
22 head of a component shall comply with Federal law, the  
23 Federal Acquisition Regulation, and Department acquisi-  
24 tion management directives established by the Under Sec-

1   retary for Management. For each major acquisition pro-  
2   gram, each head of a component shall—

3           “(1) define baseline requirements and document  
4           changes to those requirements, as appropriate;

5           “(2) establish a complete life cycle cost estimate  
6           with supporting documentation, including an acquisi-  
7           tion program baseline;

8           “(3) verify each life cycle cost estimate against  
9           independent cost estimates, and reconcile any dif-  
10          ferences;

11          “(4) complete a cost-benefit analysis with sup-  
12          porting documentation;

13          “(5) develop and maintain a schedule that is  
14          consistent with scheduling best practices as identi-  
15          fied by the Comptroller General of the United  
16          States, including, in appropriate cases, an integrated  
17          master schedule; and

18          “(6) ensure that all acquisition program infor-  
19          mation provided by the component is complete, accu-  
20          rate, timely, and valid.

21   **“SEC. 711. ACQUISITION DOCUMENTATION.**

22          “(a) IN GENERAL.—For each major acquisition pro-  
23          gram, the Executive Director responsible for the prepara-  
24          tion of the Comprehensive Acquisition Status Report, pur-  
25          suant to paragraph (11) of section 710(b), shall require

1 certain acquisition documentation to be submitted by De-  
2 partment components or offices.

3 “(b) WAIVER.—The Secretary may waive the require-  
4 ment for submission under subsection (a) for a program  
5 for a fiscal year if either—

6 “(1) the program has not—

7 “(A) entered the full rate production phase  
8 in the acquisition life cycle;

9 “(B) had a reasonable cost estimate estab-  
10 lished; and

11 “(C) had a system configuration defined  
12 fully; or

13 “(2) the program does not meet the definition  
14 of ‘capital asset’, as defined by the Director of the  
15 Office of Management and Budget.

16 “(c) CONGRESSIONAL OVERSIGHT.—At the same  
17 time the President’s budget is submitted for a fiscal year  
18 under section 1105(a) of title 31, United States Code, the  
19 Secretary shall submit to the Committee on Homeland Se-  
20 curity of the House of Representatives and Committee on  
21 Homeland Security and Governmental Affairs of the Sen-  
22 ate information on the exercise of authority under sub-  
23 section (b) in the prior fiscal year that includes the fol-  
24 lowing specific information regarding each program for  
25 which a waiver is issued under subsection (b):



1 major acquisition programs, and review the use of best  
2 practices.

3 “(b) COMPOSITION.—The Deputy Secretary or Under  
4 Secretary for Management shall serve as chair of the  
5 Board. The Secretary shall also ensure participation by  
6 other relevant Department officials, including at least 2  
7 component heads or their designees, as permanent mem-  
8 bers of the Board.

9 “(c) MEETINGS.—The Board shall meet every time  
10 a major acquisition program needs authorization to pro-  
11 ceed from acquisition decision events through the acquisi-  
12 tion life cycle and to consider any major acquisition pro-  
13 gram in breach as necessary. The Board may also be con-  
14 vened for non-major acquisitions that are deemed high-  
15 risk by the Executive Director referred to in section  
16 710(b) of this Act. The Board shall also meet regularly  
17 for purposes of ensuring all acquisitions processes proceed  
18 in a timely fashion to achieve mission readiness.

19 “(d) RESPONSIBILITIES.—The responsibilities of the  
20 Board are as follows:

21 “(1) Determine whether a proposed acquisition  
22 has met the requirements of key phases of the acqui-  
23 sition life cycle framework and is able to proceed to  
24 the next phase and eventual full production and de-  
25 ployment.

1           “(2) Oversee executable business strategy, re-  
2           sources, management, accountability, and alignment  
3           to strategic initiatives.

4           “(3) Support the person with acquisition deci-  
5           sion authority for an acquisition in determining the  
6           appropriate direction for the acquisition at key ac-  
7           quisition decision events.

8           “(4) Conduct systematic reviews of acquisitions  
9           to ensure that they are progressing in compliance  
10          with the approved documents for their current acqui-  
11          sition phase.

12          “(5) Review the acquisition documents of each  
13          major acquisition program, including the acquisition  
14          program baseline and documentation reflecting con-  
15          sideration of tradeoffs among cost, schedule, and  
16          performance objectives, to ensure the reliability of  
17          underlying data.

18          “(6) Ensure that practices are adopted and im-  
19          plemented to require consideration of trade-offs  
20          among cost, schedule, and performance objectives as  
21          part of the process for developing requirements for  
22          major acquisition programs prior to the initiation of  
23          the second acquisition decision event, including, at a  
24          minimum, the following practices:

1           “(A) Department officials responsible for  
2           acquisition, budget, and cost estimating func-  
3           tions are provided with the appropriate oppor-  
4           tunity to develop estimates and raise cost and  
5           schedule matters before performance objectives  
6           are established for capabilities when feasible.

7           “(B) Full consideration of possible trade-  
8           offs among cost, schedule, and performance ob-  
9           jectives for each alternative is considered.

10          “(e) ACQUISITION PROGRAM BASELINE REPORT RE-  
11          QUIREMENT.—If the person exercising acquisition decision  
12          authority over a major acquisition program approves the  
13          program to proceed into the planning phase before it has  
14          a Department-approved acquisition program baseline,  
15          then the Under Secretary for Management shall create  
16          and approve an acquisition program baseline report on the  
17          decision, and the Secretary shall—

18                 “(1) within 7 days after an acquisition decision  
19                 memorandum is signed, notify in writing the con-  
20                 gressional homeland security committees of such de-  
21                 cision; and

22                 “(2) within 60 days after the acquisition deci-  
23                 sion memorandum is signed, submit a report to such  
24                 committees stating the rationale for the decision and



1 a plan of action to require an acquisition program  
2 baseline for the program.

3 “(f) BEST PRACTICES DEFINED.—In this section,  
4 the term ‘best practices’ has the meaning provided in sec-  
5 tion 4(b) of the DHS Headquarters Reform and Improve-  
6 ment Act of 2015.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 in section 1(b) of the Homeland Security Act of 2002 (6  
9 U.S.C. 101 et seq.) is further amended by adding after  
10 the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

11 **SEC. 1452. REQUIREMENTS TO REDUCE DUPLICATION IN**  
12 **ACQUISITION PROGRAMS.**

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

17 **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN**  
18 **ACQUISITION PROGRAMS.**

19 “(a) REQUIREMENT TO ESTABLISH POLICIES.—In  
20 an effort to reduce unnecessary duplication and ineffi-  
21 ciency for all Department investments, including major ac-  
22 quisition programs, the Deputy Secretary, in consultation  
23 with the Under Secretary for Management, shall establish  
24 Department-wide policies to integrate all phases of the in-  
25 vestment life cycle and help the Department identify, vali-

1 date, and prioritize common component requirements for  
2 major acquisition programs in order to increase opportuni-  
3 ties for effectiveness and efficiencies. The policies shall  
4 also include strategic alternatives for developing and facili-  
5 tating a Department component-driven requirements proc-  
6 ess that includes oversight of a development test and eval-  
7 uation capability; identification of priority gaps and over-  
8 laps in Department capability needs; and provision of fea-  
9 sible technical alternatives, including innovative commer-  
10 cially available alternatives, to meet capability needs.

11       “(b) MECHANISMS TO CARRY OUT REQUIREMENT.—  
12 The Under Secretary for Management shall coordinate the  
13 actions necessary to carry out subsection (a), using such  
14 mechanisms as considered necessary by the Secretary to  
15 help the Department reduce unnecessary duplication and  
16 inefficiency for all Department investments, including  
17 major acquisition programs.

18       “(c) COORDINATION.—In coordinating the actions  
19 necessary to carry out subsection (a), the Deputy Sec-  
20 retary shall consult with the Under Secretary for Manage-  
21 ment, Component Acquisition Executives, and any other  
22 Department officials, including the Under Secretary for  
23 Science and Technology or his designee, with specific  
24 knowledge of Department or component acquisition capa-

1 bilities to prevent unnecessary duplication of require-  
2 ments.

3 “(d) ADVISORS.—The Deputy Secretary, in consulta-  
4 tion with the Under Secretary for Management, shall seek  
5 and consider input within legal and ethical boundaries  
6 from members of Federal, State, local, and tribal govern-  
7 ments, nonprofit organizations, and the private sector, as  
8 appropriate, on matters within their authority and exper-  
9 tise in carrying out the Department’s mission.

10 “(e) MEETINGS.—The Deputy Secretary, in consulta-  
11 tion with the Under Secretary for Management, shall meet  
12 at least quarterly and communicate with components often  
13 to ensure that components do not overlap or duplicate  
14 spending or activities on major investments and acquisi-  
15 tion programs within their areas of responsibility.

16 “(f) RESPONSIBILITIES.—In carrying out this sec-  
17 tion, the responsibilities of the Deputy Secretary, in con-  
18 sultation with the Under Secretary for Management, are  
19 as follows:

20 “(1) To review and validate the requirements  
21 documents of major investments and acquisition pro-  
22 grams prior to acquisition decision events of the in-  
23 vestments or programs.

24 “(2) To ensure the requirements and scope of  
25 a major investment or acquisition program are sta-

1 ble, measurable, achievable, at an acceptable risk  
2 level, and match the resources planned to be avail-  
3 able.

4 “(3) Before any entity of the Department  
5 issues a solicitation for a new contract, coordinate  
6 with other Department entities as appropriate to  
7 prevent unnecessary duplication and inefficiency  
8 and—

9 “(A) to implement portfolio reviews to  
10 identify common mission requirements and  
11 crosscutting opportunities among components  
12 to harmonize investments and requirements and  
13 prevent unnecessary overlap and duplication  
14 among components; and

15 “(B) to the extent practicable, to stand-  
16 ardize equipment purchases, streamline the ac-  
17 quisition process, improve efficiencies, and con-  
18 duct best practices for strategic sourcing.

19 “(4) To ensure program managers of major in-  
20 vestments and acquisition programs conduct anal-  
21 yses, giving particular attention to factors such as  
22 cost, schedule, risk, performance, and operational ef-  
23 ficiency in order to determine that programs work as  
24 intended within cost and budget expectations.

1           “(5) To propose schedules for delivery of the  
2           operational capability needed to meet each Depart-  
3           ment investment and major acquisition program.

4           “(g) BEST PRACTICES DEFINED.—In this section,  
5           the term ‘best practices’ has the meaning provided in sec-  
6           tion 4(b) of the DHS Headquarters Reform and Improve-  
7           ment Act of 2015.”.

8           (b) CLERICAL AMENDMENT.—The table of contents  
9           in section 1(b) of the Homeland Security Act of 2002 (6  
10          U.S.C. 101 et seq.) is further amended by adding after  
11          the item relating to section 836 the following new item:

          “Sec. 837. Requirements to reduce duplication in acquisition programs.”.

12       **SEC. 1453. GOVERNMENT ACCOUNTABILITY OFFICE RE-**  
13                               **VIEW OF BOARD AND OF REQUIREMENTS TO**  
14                               **REDUCE DUPLICATION IN ACQUISITION PRO-**  
15                               **GRAMS.**

16          (a) REVIEW REQUIRED.—The Comptroller General  
17          of the United States shall conduct a review of the effec-  
18          tiveness of the Acquisition Review Board established  
19          under section 836 of the Homeland Security Act of 2002  
20          (as added by section 1451) and the requirements to reduce  
21          unnecessary duplication in acquisition programs estab-  
22          lished under section 837 of such Act (as added by section  
23          1452) in improving the Department’s acquisition manage-  
24          ment process.

1 (b) SCOPE OF REPORT.—The review shall include the  
2 following:

3 (1) An assessment of the effectiveness of the  
4 Board in increasing program management oversight,  
5 best practices and standards, and discipline among  
6 the components of the Department, including in  
7 working together and in preventing overlap and un-  
8 necessary duplication.

9 (2) An assessment of the effectiveness of the  
10 Board in instilling program management discipline.

11 (3) A statement of how regularly each major  
12 acquisition program is reviewed by the Board, how  
13 often the Board stops major acquisition programs  
14 from moving forward in the phases of the acquisition  
15 life cycle process, and the number of major acquisi-  
16 tion programs that have been halted because of  
17 problems with operational effectiveness, schedule  
18 delays, or cost overruns.

19 (4) An assessment of the effectiveness of the  
20 Board in impacting acquisition decisionmaking with-  
21 in the Department, including the degree to which  
22 the Board impacts decisionmaking within other  
23 headquarters mechanisms and bodies involved in the  
24 administration of acquisition activities.

1 (c) REPORT REQUIRED.—The Comptroller General  
2 shall submit to the congressional homeland security com-  
3 mittees a report on the review required by this section not  
4 later than 1 year after the date of the enactment of this  
5 Act. The report shall be submitted in unclassified form  
6 but may include a classified annex.

7 **SEC. 1454. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

8 The Secretary of Homeland Security shall provide no-  
9 tification to the congressional homeland security commit-  
10 tees within 5 days after the issuance of a waiver by the  
11 Secretary of Federal requirements that an agency not en-  
12 gage in business with a contractor in the Excluded Party  
13 List System (or successor system) as maintained by the  
14 General Services Administration and an explanation for  
15 a finding by the Secretary that a compelling reason exists  
16 for this action.

17 **SEC. 1455. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**  
18 **SION AND DEBARMENT.**

19 The Inspector General of the Department of Home-  
20 land Security—

21 (1) may audit decisions about grant and pro-  
22 curement awards to identify instances where a con-  
23 tract or grant was improperly awarded to a sus-  
24 pended or debarred entity and whether corrective ac-  
25 tions were taken to prevent recurrence; and

1           (2) shall review the suspension and debarment  
2           program throughout the Department of Homeland  
3           Security to assess whether suspension and debar-  
4           ment criteria are consistently applied throughout the  
5           Department and whether disparities exist in the ap-  
6           plication of such criteria, particularly with respect to  
7           business size and categories.

8           **PART 3—ACQUISITION PROGRAM MANAGEMENT**  
9           **ACCOUNTABILITY AND TRANSPARENCY**

10          **SEC. 1461. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
11                                   **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
12                                   **GRAM BREACH.**

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

17          **“SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
18                                   **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
19                                   **GRAM BREACH.**

20          “(a) BREACH DEFINED.—The term ‘breach’, with re-  
21          spect to a major acquisition program, means a failure to  
22          meet any cost, schedule, or performance parameter speci-  
23          fied in the acquisition program baseline.

24          “(b) REQUIREMENTS WITHIN DEPARTMENT IF  
25          BREACH OCCURS.—



1 “(1) NOTIFICATIONS.—

2 “(A) NOTIFICATION OF BREACH.—If a  
3 breach occurs in a major acquisition program,  
4 the program manager for that program shall  
5 notify the Component Acquisition Executive for  
6 the program, the head of the component con-  
7 cerned, the Executive Director referred to in  
8 section 710(b) of this Act, the Under Secretary  
9 for Management, and the Deputy Secretary.

10 “(B) NOTIFICATION TO SECRETARY.—If a  
11 major acquisition program has a breach with a  
12 cost overrun greater than 15 percent or a  
13 schedule delay greater than 180 days from the  
14 costs or schedule set forth in the acquisition  
15 program baseline for the program, the Sec-  
16 retary and the Inspector General of the Depart-  
17 ment shall be notified not later than 5 business  
18 days after the breach is identified.

19 “(2) REMEDIATION PLAN AND ROOT CAUSE  
20 ANALYSIS.—

21 “(A) IN GENERAL.—In the case of a  
22 breach with a cost overrun greater than 15 per-  
23 cent or a schedule delay greater than 180 days  
24 from the costs or schedule set forth in the ac-  
25 quisition program baseline, a remediation plan

1 and root cause analysis is required, and the  
2 Under Secretary for Management or his des-  
3 ignee shall establish a date for submission with-  
4 in the Department of a breach remediation plan  
5 and root cause analysis in accordance with this  
6 subsection.

7 “(B) REMEDIATION PLAN.—The remedi-  
8 ation plan required under this subsection shall  
9 be submitted in writing to the head of the com-  
10 ponent concerned, the Executive Director re-  
11 ferred to in section 710(b) of this Act, and the  
12 Under Secretary for Management. The plan  
13 shall—

14 “(i) explain the circumstances of the  
15 breach;

16 “(ii) provide prior cost estimating in-  
17 formation;

18 “(iii) propose corrective action to con-  
19 trol cost growth, schedule delays, or per-  
20 formance issues;

21 “(iv) in coordination with Component  
22 Acquisition Executive, discuss all options  
23 considered, including the estimated impact  
24 on cost, schedule, or performance of the  
25 program if no changes are made to current

1 requirements, the estimated cost of the  
2 program if requirements are modified, and  
3 the extent to which funding from other  
4 programs will need to be reduced to cover  
5 the cost growth of the program; and

6 “(v) explain the rationale for why the  
7 proposed corrective action is recommended.

8 “(C) ROOT CAUSE ANALYSIS.—The root  
9 cause analysis required under this subsection  
10 shall determine the underlying cause or causes  
11 of shortcomings in cost, schedule, or perform-  
12 ance of the program, including the role, if any,  
13 of the following:

14 “(i) Unrealistic performance expecta-  
15 tions.

16 “(ii) Unrealistic baseline estimates for  
17 cost or schedule or changes in program re-  
18 quirements.

19 “(iii) Immature technologies or exces-  
20 sive manufacturing or integration risk.

21 “(iv) Unanticipated design, engineer-  
22 ing, manufacturing, or technology integra-  
23 tion issues arising during program per-  
24 formance.

1           “(v) Changes in procurement quan-  
2           tities.

3           “(vi) Inadequate program funding or  
4           changes in planned out-year funding from  
5           one 5-year funding plan to the next 5-year  
6           funding plan as outlined in the Future  
7           Years Homeland Security Program re-  
8           quired under section 874 of this Act.

9           “(vii) Legislative, legal, or regulatory  
10          changes.

11          “(viii) Inadequate program manage-  
12          ment personnel, including lack of training,  
13          credentials, certifications, or use of best  
14          practices.

15          “(3) CORRECTION OF BREACH.—The Under  
16          Secretary for Management or his designee shall es-  
17          tablish a date for submission within the Department  
18          of a program of corrective action that ensures that  
19          one of the following actions has occurred:

20                 “(A) The breach has been corrected and  
21                 the program is again in compliance with the  
22                 original acquisition program baseline param-  
23                 eters.

24                 “(B) A revised acquisition program base-  
25                 line has been approved.

1                   “(C) The program has been halted or can-  
2                   celled.

3                   “(c) REQUIREMENTS RELATING TO CONGRESSIONAL  
4 NOTIFICATION IF BREACH OCCURS.—

5                   “(1) NOTIFICATION TO CONGRESS.—If a notifi-  
6                   cation is made under subsection (b)(1)(B) for a  
7                   breach in a major acquisition program with a cost  
8                   overrun greater than 15 percent or a schedule delay  
9                   greater than 180 days from the costs or schedule set  
10                  forth in the acquisition program baseline, or with an  
11                  anticipated failure for any key performance thresh-  
12                  old or parameter specified in the acquisition pro-  
13                  gram baseline, the Under Secretary for Management  
14                  shall notify the congressional homeland security  
15                  committees of the breach in the next quarterly Com-  
16                  prehensive Acquisition Status Report after the  
17                  Under Secretary for Management receives the notifi-  
18                  cation from the program manager under subsection  
19                  (b)(1)(B).

20                  “(2) SUBSTANTIAL VARIANCES IN COSTS OR  
21                  SCHEDULE.—If a likely cost overrun is greater than  
22                  20 percent or a likely delay is greater than 12  
23                  months from the costs and schedule set forth in the  
24                  acquisition program baseline for a major acquisition  
25                  program, the Under Secretary for Management shall

1 include in the notification required in (c)(1) a writ-  
2 ten certification, with supporting explanation, that—

3 “(A) the acquisition is essential to the ac-  
4 complishment of the Department’s mission;

5 “(B) there are no alternatives to such ca-  
6 pability or asset that will provide equal or  
7 greater capability in both a more cost-effective  
8 and timely manner;

9 “(C) the new acquisition schedule and esti-  
10 mates for total acquisition cost are reasonable;  
11 and

12 “(D) the management structure for the ac-  
13 quisition program is adequate to manage and  
14 control performance, cost, and schedule.

15 “(3) SUBMISSIONS TO CONGRESS.—Not later  
16 than 30 calendar days after submission to such com-  
17 mittees of a breach notification under paragraph (1)  
18 of this section for a major acquisition program, the  
19 Under Secretary for Management shall submit to  
20 such committees the following:

21 “(A) A copy of the remediation plan and  
22 the root cause analysis prepared under sub-  
23 section (b)(2) for the program.

24 “(B) A statement describing the corrective  
25 action or actions that have occurred pursuant

1 to subsection (b)(3) for the program, with a  
2 justification for the action or actions.

3 “(d) ADDITIONAL ACTIONS IF BREACH OCCURS.—

4 “(1) PROHIBITION ON OBLIGATION OF  
5 FUNDS.—During the 90-day period following sub-  
6 mission under subsection (c)(3) of a remediation  
7 plan, root cause analysis, and statement of corrective  
8 actions with respect to a major acquisition program,  
9 the Under Secretary for Management shall submit a  
10 certification described in paragraph (2) of this sub-  
11 section to the congressional homeland security com-  
12 mittees. If the Under Secretary for Management  
13 does not submit such certification by the end of such  
14 90-day period, then funds appropriated to the major  
15 acquisition program shall not be obligated until the  
16 Under Secretary for Management submits such cer-  
17 tification.

18 “(2) CERTIFICATION.—For purposes of para-  
19 graph (1), the certification described in this para-  
20 graph is a certification that—

21 “(A) the Department has adjusted or re-  
22 structured the program in a manner that ad-  
23 dresses the root cause or causes of the cost  
24 growth in the program; and

1           “(B) the Department has conducted a  
2 thorough review of the breached program’s ac-  
3 quisition decision event approvals and the cur-  
4 rent acquisition decision event approval for the  
5 breached program has been adjusted as nec-  
6 essary to account for the restructured pro-  
7 gram.”.

8           (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002 (6  
10 U.S.C. 101 et seq.) is further amended by adding after  
11 the item relating to section 837 the following new item:

“Sec. 838. Congressional notification and other requirements for major acquisi-  
tion program breach.”.

12 **SEC. 1462. MULTIYEAR ACQUISITION STRATEGY.**

13           (a) IN GENERAL.—

14           (1) AMENDMENT.—Subtitle D of title VIII of  
15 the Homeland Security Act of 2002 (6 U.S.C. 391  
16 et seq.) is further amended by adding at the end the  
17 following new section:

18 **“SEC. 839. MULTIYEAR ACQUISITION STRATEGY.**

19           “(a) MULTIYEAR ACQUISITION STRATEGY RE-  
20 QUIRED.—Not later than 1 year after the date of the en-  
21 actment of this section, the Secretary shall submit to the  
22 appropriate homeland security committees a multiyear ac-  
23 quisition strategy to guide the overall direction of the ac-  
24 quisitions of the Department while allowing flexibility to



1 deal with ever-changing threats and risks and to help in-  
2 dustry better understand, plan, and align resources to  
3 meet the future acquisition needs of the Department. The  
4 strategy shall be updated and included in each Future  
5 Years Homeland Security Program required under section  
6 874 of this Act.

7 “(b) CONSULTATION.—In developing the strategy,  
8 the Secretary shall consult with others as the Secretary  
9 deems appropriate, including headquarters, components,  
10 employees in the field, and when appropriate, individuals  
11 from industry and the academic community.

12 “(c) FORM OF STRATEGY.—The report shall be sub-  
13 mitted in unclassified form but may include a classified  
14 annex for any sensitive or classified information if nec-  
15 essary. The Department also shall publish the plan in an  
16 unclassified format that is publicly available.

17 “(d) CONTENTS OF STRATEGY.—The strategy shall  
18 include the following:

19 “(1) PRIORITIZED LIST.—A systematic and in-  
20 tegrated prioritized list developed by the Under Sec-  
21 retary for Management or his designee in coordina-  
22 tion with all of the Component Acquisition Execu-  
23 tives of Department major acquisition programs that  
24 Department and component acquisition investments  
25 seek to address, that includes the expected security

1 and economic benefit of the program or system and  
2 an analysis of how the security and economic benefit  
3 derived from the program or system will be meas-  
4 ured.

5 “(2) INVENTORY.—A plan to develop a reliable  
6 Department-wide inventory of investments and real  
7 property assets to help the Department plan, budg-  
8 et, schedule, and acquire upgrades of its systems  
9 and equipment and plan for the acquisition and  
10 management of future systems and equipment.

11 “(3) FUNDING GAPS.—A plan to address fund-  
12 ing gaps between funding requirements for major ac-  
13 quisition programs and known available resources in-  
14 cluding, to the maximum extent practicable, ways of  
15 leveraging best practices to identify and eliminate  
16 overpayment for items to prevent wasteful pur-  
17 chasing, achieve the greatest level of efficiency and  
18 cost savings by rationalizing purchases, aligning  
19 pricing for similar items, and utilizing purchase tim-  
20 ing and economies of scale.

21 “(4) IDENTIFICATION OF CAPABILITIES.—An  
22 identification of test, evaluation, modeling, and sim-  
23 ulation capabilities that will be required to support  
24 the acquisition of the technologies to meet the needs  
25 of the plan and ways to leverage to the greatest ex-

1       tent possible the emerging technology trends and re-  
2       search and development trends within the public and  
3       private sectors and an identification of ways to en-  
4       sure that the appropriate technology is acquired and  
5       integrated into the Department’s operating doctrine  
6       and procured in ways that improve mission perform-  
7       ance.

8               “(5) FOCUS ON FLEXIBLE SOLUTIONS.—An as-  
9       sessment of ways the Department can improve its  
10      ability to test and acquire innovative solutions to  
11      allow needed incentives and protections for appro-  
12      priate risk-taking in order to meet its acquisition  
13      needs with resiliency, agility, and responsiveness to  
14      assure the Nation’s homeland security and facilitate  
15      trade.

16              “(6) FOCUS ON INCENTIVES TO SAVE TAX-  
17      PAYER DOLLARS.—An assessment of ways the De-  
18      partment can develop incentives for program man-  
19      agers and senior Department acquisition officials to  
20      prevent cost overruns, avoid schedule delays, and  
21      achieve cost savings in major acquisition programs.

22              “(7) FOCUS ON ADDRESSING DELAYS AND BID  
23      PROTESTS.—An assessment of ways the Department  
24      can improve the acquisition process to minimize cost  
25      overruns in requirements development, procurement

1 announcements, requests for proposals, evaluation of  
2 proposals, protests of decisions and awards and  
3 through the use of best practices as defined in sec-  
4 tion 4(b) of the DHS Headquarters Reform and Im-  
5 provement Act of 2015 and lessons learned by the  
6 Department and other Federal agencies.

7 “(8) FOCUS ON IMPROVING OUTREACH.—An  
8 identification and assessment of ways to increase op-  
9 portunities for communication and collaboration with  
10 industry, small and disadvantaged businesses, intra-  
11 government entities, university centers of excellence,  
12 accredited certification and standards development  
13 organizations, and national laboratories to ensure  
14 that the Department understands the market for  
15 technologies, products, and innovation that is avail-  
16 able to meet its mission needs to inform the require-  
17 ments-setting process and before engaging in an ac-  
18 quisition, including—

19 “(A) methods designed especially to engage  
20 small and disadvantaged businesses and a cost-  
21 benefit analysis of the tradeoffs that small and  
22 disadvantaged businesses provide, barriers to  
23 entry for small and disadvantaged businesses,  
24 and unique requirements for small and dis-  
25 advantaged businesses; and

1           “(B) within the Department Vendor Com-  
2           munication Plan and Market Research Guide,  
3           instructions for interaction by program man-  
4           agers with such entities to prevent misinter-  
5           pretation of acquisition regulations and to per-  
6           mit freedom within legal and ethical boundaries  
7           for program managers to interact with such  
8           businesses with transparency.

9           “(9) COMPETITION.—A plan regarding competi-  
10          tion as described in subsection (e).

11          “(10) ACQUISITION WORKFORCE.—A plan re-  
12          garding the Department acquisition workforce as de-  
13          scribed in subsection (f).

14          “(11) FEASIBILITY OF WORKFORCE DEVELOP-  
15          MENT FUND PILOT PROGRAM.—An assessment of  
16          the feasibility of conducting a pilot program to es-  
17          tablish an acquisition workforce development fund as  
18          described in subsection (g).

19          “(e) COMPETITION PLAN.—The strategy shall also  
20          include a plan (referred to in subsection (d)(9)) that shall  
21          address actions to ensure competition, or the option of  
22          competition, for major acquisition programs. The plan  
23          may include assessments of the following measures in ap-  
24          propriate cases if such measures are cost effective:

25                 “(1) Competitive prototyping.

1           “(2) Dual-sourcing.

2           “(3) Unbundling of contracts.

3           “(4) Funding of next-generation prototype sys-  
4           tems or subsystems.

5           “(5) Use of modular, open architectures to en-  
6           able competition for upgrades.

7           “(6) Acquisition of complete technical data  
8           packages.

9           “(7) Periodic competitions for subsystem up-  
10          grades.

11          “(8) Licensing of additional suppliers, including  
12          small businesses.

13          “(9) Periodic system or program reviews to ad-  
14          dress long-term competitive effects of program deci-  
15          sions.

16          “(f) ACQUISITION WORKFORCE PLAN.—

17                 “(1) ACQUISITION WORKFORCE.—The strategy  
18                 shall also include a plan (referred to in subsection  
19                 (d)(10)) to address Department acquisition work-  
20                 force accountability and talent management that  
21                 identifies the acquisition workforce needs of each  
22                 component performing acquisition functions and de-  
23                 velops options for filling those needs with qualified  
24                 individuals, including a cost-benefit analysis of con-  
25                 tracting for acquisition assistance.

1           “(2) ADDITIONAL MATTERS COVERED.—The  
2 acquisition workforce plan shall address ways to—

3           “(A) improve the recruitment, hiring,  
4 training, and retention of Department acquisi-  
5 tion workforce personnel, including contracting  
6 officer’s representatives, in order to retain high-  
7 ly qualified individuals that have experience in  
8 the acquisition life cycle, complex procurements,  
9 and management of large programs;

10           “(B) empower program managers to have  
11 the authority to manage their programs in an  
12 accountable and transparent manner as they  
13 work with the acquisition workforce;

14           “(C) prevent duplication within Depart-  
15 ment acquisition workforce training and certifi-  
16 cation requirements through leveraging already-  
17 existing training within the Federal Govern-  
18 ment, academic community, or private industry;

19           “(D) achieve integration and consistency  
20 with Government-wide training and accredita-  
21 tion standards, acquisition training tools, and  
22 training facilities;

23           “(E) designate the acquisition positions  
24 that will be necessary to support the Depart-

1           ment acquisition requirements, including in the  
2           fields of—

3                   “(i) program management;

4                   “(ii) systems engineering;

5                   “(iii) procurement, including con-  
6           tracting;

7                   “(iv) test and evaluation;

8                   “(v) life cycle logistics;

9                   “(vi) cost estimating and program fi-  
10          nancial management; and

11                  “(vii) additional disciplines appro-  
12          priate to Department mission needs;

13                  “(F) strengthen the performance of con-  
14          tracting officer’s representatives (as defined in  
15          subpart 1.602–2 and subpart 2.101 of the Fed-  
16          eral Acquisition Regulation), including by—

17                   “(i) assessing the extent to which con-  
18          tracting officer’s representatives are cer-  
19          tified and receive training that is appro-  
20          priate;

21                   “(ii) determining what training is  
22          most effective with respect to the type and  
23          complexity of assignment; and

24                   “(iii) implementing actions to improve  
25          training based on such assessment; and



1           “(G) identify ways to increase training for  
2           relevant investigators and auditors to examine  
3           fraud in major acquisition programs, including  
4           identifying opportunities to leverage existing  
5           Government and private sector resources in co-  
6           ordination with the Inspector General of the  
7           Department.

8           “(g) FEASIBILITY OF WORKFORCE DEVELOPMENT  
9           FUND PILOT PROGRAM.—The strategy shall also include  
10          an assessment (referred to in subsection (d)(11)) of the  
11          feasibility of conducting a pilot program to establish a  
12          Homeland Security Acquisition Workforce Development  
13          Fund (in this subsection referred to as the ‘Fund’) to en-  
14          sure the Department acquisition workforce has the capac-  
15          ity, in both personnel and skills, needed to properly per-  
16          form its mission and ensure that the Department receives  
17          the best value for the expenditure of public resources. The  
18          assessment shall address the following:

19                 “(1) Ways to fund the Fund, including the use  
20                 of direct appropriations, or the credit, transfer, or  
21                 deposit of unobligated or unused funds from Depart-  
22                 ment components into the Fund to remain available  
23                 for obligation in the fiscal year for which credited,  
24                 transferred, or deposited and to remain available for  
25                 successive fiscal years.

1           “(2) Ways to reward the Department acquisi-  
2           tion workforce and program managers for good pro-  
3           gram management in controlling cost growth, lim-  
4           iting schedule delays, and ensuring operational effec-  
5           tiveness through providing a percentage of the sav-  
6           ings or general acquisition bonuses.

7           “(3) Guidance for the administration of the  
8           Fund that includes provisions to do the following:

9                   “(A) Describe the costs and benefits asso-  
10                  ciated with the use of direct appropriations or  
11                  credit, transfer, or deposit of unobligated or un-  
12                  used funds to finance the Fund.

13                  “(B) Describe the manner and timing for  
14                  applications for amounts in the Fund to be sub-  
15                  mitted.

16                  “(C) Explain the evaluation criteria to be  
17                  used for approving or prioritizing applications  
18                  for amounts in the Fund in any fiscal year.

19                  “(D) Explain the mechanism to report to  
20                  Congress on the implementation of the Fund on  
21                  an ongoing basis.

22                  “(E) Detail measurable performance  
23                  metrics to determine if the Fund is meeting the  
24                  objective to improve the acquisition workforce

1           and to achieve cost savings in acquisition man-  
2           agement.”.

3           (2) CLERICAL AMENDMENT.—The table of con-  
4           tents in section 1(b) of the Homeland Security Act  
5           of 2002 (6 U.S.C. 101 et seq.) is further amended  
6           by adding after the item relating to section 838 the  
7           following new item:

“Sec. 839. Multiyear acquisition strategy.”.

8           (b) CONFORMING AMENDMENT TO FUTURE YEARS  
9           HOMELAND SECURITY PROGRAM.—Section 874(b) of the  
10          Homeland Security Act of 2002 (6 U.S.C. 454(b)) is  
11          amended—

12           (1) by striking “and” at the end of paragraph  
13           (2);

14           (2) by striking the period at the end of para-  
15           graph (3) and inserting “; and”; and

16           (3) by adding at the end the following new  
17           paragraph:

18           “(4) include the multiyear acquisition strategy  
19           required under section 839 of this Act.”.

20          **SEC. 1463. ACQUISITION REPORTS.**

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

1 **“SEC. 840. ACQUISITION REPORTS.**

2 “(a) COMPREHENSIVE ACQUISITION STATUS RE-  
3 PORT.—

4 “(1) IN GENERAL.—The Under Secretary for  
5 Management each year shall submit to the congress-  
6 sional homeland security committees, at the same  
7 time as the President’s budget is submitted for a fis-  
8 cal year under section 1105(a) of title 31, United  
9 States Code, a comprehensive acquisition status re-  
10 port. The report shall include the following:

11 “(A) The information required under the  
12 heading ‘Office of the Under Secretary for  
13 Management’ under title I of division D of the  
14 Consolidated Appropriations Act, 2012 (Public  
15 Law 112–74) (as required under the Depart-  
16 ment of Homeland Security Appropriations Act,  
17 2013 (Public Law 113–6)).

18 “(B) A listing of programs that have been  
19 cancelled, modified, paused, or referred to the  
20 Under Secretary for Management or Deputy  
21 Secretary for additional oversight or action by  
22 the Board, Department Office of Inspector  
23 General, or the Comptroller General.

24 “(C) A listing of established Executive  
25 Steering Committees, which provide governance  
26 of a program or related set of programs and

1 lower-tiered oversight, and support between ac-  
2 quisition decision events and component re-  
3 views, including the mission and membership  
4 for each.

5 “(2) INFORMATION FOR MAJOR ACQUISITION  
6 PROGRAMS.—For each major acquisition program,  
7 the report shall include the following:

8 “(A) A narrative description, including  
9 current gaps and shortfalls, the capabilities to  
10 be fielded, and the number of planned incre-  
11 ments or units.

12 “(B) Acquisition Review Board (or other  
13 board designated to review the acquisition) sta-  
14 tus of each acquisition, including the current  
15 acquisition phase, the date of the last review,  
16 and a listing of the required documents that  
17 have been reviewed with the dates reviewed or  
18 approved.

19 “(C) The most current, approved acquisi-  
20 tion program baseline (including project sched-  
21 ules and events).

22 “(D) A comparison of the original acquisi-  
23 tion program baseline, the current acquisition  
24 program baseline, and the current estimate.

1           “(E) Whether or not an independent  
2 verification and validation has been imple-  
3 mented, with an explanation for the decision  
4 and a summary of any findings.

5           “(F) A rating of cost risk, schedule risk,  
6 and technical risk associated with the program  
7 (including narrative descriptions and mitigation  
8 actions).

9           “(G) Contract status (including earned  
10 value management data as applicable).

11           “(H) A lifecycle cost of the acquisition,  
12 and time basis for the estimate.

13           “(3) UPDATES.—The Under Secretary shall  
14 submit quarterly updates to such report not later  
15 than 45 days after the completion of each quarter.

16           “(b) QUARTERLY PROGRAM ACCOUNTABILITY RE-  
17 PORT.—The Under Secretary for Management shall pre-  
18 pare a quarterly program accountability report to meet the  
19 Department’s mandate to perform program health assess-  
20 ments and improve program execution and governance.  
21 The report shall be submitted to the congressional home-  
22 land security committees.”.

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

1 U.S.C. 101 et seq.) is further amended by adding after  
2 the item relating to section 839 the following new item:

“Sec. 840. Acquisition reports.”.

3 **SEC. 1464. GOVERNMENT ACCOUNTABILITY OFFICE RE-**  
4 **VIEW OF MULTIYEAR ACQUISITION STRAT-**  
5 **EGY.**

6 (a) REVIEW REQUIRED.—After submission to Con-  
7 gress of the first multiyear acquisition strategy (pursuant  
8 to section 839 of the Homeland Security Act of 2002)  
9 after the date of the enactment of this Act, the Comp-  
10 troller General of the United States shall conduct a review  
11 of the plan within 180 days to analyze the viability of the  
12 plan’s effectiveness in the following:

13 (1) Complying with the requirements in section  
14 839 of the Homeland Security Act of 2002, as  
15 added by section 1462 of this title.

16 (2) Establishing clear connections between De-  
17 partment objectives and acquisition priorities.

18 (3) Demonstrating that Department acquisition  
19 policy reflects program management best practices  
20 and standards.

21 (4) Ensuring competition or the option of com-  
22 petition for major acquisition programs.

23 (5) Considering potential cost savings through  
24 using already-existing technologies when developing  
25 acquisition program requirements.

1           (6) Preventing duplication within Department  
2           acquisition workforce training requirements through  
3           leveraging already-existing training within the Fed-  
4           eral Government, academic community, or private  
5           industry.

6           (7) Providing incentives for program managers  
7           to reduce acquisition and procurement costs through  
8           the use of best practices and disciplined program  
9           management.

10          (8) Maximizing small business utilization in ac-  
11          quisitions by, to the maximum extent practicable,  
12          ensuring strategic sourcing vehicles seek to increase  
13          participation by small businesses, including small  
14          and disadvantaged business.

15          (9) Assessing the feasibility of conducting a  
16          pilot program to establish a Homeland Security Ac-  
17          quisition Workforce Development Fund.

18          (b) REPORT REQUIRED.—The Comptroller General  
19          shall submit to the congressional homeland security com-  
20          mittees a report on the review required by this section.  
21          The report shall be submitted in unclassified form but  
22          may include a classified annex.

23          **SEC. 1465. OFFICE OF INSPECTOR GENERAL REPORT.**

24          (a) REVIEW REQUIRED.—No later than 2 years fol-  
25          lowing the submission of the report submitted by the



1 Comptroller General of the United States as required by  
2 section 1464, the Department's Inspector General shall  
3 conduct a review of whether the Department has complied  
4 with the multiyear acquisition strategy (pursuant to sec-  
5 tion 839 of the Homeland Security Act of 2002) and ad-  
6 hered to the strategies set forth in the plan. The review  
7 shall also consider whether the Department has complied  
8 with the requirements to provide the Acquisition Review  
9 Board with a capability development plan for each major  
10 acquisition program.

11 (b) REPORT REQUIRED.—The Inspector General  
12 shall submit to the congressional homeland security com-  
13 mittees a report of the review required by this section. The  
14 report shall be submitted in unclassified form but may in-  
15 clude a classified annex.

16 **TITLE XV—QUADRENNIAL**  
17 **HOMELAND SECURITY RE-**  
18 **VIEW TECHNICAL CORREC-**  
19 **TION**

20 **SEC. 1501. TECHNICAL CORRECTIONS TO QUADRENNIAL**  
21 **HOMELAND SECURITY REVIEW.**

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

24 (1) in subsection (a)(3)—

1 (A) in subparagraph (B), by striking  
2 “and”;

3 (B) by redesignating subparagraph (C) as  
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B)  
6 the following new subparagraph (C):

7 “(C) representatives from appropriate ad-  
8 visory committees established pursuant to sec-  
9 tion 871 of this Act, including the Homeland  
10 Security Advisory Council and the Homeland  
11 Security Science and Technology Advisory Com-  
12 mittee, or otherwise established, including the  
13 Aviation Security Advisory Committee estab-  
14 lished pursuant to section 44946 of title 49,  
15 United States Code; and”;

16 (2) in subsection (b)—

17 (A) in paragraph (2), by inserting before  
18 the semicolon at the end the following: “based  
19 on the risk assessment required pursuant to  
20 subsection (c)(2)(B)”;

21 (B) in paragraph (3)—

22 (i) by inserting “, to the extent prac-  
23 ticable,” after “describe”; and

24 (ii) by striking “budget plan” and in-  
25 serting “resources required”;

1 (C) in paragraph (4)—

2 (i) by inserting “, to the extent prac-  
3 ticable,” after “identify”;

4 (ii) by striking “budget plan required  
5 to provide sufficient resources to success-  
6 fully” and inserting “resources required  
7 to”; and

8 (iii) by striking the semicolon after  
9 “paragraph (2)” and inserting “, including  
10 any resources identified from redundant,  
11 wasteful, or unnecessary capabilities and  
12 capacities that can be redirected to better  
13 support other existing capabilities and ca-  
14 pacities; and”;

15 (D) in paragraph (5), by striking “; and”  
16 and inserting a period; and

17 (E) by striking paragraph (6);

18 (3) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking “December 31 of the  
21 year” and inserting “60 days after the  
22 date of the submittal of the President’s  
23 budget for the fiscal year after the fiscal  
24 year”; and

1 (ii) by striking “conducted” and in-  
2 serting “required under subsection (a)(1)”;  
3 (B) in paragraph (2)—

4 (i) in subparagraph (B), by striking  
5 “description of the threats to” and insert-  
6 ing “risk assessment of”;

7 (ii) in subparagraph (C), by inserting  
8 “, as required under subsection (b)(2)” be-  
9 fore the semicolon at the end;

10 (iii) in subparagraph (D), by inserting  
11 “to the extent practicable,” before “a de-  
12 scription”;

13 (iv) in subparagraph (F)—

14 (I) by inserting “to the extent  
15 practicable,” before “a discussion”;  
16 and

17 (II) by striking “the status of”;

18 (v) in subparagraph (G)—

19 (I) by inserting “to the extent  
20 practicable,” before “a discussion”;

21 (II) by striking “the status of”;

22 (III) by inserting “and risks” be-  
23 fore “to national homeland”; and

24 (IV) by inserting “and” after the  
25 semicolon;

1 (vi) by striking subparagraph (H);

2 and

3 (vii) by redesignating subparagraph

4 (I) as subparagraph (H);

5 (C) by redesignating paragraph (3) as

6 paragraph (4); and

7 (D) by inserting after paragraph (2) the

8 following new paragraph (3):

9 “(3) DOCUMENTATION.—The Secretary shall  
10 retain and, upon request, provide to Congress the  
11 following documentation regarding the quadrennial  
12 homeland security review:

13 “(A) Records regarding the consultation  
14 carried out the pursuant to subsection (a)(3),  
15 including—

16 “(i) all written communications, in-  
17 cluding communications sent out by the  
18 Secretary and feedback submitted to the  
19 Secretary through technology, online com-  
20 munications tools, in-person discussions,  
21 and the interagency process; and

22 “(ii) information on how feedback re-  
23 ceived by the Secretary informed the quad-  
24 rennial homeland security review.

1           “(B) Information regarding the risk as-  
2           sessment, as required under subsection  
3           (c)(2)(B), including—

4                   “(i) the risk model utilized to generate  
5                   the risk assessment;

6                   “(ii) information, including data used  
7                   in the risk model, utilized to generate the  
8                   risk assessment;

9                   “(iii) sources of information, including  
10                  other risk assessments, utilized to generate  
11                  the risk assessment; and

12                  “(iv) information on assumptions,  
13                  weighing factors, and subjective judgments  
14                  utilized to generate the risk assessment,  
15                  together with information on the rationale  
16                  or basis thereof.”; and

17           (4) by adding at the end the following new sub-  
18           section:

19           “(e) REVIEW.—Not later than 90 days after the sub-  
20           mission of the report pursuant to subsection (c)(1), the  
21           Secretary shall provide to the Committee on Homeland Se-  
22           curity of the House of Representatives and the Committee  
23           on Homeland Security and Governmental Affairs of the  
24           Senate information on the degree to which the findings  
25           and recommendations developed in the review were inte-

1 grated into the acquisition strategy and expenditure plans  
2 for the Department.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 this title shall apply with respect to a quadrennial home-  
5 land security review required to be submitted after Decem-  
6 ber 31, 2017.

7 **TITLE XVI—TERRORIST AND**  
8 **FOREIGN FIGHTER TRAVEL**  
9 **EXERCISE**

10 **SEC. 1601. EXERCISE ON TERRORIST AND FOREIGN FIGHT-**  
11 **ER TRAVEL.**

12 (a) IN GENERAL.—In addition to, or as part of exer-  
13 cise programs currently carried out by the Department of  
14 Homeland Security, to enhance domestic preparedness for  
15 and collective response to terrorism, promote the dissemi-  
16 nation of homeland security information, and test the se-  
17 curity posture of the United States, the Secretary of  
18 Homeland Security, through appropriate offices and com-  
19 ponents of the Department and in coordination with the  
20 relevant Federal departments and agencies, shall, not later  
21 than one year after the date of the enactment of this Act,  
22 develop and conduct an exercise related to the terrorist  
23 and foreign fighter threat.

24 (b) EXERCISE REQUIREMENTS.—The exercise re-  
25 quired under subsection (a) shall include—

1 (1) a scenario involving—

2 (A) persons traveling from the United  
3 States to join or provide material support or re-  
4 sources to a terrorist organization abroad; and

5 (B) terrorist infiltration into the United  
6 States, including United States citizens and for-  
7 eign nationals; and

8 (2) coordination with appropriate Federal de-  
9 partments and agencies, foreign governments, and  
10 State, local, tribal, territorial, and private sector  
11 stakeholders.

12 (c) REPORT.—Not later than 60 days after the com-  
13 pletion of the exercise required under subsection (a), the  
14 Secretary of Homeland Security shall, consistent with the  
15 protection of classified information, submit an after-action  
16 report to the Committee on Homeland Security of the  
17 House of Representatives and the Committee on Home-  
18 land Security and Governmental Affairs of the Senate pre-  
19 senting the initial findings of such exercise, including any  
20 identified or potential vulnerabilities in United States de-  
21 fenses and any legislative changes requested in light of  
22 the findings. The report shall be submitted in unclassified  
23 form, but may include a classified annex.



1 (d) PROHIBITION ON ADDITIONAL FUNDING.—No  
2 additional funds are authorized to be appropriated to  
3 carry out this section.

4 (e) DEFINITION.—In this section, the term “material  
5 support or resources” has the meaning given such term  
6 in section 2339A of title 18, United States Code.

7 **SEC. 1602. EMERGING THREATS IN THE NATIONAL EXER-**  
8 **CISE PROGRAM.**

9 Subparagraph (A) of section 648(b)(2) of the Post-  
10 Katrina Emergency Management Reform Act of 2006 (6  
11 U.S.C. 748(b)(2)) is amended—

12 (1) in clause (v), by striking “and” at the end;  
13 and

14 (2) by adding after clause (vi) the following new  
15 clause:

16 “(vii) designed, to the extent prac-  
17 ticable, to include exercises addressing  
18 emerging terrorist threats, such as sce-  
19 narios involving United States citizens de-  
20 parting the United States to enlist with or  
21 provide material support or resources to  
22 terrorist organizations abroad or terrorist  
23 infiltration into the United States, includ-  
24 ing United States citizens and foreign na-  
25 tionals; and”.

1 **TITLE XVII—AIRPORT PERIM-**  
2 **ETER AND ACCESS CONTROL**  
3 **SECURITY**

4 **SEC. 1701. RISK ASSESSMENTS OF AIRPORT SECURITY.**

5 (a) IN GENERAL.—The Administrator of the Trans-  
6 portation Security Administration (TSA) shall—

7 (1) not later than 60 days after the date of the  
8 enactment of this Act, update the Transportation  
9 Sector Security Risk Assessment (TSSRA) for the  
10 aviation sector; and

11 (2) not later than 90 days after such date—

12 (A) update with the latest and most cur-  
13 rently available intelligence information the  
14 Comprehensive Risk Assessment of Perimeter  
15 and Access Control Security (in this title re-  
16 ferred to as the “Risk Assessment of Airport  
17 Security”) and determine a regular timeframe  
18 and schedule for further updates to such Risk  
19 Assessment of Airport Security; and

20 (B) conduct a system-wide assessment of  
21 airport access control points and airport perim-  
22 eter security.

23 (b) CONTENTS.—The security risk assessments re-  
24 quired under subsection (a)(2) shall—

1 (1) include updates reflected in the TSSRA and  
2 Joint Vulnerability Assessment (JVA) findings;

3 (2) reflect changes to the risk environment re-  
4 lating to airport access control points and airport  
5 perimeters;

6 (3) use security event data for specific analysis  
7 of system-wide trends related to airport access con-  
8 trol points and airport perimeter security to better  
9 inform risk management decisions; and

10 (4) take into consideration the unique geog-  
11 raphy of and current best practices used by airports  
12 to mitigate potential vulnerabilities.

13 (c) REPORT.—The Administrator of the Transpor-  
14 tation Security Administration shall report to the Com-  
15 mittee on Homeland Security of the House of Representa-  
16 tives and the Committee on Homeland Security and Gov-  
17 ernmental Affairs and the Committee on Commerce,  
18 Science, and Transportation of the Senate, relevant Fed-  
19 eral departments and agencies, and airport operators on  
20 the results of the security risk assessments required under  
21 subsection (a).

22 **SEC. 1702. AIRPORT SECURITY STRATEGY DEVELOPMENT.**

23 (a) IN GENERAL.—Not later than 90 days after the  
24 date of the enactment of this Act, the Administrator of  
25 the Transportation Security Administration shall update

1 the 2012 National Strategy for Airport Perimeter and Ac-  
2 cess Control Security (in this section referred to as the  
3 “National Strategy”).

4 (b) CONTENTS.—The update to the National Strat-  
5 egy required under subsection (a) shall include—

6 (1) information from the Risk Assessment of  
7 Airport Security; and

8 (2) information on—

9 (A) airport security-related activities;

10 (B) the status of TSA efforts to address  
11 the goals and objectives referred to in sub-  
12 section (a);

13 (C) finalized outcome-based performance  
14 measures and performance levels for each rel-  
15 evant activity and goal and objective under sub-  
16 paragraphs (A) and (B); and

17 (D) input from airport operators.

18 (c) UPDATES.—Not later than 90 days after the up-  
19 date is completed under subsection (a), the Administrator  
20 of the Transportation Security Administration shall imple-  
21 ment a process for determining when additional updates  
22 to the strategy referred to in such subsection are needed.

1 **TITLE** **XVIII—COMMUNITY**  
2 **COUNTERTERRORISM PRE-**  
3 **PAREDNESS**

4 **SEC. 1801. MAJOR METROPOLITAN AREA COUNTERTER-**  
5 **RORISM TRAINING AND EXERCISE GRANT**  
6 **PROGRAM.**

7 (a) IN GENERAL.—Subtitle A of title XX of the  
8 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.)  
9 is amended by adding at the end the following new section:

10 **“SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTER-**  
11 **RORISM TRAINING AND EXERCISE GRANT**  
12 **PROGRAM.**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—The Secretary, acting  
15 through the Administrator and the heads of other  
16 relevant components of the Department, shall carry  
17 out a program for emergency response providers to  
18 prevent, prepare for, and respond to the most likely  
19 terrorist attack scenarios, including active shooters,  
20 as determined by the Secretary, against major met-  
21 ropolitan areas.

22 “(2) INFORMATION.—In establishing the pro-  
23 gram under paragraph (1), the Secretary shall pro-  
24 vide to eligible applicants—

1           “(A) information, in an unclassified for-  
2           mat, on the most likely terrorist attack sce-  
3           narios, including active shooters, which such  
4           grants are intended to address; and

5           “(B) information on training and exercises  
6           best practices.

7           “(b) ELIGIBLE APPLICANTS.—

8           “(1) IN GENERAL.—Emergency response pro-  
9           viders in jurisdictions that are currently receiving, or  
10          that previously received, funding under section 2003  
11          may apply for a grant under the program estab-  
12          lished in subsection (a).

13          “(2) ADDITIONAL JURISDICTIONS.—Eligible ap-  
14          plicants receiving funding under the program estab-  
15          lished in subsection (a) may include in activities  
16          funded by such program neighboring jurisdictions  
17          that would be likely to provide mutual aid in re-  
18          sponse to the most likely terrorist attack scenarios,  
19          including active shooters.

20          “(c) APPLICATION.—

21          “(1) IN GENERAL.—Eligible applicants de-  
22          scribed in subsection (b) may apply for a grant  
23          under this section, and shall submit such informa-  
24          tion in support of an application as the Adminis-  
25          trator may require.

1           “(2) MINIMUM CONTENTS OF APPLICATION.—

2           The Administrator shall require that each applicant  
3           include in its application at a minimum, the fol-  
4           lowing:

5                   “(A) The purpose for which the applicant  
6                   seeks grant funds, including a description of  
7                   how the applicant plans to use such funds.

8                   “(B) A description of how the activity for  
9                   which the funding is sought will prepare the ap-  
10                  plicant to prevent, prepare for, and respond to  
11                  complex, coordinated attacks.

12                  “(C) A description of how the applicant  
13                  will work with community partners located  
14                  within the applicant’s jurisdiction, such as  
15                  schools, places of worship, and businesses, as  
16                  appropriate, when conducting activities per-  
17                  mitted under subsection (d).

18                  “(D) Such other information as deter-  
19                  mined necessary by the Administrator.

20           “(d) PERMITTED USES.—The recipient of a grant  
21           under this section may use such grant to conduct training  
22           and exercises consistent with preventing, preparing for,  
23           and responding to the most likely terrorist attack sce-  
24           narios, including active shooters.

1       “(e) PERIOD OF PERFORMANCE.—The Administrator  
2 shall make funds provided under this section available for  
3 use by a recipient of a grant for a period of not fewer  
4 than 24 months.

5       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated for grants under this  
7 section \$39,000,000 for each of fiscal years 2017 through  
8 2022.”.

9       (b) CLERICAL AMENDMENT.—The table of contents  
10 in section 1(b) of the Homeland Security Act of 2002 is  
11 amended by inserting after the item relating to section  
12 2008 the following new item:

“Sec. 2009. Major metropolitan area counterterrorism training and exercise  
grant program.”.

13                                   **TITLE XIX—CYBER**  
14                                   **PREPAREDNESS**

15 **SEC. 1901. INFORMATION SHARING.**

16       Title II of the Homeland Security Act of 2002 is  
17 amended—

18                   (1) in section 210A (6 U.S.C. 124h)—

19                           (A) in subsection (b)—

20                                   (i) in paragraph (10), by inserting be-  
21 fore the semicolon at the end the following:

22                                   “, including, in coordination with the na-  
23 tional cybersecurity and communications  
24 integration center under section 227, ac-



1            cessiong timely technical assistance, risk  
2            management support, and incident re-  
3            sponse capabilities with respect to cyber  
4            threat indicators, defensive measures, cy-  
5            bersecurity risks, and incidents (as such  
6            terms are defined in such section), which  
7            may include attribution, mitigation, and  
8            remediation, and the provision of informa-  
9            tion and recommendations on security and  
10           resilience, including implications of cyber-  
11           security risks to equipment and technology  
12           related to the electoral process”;

13            (ii) in paragraph (11), by striking  
14            “and” after the semicolon;

15            (iii) by redesignating paragraph (12)  
16            as paragraph (14); and

17            (iv) by inserting after paragraph (11)  
18            the following new paragraphs:

19            “(12) review information relating to cybersecu-  
20            rity risks that is gathered by State, local, and re-  
21            gional fusion centers, and incorporate such informa-  
22            tion, as appropriate, into the Department’s own in-  
23            formation relating to cybersecurity risks;

1           “(13) ensure the dissemination to State, local,  
2           and regional fusion centers of information relating  
3           to cybersecurity risks; and”;

4           (B) in subsection (c)(2)—

5           (i) by redesignating subparagraphs  
6           (C) through (G) as subparagraphs (D)  
7           through (H), respectively; and

8           (ii) by inserting after subparagraph  
9           (B) the following new subparagraph:

10           “(C) The national cybersecurity and com-  
11           munications integration center under section  
12           227.”;

13           (C) in subsection (d)—

14           (i) in paragraph (3), by striking  
15           “and” after the semicolon;

16           (ii) by redesignating paragraph (4) as  
17           paragraph (5); and

18           (iii) by inserting after paragraph (3)  
19           the following new paragraph:

20           “(4) assist, in coordination with the national  
21           cybersecurity and communications integration center  
22           under section 227, fusion centers in using informa-  
23           tion relating to cybersecurity risks to develop a com-  
24           prehensive and accurate threat picture; and”;

25           (D) in subsection (j)—

1 (i) by redesignating paragraphs (1)  
2 through (5) as paragraphs (2) through (6),  
3 respectively; and

4 (ii) by inserting before paragraph (2),  
5 as so redesignated, the following new para-  
6 graph:

7 “(1) the term ‘cybersecurity risk’ has the mean-  
8 ing given that term in section 227;” and

9 (2) in section 227 (6 U.S.C. 148)—

10 (A) in subsection (c)—

11 (i) in paragraph (5)(B), by inserting  
12 “, including State and major urban area  
13 fusion centers, as appropriate” before the  
14 semicolon at the end;

15 (ii) in paragraph (7), in the matter  
16 preceding subparagraph (A), by striking  
17 “information and recommendations” each  
18 place it appears and inserting “informa-  
19 tion, recommendations, and best prac-  
20 tices”; and

21 (iii) in paragraph (9), by inserting  
22 “and best practices” after “defensive  
23 measures”; and

24 (B) in subsection (d)(1)(B)(ii), by insert-  
25 ing “and State and major urban area fusion

1           centers, as appropriate” before the semicolon at  
2           the end.

3 **SEC. 1902. HOMELAND SECURITY GRANTS.**

4           Subsection (a) of section 2008 of the Homeland Secu-  
5 rity Act of 2002 (6 U.S.C. 609) is amended—

6           (1) by redesignating paragraphs (4) through  
7           (14) as paragraphs (5) through (15), respectively;  
8           and

9           (2) by inserting after paragraph (3) the fol-  
10          lowing new paragraph:

11           “(4) enhancing cybersecurity, including pre-  
12          paring for and responding to cybersecurity risks and  
13          incidents and developing State-wide cyber threat in-  
14          formation analysis and dissemination activities;”.

15 **SEC. 1903. SENSE OF CONGRESS.**

16          It is the sense of Congress that to facilitate the timely  
17 dissemination to appropriate State, local, and private sec-  
18 tor stakeholders of homeland security information related  
19 to cyber threats, the Secretary of Homeland Security  
20 should, to the greatest extent practicable, work to share  
21 actionable information related to cyber threats in an un-  
22 classified form.

1     **TITLE XX—TRANSIT SECURITY**  
2     **GRANT PROGRAM FLEXIBILITY**

3     **SEC. 2001. ALLOWABLE USES OF FUNDS FOR PUBLIC**  
4                     **TRANSPORTATION SECURITY ASSISTANCE**  
5                     **GRANTS.**

6             Subparagraph (A) of section 1406(b)(2) of the Imple-  
7     menting Recommendations of the 9/11 Commission Act of  
8     2007 (6 U.S.C. 1135(b)(2); Public Law 110–53) is  
9     amended by inserting “and associated backfill” after “se-  
10    curity training”.

11    **SEC. 2002. PERIODS OF PERFORMANCE FOR PUBLIC**  
12                     **TRANSPORTATION SECURITY ASSISTANCE**  
13                     **GRANTS.**

14             Section 1406 of the Implementing Recommendations  
15     of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Pub-  
16     lic Law 110–53) is amended—

17             (1) by redesignating subsection (m) as sub-  
18             section (n); and

19             (2) by inserting after subsection (l) the fol-  
20             lowing new subsection:

21             “(m) PERIODS OF PERFORMANCE.—

22             “(1) IN GENERAL.—Except as provided in para-  
23             graph (2), funds provided pursuant to a grant  
24             awarded under this section for a use specified in  
25             subsection (b) shall remain available for use by a

1 grant recipient for a period of not fewer than 36  
2 months.

3 “(2) EXCEPTION.—Funds provided pursuant to  
4 a grant awarded under this section for a use speci-  
5 fied in subparagraph (M) or (N) of subsection (b)(1)  
6 shall remain available for use by a grant recipient  
7 for a period of not fewer than 55 months.”.

8 **SEC. 2003. GAO REVIEW.**

9 (a) IN GENERAL.—The Comptroller General of the  
10 United States shall conduct a review of the transit security  
11 grant program under section 1406 of the Implementing  
12 Recommendations of the 9/11 Commission Act of 2007 (6  
13 U.S.C. 1135; Public Law 110–53).

14 (b) SCOPE.—The review required under paragraph  
15 (1) shall include the following:

16 (1) An assessment of the type of projects fund-  
17 ed under the transit security grant program.

18 (2) An assessment of the manner in which such  
19 projects address threats to transportation infrastruc-  
20 ture.

21 (3) An assessment of the impact, if any, of this  
22 title (including the amendments made by this title)  
23 on types of projects funded under the transit secu-  
24 rity grant program.



1       amended by adding at the end the following new sec-  
2       tion:

3       **“SEC. 319. CYBERSECURITY RESEARCH AND DEVELOP-**  
4                                   **MENT.**

5           “(a) IN GENERAL.—The Under Secretary for Science  
6 and Technology shall support the research, development,  
7 testing, evaluation, and transition of cybersecurity tech-  
8 nologies, including fundamental research to improve the  
9 sharing of information, analytics, and methodologies re-  
10 lated to cybersecurity risks and incidents, consistent with  
11 current law.

12          “(b) ACTIVITIES.—The research and development  
13 supported under subsection (a) shall serve the components  
14 of the Department and shall—

15                   “(1) advance the development and accelerate  
16 the deployment of more secure information systems;

17                   “(2) improve and create technologies for detect-  
18 ing attacks or intrusions, including real-time contin-  
19 uous diagnostics and real-time analytic technologies;

20                   “(3) improve and create mitigation and recov-  
21 ery methodologies, including techniques and policies  
22 for real-time containment of attacks, and develop-  
23 ment of resilient networks and information systems;



1           “(4) support, in coordination with non-Federal  
2 entities, the review of source code that underpins  
3 critical infrastructure information systems;

4           “(5) develop and support infrastructure and  
5 tools to support cybersecurity research and develop-  
6 ment efforts, including modeling, testbeds, and data  
7 sets for assessment of new cybersecurity tech-  
8 nologies;

9           “(6) assist the development and support of  
10 technologies to reduce vulnerabilities in industrial  
11 control systems; and

12           “(7) develop and support cyber forensics and  
13 attack attribution capabilities.

14           “(c) COORDINATION.—In carrying out this section,  
15 the Under Secretary for Science and Technology shall co-  
16 ordinate activities with—

17           “(1) the Under Secretary appointed pursuant to  
18 section 103(a)(1)(H);

19           “(2) the heads of other relevant Federal depart-  
20 ments and agencies, as appropriate; and

21           “(3) industry and academia.

22           “(d) TRANSITION TO PRACTICE.—The Under Sec-  
23 retary for Science and Technology shall support projects  
24 carried out under this title through the full life cycle of  
25 such projects, including research, development, testing,

1 evaluation, pilots, and transitions. The Under Secretary  
2 shall identify mature technologies that address existing or  
3 imminent cybersecurity gaps in public or private informa-  
4 tion systems and networks of information systems, iden-  
5 tify and support necessary improvements identified during  
6 pilot programs and testing and evaluation activities, and  
7 introduce new cybersecurity technologies throughout the  
8 homeland security enterprise through partnerships and  
9 commercialization. The Under Secretary shall target fed-  
10 erally funded cybersecurity research that demonstrates a  
11 high probability of successful transition to the commercial  
12 market within 2 years and that is expected to have a nota-  
13 ble impact on the public or private information systems  
14 and networks of information systems.

15 “(e) DEFINITIONS.—In this section:

16 “(1) CYBERSECURITY RISK.—The term ‘cyber-  
17 security risk’ has the meaning given such term in  
18 section 227.

19 “(2) HOMELAND SECURITY ENTERPRISE.—The  
20 term ‘homeland security enterprise’ means relevant  
21 governmental and nongovernmental entities involved  
22 in homeland security, including Federal, State, local,  
23 and tribal government officials, private sector rep-  
24 resentatives, academics, and other policy experts.

1           “(3) INCIDENT.—The term ‘incident’ has the  
2 meaning given such term in section 227.

3           “(4) INFORMATION SYSTEM.—The term ‘infor-  
4 mation system’ has the meaning given such term in  
5 section 3502(8) of title 44, United States Code.”.

6           (2) CLERICAL AMENDMENT.—The table of con-  
7 tents in section 1(b) of the Homeland Security Act  
8 of 2002 is amended by inserting after the item relat-  
9 ing to section 318 the following new item:

“Sec. 319. Cybersecurity research and development.”.

10          (b) RESEARCH AND DEVELOPMENT PROJECTS.—  
11 Section 831 of the Homeland Security Act of 2002 (6  
12 U.S.C. 391) is amended—

13           (1) in subsection (a)—

14               (A) in the matter preceding paragraph (1),  
15 by striking “2016” and inserting “2020”;

16               (B) in paragraph (1), by striking the last  
17 sentence; and

18               (C) by adding at the end the following new  
19 paragraph:

20           “(3) PRIOR APPROVAL.—In any case in which  
21 the head of a component or office of the Department  
22 seeks to utilize the authority under this section, such  
23 head shall first receive prior approval from the Sec-  
24 retary by providing to the Secretary a proposal that  
25 includes the rationale for the utilization of such au-

1 authority, the funds to be spent on the use of such au-  
2 thority, and the expected outcome for each project  
3 that is the subject of the use of such authority. In  
4 such a case, the authority for evaluating the pro-  
5 posal may not be delegated by the Secretary to any-  
6 one other than the Under Secretary for Manage-  
7 ment.”;

8 (2) in subsection (c)—

9 (A) in paragraph (1), in the matter pre-  
10 ceeding subparagraph (A), by striking “2016”  
11 and inserting “2020”; and

12 (B) by amending paragraph (2) to read as  
13 follows:

14 “(2) REPORT.—The Secretary shall annually  
15 submit to the Committee on Homeland Security and  
16 the Committee on Science, Space, and Technology of  
17 the House of Representatives and the Committee on  
18 Homeland Security and Governmental Affairs of the  
19 Senate a report detailing the projects for which the  
20 authority granted by subsection (a) was utilized, the  
21 rationale for such utilizations, the funds spent uti-  
22 lizing such authority, the extent of cost-sharing for  
23 such projects among Federal and non-Federal  
24 sources, the extent to which utilization of such au-  
25 thority has addressed a homeland security capability

1 gap or threat to the homeland identified by the De-  
2 partment, the total amount of payments, if any, that  
3 were received by the Federal Government as a result  
4 of the utilization of such authority during the period  
5 covered by each such report, the outcome of each  
6 project for which such authority was utilized, and  
7 the results of any audits of such projects.”; and

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

10 “(e) TRAINING.—The Secretary shall develop a train-  
11 ing program for acquisitions staff on the utilization of the  
12 authority provided under subsection (a).”.

13 (c) PROHIBITION ON ADDITIONAL FUNDING.—No  
14 additional funds are authorized to be appropriated to  
15 carry out this title and the amendments made by this title.

## 16 **TITLE XXII—LEVERAGING** 17 **EMERGING TECHNOLOGIES**

18 **SEC. 2201. INNOVATION ENGAGEMENT.**

19 (a) INNOVATION ENGAGEMENT.—

20 (1) IN GENERAL.—The Secretary of Homeland  
21 Security—

22 (A) shall engage with innovative and  
23 emerging technology developers and firms, in-  
24 cluding technology-based small businesses and

1 startup ventures, to address homeland security  
2 needs; and

3 (B) may identify geographic areas in the  
4 United States with high concentrations of such  
5 innovative and emerging technology developers  
6 and firms, and may establish personnel and of-  
7 fice space in such areas, as appropriate.

8 (2) ENGAGEMENT.—Engagement under para-  
9 graph (1) may include innovative and emerging tech-  
10 nology developers or firms with proven technologies,  
11 supported with outside investment, with potential  
12 applications for the Department of Homeland Secu-  
13 rity.

14 (3) CO-LOCATION.—If the Secretary of Home-  
15 land Security determines that it is appropriate to es-  
16 tablish personnel and office space in a specific geo-  
17 graphic area in the United States pursuant to para-  
18 graph (1)(B), the Secretary shall co-locate such per-  
19 sonnel and office space with other existing assets  
20 of—

21 (A) the Department of Homeland Security,  
22 where possible; or

23 (B) Federal facilities, where appropriate.

24 (4) OVERSIGHT.—Not later than 30 days after  
25 establishing personnel and office space in a specific

1 geographic area in the United States pursuant to  
2 paragraph (1)(B), the Secretary of Homeland Security shall inform Congress about the rationale for  
3 such establishment, the anticipated costs associated  
4 with such establishment, and the specific goals for  
5 such establishment.  
6

7 (b) STRATEGIC PLAN.—Not later than 6 months  
8 after the date of the enactment of this section, the Secretary of Homeland Security shall develop, implement, and  
9 submit to the Committee on Homeland Security of the  
10 House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a  
11 Department of Homeland Security-wide strategy to  
12 proactively engage with innovative and emerging technology developers and firms, including technology-based  
13 small businesses and startup ventures, in accordance with  
14 subsection (a). Such strategy shall—  
15  
16  
17

18 (1) focus on sustainable methods and guidance  
19 to build relationships, including with such innovative  
20 and emerging technology developers and firms in geographic areas in the United States with high concentrations of such innovative and emerging technology developers and firms, and in geographic areas  
21 outside such areas, to establish, develop, and en-  
22  
23  
24

1       hance departmental capabilities to address homeland  
2       security needs;

3             (2) include efforts to—

4                     (A) ensure proven innovative and emerging  
5                     technologies can be included in existing and fu-  
6                     ture acquisition contracts;

7                     (B) coordinate with organizations that pro-  
8                     vide venture capital to businesses, particularly  
9                     small businesses and startup ventures, as ap-  
10                    propriate, to assist the commercialization of in-  
11                    novative and emerging technologies that are ex-  
12                    pected to be ready for commercialization in the  
13                    near term and within 36 months; and

14                    (C) address barriers to the utilization of  
15                    innovative and emerging technologies and the  
16                    engagement of small businesses and startup  
17                    ventures in the acquisition process;

18             (3) include a description of how the Depart-  
19       ment plans to leverage proven innovative and emerg-  
20       ing technologies to address homeland security needs;  
21       and

22             (4) include the criteria the Secretary plans to  
23       use to determine an innovative or technology is prov-  
24       en.



1 (c) PROHIBITION ON ADDITIONAL FUNDING.—No  
2 additional funds are authorized to be appropriated to  
3 carry out this title.

4 **TITLE XXIII—FIRST RESPONDER**  
5 **ACCESS TO INNOVATIVE**  
6 **TECHNOLOGIES**

7 **SEC. 2301. APPROVAL OF CERTAIN EQUIPMENT.**

8 (a) IN GENERAL.—Subsection (f) of section 2008 of  
9 the Homeland Security Act of 2002 (6 U.S.C. 609) is  
10 amended—

11 (1) by striking “If an applicant” and inserting  
12 the following:

13 “(1) APPLICATION REQUIREMENT.—If an appli-  
14 cant”; and

15 (2) by adding at the end the following new  
16 paragraphs:

17 “(2) REVIEW PROCESS.—The Administrator  
18 shall implement a uniform process for reviewing ap-  
19 plications that, in accordance with paragraph (1),  
20 contain explanations to use grants provided under  
21 section 2003 or 2004 to purchase equipment or sys-  
22 tems that do not meet or exceed any applicable na-  
23 tional voluntary consensus standards developed  
24 under section 647 of the Post-Katrina Emergency  
25 Management Reform Act of 2006 (6 U.S.C. 747).

1           “(3) FACTORS.—In carrying out the review  
2 process under paragraph (2), the Administrator  
3 shall consider the following:

4           “(A) Current or past use of proposed  
5 equipment or systems by Federal agencies or  
6 the Armed Forces.

7           “(B) The absence of a national voluntary  
8 consensus standard for such equipment or sys-  
9 tems.

10           “(C) The existence of an international con-  
11 sensus standard for such equipment or systems,  
12 and whether such equipment or systems meets  
13 such standard.

14           “(D) The nature of the capability gap  
15 identified by the applicant and how such equip-  
16 ment or systems will address such gap.

17           “(E) The degree to which such equipment  
18 or systems will serve the needs of the applicant  
19 better than equipment or systems that meet or  
20 exceed existing consensus standards.

21           “(F) Any other factor determined appro-  
22 priate by the Administrator.”.

23           (b) INSPECTOR GENERAL REPORT.—Not later than  
24 3 years after the date of the enactment of this Act, the  
25 Inspector General of the Department of Homeland Secu-

1 rity shall submit to the Committee on Homeland Security  
2 of the House of Representatives and the Committee on  
3 Homeland Security and Governmental Affairs of the Sen-  
4 ate a report assessing the implementation of the review  
5 process established under paragraph (2) of subsection (f)  
6 of section 2008 of the Homeland Security Act of 2002  
7 (as added by subsection (a) of this section), including in-  
8 formation on the following:

9           (1) The number of requests to purchase equip-  
10           ment or systems that do not meet or exceed any ap-  
11           plicable consensus standard evaluated under such re-  
12           view process.

13           (2) The capability gaps identified by applicants  
14           and the number of such requests granted or denied.

15           (3) The processing time for the review of such  
16           requests.

1 **TITLE XXIV—DEPARTMENT OF**  
2 **HOMELAND SECURITY STRAT-**  
3 **EGY FOR INTERNATIONAL**  
4 **PROGRAMS**

5 **SEC. 2401. COMPREHENSIVE STRATEGY FOR INTER-**  
6 **NATIONAL PROGRAMS FOR VETTING AND**  
7 **SCREENING PERSONS SEEKING TO ENTER**  
8 **THE UNITED STATES.**

9 (a) IN GENERAL.—Not later than 180 days after the  
10 date of the enactment of this Act, the Secretary of Home-  
11 land Security shall submit to the Committee on Homeland  
12 Security of the House of Representatives and the Com-  
13 mittee on Homeland Security and Governmental Affairs  
14 of the Senate a comprehensive 3-year strategy for inter-  
15 national programs of the Department of Homeland Secu-  
16 rity in which personnel and resources of the Department  
17 are deployed abroad for vetting and screening of persons  
18 seeking to enter the United States.

19 (b) CONTENTS.—The strategy required under sub-  
20 section (a) shall include, at a minimum, the following:

21 (1) Specific Department of Homeland Security  
22 risk-based goals for international programs of the  
23 Department in which personnel and resources of the  
24 Department are deployed abroad for vetting and

1 screening of persons seeking to enter the United  
2 States.

3 (2) A risk-based method for determining wheth-  
4 er to establish new international programs in new lo-  
5 cations, given resource constraints, or expand exist-  
6 ing international programs of the Department, in  
7 which personnel and resources of the Department  
8 are deployed abroad for vetting and screening of  
9 persons seeking to enter the United States.

10 (3) Alignment with the highest Department-  
11 wide and Government-wide strategic priorities of re-  
12 source allocations on international programs of the  
13 Department in which personnel and resources of the  
14 Department are deployed abroad for vetting and  
15 screening of persons seeking to enter the United  
16 States.

17 (4) A common reporting framework for the sub-  
18 mission of reliable, comparable cost data by compo-  
19 nents of the Department on overseas expenditures  
20 attributable to international programs of the De-  
21 partment in which personnel and resources of the  
22 Department are deployed abroad for vetting and  
23 screening of persons seeking to enter the United  
24 States.

1           (c) CONSIDERATIONS.—In developing the strategy re-  
2       quired under subsection (a), the Secretary of Homeland  
3       Security shall consider, at a minimum, the following:

4           (1) Information on existing operations of inter-  
5       national programs of the Department of Homeland  
6       Security in which personnel and resources of the De-  
7       partment are deployed abroad for vetting and  
8       screening of persons seeking to enter the United  
9       States that includes corresponding information for  
10      each location in which each such program operates.

11          (2) The number of Department personnel de-  
12      ployed to each location at which an international  
13      program referred to in subparagraph (A) is in oper-  
14      ation during the current and preceding fiscal year.

15          (3) Analysis of the impact of each international  
16      program referred to in paragraph (1) on domestic  
17      activities of components of the Department of  
18      Homeland Security.

19          (4) Analysis of barriers to the expansion of an  
20      international program referred to in paragraph (1).

21       (d) FORM.—The strategy required under subsection  
22      (a) shall be submitted in unclassified form but may con-  
23      tain a classified annex if the Secretary of Homeland Secu-  
24      rity determines that such is appropriate.

1       **TITLE XXV—DHS STOP ASSET**  
2                   **AND VEHICLE EXCESS**

3       **SEC. 2601. DHS VEHICLE FLEETS.**

4           Section 701 of the Homeland Security Act of 2002  
5 (6 U.S.C. 341) is amended—

6           (1) in subsection (a)(5), by inserting “vehicle  
7       fleets (under subsection (c)),” after “equipment,”;

8           (2) by redesignating subsections (c) and (d) as  
9       subsections (d) and (e), respectively; and

10          (3) by inserting after subsection (b) the fol-  
11       lowing new subsection:

12       “(c) VEHICLE FLEETS.—

13           “(1) IN GENERAL.—In carrying out responsibil-  
14       ities regarding vehicle fleets pursuant to subsection  
15       (a)(5), the Under Secretary for Management shall  
16       be responsible for overseeing and managing vehicle  
17       fleets throughout the Department. The Under Sec-  
18       retary shall also be responsible for the following:

19           “(A) Ensuring that components are in  
20       compliance with Federal law, Federal regula-  
21       tions, executive branch guidance, and Depart-  
22       ment policy (including issuing guidance relating  
23       to such) relating to fleet management and use  
24       of vehicles from home to work.

1           “(B) Developing and distributing a stand-  
2           ardized vehicle allocation methodology and fleet  
3           management plan for components to use to de-  
4           termine optimal fleet size in accordance with  
5           paragraph (4).

6           “(C) Ensuring that components formally  
7           document fleet management decisions.

8           “(D) Approving component fleet manage-  
9           ment plans, vehicle leases, and vehicle acqui-  
10          sitions.

11          “(2) COMPONENT RESPONSIBILITIES.—

12           “(A) IN GENERAL.—Component heads—

13           “(i) shall—

14           “(I) comply with Federal law,  
15           Federal regulations, executive branch  
16           guidance, and Department policy (in-  
17           cluding guidance relating to such) re-  
18           lating to fleet management and use of  
19           vehicles from home to work;

20           “(II) ensure that data related to  
21           fleet management is accurate and reli-  
22           able;

23           “(III) use such data to develop a  
24           vehicle allocation tool derived by using  
25           the standardized vehicle allocation



1 methodology provided by the Under  
2 Secretary for Management to deter-  
3 mine the optimal fleet size for the  
4 next fiscal year and a fleet manage-  
5 ment plan; and

6 “(IV) use vehicle allocation meth-  
7 odologies and fleet management plans  
8 to develop annual requests for funding  
9 to support vehicle fleets pursuant to  
10 paragraph (6); and

11 “(ii) may not, except as provided in  
12 subparagraph (B), lease or acquire new ve-  
13 hicles or replace existing vehicles without  
14 prior approval from the Under Secretary  
15 for Management pursuant to paragraph  
16 (5)(B).

17 “(B) EXCEPTION REGARDING CERTAIN  
18 LEASING AND ACQUISITIONS.—If exigent cir-  
19 cumstances warrant such, a component head  
20 may lease or acquire a new vehicle or replace an  
21 existing vehicle without prior approval from the  
22 Under Secretary for Management. If under exi-  
23 gent circumstances a component head so leases,  
24 acquires, or replaces a vehicle, such component

1 head shall provide to the Under Secretary an  
2 explanation of such circumstances.

3 “(3) ONGOING OVERSIGHT.—

4 “(A) QUARTERLY MONITORING.—In ac-  
5 cordance with paragraph (4), the Under Sec-  
6 retary for Management shall collect, on a quar-  
7 terly basis, information regarding component  
8 vehicle fleets, including information on fleet  
9 size, composition, cost, and vehicle utilization.

10 “(B) AUTOMATED INFORMATION.—The  
11 Under Secretary for Management shall seek to  
12 achieve a capability to collect, on a quarterly  
13 basis, automated information regarding compo-  
14 nent vehicle fleets, including the number of  
15 trips, miles driven, hours and days used, and  
16 the associated costs of such mileage for leased  
17 vehicles.

18 “(C) MONITORING.—The Under Secretary  
19 for Management shall track and monitor com-  
20 ponent information provided pursuant to sub-  
21 paragraph (A) and, as appropriate, subpara-  
22 graph (B), to ensure that component vehicle  
23 fleets are the optimal fleet size and cost effec-  
24 tive. The Under Secretary shall use such infor-

1 mation to inform the annual component fleet  
2 analyses referred to in paragraph (4).

3 “(4) ANNUAL REVIEW OF COMPONENT FLEET  
4 ANALYSES.—

5 “(A) IN GENERAL.—To determine the opti-  
6 mal fleet size and associated resources needed  
7 for each fiscal year beginning with fiscal year  
8 2018, component heads shall annually submit  
9 to the Under Secretary for Management a vehi-  
10 cle allocation tool and fleet management plan  
11 using information described in paragraph  
12 (3)(A). Such tools and plans may be submitted  
13 in classified form if a component head deter-  
14 mines that such is necessary to protect oper-  
15 ations or mission requirements.

16 “(B) VEHICLE ALLOCATION TOOL.—Com-  
17 ponent heads develop a vehicle allocation tool in  
18 accordance with subclause (III) of paragraph  
19 (2)(A)(i) that includes an analysis of the fol-  
20 lowing:

21 “(i) Vehicle utilization data, including  
22 the number of trips, miles driven, hours  
23 and days used, and the associated costs of  
24 such mileage for leased vehicles, in accord-  
25 ance with such paragraph.

1           “(ii) The role of vehicle fleets in sup-  
2           porting mission requirements for each com-  
3           ponent.

4           “(iii) Any other information deter-  
5           mined relevant by such component heads.

6           “(C) FLEET MANAGEMENT PLANS.—Com-  
7           ponent heads shall use information described in  
8           subparagraph (B) to develop a fleet manage-  
9           ment plan for each such component. Such fleet  
10          management plans shall include the following:

11           “(i) A plan for how each such compo-  
12          nent may achieve optimal fleet size deter-  
13          mined by the vehicle allocation tool re-  
14          quired under such subparagraph, including  
15          the elimination of excess vehicles in accord-  
16          ance with paragraph (5), if applicable.

17           “(ii) A cost benefit analysis sup-  
18          porting such plan.

19           “(iii) A schedule each such component  
20          will follow to obtain optimal fleet size.

21           “(iv) Any other information deter-  
22          mined relevant by component heads.

23          “(D) REVIEW.—The Under Secretary for  
24          Management shall review and make a deter-  
25          mination on the results of each component’s ve-

1           hicle allocation tool and fleet management plan  
2           under this paragraph to ensure each such com-  
3           ponent’s vehicle fleets are the optimal fleet size  
4           and that components are in compliance with ap-  
5           plicable Federal law, Federal regulations, execu-  
6           tive branch guidance, and Department policy  
7           pursuant to paragraph (2) relating to fleet  
8           management and use of vehicles from home to  
9           work. The Under Secretary shall use such tools  
10          and plans when reviewing annual component re-  
11          quests for vehicle fleet funding in accordance  
12          with paragraph (6).

13           “(5) GUIDANCE TO DEVELOP FLEET MANAGE-  
14          MENT PLANS.—The Under Secretary for Manage-  
15          ment shall provide guidance, pursuant to paragraph  
16          (1)(B) on how component heads may achieve opti-  
17          mal fleet size in accordance with paragraph (4), in-  
18          cluding processes for the following:

19                   “(A) Leasing or acquiring additional vehi-  
20                   cles or replacing existing vehicles, if determined  
21                   necessary.

22                   “(B) Disposing of excess vehicles that the  
23                   Under Secretary determines should not be re-  
24                   allocated under subparagraph (C).

1           “(C) Reallocating excess vehicles to other  
2           components that may need temporary or long-  
3           term use of additional vehicles.

4           “(6) ANNUAL REVIEW OF VEHICLE FLEET  
5           FUNDING REQUESTS.—As part of the annual budget  
6           process, the Under Secretary for Management shall  
7           review and make determinations regarding annual  
8           component requests for funding for vehicle fleets. If  
9           component heads have not taken steps in further-  
10          ance of achieving optimal fleet size in the prior fiscal  
11          year pursuant to paragraphs (4) and (5), the Under  
12          Secretary shall provide rescission recommendations  
13          to the Committee on Appropriations and the Com-  
14          mittee on Homeland Security of the House of Rep-  
15          resentatives and the Committee on Appropriations  
16          and the Committee on Homeland Security and Gov-  
17          ernmental Affairs of the Senate regarding such com-  
18          ponent vehicle fleets.

19          “(7) ACCOUNTABILITY FOR VEHICLE FLEET  
20          MANAGEMENT.—

21                 “(A) PROHIBITION ON CERTAIN NEW VE-  
22                 HICLE LEASES AND ACQUISITIONS.—The Under  
23                 Secretary for Management and component  
24                 heads may not approve in any fiscal year begin-  
25                 ning with fiscal year 2019 a vehicle lease, ac-

1           quisition, or replacement request if such compo-  
2           nent heads did not comply in the prior fiscal  
3           year with paragraph (4).

4           “(B) PROHIBITION ON CERTAIN PERFORM-  
5           ANCE COMPENSATION.—No Department official  
6           with vehicle fleet management responsibilities  
7           may receive annual performance compensation  
8           in pay in any fiscal year beginning with fiscal  
9           year 2019 if such official did not comply in the  
10          prior fiscal year with paragraph (4).

11          “(C) PROHIBITION ON CERTAIN CAR SERV-  
12          ICES.—Notwithstanding any other provision of  
13          law, no senior executive service official of the  
14          Department whose office has a vehicle fleet may  
15          receive access to a car service in any fiscal year  
16          beginning with fiscal year 2019 if such official  
17          did not comply in the prior fiscal year with  
18          paragraph (4).

19          “(8) MOTOR POOL.—

20          “(A) IN GENERAL.—The Under Secretary  
21          for Management may determine the feasibility  
22          of operating a vehicle motor pool to permit  
23          components to share vehicles as necessary to  
24          support mission requirements to reduce the  
25          number of excess vehicles in the Department.

1           “(B) REQUIREMENTS.—The determination  
2 of feasibility of operating a vehicle motor pool  
3 under subparagraph (A) shall—

4           “(i) include—

5           “(I) regions in the United States  
6 in which multiple components with ve-  
7 hicle fleets are located in proximity to  
8 one another, or a significant number  
9 of employees with authorization to use  
10 vehicles are located; and

11           “(II) law enforcement vehicles;

12           “(ii) cover the National Capital Re-  
13 gion; and

14           “(iii) take into account different mis-  
15 sion requirements.

16           “(C) REPORT.—The Secretary shall in-  
17 clude in the Department’s next annual perform-  
18 ance report required under current law the re-  
19 sults of the determination under this para-  
20 graph.

21           “(9) DEFINITIONS.—In this subsection:

22           “(A) COMPONENT HEAD.—The term ‘com-  
23 ponent head’ means the head of any component  
24 of the Department with a vehicle fleet.



1           “(B) EXCESS VEHICLE.—The term ‘excess  
2           vehicle’ means any vehicle that is not essential  
3           to support mission requirements of a compo-  
4           nent.

5           “(C) OPTIMAL FLEET SIZE.—The term  
6           ‘optimal fleet size’ means, with respect to a par-  
7           ticular component, the appropriate number of  
8           vehicles to support mission requirements of  
9           such component.

10           “(D) VEHICLE FLEET.—The term ‘vehicle  
11           fleet’ means all owned, commercially leased, or  
12           Government-leased vehicles of the Department  
13           or of a component of the Department, as the  
14           case may be, including vehicles used for law en-  
15           forcement and other purposes.”.

16 **SEC. 2602. GAO REPORT AND INSPECTOR GENERAL RE-**  
17 **VIEW.**

18           (a) GAO REPORT.—Not later than 1 year after the  
19           date of the enactment of this Act, the Comptroller General  
20           of the United States shall submit to the Committee on  
21           Homeland Security of the House of Representatives and  
22           the Committee on Homeland Security and Governmental  
23           Affairs a report on the following:

24                   (1) The status of efforts at achieving a capa-  
25           bility to collect automated information as required

1 under subsection (c)(3) of section 701 of the Home-  
2 land Security Act of 2002 (6 U.S.C. 341), as added  
3 by section 2601 of this title, and any challenges that  
4 remain with respect to achieving the capability to  
5 collect, assess, and report vehicle fleet (as such term  
6 in defined in subsection (c)(9) of such section 701)  
7 data for the purpose of determining vehicle utiliza-  
8 tion.

9 (2) The extent to which the Under Secretary  
10 for Management has identified and addressed any  
11 relevant security concerns, including cybersecurity  
12 risks, related to such automation.

13 (3) The extent to which the Under Secretary  
14 collects, assesses, and reports on vehicle fleet event  
15 data recorder data.

16 (b) INSPECTOR GENERAL REVIEW.—The Inspector  
17 General of the Department of Homeland Security shall—

18 (1) review implementation of subsection (c)(4)  
19 of section 701 of the Homeland Security Act of  
20 2002 (6 U.S.C. 341), as added by section 2601 of  
21 this title, for fiscal years 2018 and 2020, and shall  
22 provide, upon request, to the Committee on Home-  
23 land Security of the House of Representatives and  
24 the Committee on Homeland Security and Govern-

1 mental Affairs of the Senate information regarding  
2 any such review; and

3 (2) submit to the committees specified in para-  
4 graph (1) a report, not later than 6 months after  
5 completion of the second review required under such  
6 paragraph, regarding the effectiveness of such sub-  
7 section with respect to cost avoidance, savings real-  
8 ized, and component operations.

9 **TITLE XXVI—COUNTERTER-**  
10 **RORISM SCREENING AND AS-**  
11 **SISTANCE**

12 **SEC. 2601. FOREIGN PARTNER ENGAGEMENT PLAN.**

13 (a) FINDINGS.—Consistent with the final report of  
14 the Committee on Homeland Security of the House of  
15 Representatives bipartisan “Task Force on Combating  
16 Terrorist and Foreign Fighter Travel”, Congress makes  
17 the following findings:

18 (1) It is important for the national security of  
19 the United States to assist foreign partners in clos-  
20 ing security gaps which may allow terrorists and for-  
21 eign fighters to travel internationally, avoiding de-  
22 tection.

23 (2) Building foreign partner capacity to combat  
24 terrorist travel helps extend the United States secu-

1 rity beyond its border to mitigate threats before they  
2 reach the United States.

3 (3) United States Government departments and  
4 agencies have spent billions of dollars to help foreign  
5 partners improve their security against terrorist  
6 travel since the attacks of September 11, 2001, in-  
7 cluding through the provision of technical assistance,  
8 equipment, training, and other tools.

9 (4) The lack of a United States Government-  
10 wide, risk-based approach increases the odds that  
11 systematic security gaps abroad may persist and  
12 that United States response efforts will not be maxi-  
13 mized in order to close these gaps.

14 (5) Failure to effectively coordinate capacity-  
15 building activities also results in greater risk of over-  
16 lap, waste, and unnecessary duplication between the  
17 United States and international programs.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that the United States Government must ensure ca-  
20 pacity-building assistance is coordinated both among  
21 United States Government departments and agencies as  
22 well as with foreign implementing partners, and assistance  
23 should be prioritized for the highest-risk countries for  
24 travel by terrorists and foreign fighters.

25 (c) PLAN.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of the enactment of this Act and every  
3 2 years thereafter at the time of the President’s  
4 budget submission to Congress under section 1105  
5 of title 31, United States Code, until 2022, the Sec-  
6 retary of State shall, in accordance with the protec-  
7 tion of intelligence sources and methods, develop and  
8 submit to the appropriate congressional committees  
9 unclassified and classified versions of a foreign part-  
10 ner engagement plan which catalogues existing ca-  
11 pacity-building initiatives abroad to combat travel by  
12 terrorists and foreign fighters and identifies areas  
13 for adjustment to align ongoing efforts with risk-  
14 based priorities.

15           (2) COORDINATION.—The plan required under  
16 paragraph (1) shall be developed in coordination  
17 with all relevant United States Government depart-  
18 ments and agencies and in consultation with the  
19 Secretary of Homeland Security, the Secretary of  
20 the Treasury, the Secretary of Defense, the Attorney  
21 General, the Director of National Intelligence, and  
22 the Director of the Federal Bureau of Investigation.

23           (3) CONTENTS.—The plan required under para-  
24 graph (1) shall—

1 (A) include an assessment of all countries  
2 and whether each country is high-risk, medium-  
3 risk, or low-risk for travel by terrorists and for-  
4 eign fighters based on the minimum standards  
5 described in section 2603(b), as well as—

6 (i) an identification of the number of  
7 flights that originate from last points of  
8 departure in each country to the United  
9 States;

10 (ii) visa waiver program status or visa  
11 application and denial rates for each coun-  
12 try;

13 (iii) recent threats, terrorist and for-  
14 eign fighter travel trends, and the overall  
15 terror threat environment in each country;  
16 and

17 (iv) other criteria as determined by  
18 the Secretary of State and the Secretary of  
19 Homeland Security;

20 (B) detail existing United States Govern-  
21 ment programs, projects, and activities which  
22 are intended to or have the substantial effect of  
23 building the capacity of such countries to com-  
24 bat travel by terrorists and foreign fighters, in-

1 including estimated spending levels by country  
2 where practicable; and

3 (C) outline a plan for prioritizing United  
4 States Government resources toward high-risk  
5 and medium-risk countries, including—

6 (i) identifying efforts which should be  
7 reformed, consolidated, or eliminated; and

8 (ii) detailing new programs, projects,  
9 or activities that are requested, being  
10 planned, or are undergoing implementation  
11 and associated costs.

12 **SEC. 2602. SHARING SYSTEMS AND EQUIPMENT TO OB-**  
13 **STRUCT TRAVEL BY TERRORISTS AND FOR-**  
14 **EIGN FIGHTERS.**

15 (a) **BORDER SECURITY AND COUNTERTERRORISM**  
16 **SCREENING TOOLS.—**

17 (1) **IN GENERAL.—**Subject to subsection (d),  
18 the Secretary of Homeland Security and the Sec-  
19 retary of State shall accelerate the provision of ap-  
20 propriate versions of the following systems to foreign  
21 governments:

22 (A) U.S. Customs and Border Protection’s  
23 Automated Targeting System—Global.

1           (B) The Department of State’s Personal  
2           Identification Secure Comparison and Evalua-  
3           tion System.

4           (2) PRIORITIZATION.—The Secretary of Home-  
5           land Security and the Secretary of State shall co-  
6           ordinate to prioritize the provision of the systems  
7           specified in paragraph (1) to countries determined to  
8           be high-risk and medium-risk in the foreign partner  
9           engagement plan required under section 2601.

10          (b) EQUIPMENT TRANSFER.—

11           (1) IN GENERAL.—Subject to paragraphs (2)  
12           and (3), the Secretary of Homeland Security, in con-  
13           sultation with the Secretary of State, is authorized  
14           to provide, with or without reimbursement, excess  
15           nonlethal equipment and supplies owned by the De-  
16           partment of Homeland Security to a foreign govern-  
17           ment.

18           (2) DETERMINATION.—The Secretary of Home-  
19           land Security is authorized to provide equipment and  
20           supplies pursuant to paragraph (1) if the Secretary  
21           determines that the provision of such equipment and  
22           supplies would—

23                   (A) further the homeland security interests  
24                   of the United States; and



1 (B) enhance the recipient government's ca-  
2 pacity to—

3 (i) mitigate the risk or threat of ter-  
4 rorism, infectious disease, or natural dis-  
5 aster;

6 (ii) protect and expedite lawful trade  
7 and travel; or

8 (iii) enforce intellectual property  
9 rights.

10 (3) LIMITATION ON TRANSFER.—The Secretary  
11 of Homeland Security may not—

12 (A) provide any equipment or supplies that  
13 are designated as items on the United States  
14 Munitions List pursuant to section 38 of the  
15 Arms Export Control Act (22 U.S.C. 2778); or

16 (B) provide any vessel or aircraft pursuant  
17 to this subsection.

18 (4) RELATED TRAINING.—In conjunction with a  
19 provision of equipment or supplies pursuant to para-  
20 graph (1), the Secretary of Homeland Security may  
21 provide such equipment-related or supplies-related  
22 training and assistance as the Secretary determines  
23 to be necessary.

24 (5) MAINTENANCE OF TRANSFERRED EQUIP-  
25 MENT.—The Secretary of Homeland Security may

1 provide for the maintenance of transferred equip-  
2 ment or supplies through service contracts or other  
3 means, with or without reimbursement, as the Sec-  
4 retary determines appropriate.

5 (6) REIMBURSEMENT OF EXPENSES.—The Sec-  
6 retary of Homeland Security is authorized to collect  
7 payment from the recipient government for the pro-  
8 vision of training, shipping costs, supporting mate-  
9 rials, maintenance, supplies, or other assistance in  
10 support of provided equipment or supplies under this  
11 subsection.

12 (7) RECEIPTS CREDITED AS OFFSETTING COL-  
13 LECTIONS.—Notwithstanding section 3302 of title  
14 31, United States Code, any amount collected under  
15 this subsection—

16 (A) shall be credited as offsetting collec-  
17 tions, subject to appropriations, to the account  
18 that finances the activities and services for  
19 which the payment is received; and

20 (B) shall remain available until expended  
21 for the purpose of providing for the security in-  
22 terests of the homeland.

23 (8) RULE OF CONSTRUCTION.—Nothing in this  
24 subsection may be construed as affecting, aug-

1       menting, or diminishing the authority of the Sec-  
2       retary of State.

3           (9) DEFINITION.—For the purposes of this sec-  
4       tion, the term “excess nonlethal equipment and sup-  
5       plies” means equipment and supplies the Secretary  
6       of Homeland Security has determined is either not  
7       required for United States domestic operations, or  
8       would be more effective to homeland security if de-  
9       ployed for use outside of the United States.

10       (c) NOTIFICATION TO CONGRESS.—

11           (1) IN GENERAL.—Not later than 15 days be-  
12       fore providing any systems or equipment or supplies  
13       under this section, the Secretary of Homeland Secu-  
14       rity and Secretary of State shall provide notification  
15       to the appropriate congressional committees of such  
16       provision.

17           (2) CONTENTS.—A notification required under  
18       paragraph (1) shall include the following:

19               (A) The specific vulnerability that will be  
20               mitigated by the provision of any systems or  
21               equipment or supplies under this section.

22               (B) An explanation as to why the recipient  
23               is unable or unwilling to independently acquire  
24               such systems or equipment or supplies.

1           (C) An evacuation plan for any sensitive  
2 technologies in case of emergency or instability  
3 in the country to which such systems or equip-  
4 ment or supplies is being provided.

5           (D) How the United States Government  
6 will ensure that such systems or equipment or  
7 supplies are being maintained appropriately and  
8 used as intended.

9           (E) The total dollar value of such systems,  
10 equipment, and supplies.

11 (d) RULE OF CONSTRUCTION.—

12           (1) IN GENERAL.—The authority provided  
13 under this section shall be exercised in accordance  
14 with applicable provisions of the Arms Export Con-  
15 trol Act (22 U.S.C. 2751 et seq.), the Export Ad-  
16 ministration Regulations, or any other similar provi-  
17 sion of law.

18           (2) DEFINITION.—In this subsection, the term  
19 “Export Administration Regulations” means—

20           (A) the Export Administration Regulations  
21 as maintained and amended under the authority  
22 of the International Emergency Economic Pow-  
23 ers Act (50 U.S.C. 1701 et seq.) and codified  
24 in subchapter C of chapter VII of title 15, Code  
25 of Federal Regulations; or

1 (B) any successor regulations.

2 **SEC. 2603. ACTIONS WITH RESPECT TO FOREIGN COUN-**  
3 **TRIES THAT FAIL TO MEET MINIMUM STAND-**  
4 **ARDS FOR SERIOUS AND SUSTAINED EF-**  
5 **FORTS TO COMBAT TERRORIST AND FOR-**  
6 **EIGN FIGHTER TRAVEL.**

7 (a) REPORTS TO CONGRESS.—

8 (1) IN GENERAL.—Not later than April 30 of  
9 each year through 2021, the Secretary of State, in  
10 coordination with the Secretary of Homeland Secu-  
11 rity, shall submit to the appropriate congressional  
12 committees a report with respect to the status of ef-  
13 forts of foreign governments to combat terrorist and  
14 foreign fighter travel. The report shall include the  
15 following:

16 (A) A list of those foreign countries, if  
17 any, to which the minimum standards for seri-  
18 ous and sustained efforts to combat terrorist  
19 and foreign fighter travel as described in sub-  
20 section (b) are applicable and whose govern-  
21 ments comply with such standards.

22 (B) A list of those foreign countries, if  
23 any, to which the minimum standards for seri-  
24 ous and sustained efforts to combat terrorist  
25 and fighter travel as described in subsection (b)

1 are applicable and whose governments do not  
2 yet fully comply with such standards but are  
3 making significant efforts to bring themselves  
4 into compliance.

5 (C) A list of those foreign countries, if any,  
6 to which the minimum standards for serious  
7 and sustained efforts to combat terrorist and  
8 foreign fighter travel as described in subsection  
9 (b) are applicable and whose governments do  
10 not fully comply with such standards and are  
11 not making significant efforts to bring them-  
12 selves into compliance.

13 (D) A description for each foreign country  
14 identified in subparagraphs (B) and (C) of the  
15 areas in which the government of the foreign  
16 country does not meet the minimum standards  
17 for serious and sustained efforts to combat ter-  
18 rorist and foreign fighter travel as described in  
19 subsection (b).

20 (2) FORM.—The report required by paragraph  
21 (1) shall be submitted in unclassified form, but may  
22 contain a classified annex, if necessary.

23 (3) INCLUSION IN COUNTRY REPORTS ON TER-  
24 RORISM.—To the maximum extent practicable, the  
25 Secretary of State, in coordination with the Sec-

1       retary of Homeland Security, should incorporate the  
2       report required by paragraph (1) into the annual  
3       country reports on terrorism submitted pursuant to  
4       section 140 of the Foreign Relations Authorization  
5       Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

6       (b) MINIMUM STANDARDS DESCRIBED.—The min-  
7       imum standards for serious and sustained efforts to com-  
8       bat terrorist and foreign fighter travel applicable to the  
9       government of a foreign country are the following:

10           (1) The government of the country makes  
11           meaningful efforts to identify and monitor terrorists  
12           and foreign fighters operating within the territory of  
13           the country.

14           (2) The government of the country regularly ex-  
15           changes substantive counterterrorism information  
16           with other foreign governments, including the  
17           United States Government, through bilateral or mul-  
18           tilateral channels and international organizations  
19           such as INTERPOL, and cooperates with other for-  
20           eign governments in the investigation and prosecu-  
21           tion of terrorists and foreign fighters.

22           (3) The government of the country implements  
23           effective border controls or participates in an exist-  
24           ing border-crossing control regime that has been de-

1       terminated by the United States Government to em-  
2       ploy effective border-crossing oversight.

3               (4) The government of the country has controls  
4       and systems in place to prevent and report upon  
5       counterfeiting, forgery, and fraudulent use or pos-  
6       session of false, stolen, or lost identity papers and  
7       travel documents.

8               (5) The government of the country collects air  
9       passenger data and employs evidence-based traveler  
10      risk assessment and screening procedures, including  
11      collection and analysis of travel data.

12              (6) The government of the country appro-  
13      priately screens travelers, including vetting of trav-  
14      elers at air, sea, and land ports of entry, against  
15      counterterrorism and other criminal databases, as  
16      appropriate.

17              (7) The government of the country submits in-  
18      formation to INTERPOL databases and screens  
19      travelers against INTERPOL databases at ports of  
20      entry and exit.

21              (8) The government of the country has estab-  
22      lished and implemented domestic laws criminalizing  
23      material support to foreign terrorist organizations  
24      and has the ability and willingness to prosecute



1 cases involving such material support to foreign ter-  
2 rorist organizations.

3 (9) The government of the country takes meas-  
4 ures to prevent individuals in its territory from trav-  
5 eling abroad to enlist with or provide material sup-  
6 port to foreign terrorist organizations.

7 (10) The government of the country takes  
8 measures to ensure a minimal level of corruption  
9 and likelihood that corruption could impact the ve-  
10 racity of security and intelligence reporting from the  
11 country, a minimal likelihood that such corruption  
12 could adversely affect the legitimacy of national  
13 identity papers of the country, and the country does  
14 not shelter suspects from investigation and prosecu-  
15 tion.

16 (11) The government of a country is not deter-  
17 mined to be a high-risk program country under sec-  
18 tion 217(c)(12) of the Immigration and Nationality  
19 Act (8. U.S.C. 1187(c)(12)).

20 (c) SUSPENSION OF ASSISTANCE.—The Secretary of  
21 State, in consultation with the Secretary of Homeland Se-  
22 curity and the heads of other Federal agencies, as appro-  
23 priate, is authorized to suspend nonhumanitarian,  
24 nontrade-related foreign assistance to any government of  
25 a foreign country if the foreign country is identified in

1 subparagraph (C) of subsection (a)(1) in the most recent  
2 report submitted to the appropriate congressional commit-  
3 tees under such subsection.

4 **SEC. 2604. DEFINITIONS.**

5 In this title:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
7 **TEES.**—The term “appropriate congressional com-  
8 mittees” means the Committee on Homeland Secu-  
9 rity and Governmental Affairs, the Committee on  
10 Foreign Relations, the Committee on the Judiciary,  
11 and the Committee on Commerce, Science, and  
12 Transportation of the Senate and the Committee on  
13 Homeland Security, the Committee on the Judiciary,  
14 and the Committee on Foreign Affairs of the House  
15 of Representatives.

16 (2) **FOREIGN TERRORIST ORGANIZATION.**—The  
17 term “foreign terrorist organization” means an or-  
18 ganization that is designated as a foreign terrorist  
19 organization pursuant to section 219 of the Immi-  
20 gration and Nationality Act (8 U.S.C. 1189).

21 (3) **NONHUMANITARIAN, NONTRADE-RELATED**  
22 **FOREIGN ASSISTANCE.**—The term “nonhumani-  
23 tarian, nontrade-related foreign assistance” has the  
24 meaning given the term in section 103 of the Traf-

1       ficking Victims Protection Act of 2000 (22 U.S.C.  
2       7102).

3 **SEC. 2605. PROHIBITION ON ADDITIONAL FUNDING.**

4       No additional funds are authorized to be appro-  
5       priated to carry out this title.

6 **TITLE XXVII—SOUTHWEST BOR-**  
7 **DER SECURITY THREAT AS-**  
8 **SESSMENT**

9 **SEC. 2701. SOUTHWEST BORDER THREAT ANALYSIS.**

10       (a) IN GENERAL.—Not later than 180 days after the  
11       date of the enactment of this Act, the Secretary of Home-  
12       land Security shall submit to the Committee on Homeland  
13       Security of the House of Representatives and the Com-  
14       mittee on Homeland Security and Governmental Affairs  
15       of the Senate a southwest border threat analysis that in-  
16       cludes the following:

17               (1) An assessment of current and potential ter-  
18       rorism and criminal threats posed by individuals and  
19       organized groups seeking to—

20                       (A) unlawfully enter the United States  
21       through the southwest border; or

22                       (B) exploit security vulnerabilities along  
23       the southwest border.

24               (2) An assessment of improvements needed at  
25       and between ports of entry along the southwest bor-

1 der to prevent terrorists and instruments of terror  
2 from entering the United States.

3 (3) An assessment of gaps in law, policy, and  
4 coordination between State, local, or tribal law en-  
5 forcement, international agreements, or tribal agree-  
6 ments that hinder effective and efficient border secu-  
7 rity, counterterrorism, and anti-human smuggling  
8 and trafficking efforts.

9 (4) An assessment of the flow of legitimate  
10 trade along the southwest border.

11 (5) An assessment of the current percentage of  
12 situational awareness achieved by the Department of  
13 Homeland Security along the southwest border.

14 (6) An assessment of the current percentage of  
15 operational control (as such term is defined in sec-  
16 tion 2 of the Secure Fence Act of 2006 (8 U.S.C.  
17 1701 note; Public Law 109–367)) achieved by the  
18 Department of Homeland Security of the southwest.

19 (7) An assessment of impact of trusted traveler  
20 programs on border wait times and border security.

21 (8) An assessment of traveler crossing times  
22 and any potential security vulnerability associated  
23 with prolonged wait times.

24 (b) ANALYSIS REQUIREMENTS.—For the southwest  
25 border threat analysis required under subsection (a), the

1 Secretary of Homeland Security shall consider and exam-  
2 ine the following:

3 (1) Technology needs and challenges, including  
4 such needs and challenges identified as a result of  
5 previous investments that have not fully realized the  
6 security and operational benefits that were sought.

7 (2) Personnel needs and challenges, including  
8 such needs and challenges associated with recruit-  
9 ment and hiring.

10 (3) Infrastructure needs and challenges.

11 (4) The roles and authorities of State, local,  
12 and tribal law enforcement in general border secu-  
13 rity activities.

14 (5) The status of coordination among Federal,  
15 State, local, tribal, and Mexican law enforcement en-  
16 tities relating to border security.

17 (6) The terrain, population density, and climate  
18 along the southwest border.

19 (7) International agreements between the  
20 United States and Mexico related to border security.

21 (c) CLASSIFIED THREAT ANALYSIS.—To the extent  
22 possible, the Secretary of Homeland Security shall submit  
23 the southwest border threat analysis required under sub-  
24 section (a) in unclassified form. The Secretary may submit

1 a portion of such threat analysis in classified form if the  
2 Secretary determines such is appropriate.

3 **SEC. 2702. BORDER PATROL STRATEGIC PLAN.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 submission of the threat analysis required under section  
6 2701 but not later than June 30, 2017, and every five  
7 years thereafter, the Secretary of Homeland Security, act-  
8 ing through the Chief of U.S. Border Patrol, shall, in con-  
9 sultation with the Officer for Civil Rights and Civil Lib-  
10 erties of the Department of Homeland Security, issue a  
11 Border Patrol Strategic Plan.

12 (b) CONTENTS.—The Border Patrol Strategic Plan  
13 required under subsection (a) shall include, at a minimum,  
14 a consideration of the following:

15 (1) The southwest border threat analysis re-  
16 quired under section 2701, with an emphasis on ef-  
17 forts to mitigate threats identified in such threat  
18 analysis.

19 (2) Efforts to analyze and disseminate border  
20 security and border threat information between De-  
21 partment of Homeland Security border security com-  
22 ponents and with other appropriate Federal depart-  
23 ments and agencies with missions associated with  
24 the border.

1           (3) Efforts to increase situational awareness,  
2 including the following:

3           (A) Surveillance capabilities, including ca-  
4 pabilities developed or utilized by the Depart-  
5 ment of Defense, and any appropriate tech-  
6 nology determined to be excess by the Depart-  
7 ment of Defense.

8           (B) Use of manned aircraft and unmanned  
9 aerial systems, including camera and sensor  
10 technology deployed on such assets.

11          (4) Efforts to detect and prevent terrorists and  
12 instruments of terrorism from entering the United  
13 States.

14          (5) Efforts to detect, interdict, and disrupt  
15 aliens and illicit drugs at the earliest possible point.

16          (6) Efforts to focus intelligence collection to  
17 disrupt transnational criminal organizations outside  
18 of the international and maritime borders of the  
19 United States.

20          (7) Efforts to ensure that any new border secu-  
21 rity technology can be operationally integrated with  
22 existing technologies in use by the Department of  
23 Homeland Security.

24          (8) Technology required to maintain, support,  
25 and enhance security and facilitate trade at ports of

1 entry, including nonintrusive detection equipment,  
2 radiation detection equipment, biometric technology,  
3 surveillance systems, and other sensors and tech-  
4 nology that the Secretary of Homeland Security de-  
5 termines necessary.

6 (9) Operational coordination unity of effort ini-  
7 tiatives of the border security components of the De-  
8 partment of Homeland Security, including any rel-  
9 evant task forces of the Department.

10 (10) Lessons learned from Operation Jumpstart  
11 and Operation Phalanx.

12 (11) Cooperative agreements and information  
13 sharing with State, local, tribal, territorial, and  
14 other Federal law enforcement agencies that have  
15 jurisdiction on the northern or southern border.

16 (12) Border security information received from  
17 consultation with State, local, tribal, territorial, and  
18 Federal law enforcement agencies that have jurisdic-  
19 tion on the northern or southern border, or in the  
20 maritime environment, and from border community  
21 stakeholders (including through public meetings with  
22 such stakeholders), including representatives from  
23 border agricultural and ranching organizations and  
24 representatives from business and civic organizations  
25 along the northern or southern border.



1           (13) Staffing requirements for all departmental  
2 border security functions.

3           (14) A prioritized list of departmental research  
4 and development objectives to enhance the security  
5 of the southwest border.

6           (15) An assessment of training programs, in-  
7 cluding training programs regarding the following:

8                 (A) Identifying and detecting fraudulent  
9 documents.

10                (B) Understanding the scope of enforce-  
11 ment authorities and the use of force policies.

12                (C) Screening, identifying, and addressing  
13 vulnerable populations, such as children and  
14 victims of human trafficking.

15           (16) An assessment of how border security op-  
16 erations affect crossing times.

17 **SEC. 2703. DEFINITIONS.**

18 In this title:

19           (1) SITUATIONAL AWARENESS.—The term “sit-  
20 uational awareness” means a knowledge and unified  
21 understanding of unlawful cross-border activity, in-  
22 cluding threats and trends concerning illicit traf-  
23 ficking and unlawful crossings (which may be used  
24 to forecast future shifts in such threats and trends),  
25 and the operational capability to conduct continuous

1 and integrated surveillance of the international bor-  
2 ders of the United States.

3 (2) SOUTHWEST BORDER.—The term “south-  
4 west border” means the land and maritime borders  
5 between the United States and Mexico.

6 **TITLE XXVIII—NATIONAL STRAT-**  
7 **EGY TO COMBAT TERRORIST**  
8 **TRAVEL**

9 **SEC. 2801. NATIONAL STRATEGY TO COMBAT TERRORIST**  
10 **TRAVEL.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that it should be the policy of the United States to—

13 (1) continue to regularly assess the evolving ter-  
14 rorist threat to the United States;

15 (2) catalogue existing Federal Government ef-  
16 forts to obstruct terrorist and foreign fighter travel  
17 into, out of, and within the United States, as well  
18 as overseas;

19 (3) identify such efforts that may benefit from  
20 reform or consolidation, or require elimination;

21 (4) identify potential security vulnerabilities in  
22 United States defenses against terrorist travel; and

23 (5) prioritize resources to address in a risk-  
24 based manner any such security vulnerabilities.

25 (b) NATIONAL STRATEGY AND UPDATES.—

1           (1) IN GENERAL.—In accordance with para-  
2           graph (2), the President shall transmit to the appro-  
3           priate congressional committees a national strategy  
4           (including, as appropriate, updates to such strategy)  
5           to combat terrorist travel. The strategy shall address  
6           efforts to intercept terrorists and foreign fighters  
7           and constrain the domestic and international travel  
8           of such persons. Consistent with the protection of  
9           classified information, the strategy shall be sub-  
10          mitted in unclassified form, including, as appro-  
11          priate, a classified annex.

12           (2) TIMING.—

13           (A) INITIAL STRATEGY.—The initial na-  
14           tional strategy required under paragraph (1)  
15           shall be transmitted not later than 180 days  
16           after the date of the enactment of this Act.

17           (B) UPDATED STRATEGIES.—Updated na-  
18           tional strategies under paragraph (1) shall be  
19           transmitted not later than 180 days after the  
20           commencement of a new Presidential adminis-  
21           tration.

22           (3) COORDINATION.—The President shall direct  
23           the Secretary of Homeland Security to develop the  
24           initial national strategy and updates required under  
25           this subsection and shall direct, as appropriate, the

1 heads of other Federal agencies to coordinate with  
2 the Secretary in the development of such strategy  
3 and updates.

4 (4) CONTENTS.—The initial national strategy  
5 and updates required under this subsection shall—

6 (A) include an accounting and description  
7 of all Federal Government programs, projects,  
8 and activities to constrain domestic and inter-  
9 national travel by terrorists and foreign fight-  
10 ers;

11 (B) identify specific security vulnerabilities  
12 within the United States and abroad that may  
13 be exploited by terrorists and foreign fighters;

14 (C) delineate goals for—

15 (i) closing the security vulnerabilities  
16 identified in accordance with subparagraph  
17 (B); and

18 (ii) enhancing the Federal Govern-  
19 ment's ability to constrain domestic and  
20 international travel by terrorists and for-  
21 eign fighters; and

22 (D) describe actions to be taken to achieve  
23 the goals delineated in subparagraph (C), as  
24 well as the means needed to do so, including—

1 (i) steps to reform, improve, and  
2 streamline existing Federal Government ef-  
3 forts to align with the current threat envi-  
4 ronment;

5 (ii) new programs, projects, or activi-  
6 ties that are requested, under development,  
7 or undergoing implementation;

8 (iii) new authorities or changes in ex-  
9 isting authorities needed from Congress;

10 (iv) specific budget adjustments being  
11 requested to enhance United States secu-  
12 rity in a risk-based manner; and

13 (v) an identification of Federal de-  
14 partments and agencies responsible for  
15 specific actions described in this subpara-  
16 graph.

17 (5) SUNSET.—The requirement to transmit up-  
18 dated national strategies under this subsection shall  
19 terminate on the date that is 7 years after the date  
20 of the enactment of this Act.

21 (c) DEVELOPMENT OF IMPLEMENTATION PLANS.—  
22 For each national strategy required under subsection (b),  
23 the President shall direct the Secretary of Homeland Se-  
24 curity to develop an implementation plan for the Depart-  
25 ment of Homeland Security and coordinate with the heads

1 of other relevant Federal agencies to ensure the develop-  
2 ment of implementing plans for each such agency.

3 (d) IMPLEMENTATION PLANS.—

4 (1) IN GENERAL.—The President shall transmit  
5 to the appropriate congressional committees imple-  
6 mentation plans for each national strategy required  
7 under subsection (b). Consistent with the protection  
8 of classified information, each such implementation  
9 plan shall be transmitted in unclassified form, but  
10 may include a classified annex.

11 (2) TIMING.—The implementation plans re-  
12 ferred to in paragraph (1) shall be transmitted si-  
13 multaneously with each national strategy required  
14 under subsection (b). Such implementation plans  
15 shall be updated and transmitted to the appropriate  
16 congressional committees on an annual basis.

17 (3) SUNSET.—The requirement to transmit im-  
18 plementation plans under paragraph (1) shall termi-  
19 nate on the date that is 10 years after the date of  
20 the enactment of this Act.

21 (e) PROHIBITION ON ADDITIONAL FUNDING.—No  
22 additional funds are authorized to be appropriated to  
23 carry out this section.

24 (f) DEFINITION.—In this section, the term “appro-  
25 priate congressional committees” means—

- 1 (1) in the House of Representatives—
- 2 (A) the Committee on Homeland Security;
- 3 (B) the Committee on Armed Services;
- 4 (C) the Permanent Select Committee on
- 5 Intelligence;
- 6 (D) the Committee on the Judiciary;
- 7 (E) the Committee on Foreign Affairs; and
- 8 (F) the Committee on Appropriations; and
- 9 (2) in the Senate—
- 10 (A) the Committee on Homeland Security
- 11 and Governmental Affairs;
- 12 (B) the Committee on Armed Services;
- 13 (C) the Select Committee on Intelligence;
- 14 (D) the Committee on the Judiciary;
- 15 (E) the Committee on Foreign Relations;
- 16 and
- 17 (F) the Committee on Appropriations.

18 **TITLE XXIX—STATE AND HIGH-**

19 **RISK URBAN AREA WORKING**

20 **GROUP**

21 **SEC. 2901. ADMINISTRATION AND COORDINATION OF CER-**

22 **TAIN DHS GRANTS.**

23 Subsection (b) of section 2021 of the Homeland Se-

24 curity Act of 2002 (6 U.S.C. 611) is amended to read

25 as follows:

1 “(b) PLANNING COMMITTEES.—

2 “(1) IN GENERAL.—Any State or high-risk  
3 urban area receiving a grant under section 2003 or  
4 2004 shall establish a State planning committee or  
5 urban area working group to assist in preparation  
6 and revision of the State, regional, or local homeland  
7 security plan or the threat and hazard identification  
8 and risk assessment, as the case may be, and to as-  
9 sist in determining effective funding priorities for  
10 grants under such sections.

11 “(2) COMPOSITION.—

12 “(A) IN GENERAL.—The State planning  
13 committees and urban area working groups re-  
14 ferred to in paragraph (1) shall include at least  
15 one representative from each of the following  
16 significant stakeholders:

17 “(i) Local or tribal government offi-  
18 cials.

19 “(ii) Emergency response providers,  
20 which shall include representatives of the  
21 fire service, law enforcement, emergency  
22 medical services, and emergency managers.

23 “(iii) Public health officials and other  
24 appropriate medical practitioners.



1           “(iv) Individuals representing edu-  
2           cational institutions, including elementary  
3           schools, community colleges, and other in-  
4           stitutions of higher education.

5           “(v) State and regional interoperable  
6           communications coordinators, as appro-  
7           priate.

8           “(vi) State and major urban area fu-  
9           sion centers, as appropriate.

10          “(B) GEOGRAPHIC REPRESENTATION.—  
11          The members of the State planning committee  
12          or urban area working group, as the case may  
13          be, shall be a representative group of individ-  
14          uals from the counties, cities, towns, and Indian  
15          tribes within the State or high-risk urban area,  
16          including, as appropriate, representatives of  
17          rural, high-population, and high-threat jurisdic-  
18          tions.

19          “(3) EXISTING PLANNING COMMITTEES.—Noth-  
20          ing in this subsection may be construed to require  
21          that any State or high-risk urban area create a  
22          State planning committee or urban area working  
23          group, as the case may be, if that State or high-risk  
24          urban area has established and uses a multijuris-

1       dictional planning committee or commission that  
2       meets the requirements of this subsection.”.

3       **TITLE XXX—STATE AND LOCAL**  
4       **CYBER PROTECTION**

5       **SEC. 3001. STATE AND LOCAL COORDINATION ON CYBERSE-**  
6               **CURITY WITH THE NATIONAL CYBERSECU-**  
7               **RITY AND COMMUNICATIONS INTEGRATION**  
8               **CENTER.**

9       (a) IN GENERAL.—The second section 226 of the  
10      Homeland Security Act of 2002 (6 U.S.C. 148; relating  
11      to the national cybersecurity and communications integra-  
12      tion center) is amended by adding at the end the following  
13      new subsection:

14           “(g) STATE AND LOCAL COORDINATION ON CYBER-  
15      SECURITY.—

16               “(1) IN GENERAL.—The Center shall, to the ex-  
17      tent practicable—

18                   “(A) assist State and local governments,  
19                   upon request, in identifying information system  
20                   vulnerabilities;

21                   “(B) assist State and local governments,  
22                   upon request, in identifying information secu-  
23                   rity protections commensurate with cybersecu-  
24                   rity risks and the magnitude of the potential  
25                   harm resulting from the unauthorized access,

1 use, disclosure, disruption, modification, or de-  
2 struction of—

3 “(i) information collected or main-  
4 tained by or on behalf of a State or local  
5 government; or

6 “(ii) information systems used or op-  
7 erated by an agency or by a contractor of  
8 a State or local government or other orga-  
9 nization on behalf of a State or local gov-  
10 ernment;

11 “(C) in consultation with State and local  
12 governments, provide and periodically update  
13 via a web portal tools, products, resources, poli-  
14 cies, guidelines, and procedures related to infor-  
15 mation security;

16 “(D) work with senior State and local gov-  
17 ernment officials, including State and local  
18 Chief Information Officers, through national as-  
19 sociations to coordinate a nationwide effort to  
20 ensure effective implementation of tools, prod-  
21 ucts, resources, policies, guidelines, and proce-  
22 dures related to information security to secure  
23 and ensure the resiliency of State and local in-  
24 formation systems;

1           “(E) provide, upon request, operational  
2           and technical cybersecurity training to State  
3           and local government and fusion center analysts  
4           and operators to address cybersecurity risks or  
5           incidents;

6           “(F) provide, in coordination with the  
7           Chief Privacy Officer and the Chief Civil Rights  
8           and Civil Liberties Officer of the Department,  
9           privacy and civil liberties training to State and  
10          local governments related to cybersecurity;

11          “(G) provide, upon request, operational  
12          and technical assistance to State and local gov-  
13          ernments to implement tools, products, re-  
14          sources, policies, guidelines, and procedures on  
15          information security by—

16                 “(i) deploying technology to assist  
17                 such State or local government to continu-  
18                 ously diagnose and mitigate against cyber  
19                 threats and vulnerabilities, with or without  
20                 reimbursement;

21                 “(ii) compiling and analyzing data on  
22                 State and local information security; and

23                 “(iii) developing and conducting tar-  
24                 geted operational evaluations, including  
25                 threat and vulnerability assessments, on

1 the information systems of State and local  
2 governments;

3 “(H) assist State and local governments to  
4 develop policies and procedures for coordinating  
5 vulnerability disclosures, to the extent prac-  
6 ticable, consistent with international and na-  
7 tional standards in the information technology  
8 industry, including standards developed by the  
9 National Institute of Standards and Tech-  
10 nology; and

11 “(I) ensure that State and local govern-  
12 ments, as appropriate, are made aware of the  
13 tools, products, resources, policies, guidelines,  
14 and procedures on information security devel-  
15 oped by the Department and other appropriate  
16 Federal departments and agencies for ensuring  
17 the security and resiliency of Federal civilian  
18 information systems.

19 “(2) TRAINING.—Privacy and civil liberties  
20 training provided pursuant to subparagraph (F) of  
21 paragraph (1) shall include processes, methods, and  
22 information that—

23 “(A) are consistent with the Department’s  
24 Fair Information Practice Principles developed  
25 pursuant to section 552a of title 5, United

1 States Code (commonly referred to as the ‘Pri-  
2 vacy Act of 1974’ or the ‘Privacy Act’);

3 “(B) reasonably limit, to the greatest ex-  
4 tent practicable, the receipt, retention, use, and  
5 disclosure of information related to cybersecu-  
6 rity risks and incidents associated with specific  
7 persons that is not necessary, for cybersecurity  
8 purposes, to protect an information system or  
9 network of information systems from cybersecu-  
10 rity risks or to mitigate cybersecurity risks and  
11 incidents in a timely manner;

12 “(C) minimize any impact on privacy and  
13 civil liberties;

14 “(D) provide data integrity through the  
15 prompt removal and destruction of obsolete or  
16 erroneous names and personal information that  
17 is unrelated to the cybersecurity risk or incident  
18 information shared and retained by the Center  
19 in accordance with this section;

20 “(E) include requirements to safeguard  
21 cyber threat indicators and defensive measures  
22 retained by the Center, including information  
23 that is proprietary or business-sensitive that  
24 may be used to identify specific persons from  
25 unauthorized access or acquisition;

1           “(F) protect the confidentiality of cyber  
2           threat indicators and defensive measures associ-  
3           ated with specific persons to the greatest extent  
4           practicable; and

5           “(G) ensure all relevant constitutional,  
6           legal, and privacy protections are observed.”.

7           (b) CONGRESSIONAL OVERSIGHT.—Not later than 2  
8           years after the date of the enactment of this Act, the na-  
9           tional cybersecurity and communications integration cen-  
10          ter of the Department of Homeland Security shall provide  
11          to the Committee on Homeland Security of the House of  
12          Representatives and the Committee on Homeland Security  
13          and Governmental Affairs of the Senate information on  
14          the activities and effectiveness of such activities under  
15          subsection (g) of the second section 226 of the Homeland  
16          Security Act of 2002 (6 U.S.C. 148; relating to the na-  
17          tional cybersecurity and communications integration cen-  
18          ter), as added by subsection (a) of this section, on State  
19          and local information security. The center shall seek feed-  
20          back from State and local governments regarding the ef-  
21          fectiveness of such activities and include such feedback in  
22          the information required to be provided under this sub-  
23          section.

1       **TITLE XXXI—FUSION CENTER**  
2                   **ENHANCEMENT**

3       **SEC. 3101. DEPARTMENT OF HOMELAND SECURITY FUSION**  
4                   **CENTER PARTNERSHIP INITIATIVE.**

5           (a) IN GENERAL.—Section 210A of the Homeland  
6 Security Act of 2002 (6 U.S.C. 124h) is amended—

7               (1) by amending the section heading to read as  
8 follows:

9       **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-**  
10                   **SION CENTER PARTNERSHIP INITIATIVE.”;**

11               (2) in subsection (a), by adding at the end the  
12 following new sentence: “Beginning on the date of  
13 the enactment of the Fusion Center Enhancement  
14 Act of 2015, such Initiative shall be known as the  
15 ‘Department of Homeland Security Fusion Center  
16 Partnership Initiative.’.”;

17               (3) by amending subsection (b) to read as fol-  
18 lows:

19       **“(b) INTERAGENCY SUPPORT AND COORDINATION.—**  
20 Through the Department of Homeland Security Fusion  
21 Center Partnership Initiative, in coordination with prin-  
22 cipal officials of fusion centers in the National Network  
23 of Fusion Centers and the officers designated as the  
24 Homeland Security Advisors of the States, the Secretary  
25 shall—



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

5           “(2) support the integration of fusion centers  
6 into the information sharing environment;

7           “(3) support the maturation and sustainment  
8 of the National Network of Fusion Centers;

9           “(4) reduce inefficiencies and maximize the ef-  
10 fectiveness of Federal resource support to the Na-  
11 tional Network of Fusion Centers;

12           “(5) provide analytic and reporting advice and  
13 assistance to the National Network of Fusion Cen-  
14 ters;

15           “(6) review information within the scope of the  
16 information sharing environment, including home-  
17 land security information, terrorism information,  
18 and weapons of mass destruction information, that  
19 is gathered by the National Network of Fusion Cen-  
20 ters and incorporate such information, as appro-  
21 priate, into the Department’s own such information;

22           “(7) provide for the effective dissemination of  
23 information within the scope of the information  
24 sharing environment to the National Network of Fu-  
25 sion Centers;

1           “(8) facilitate close communication and coordi-  
2 nation between the National Network of Fusion  
3 Centers and the Department and other Federal de-  
4 partments and agencies;

5           “(9) provide the National Network of Fusion  
6 Centers with expertise on Department resources and  
7 operations;

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

13           “(11) ensure, to the greatest extent practicable,  
14 that support for the National Network of Fusion  
15 Centers is included as a national priority in applica-  
16 ble homeland security grant guidance;

17           “(12) ensure that each fusion center in the Na-  
18 tional Network of Fusion Centers has a privacy poli-  
19 cy approved by the Chief Privacy Officer of the De-  
20 partment and a civil rights and civil liberties policy  
21 approved by the Officer for Civil Rights and Civil  
22 Liberties of the Department;

23           “(13) coordinate the nationwide suspicious ac-  
24 tivity report initiative to ensure information gath-

1       ered by the National Network of Fusion Centers is  
2       incorporated as appropriate;

3           “(14) lead Department efforts to ensure fusion  
4       centers in the National Network of Fusion Centers  
5       are the primary focal points for the sharing of home-  
6       land security information, terrorism information,  
7       and weapons of mass destruction information with  
8       State and local entities to the greatest extent prac-  
9       ticable;

10          “(15) develop and disseminate best practices on  
11       the appropriate levels for staffing at fusion centers  
12       in the National Network of Fusion Centers of quali-  
13       fied representatives from State, local, tribal, and ter-  
14       ritorial law enforcement, fire, emergency medical,  
15       and emergency management services, and public  
16       health disciplines, as well as the private sector; and

17          “(16) carry out such other duties as the Sec-  
18       retary determines appropriate.”;

19          (4) in subsection (c)—

20                (A) by striking so much as precedes para-  
21                graph (3)(B) and inserting the following:

22                “(c) RESOURCE ALLOCATION.—

23                    “(1) INFORMATION SHARING AND PERSONNEL  
24                    ASSIGNMENT.—

1           “(A) INFORMATION SHARING.—The Under  
2 Secretary for Intelligence and Analysis shall en-  
3 sure that, as appropriate—

4           “(i) fusion centers in the National  
5 Network of Fusion Centers have access to  
6 homeland security information sharing sys-  
7 tems; and

8           “(ii) Department personnel are de-  
9 ployed to support fusion centers in the Na-  
10 tional Network of Fusion Centers in a  
11 manner consistent with the Department’s  
12 mission and existing statutory limits.

13           “(B) PERSONNEL ASSIGNMENT.—Depart-  
14 ment personnel referred to in subparagraph  
15 (A)(ii) may include the following:

16           “(i) Intelligence officers.

17           “(ii) Intelligence analysts.

18           “(iii) Other liaisons from components  
19 and offices of the Department, as appro-  
20 priate.

21           “(C) MEMORANDA OF UNDERSTANDING.—  
22 The Under Secretary for Intelligence and Anal-  
23 ysis shall negotiate memoranda of under-  
24 standing between the Department and a State  
25 or local government, in coordination with the

1 appropriate representatives from fusion centers  
2 in the National Network of Fusion Centers, re-  
3 garding the exchange of information between  
4 the Department and such fusion centers. Such  
5 memoranda shall include the following:

6 “(i) The categories of information to  
7 be provided by each entity to the other en-  
8 tity that are parties to any such memo-  
9 randa.

10 “(ii) The contemplated uses of the ex-  
11 changed information that is the subject of  
12 any such memoranda.

13 “(iii) The procedures for developing  
14 joint products.

15 “(iv) The information sharing dispute  
16 resolution processes.

17 “(v) Any protections necessary to en-  
18 sure the exchange of information accords  
19 with applicable law and policies.

20 “(2) SOURCES OF SUPPORT.—

21 “(A) IN GENERAL.—Information shared  
22 and personnel assigned pursuant to paragraph  
23 (1) may be shared or provided, as the case may  
24 be, by the following Department components  
25 and offices, in coordination with the respective

1 component or office head and in consultation  
2 with the principal officials of fusion centers in  
3 the National Network of Fusion Centers:

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

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

8 “(iii) The Transportation Security  
9 Administration.

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

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

14 “(vi) The Coast Guard.

15 “(vii) Other components or offices of  
16 the Department, as determined by the Sec-  
17 retary.

18 “(B) COORDINATION WITH OTHER FED-  
19 ERAL AGENCIES.—The Under Secretary for In-  
20 telligence and Analysis shall coordinate with ap-  
21 propriate officials throughout the Federal Gov-  
22 ernment to ensure the deployment to fusion  
23 centers in the National Network of Fusion Cen-  
24 ters of representatives with relevant expertise of  
25 other Federal departments and agencies.

1 “(3) RESOURCE ALLOCATION CRITERIA.—

2 “(A) IN GENERAL.—The Secretary shall  
3 make available criteria for sharing information  
4 and deploying personnel to support a fusion  
5 center in the National Network of Fusion Cen-  
6 ters in a manner consistent with the Depart-  
7 ment’s mission and existing statutory limits.”;  
8 and

9 (B) in paragraph (4)(B), in the matter  
10 preceding clause (i), by inserting “in which  
11 such fusion center is located” after “region”;  
12 (5) in subsection (d)—

13 (A) in paragraph (3), by striking “and” at  
14 the end;

15 (B) in paragraph (4)—

16 (i) by striking “government” and in-  
17 serting “governments”; and

18 (ii) by striking the period at the end  
19 and inserting “; and”; and

20 (C) by adding at the end the following new  
21 paragraph:

22 “(5) utilize Department information, including  
23 information held by components and offices, to de-  
24 velop analysis focused on the mission of the Depart-  
25 ment under section 101(b).”;

1 (6) in subsection (e)—

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

4 “(1) IN GENERAL.—To the greatest extent  
5 practicable, the Secretary shall make it a priority to  
6 allocate resources, including deployed personnel,  
7 under this section from U.S. Customs and Border  
8 Protection, U.S. Immigration and Customs Enforce-  
9 ment, and the Coast Guard to support fusion centers  
10 in the National Network of Fusion Centers located  
11 in jurisdictions along land or maritime borders of  
12 the United States in order to enhance the integrity  
13 of and security at such borders by helping Federal,  
14 State, local, tribal, and territorial law enforcement  
15 authorities to identify, investigate, and otherwise  
16 interdict persons, weapons, and related contraband  
17 that pose a threat to homeland security.”; and

18 (B) in paragraph (2), in the matter pre-  
19 ceding subparagraph (A), by striking “partici-  
20 pating State, local, and regional”;

21 (7) in subsection (j)—

22 (A) in paragraph (4), by striking “and” at  
23 the end;

24 (B) by redesignating paragraph (5) as  
25 paragraph (6); and



1 (C) by inserting after paragraph (4) the  
2 following new paragraph:

3 “(5) the term ‘National Network of Fusion  
4 Centers’ means a decentralized arrangement of fu-  
5 sion centers intended to enhance individual State  
6 and urban area fusion centers’ ability to leverage the  
7 capabilities and expertise of all fusion centers for the  
8 purpose of enhancing analysis and homeland secu-  
9 rity information sharing nationally; and”;

10 (8) by striking subsection (k).

11 (b) ACCOUNTABILITY REPORT.—Not later than 1  
12 year after the date of the enactment of this Act and annu-  
13 ally thereafter through 2022, the Under Secretary for In-  
14 telligence and Analysis of the Department of Homeland  
15 Security shall report to the Committee on Homeland Secu-  
16 rity and the Permanent Select Committee on Intelligence  
17 of the House of Representatives and the Committee on  
18 Homeland Security and Governmental Affairs and the Se-  
19 lect Committee on Intelligence of the Senate on the efforts  
20 of the Office of Intelligence and Analysis of the Depart-  
21 ment and other relevant components and offices of the De-  
22 partment to enhance support provided to fusion centers  
23 in the National Network of Fusion Centers, including  
24 meeting the requirements specified in section 210A of the

1 Homeland Security Act of 2002 (6 U.S.C. 124h), as  
2 amended by subsection (a) of this section.

3 (c) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of such Act is amended by striking the  
5 item relating to section 210A and inserting the following  
6 new item:

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

7 (d) REFERENCE.—Any reference in any law, rule, or  
8 regulation to the “Department of Homeland Security  
9 State, Local, and Regional Fusion Center Initiative” shall  
10 be deemed to be a reference to the “Department of Home-  
11 land Security Fusion Center Initiative”.

12 **TITLE XXXII—TRANSPORTATION**  
13 **SECURITY ADMINISTRATION**  
14 **REFORM AND IMPROVEMENT**

15 **SEC. 3201. DEFINITIONS.**

16 In this title:

17 (1) ADMINISTRATION; TSA.—The terms “Ad-  
18 ministration” and “TSA” mean the Transportation  
19 Security Administration.

20 (2) ADMINISTRATOR.—The term “Adminis-  
21 trator” means the Administrator of the Transpor-  
22 tation Security Administration.

23 (3) INTELLIGENCE COMMUNITY.—The term  
24 “intelligence community” has the meaning given

1 such term in section 3(4) of the National Security  
2 Act of 1947 (50 U.S.C. 3003(4)).

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

5 (5) SECURE FLIGHT.—The term “Secure  
6 Flight” means the Administration’s watchlist match-  
7 ing program.

## 8 **Subtitle A—Aviation Security**

### 9 **SEC. 3211. TSA PRECHECK.**

10 (a) TSA PRECHECK.—Not later than 90 days after  
11 the date of the enactment of this Act, the Administrator  
12 shall—

13 (1) ensure that all screening of passengers and  
14 their accessible property shall be conducted in a  
15 risk-based, intelligence-driven manner with consider-  
16 ation given to the privacy and civil liberties of such  
17 passengers; and

18 (2) operate a trusted passenger screening pro-  
19 gram known as “TSA PreCheck” that provides ex-  
20 pedited screening for low-risk passengers and their  
21 accessible property based on a comprehensive and  
22 continuous analysis of factors specified in subsection  
23 (b).

24 (b) FACTORS.—Factors referred to in subsection  
25 (a)(2) shall include the following:

1           (1) Whether passengers described in such sub-  
2           section are members of other trusted traveler pro-  
3           grams of the Department.

4           (2) Whether such passengers are traveling pur-  
5           suant to subsection (m) of section 44903 of title 49,  
6           United States Code (as established under the Risk-  
7           Based Security for Members of the Armed Forces  
8           Act (Public Law 112–86)), section 44927 of such  
9           title (as established under the Helping Heroes Fly  
10          Act (Public Law 113–27)), or section 44928 of such  
11          title (as established under the Honor Flight Act  
12          (Public Law 113–221)).

13          (3) Whether such passengers possess an active  
14          security clearance or other credential issued by the  
15          Federal Government for which TSA has conducted  
16          a written threat assessment and determined that  
17          such passengers present a low risk to transportation  
18          or national security.

19          (4) Whether such passengers are members of a  
20          population for whom TSA has conducted a written  
21          security threat assessment, determined that such  
22          population poses a low risk to transportation or na-  
23          tional security, and has issued such passengers a  
24          known traveler number.

1           (5) The ability of the Administration to verify  
2 such passengers' identity and whether such pas-  
3 sengers pose a risk to aviation security.

4           (6) Threats to transportation or national secu-  
5 rity as identified by the intelligence community and  
6 law enforcement community.

7 (c) ENROLLMENT EXPANSION.—

8           (1) IN GENERAL.—Not later than 90 days after  
9 the date of the enactment of this Act, the Adminis-  
10 trator shall publish PreCheck application enrollment  
11 standards to add multiple private sector application  
12 capabilities for the TSA PreCheck program to in-  
13 crease the public's enrollment access to such pro-  
14 gram, including standards that allow the use of se-  
15 cure technologies, including online enrollment, ki-  
16 osks, tablets, or staffed computer stations at which  
17 individuals can apply for entry into such program.

18           (2) REQUIREMENTS.—Upon publication of the  
19 PreCheck program application enrollment standards  
20 pursuant to paragraph (1), the Administrator  
21 shall—

22           (A) coordinate with interested parties to  
23 deploy TSA-approved ready-to-market private  
24 sector solutions that meet the TSA PreCheck  
25 application enrollment standards described in

1 paragraph (1), make available additional  
2 PreCheck enrollment capabilities, and offer se-  
3 cure online and mobile enrollment opportuni-  
4 ties;

5 (B) partner with the private sector to col-  
6 lect biographic and biometric identification in-  
7 formation via kiosks, mobile devices, or other  
8 mobile enrollment platforms to reduce the num-  
9 ber of instances in which passengers need to  
10 travel to enrollment centers;

11 (C) ensure that the kiosks, mobile devices,  
12 or other mobile enrollment platforms referred to  
13 in subparagraph (E) are secure and not vulner-  
14 able to data breaches;

15 (D) ensure that any biometric and bio-  
16 graphic information is collected in a manner  
17 which is comparable with the National Institute  
18 of Standards and Technology standards and en-  
19 sures privacy and data security protections, in-  
20 cluding that applicants' personally identifiable  
21 information is collected, retained, used, and  
22 shared in a manner consistent with section  
23 552a of title 5, United States Code (commonly  
24 known as the "Privacy Act of 1974"), and  
25 agency regulations;

1 (E) ensure that an individual who wants to  
2 enroll in the PreCheck program and has started  
3 an application with a single identification  
4 verification at one location will be able to save  
5 such individual's application on any kiosk, per-  
6 sonal computer, mobile device, or other mobile  
7 enrollment platform and be able to return with-  
8 in a reasonable time to submit a second identi-  
9 fication verification; and

10 (F) ensure that any enrollment expansion  
11 using a private sector risk assessment instead  
12 of a fingerprint-based criminal history records  
13 check is determined, by the Secretary of Home-  
14 land Security, to be equivalent to a fingerprint-  
15 based criminal history records check conducted  
16 through the Federal Bureau of Investigation.

17 (3) MARKETING OF PRECHECK PROGRAM.—

18 Upon publication of PreCheck program application  
19 enrollment standards pursuant to paragraph (1), the  
20 Administrator shall—

21 (A) in accordance with such standards, de-  
22 velop and implement—

23 (i) a process, including an associated  
24 timeframe, for approving private sector

1 marketing of the TSA PreCheck program;  
2 and

3 (ii) a strategy for partnering with the  
4 private sector to encourage enrollment in  
5 such program; and

6 (B) submit to Congress a report on any  
7 PreCheck fees collected in excess of the costs of  
8 administering such program, including rec-  
9 ommendations for using such amounts to sup-  
10 port marketing of such program under this sub-  
11 section.

12 (4) IDENTITY VERIFICATION ENHANCEMENT.—  
13 Not later than 90 days after the date of the enact-  
14 ment of this Act, the Administrator shall—

15 (A) coordinate with the heads of appro-  
16 priate components of the Department to lever-  
17 age Department-held data and technologies to  
18 verify the citizenship of individuals enrolling in  
19 the TSA PreCheck program; and

20 (B) partner with the private sector to use  
21 advanced biometrics and standards comparable  
22 with National Institute of Standards and Tech-  
23 nology standards to facilitate enrollment in  
24 such program.



1           (5) PRECHECK LANE OPERATION.—The Admin-  
2           istrator shall—

3                   (A) ensure that TSA PreCheck screening  
4           lanes are open and available during peak and  
5           high-volume travel times at airports to individ-  
6           uals enrolled in the PreCheck program; and

7                   (B) make every practicable effort to pro-  
8           vide expedited screening at standard screening  
9           lanes during times when PreCheck screening  
10          lanes are closed to individuals enrolled in such  
11          program in order to maintain operational effi-  
12          ciency.

13          (6) VETTING FOR PRECHECK PARTICIPANTS.—  
14          Not later than 90 days after the date of the enact-  
15          ment of this Act, the Administrator shall initiate an  
16          assessment of the security vulnerabilities in the vet-  
17          ting process for the PreCheck program that includes  
18          an evaluation of whether subjecting PreCheck par-  
19          ticipants to recurrent fingerprint-based criminal his-  
20          tory records checks, in addition to recurrent checks  
21          against the terrorist watchlist, could be done in a  
22          cost-effective manner to strengthen the security of  
23          the PreCheck program.

1 **SEC. 3212. PRECHECK AND GENERAL PASSENGER BIOMET-**  
2 **RIC IDENTIFICATION.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Administrator shall con-  
5 duct a pilot project to establish a secure, automated, bio-  
6 metric-based system at airports to verify the identity of  
7 passengers who are members of TSA PreCheck. Such sys-  
8 tem shall—

9 (1) reduce the need for security screening per-  
10 sonnel to perform travel document verification for  
11 individuals enrolled in TSA PreCheck;

12 (2) reduce the average wait time of individuals  
13 enrolled in TSA PreCheck;

14 (3) reduce overall operating expenses of the Ad-  
15 ministration;

16 (4) be integrated with the Administration's  
17 watch list and trusted traveler matching program;

18 (5) be integrated with other checkpoint tech-  
19 nologies to further facilitate risk-based passenger  
20 screening at the checkpoint, to the extent practicable  
21 and consistent with security standards; and

22 (6) consider capabilities and policies of U.S.  
23 Customs and Border Protection's Global Entry Pro-  
24 gram, as appropriate.

1 (b) ESTABLISHMENT OF SCREENING SYSTEM FOR  
2 CERTAIN PASSENGERS.—Section 44901 of title 49,  
3 United States Code is amended—

4 (1) by redesignating subsections (c) through (l)  
5 as subsections (d) through (m), respectively; and

6 (2) by inserting after subsection (b) the fol-  
7 lowing new subsection:

8 “(c) ESTABLISHMENT OF SCREENING SYSTEM FOR  
9 CERTAIN PASSENGERS.—Not later than December 31,  
10 2017, in accordance with the requirements of the Trans-  
11 portation Security Administration Reform and Improve-  
12 ment Act of 2015, the Administrator of the Transpor-  
13 tation Security Administration shall establish a secure,  
14 automated system at all large hub airports for verifying  
15 travel and identity documents of passengers who are not  
16 members of the Administration’s risk-based aviation pas-  
17 senger screening program, known as ‘TSA PreCheck’.  
18 Such system shall—

19 “(1) assess the need for security screening per-  
20 sonnel to perform travel document verification for  
21 such passengers, thereby assessing the overall num-  
22 ber of such screening personnel;

23 “(2) assess the average wait time of such pas-  
24 sengers;

1           “(3) assess overall operating expenses of the  
2 Administration;

3           “(4) be integrated with the Administration’s  
4 watch list matching program; and

5           “(5) be integrated with other checkpoint tech-  
6 nologies to further facilitate risk-based passenger  
7 screening at the checkpoint, to the extent practicable  
8 and consistent with security standards.”.

9 **SEC. 3213. LIMITATION; PRECHECK OPERATIONS MAIN-**  
10 **TAINED; ALTERNATE METHODS.**

11       (a) IN GENERAL.—Except as provided in subsection  
12 (c), the Administrator shall direct that access to expedited  
13 airport security screening at an airport security check-  
14 point be limited to only the following:

15           (1) A passenger who voluntarily submits bio-  
16 graphic and biometric information for a security risk  
17 assessment and whose application for the PreCheck  
18 program has been approved, or a passenger who is  
19 a participant in another trusted or registered trav-  
20 eler program of the Department.

21           (2) A passenger traveling pursuant to section  
22 44903 of title 49, United States Code (as estab-  
23 lished under the Risk-Based Security for Members  
24 of the Armed Forces Act (Public Law 112–86)), sec-  
25 tion 44927 of such title (as established under the

1        Helping Heroes Fly Act (Public Law 113–27)), or  
2        section 44928 of such title (as established under the  
3        Honor Flight Act (Public Law 113–221)).

4            (3) A passenger who did not voluntarily submit  
5        biographic and biometric information for a security  
6        risk assessment but is a member of a population  
7        designated by the Administrator as known and low-  
8        risk and who may be issued a unique, known trav-  
9        eler number by the Administrator determining that  
10       such passenger is a member of a category of trav-  
11       elers designated by the Administrator as known and  
12       low-risk.

13        (b) PRECHECK OPERATIONS MAINTAINED.—In car-  
14       rying out subsection (a), the Administrator shall ensure  
15       that expedited airport security screening remains available  
16       to passengers at or above the level that exists on the day  
17       before the date of the enactment of this Act.

18        (c) FREQUENT FLIERS.—If the Administrator deter-  
19       mines that such is appropriate, the implementation of sub-  
20       section (a) may be delayed by up to 1 year with respect  
21       to the population of passengers who did not voluntarily  
22       submit biographic and biometric information for security  
23       risk assessments but who nevertheless receive expedited  
24       airport security screening because such passengers are  
25       designated as frequent fliers by air carriers. If the Admin-

1    istrator uses the authority provided by this subsection, the  
2    Administrator shall notify the Committee on Homeland  
3    Security of the House of Representatives and the Com-  
4    mittee on Homeland Security and Governmental Affairs  
5    and the Committee on Commerce, Science, and Transpor-  
6    tation of the Senate of such phased-in implementation.

7           (d) ALTERNATE METHODS.—The Administrator may  
8    provide access to expedited airport security screening to  
9    additional passengers pursuant to an alternate method  
10   upon the submission to the Committee on Homeland Secu-  
11   rity of the House of Representatives and the Committee  
12   on Commerce, Science, and Transportation of the Senate  
13   of an independent assessment of the security effectiveness  
14   of such alternate method that is conducted by an inde-  
15   pendent entity that determines that such alternate method  
16   is designed to—

17           (1) reliably and effectively identify passengers  
18    who likely pose a low risk to the United States avia-  
19    tion system;

20           (2) mitigate the likelihood that a passenger who  
21    may pose a security threat to the United States  
22    aviation system is selected for expedited security  
23    screening; and

24           (3) address known and evolving security risks  
25    to the United States aviation system.

1 (e) INFORMATION SHARING.—The Administrator  
2 shall provide to the entity conducting the independent as-  
3 sessment under subsection (d) effectiveness testing results  
4 that are consistent with established evaluation design  
5 practices, as identified by the Comptroller General of the  
6 United States.

7 (f) REPORTING.—Not later than 3 months after the  
8 date of the enactment of this Act and annually thereafter,  
9 the Administrator shall report to the Committee on Home-  
10 land Security of the House of Representatives and the  
11 Committee on Commerce, Science, and Transportation of  
12 the Senate on the percentage of all passengers who are  
13 provided expedited security screening, and of such pas-  
14 sengers so provided, the percentage who are participants  
15 in the PreCheck program (who have voluntarily submitted  
16 biographic and biometric information for security risk as-  
17 sessments), the percentage who are participants in an-  
18 other trusted traveler program of the Department, the  
19 percentage who are participants in the PreCheck program  
20 due to the Administrator’s issuance of known traveler  
21 numbers, and for the remaining percentage of passengers  
22 granted access to expedited security screening in  
23 PreCheck security lanes, information on the percentages  
24 attributable to each alternative method utilized by the Ad-

1 ministration to direct passengers to expedited airport se-  
2 curity screening at PreCheck security lanes.

3 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion may be construed to—

5 (1) authorize or direct the Administrator to re-  
6 duce or limit the availability of expedited security  
7 screening at an airport; or

8 (2) limit the authority of the Administrator to  
9 use technologies and systems, including passenger  
10 screening canines and explosives trace detection, as  
11 a part of security screening operations.

12 **SEC. 3214. SECURE FLIGHT PROGRAM.**

13 Not later than 90 days after the date of the enact-  
14 ment of this Act, the Administrator shall—

15 (1) develop a process for regularly evaluating  
16 the root causes of screening errors at checkpoints  
17 across airports so that corrective measures are able  
18 to be identified;

19 (2) implement such corrective measures to ad-  
20 dress the root causes of such screening errors occur-  
21 ring at the checkpoint;

22 (3) develop additional measures to address key  
23 performance aspects related to the Secure Flight  
24 program goals and ensure that such measures clear-



1 ly identify activities necessary to achieve progress to-  
2 wards such goals;

3 (4) develop a mechanism to systematically docu-  
4 ment the number and causes of Secure Flight pro-  
5 gram matching errors for the purpose of improving  
6 program performance and provide program man-  
7 agers with timely and reliable information;

8 (5) provide job-specific privacy refresher train-  
9 ing for Secure Flight program staff to further pro-  
10 tect personally identifiable information in the Secure  
11 Flight system program; and

12 (6) develop a mechanism to comprehensively  
13 document and track key Secure Flight program pri-  
14 vacy issues and decisions to ensure the Secure  
15 Flight program has complete information for effec-  
16 tive oversight of its privacy controls.

17 **SEC. 3215. EFFICIENCY REVIEW BY TSA.**

18 (a) REVIEW REQUIRED.—Not later than 270 days  
19 after the date of the enactment of this Act, the Adminis-  
20 trator shall conduct and complete a comprehensive, agen-  
21 cy-wide efficiency review of the Administration to identify  
22 spending reductions and administrative savings through  
23 the streamlining and any necessary restructuring of agen-  
24 cy divisions to make the Administration more efficient. In

1 carrying out the review under this section, the Adminis-  
2 trator shall consider each of the following:

3           (1) The elimination of any duplicative or over-  
4 lapping programs and initiatives that can be stream-  
5 lined.

6           (2) The elimination of any unnecessary or obso-  
7 lete rules, regulations, directives, or procedures.

8           (3) Any other matters the Administrator deter-  
9 mines are appropriate.

10       (b) REPORT TO CONGRESS.—Not later than 30 days  
11 after the completion of the efficiency review required  
12 under subsection (a), the Administrator shall submit to  
13 the Committee on Homeland Security of the House of  
14 Representatives and the Committee on Homeland Security  
15 and Governmental Affairs and the Committee on Com-  
16 merce, Science, and Transportation of the Senate a report  
17 that specifies the results and cost savings expected to be  
18 achieved through such efficiency review. Such report shall  
19 also include information relating to how the Administra-  
20 tion may use efficiencies identified through such efficiency  
21 review to provide funding to reimburse airports that in-  
22 curred eligible costs for in-line baggage screening systems.

1 **SEC. 3216. DONATION OF SCREENING EQUIPMENT TO PRO-**  
2 **TECT THE UNITED STATES.**

3 (a) IN GENERAL.—The Administrator is authorized  
4 to donate security screening equipment to a foreign last-  
5 point-of-departure airport operator if such equipment can  
6 be reasonably expected to mitigate a specific vulnerability  
7 to the security of the United States or United States citi-  
8 zens.

9 (b) REPORT TO CONGRESS.—Not later than 30 days  
10 before any donation of equipment under this section, the  
11 Administrator shall provide to the Committee on Home-  
12 land Security of the House of Representatives and the  
13 Committee on Homeland Security and Governmental Af-  
14 fairs and the Committee on Commerce, Science, and  
15 Transportation of the Senate a detailed written expla-  
16 nation of—

17 (1) the specific vulnerability to the United  
18 States that will be mitigated with such donation;

19 (2) an explanation as to why the recipient is  
20 unable or unwilling to purchase equipment to miti-  
21 gate such threat;

22 (3) an evacuation plan for sensitive technologies  
23 in case of emergency or instability in the country to  
24 which such donation is being made;

25 (4) how the Administration will ensure the  
26 equipment that is being donated is used and main-

1       tained over the course of its life by the recipient;  
2       and

3               (5) the total dollar value of such donation.

4 **SEC. 3217. REVIEW OF SUSTAINED SECURITY DIRECTIVES.**

5       (a) IN GENERAL.—Not later than 90 days after the  
6 date of the enactment of this Act and annually thereafter,  
7 for any security directive that has been in effect for longer  
8 than 1 year, the Administrator shall review the necessity  
9 of such directives, from a risk-based perspective.

10       (b) BRIEFING TO CONGRESS.—Upon completion of  
11 each review pursuant to subsection (a), the Administrator  
12 shall brief the Committee on Homeland Security of the  
13 House of Representatives and the Committee on Home-  
14 land Security and Governmental Affairs and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate on—

17               (1) any changes being made to existing security  
18 directives as a result of each such review;

19               (2) the specific threat that is being mitigated  
20 by any such directive that will remain in effect; and

21               (3) the planned disposition of any such direc-  
22 tive.

1 **SEC. 3218. MAINTENANCE OF SECURITY-RELATED TECH-**  
2 **NOLOGY.**

3 (a) IN GENERAL.—Title XVI of the Homeland Secu-  
4 rity Act of 2002 (6 U.S.C. 561 et seq.) is amended by  
5 adding at the end the following:

6 **“Subtitle C—Maintenance of**  
7 **Security-Related Technology**

8 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

9 “(a) IN GENERAL.—Not later than 180 days after  
10 the date of the enactment of this subtitle, the Adminis-  
11 trator shall develop and implement a preventive mainte-  
12 nance validation process for security-related technology  
13 deployed to airports.

14 “(b) MAINTENANCE BY ADMINISTRATION PER-  
15 SONNEL AT AIRPORTS.—For maintenance to be carried  
16 out by Administration personnel at airports, the process  
17 referred to in subsection (a) shall include the following:

18 “(1) Guidance to Administration personnel,  
19 equipment maintenance technicians, and other per-  
20 sonnel at airports specifying how to conduct and  
21 document preventive maintenance actions.

22 “(2) Mechanisms for the Administrator to  
23 verify compliance with the guidance issued pursuant  
24 to paragraph (1).

25 “(c) MAINTENANCE BY CONTRACTORS AT AIR-  
26 PORTS.—For maintenance to be carried out by a con-

1 tractor at airports, the process referred to in subsection  
2 (a) shall require the following:

3           “(1) Provision of monthly preventive mainte-  
4 nance schedules to appropriate Administration per-  
5 sonnel at each airport that includes information on  
6 each action to be completed by a contractor.

7           “(2) Notification to appropriate Administration  
8 personnel at each airport when maintenance action  
9 is completed by a contractor.

10           “(3) A process for independent validation by a  
11 third party of contractor maintenance.

12           “(d) PENALTIES FOR NONCOMPLIANCE.—The Ad-  
13 ministrator shall require maintenance contracts for secu-  
14 rity-related technology deployed to airports to include pen-  
15 alties for noncompliance when it is determined that either  
16 preventive or corrective maintenance has not been com-  
17 pleted according to contractual requirements and manu-  
18 facturers’ specifications.”.

19           “(b) INSPECTOR GENERAL ASSESSMENT.—Not later  
20 than 1 year after the date of the enactment of this Act,  
21 the Inspector General of the Department of Homeland Se-  
22 curity shall assess implementation of the requirements  
23 under section 1621 of the Homeland Security Act of 2002  
24 (as added by subsection (a) of this section), and provide  
25 findings and recommendations with respect to the provi-

1 sion of training to Administration personnel, equipment  
2 maintenance technicians, and other personnel under such  
3 section 1621 and the availability and utilization of equip-  
4 ment maintenance technicians employed by the Adminis-  
5 tration.

6 (c) CLERICAL AMENDMENT.—The table of contents  
7 of the Homeland Security Act of 2002 is amended by in-  
8 serting after the item relating to section 1616 the fol-  
9 lowing:

“Subtitle C—Maintenance of Security-Related Technology

“Sec. 1621. Maintenance validation and oversight.”.

10 **SEC. 3219. VETTING OF AVIATION WORKERS.**

11 (a) IN GENERAL.—Subtitle A of title XVI of the  
12 Homeland Security Act of 2002 (6 U.S.C. 561 et seq.)  
13 is amended by adding after section 1601 the following new  
14 section:

15 **“SEC. 1602. VETTING OF AVIATION WORKERS.**

16 “(a) IN GENERAL.—By not later than December 31,  
17 2015, the Administrator, in coordination with the Assist-  
18 ant Secretary for Policy of the Department, shall request  
19 from the Director of National Intelligence access to addi-  
20 tional data from the Terrorist Identities Datamart Envi-  
21 ronment (TIDE) data and any or other terrorism-related  
22 information to improve the effectiveness of the Adminis-  
23 tration’s credential vetting program for individuals with  
24 unescorted access to sensitive areas of airports.

1           “(b) SECURITY INSPECTION.—By not later than De-  
2 cember 31, 2015, the Administrator shall issue guidance  
3 for Transportation Security Inspectors to annually review  
4 airport badging office procedures for applicants seeking  
5 access to sensitive areas of airports. Such guidance shall  
6 include a comprehensive review of applicants’ Criminal  
7 History Records Check (CHRC) and work authorization  
8 documentation during the course of an inspection.

9           “(c) INFORMATION SHARING.—By not later than De-  
10 cember 31, 2015, the Administrator may conduct a pilot  
11 program of the Rap Back Service, in coordination with  
12 the Director of the Federal Bureau of Investigation, to  
13 determine the feasibility of full implementation of a service  
14 through which the Administrator would be notified of a  
15 change in status of an individual holding a valid credential  
16 granting unescorted access to sensitive areas of airports  
17 across eligible Administration-regulated populations.

18           “(d) PROCEDURES.—The pilot program under sub-  
19 section (c) shall evaluate whether information can be nar-  
20 rowly tailored to ensure that the Administrator only re-  
21 ceives notification of a change with respect to a disquali-  
22 fying offense under the credential vetting program under  
23 subsection (a), as specified in 49 CFR 1542.209, and in  
24 a manner that complies with current regulations for fin-  
25 gerprint-based criminal history records checks. The pilot



1 program shall be carried out in a manner so as to ensure  
2 that, in the event that notification is made through the  
3 Rap Back Service of a change but a determination of ar-  
4 rest status or conviction is in question, the matter will be  
5 handled in a manner that is consistent with current regu-  
6 lations. The pilot program shall also be carried out in a  
7 manner that is consistent with current regulations gov-  
8 erning an investigation of arrest status, correction of Fed-  
9 eral Bureau of Investigation records and notification of  
10 disqualification, and corrective action by the individual  
11 who is the subject of an inquiry.

12       “(e) DETERMINATION AND SUBMISSION.—If the Ad-  
13 ministrator determines that full implementation of the  
14 Rap Back Service is feasible and can be carried out in  
15 a manner that is consistent with current regulations for  
16 fingerprint-based criminal history checks, including the  
17 rights of individuals seeking credentials, the Administrator  
18 shall submit such determination, in writing, to the Com-  
19 mittee on Homeland Security of the House of Representa-  
20 tives and the Committee on Homeland Security and Gov-  
21 ernmental Affairs and the Committee on Commerce,  
22 Science, and Transportation of the Senate, together with  
23 information on the costs associated with such implementa-  
24 tion, including the costs incurred by the private sector.  
25 In preparing this determination, the Administrator shall

1 consult with the Chief Civil Rights and Civil Liberties Of-  
2 ficer of the Department to ensure that protocols are in  
3 place to align the period of retention of personally identifi-  
4 able information and biometric information, including fin-  
5 gerprints, in the Rap Back Service with the period in  
6 which the individual who is the subject of an inquiry has  
7 a valid credential.

8       “(f) CREDENTIAL SECURITY.—By not later than  
9 September 30, 2015, the Administrator shall issue guid-  
10 ance to airports mandating that all federalized airport  
11 badging authorities place an expiration date on airport  
12 credentials commensurate with the period of time during  
13 which an individual is lawfully authorized to work in the  
14 United States.

15       “(g) AVIATION WORKER LAWFUL STATUS.—By not  
16 later than December 31, 2015, the Administrator shall re-  
17 view the denial of credentials due to issues associated with  
18 determining an applicant’s lawful status in order to iden-  
19 tify airports with specific weaknesses and shall coordinate  
20 with such airports to mutually address such weaknesses,  
21 as appropriate.

22       “(h) REPORTS TO CONGRESS.—Upon completion of  
23 the determinations and reviews required under this sec-  
24 tion, the Administrator shall brief the Committee on  
25 Homeland Security and the Committee on Transportation

1 and Infrastructure of the House of Representatives and  
2 the Committee on Homeland Security and Governmental  
3 Affairs and the Committee on Commerce, Science, and  
4 Transportation of the Senate on the results of such deter-  
5 minations and reviews.”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 of the Homeland Security Act of 2002 is amended by in-  
8 serting after the item relating to section 1601 the fol-  
9 lowing new item:

“Sec. 1602. Vetting of aviation workers.”.

10 (c) STATUS UPDATE ON RAP BACK SERVICE PILOT  
11 PROGRAM.—Not later than 60 days after the date of the  
12 enactment of this Act, the Administrator of the Transpor-  
13 tation Security Administration shall submit to the Com-  
14 mittee on Homeland Security of the House of Representa-  
15 tives and the Committee on Homeland Security and Gov-  
16 ernmental Affairs and the Committee on Commerce,  
17 Science, and Transportation of the Senate a report on the  
18 status of plans to conduct a pilot program in coordination  
19 with the Federal Bureau of Investigation of the Rap Back  
20 Service in accordance with subsection (e) of section 1602  
21 of the Homeland Security Act of 2002, as added by sub-  
22 section (a) of this section. The report shall include details  
23 on the business, technical, and resource requirements for  
24 the Transportation Security Administration and pilot pro-

1 gram participants, and provide a timeline and goals for  
2 the pilot program.

3 **SEC. 3220. AVIATION SECURITY ADVISORY COMMITTEE**  
4 **CONSULTATION.**

5 (a) IN GENERAL.—The Administrator shall consult,  
6 to the extent practicable, with the Aviation Security Advi-  
7 sory Committee (established pursuant to section 44946 of  
8 title 49 of the United States Code) regarding any modi-  
9 fication to the prohibited item list prior to issuing a deter-  
10 mination about any such modification.

11 (b) REPORT ON THE TRANSPORTATION SECURITY  
12 OVERSIGHT BOARD.—Not later than 120 days after the  
13 date of the enactment of this Act, the Secretary of Home-  
14 land Security shall submit to the Transportation Security  
15 Oversight Board (established pursuant to section 115 of  
16 title 49, United States Code), the Committee on Home-  
17 land Security of the House of Representatives, and the  
18 Committee on Homeland Security and Governmental Af-  
19 fairs and the Committee on Commerce, Science, and  
20 Transportation of the Senate a report that includes gen-  
21 eral information on how often the Board has met, the cur-  
22 rent composition of the Board, and what activities the  
23 Board has undertaken, consistent with the duties specified  
24 in subsection (c) of such section. The Secretary may in-  
25 clude in such report recommendations for changes to such

1 section in consideration of the provisions of section 44946  
2 of title 49, United States Code.

3 (c) TECHNICAL CORRECTION.—Subparagraph (A) of  
4 section 44946(c)(2) of title 49, United States Code, is  
5 amended to read as follows:

6 “(A) TERMS.—The term of each member  
7 of the Advisory Committee shall be 2 years but  
8 may continue until such time as a successor  
9 member begins serving on the Advisory Com-  
10 mittee. A member of the Advisory Committee  
11 may be reappointed.”.

12 (d) DEFINITION.—In this section, the term “prohib-  
13 ited item list” means the list of items passengers are pro-  
14 hibited from carrying as accessible property or on their  
15 persons through passenger screening checkpoints at air-  
16 ports, into sterile areas at airports, and on board pas-  
17 senger aircraft, pursuant to section 1540.111 of title 49,  
18 Code of Federal Regulations (as in effect on January 1,  
19 2015).

20 **SEC. 3221. PRIVATE CONTRACTOR CANINE EVALUATION**  
21 **AND INTEGRATION PILOT PROGRAM.**

22 (a) IN GENERAL.—Not later than 180 days after the  
23 date of the enactment of this Act, the Administrator shall  
24 establish a pilot program to evaluate the use, effectiveness,  
25 and integration of privately operated explosives detection

1 canine teams using both the passenger screening canine  
2 and traditional explosives detection canine methods.

3 (b) ELEMENTS.—The pilot program under subsection  
4 (a) shall include the following elements:

5 (1) A full-time presence in three Category X,  
6 two Category I, and one Category II airports.

7 (2) A duration of at least 12 months from the  
8 time private contractor teams are operating at full  
9 capacity.

10 (3) A methodology for evaluating how to inte-  
11 grate private contractor teams into the checkpoint  
12 area to detect explosive devices missed by mechan-  
13 ical or human error at other points in the screening  
14 process.

15 (4) Covert testing with inert improvised explo-  
16 sive devices and accurately recreated explosives odor  
17 traces to determine the relative effectiveness of a  
18 full-time canine team in strengthening checkpoint  
19 security.

20 (c) QUARTERLY UPDATES.—The Administrator shall  
21 submit to the Committee on Homeland Security of the  
22 House of Representatives and the Committee on Home-  
23 land Security and Governmental Affairs of the Senate  
24 written updates on the procurement, deployment, and  
25 evaluation process related to the implementation of the

1 pilot program under subsection (a) for every calendar  
2 quarter after the date of the enactment of this Act.

3 (d) FINAL REPORT.—Not later than 90 days after  
4 the completion of the pilot program under subsection (a),  
5 the Administrator shall submit to the Committee on  
6 Homeland Security of the House of Representatives and  
7 the Committee on Homeland Security and Governmental  
8 Affairs of the Senate a final report on such pilot program.

9 (e) FUNDING.—Out of funds made available to the  
10 Office of the Secretary of Homeland Security, \$6,000,000  
11 is authorized to be used to carry out this section.

12 **SEC. 3222. COVERT TESTING AT AIRPORTS.**

13 (a) IN GENERAL.—Not later than 1 year after the  
14 date of the enactment of this Act and annually thereafter  
15 through 2020, the Administrator shall conduct covert test-  
16 ing on an ongoing basis to test vulnerabilities and identify  
17 weaknesses in the measures used to secure the aviation  
18 system of the United States. The Administrator shall, on  
19 a quarterly basis if practicable, provide to the Inspector  
20 General of the Department such testing results, method-  
21 ology, and data.

22 (b) ELEMENTS.—In carrying out the covert testing  
23 required under subsection (a), the Administrator shall—

24 (1) consider security screening and procedures  
25 conducted by TSA;

1           (2) use available threat information and intel-  
2           ligence to determine the types and sizes of simulated  
3           threat items and threat item-body location configu-  
4           rations for such covert testing;

5           (3) use a risk-based approach to determine the  
6           location and number of such covert testing;

7           (4) conduct such covert testing without noti-  
8           fying personnel at airports prior to such covert test-  
9           ing; and

10          (5) identify reasons for failure when TSA per-  
11          sonnel or the screening equipment used do not iden-  
12          tify and resolve any threat item used during such a  
13          covert test.

14          (c) INDEPENDENT REVIEW.—The Inspector General  
15          of the Department shall conduct covert testing of the avia-  
16          tion system of the United States in addition to the covert  
17          testing conducted by the Administrator under subsection  
18          (a), as appropriate, and analyze TSA covert testing re-  
19          sults, methodology, and data provided pursuant to such  
20          subsection to determine the sufficiency of TSA covert test-  
21          ing protocols. The Inspector General shall, as appropriate,  
22          compare testing results of any additional covert testing  
23          conducted pursuant to this subsection with the results of  
24          TSA covert testing under subsection (a) to determine sys-



1 temic weaknesses in the security of the aviation system  
2 of the United States.

3 (d) CORRECTIVE ACTION.—Not later than 30 days  
4 upon completion of any covert testing under subsection  
5 (a), the Administrator shall make recommendations and  
6 implement corrective actions to mitigate vulnerabilities  
7 identified by such covert testing and shall notify the In-  
8 spector General of the Department of such recommenda-  
9 tions and actions. The Inspector General shall review the  
10 extent to which such recommendations and actions are im-  
11 plemented and the degree to which such recommendations  
12 and actions improve the security of the aviation system  
13 of the United States.

14 (e) CONGRESSIONAL NOTIFICATION.—

15 (1) BY THE ADMINISTRATOR.—Not later than  
16 30 days upon completion of any covert testing under  
17 subsection (a), the Administrator shall brief the  
18 Committee on Homeland Security of the House of  
19 Representatives and the Committee on Homeland  
20 Security and Governmental Affairs and the Com-  
21 mittee on Commerce, Science, and Transportation of  
22 the Senate on the results of such covert testing.

23 (2) BY THE INSPECTOR GENERAL OF THE DE-  
24 PARTMENT.—The Inspector General shall brief the  
25 Committee on Homeland Security of the House of

1 Representatives and the Committee on Homeland  
2 Security and Governmental Affairs and the Com-  
3 mittee on Commerce, Science, and Transportation of  
4 the Senate annually on the requirements specified in  
5 this section.

6 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
7 tion may be construed to prohibit the Administrator or  
8 the Inspector General of the Department from conducting  
9 covert testing of the aviation system of the United States  
10 with greater frequency than required under this section.

11 **SEC. 3223. TRAINING FOR TRANSPORTATION SECURITY OF-**  
12 **FICERS.**

13 The Administrator shall, on a periodic basis, brief the  
14 Committee on Homeland Security of the House of Rep-  
15 resentatives and the Committee on Homeland Security  
16 and Governmental Affairs and the Committee on Com-  
17 merce, Science, and Transportation of the Senate on the  
18 status of efforts to enhance initial and recurrent training  
19 of Transportation Security Officers.

20 **Subtitle B—Surface Transportation**  
21 **Security and Other Matters**

22 **SEC. 3231. SURFACE TRANSPORTATION INSPECTORS.**

23 (a) **IN GENERAL.**—Section 1304(d) of the Imple-  
24 menting Recommendations of the 9/11 Commission Act of  
25 2007 (6 U.S.C. 1113; Public Law 110–53) is amended—

1 (1) by inserting “surface” after “relevant”; and

2 (2) by striking “, as determined appropriate”.

3 (b) REPORT TO CONGRESS.—Not later than 1 year  
4 after the date of the enactment of this Act, the Comp-  
5 troller General of the United States shall submit to the  
6 Committee on Homeland Security of the House of Rep-  
7 resentatives and the Committee on Homeland Security  
8 and Governmental Affairs and the Committee on Com-  
9 merce, Science, and Transportation of the Senate a report  
10 on the efficiency and effectiveness of the Administration’s  
11 Surface Transportation Security Inspectors Program  
12 under subsection (d) of section 1304 of the Implementing  
13 Recommendations of the 9/11 Commission Act of 2007 (6  
14 U.S.C. 1113; Public Law 110–53).

15 (c) CONTENTS.—The report required under sub-  
16 section (b) shall include a review of the following:

17 (1) The roles and responsibilities of surface  
18 transportation security inspectors.

19 (2) The extent to which the TSA has used a  
20 risk-based, strategic approach to determine the ap-  
21 propriate number of surface transportation security  
22 inspectors and resource allocation across field of-  
23 fices.

24 (3) Whether TSA’s surface transportation regu-  
25 lations are risk-based and whether surface transpor-

1       tation security inspectors have adequate experience  
2       and training to perform their day-to-day responsibil-  
3       ities.

4               (4) Feedback from regulated surface transpor-  
5       tation industry stakeholders on the benefit of surface  
6       transportation security inspectors to the overall se-  
7       curity of the surface transportation systems of such  
8       stakeholders and the consistency of regulatory en-  
9       forcement.

10              (5) Whether surface transportation security in-  
11       spectors have appropriate qualifications to help se-  
12       cure and inspect surface transportation systems.

13              (6) Whether TSA measures the effectiveness of  
14       surface transportation security inspectors.

15              (7) Any overlap between the TSA and the De-  
16       partment of Transportation as such relates to sur-  
17       face transportation security inspectors in accordance  
18       with section 1310 of the Implementing Rec-  
19       ommendations of the 9/11 Commission Act of 2007  
20       (6 U.S.C. 1117; Public Law 110–53).

21              (8) The extent to which surface transportation  
22       security inspectors review and enhance information  
23       security practices and enforce applicable information  
24       security regulations and directives.

1           (9) Any recommendations relating to the effi-  
2           ciency and effectiveness of the TSA's surface trans-  
3           portation security inspectors program.

4 **SEC. 3232. INSPECTOR GENERAL AUDIT; TSA OFFICE OF IN-**  
5 **SPECTION WORKFORCE CERTIFICATION.**

6           (a) INSPECTOR GENERAL AUDIT.—

7           (1) IN GENERAL.—Not later than 60 days after  
8           the date of the enactment of this Act, the Inspector  
9           General of the Department shall analyze the data  
10          and methods that the Administrator uses to identify  
11          Office of Inspection employees of the Administration  
12          who meet the requirements of sections 8331(20),  
13          8401(17), and 5545a of title 5, United States Code,  
14          and provide the relevant findings to the Adminis-  
15          trator, including a finding on whether such data and  
16          methods are adequate and valid.

17          (2) PROHIBITION ON HIRING.—If the Inspector  
18          General of the Department finds that the data and  
19          methods referred to in paragraph (1) are inadequate  
20          or invalid, the Administrator may not hire any new  
21          employee to work in the Office of Inspection of the  
22          Administration until—

23                  (A) the Administrator makes a certifi-  
24                  cation described in subsection (b)(1) to the  
25                  Committee on Homeland Security of the House

1 of Representatives and the Committee on  
2 Homeland Security and Governmental Affairs  
3 and the Committee on Commerce, Science, and  
4 Transportation of the Senate; and

5 (B) the Inspector General submits to such  
6 Committees a finding, not later than 30 days  
7 after the Administrator makes such certifi-  
8 cation, that the Administrator utilized adequate  
9 and valid data and methods to make such cer-  
10 tification.

11 (b) TSA OFFICE OF INSPECTION WORKFORCE CER-  
12 TIFICATION.—

13 (1) IN GENERAL.—The Administrator shall, by  
14 not later than 90 days after the date the Inspector  
15 General of the Department provides its findings to  
16 the Assistant Secretary under subsection (a)(1), doc-  
17 ument and certify in writing to the Committee on  
18 Homeland Security of the House of Representatives  
19 and the Committee on Homeland Security and Gov-  
20 ernmental Affairs and the Committee on Commerce,  
21 Science, and Transportation of the Senate that only  
22 those Office of Inspection employees of the Adminis-  
23 tration who meet the requirements of sections  
24 8331(20), 8401(17), and 5545a of title 5, United  
25 States Code, are classified as criminal investigators

1 and are receiving premium pay and other benefits  
2 associated with such classification.

3 (2) EMPLOYEE RECLASSIFICATION.—The Ad-  
4 ministrator shall reclassify criminal investigator po-  
5 sitions in the Office of Inspection of the Administra-  
6 tion as noncriminal investigator positions or non-law  
7 enforcement positions if the individuals in such posi-  
8 tions do not, or are not expected to, spend an aver-  
9 age of at least 50 percent of their time performing  
10 criminal investigative duties.

11 (3) PROJECTED COST SAVINGS.—

12 (A) IN GENERAL.—The Administrator  
13 shall estimate the total long-term cost savings  
14 to the Federal Government resulting from the  
15 implementation of paragraph (2), and provide  
16 such estimate to the Committee on Homeland  
17 Security of the House of Representatives and  
18 the Committee on Homeland Security and Gov-  
19 ernmental Affairs and the Committee on Com-  
20 merce, Science, and Transportation of the Sen-  
21 ate by not later than 180 days after the date  
22 of enactment of this Act.

23 (B) CONTENTS.—The estimate described  
24 in subparagraph (A) shall identify savings asso-  
25 ciated with the positions reclassified under

1 paragraph (2) and include, among other factors  
2 the Administrator considers appropriate, sav-  
3 ings from—

- 4 (i) law enforcement training;  
5 (ii) early retirement benefits;  
6 (iii) law enforcement availability and  
7 other premium pay; and  
8 (iv) weapons, vehicles, and commu-  
9 nications devices.

10 (c) STUDY.—Not later than 180 days after the date  
11 that the Administrator submits the certification under  
12 subsection (b)(1), the Inspector General of the Depart-  
13 ment shall submit to the Committee on Homeland Secu-  
14 rity of the House of Representatives and the Committee  
15 on Homeland Security and Governmental Affairs and the  
16 Committee on Commerce, Science, and Transportation of  
17 the Senate a study—

- 18 (1) reviewing the employee requirements, re-  
19 sponsibilities, and benefits of criminal investigators  
20 in the Office of Inspection of the Administration  
21 with criminal investigators employed at agencies ad-  
22 hering to the Office of Personnel Management em-  
23 ployee classification system; and



1           (2) identifying any inconsistencies and costs im-  
2           plications for differences between the varying em-  
3           ployee requirements, responsibilities, and benefits.

4 **SEC. 3233. REPEAL OF BIENNIAL REPORTING REQUIRE-**  
5 **MENT FOR THE GOVERNMENT ACCOUNT-**  
6 **ABILITY OFFICE RELATING TO THE TRANS-**  
7 **PORTATION SECURITY INFORMATION SHAR-**  
8 **ING PLAN.**

9           Subsection (u) of section 114 of title 49, United  
10 States Code, is amended by—

11           (1) striking paragraph (7); and

12           (2) redesignating paragraphs (8) and (9) as  
13 paragraphs (7) and (8), respectively.

14 **SEC. 3234. SECURITY TRAINING FOR FRONTLINE TRANS-**  
15 **PORTATION WORKERS.**

16           Not later than 90 days after the date of the enact-  
17 ment of the Act, the Administrator shall submit to the  
18 Committee on Homeland Security of the House of Rep-  
19 resentatives and the Committee on Homeland Security  
20 and Governmental Affairs and the Committee on Com-  
21 merce, Science, and Transportation of the Senate a report  
22 regarding the status of the implementation of sections  
23 1408 (6 U.S.C. 1137) and 1534 (6 U.S.C. 1184) of the  
24 Implementing Recommendations of the 9/11 Commission  
25 Act of 2007 (Public Law 110–53). The Administrator

1 shall include in such report specific information on the  
2 challenges that the Administrator has encountered since  
3 the date of the enactment of the Implementing Rec-  
4 ommendations of the 9/11 Commission Act of 2007 with  
5 respect to establishing regulations requiring the provision  
6 of basic security training to public transportation frontline  
7 employees and over-the-road bus frontline employees for  
8 preparedness for potential security threats and conditions.

9 **SEC. 3235. FEASIBILITY ASSESSMENT.**

10 Not later than 120 days after the date of the enact-  
11 ment of this Act, the Administrator shall submit to the  
12 Committee on Homeland Security of the House of Rep-  
13 resentatives and the Committee on Homeland Security  
14 and Governmental Affairs and the Committee on Com-  
15 merce, Science, and Transportation of the Senate a feasi-  
16 bility assessment of partnering with an independent, not-  
17 for-profit organization to help provide venture capital to  
18 businesses, particularly small businesses, for commer-  
19 cialization of innovative homeland security technologies  
20 that are expected to be ready for commercialization in the  
21 near term and within 36 months. In conducting such feasi-  
22 bility assessment, the Administrator shall consider the fol-  
23 lowing:

24 (1) Establishing an independent, not-for-profit  
25 organization, modeled after the In-Q-tel program, a

1 venture capital partnership between the private sec-  
2 tor and the intelligence community (as such term is  
3 defined in section 3(4) of the National Security Act  
4 of 1947 (50 U.S.C. 3003(4)), to help businesses,  
5 particularly small businesses, commercialize innova-  
6 tive security-related technologies.

7 (2) Enhanced engagement, either through the  
8 Science and Technology Directorate of the Depart-  
9 ment of Homeland Security or directly, with the In-  
10 Q-tel program described in paragraph (1).

11 **TITLE XXXIII—DHS SCIENCE**  
12 **AND TECHNOLOGY REFORM**  
13 **AND IMPROVEMENT**

14 **SEC. 3301. SCIENCE AND TECHNOLOGY IN SUPPORT OF**  
15 **HOMELAND SECURITY.**

16 (a) IN GENERAL.—Title III of the Homeland Secu-  
17 rity Act of 2002 is amended—

18 (1) in section 301 (6 U.S.C. 181)—

19 (A) by striking “There” and inserting the  
20 following new subsection:

21 “(a) IN GENERAL.—There”; and

22 (B) by adding at the end the following new  
23 subsection:

24 “(b) MISSION.—The Directorate of Science and  
25 Technology shall be the primary research, development,

1 testing, and evaluation arm of the Department, respon-  
2 sible for coordinating the research, development, testing,  
3 and evaluation of the Department to strengthen the secu-  
4 rity and resiliency of the United States. The Directorate  
5 shall—

6           “(1) develop and deliver knowledge, analyses,  
7           and innovative solutions that are responsive to  
8           homeland security capability gaps and threats to the  
9           homeland identified by components and offices of the  
10          Department, the first responder community, and the  
11          Homeland Security Enterprise (as such term is de-  
12          fined in section 322) and that can be integrated into  
13          operations of the Department;

14           “(2) seek innovative, system-based solutions to  
15          complex homeland security problems and threats;  
16          and

17           “(3) build partnerships and leverage technology  
18          solutions developed by other Federal agencies and  
19          laboratories, State, local, and tribal governments,  
20          universities, and the private sector.”;

21           (2) in section 302 (6 U.S.C. 182)—

22           (A) in the matter preceding paragraph (1),  
23          by striking “The Secretary, acting through the  
24          Under Secretary for Science and Technology,

1           shall” and inserting the following new sub-  
2           section:

3           “(a) IN GENERAL.—The Secretary, acting through  
4 the Under Secretary for Science and Technology, shall  
5 carry out the mission described in subsection (b) of section  
6 301 and shall”;

7           (B) in subsection (a), as so amended by  
8           subparagraph (A) of this paragraph—

9           (i) in paragraph (1), by inserting  
10           “and serving as the senior scientific advi-  
11           sor to the Secretary” before the semicolon  
12           at the end;

13           (ii) in paragraph (2)—

14           (I) by striking “national”;

15           (II) by striking “biological,,” and  
16           inserting “biological,”; and

17           (III) by inserting “that may  
18           serve as a basis of a national strat-  
19           egy” after “terrorist threats”;

20           (iii) in paragraph (3)—

21           (I) by striking “the Under Sec-  
22           retary for Intelligence and Analysis  
23           and the Assistant Secretary for Infra-  
24           structure Protection” and inserting

1 “components and offices of the De-  
2 partment”; and

3 (II) by inserting “terrorist” be-  
4 fore “threats”;

5 (iv) in paragraph (4), by striking “ex-  
6 cept that such responsibility does not ex-  
7 tend to human health-related research and  
8 development activities” and inserting the  
9 following: “including coordinating with rel-  
10 evant components and offices of the De-  
11 partment appropriate to—

12 “(A) identify and prioritize technical capa-  
13 bility requirements and create solutions that in-  
14 clude researchers, the private sector, and oper-  
15 ational end users; and

16 “(B) develop capabilities to address issues  
17 on research, development, testing, evaluation,  
18 technology, and standards for the first re-  
19 sponder community,

20 except that such responsibility does not extend to  
21 the human health-related research and development  
22 activities;”;

23 (v) in paragraph (5)(A), by striking  
24 “biological,,” and inserting “biological,”;

1 (vi) by amending paragraph (12) to  
2 read as follows:

3 “(12) coordinating and integrating all research,  
4 development, demonstration, testing, and evaluation  
5 activities of the Department, including through a  
6 centralized Federal clearinghouse established pursu-  
7 ant to paragraph (1) of section 313(b) for informa-  
8 tion relating to technologies that would further the  
9 mission of the Department, and providing advice, as  
10 necessary, regarding major acquisition programs;”;

11 (vii) in paragraph (13), by striking  
12 “and” at the end;

13 (viii) in paragraph (14), by striking  
14 the period at the end and inserting a semi-  
15 colon; and

16 (ix) by adding at the end the following  
17 new paragraphs:

18 “(15) establishing a process that—

19 “(A) includes consideration by Directorate  
20 leadership, senior component leadership, first  
21 responders, and outside expertise;

22 “(B) is strategic, transparent, and repeat-  
23 able with a goal of continuous improvement;

1           “(C) through which research and develop-  
2           ment projects undertaken by the Directorate  
3           are assessed on a regular basis; and

4           “(D) includes consideration of metrics to  
5           ensure research and development projects meet  
6           Directorate and Department goals and inform  
7           departmental budget and program planning;

8           “(16) developing and overseeing the administra-  
9           tion of guidelines for periodic external review of de-  
10          partmental research and development programs or  
11          activities, including through—

12           “(A) consultation with experts, including  
13           scientists and practitioners, regarding the re-  
14           search and development activities conducted by  
15           the Directorate of Science and Technology; and

16           “(B) biennial independent, external re-  
17           view—

18           “(i) initially at the division level; or

19           “(ii) when divisions conduct multiple  
20           programs focused on significantly different  
21           subjects, at the program level;

22           “(17) partnering with components and offices  
23           of the Department to develop and deliver knowledge,  
24           analyses, and innovative solutions that are respon-  
25           sive to identified homeland security capability gaps



1 and threats to the homeland and raise the science-  
2 based, analytic capability and capacity of appro-  
3 priate individuals throughout the Department by  
4 providing guidance on how to better identify home-  
5 land security capability gaps and threats to the  
6 homeland that may be addressed through a techno-  
7 logical solution and by partnering with such compo-  
8 nents and offices to—

9 “(A) support technological assessments of  
10 major acquisition programs throughout the ac-  
11 quisition lifecycle;

12 “(B) help define appropriate technological  
13 requirements and perform feasibility analysis;

14 “(C) assist in evaluating new and emerging  
15 technologies against homeland security capa-  
16 bility gaps and terrorist threats;

17 “(D) support evaluation of alternatives;

18 “(E) improve the use of technology De-  
19 partment-wide; and

20 “(F) provide technical assistance in the de-  
21 velopment of acquisition lifecycle cost for tech-  
22 nologies;

23 “(18) acting as a coordinating office for tech-  
24 nology development for the Department by helping  
25 components and offices define technological require-

1       ments, and building partnerships with appropriate  
2       entities (such as within the Department and with  
3       other Federal agencies and laboratories, State, local,  
4       and tribal governments, universities, and the private  
5       sector) to help each such component and office at-  
6       tain the technology solutions it needs; and

7               “(19) coordinating with organizations that pro-  
8       vide venture capital to businesses, particularly small  
9       businesses, as appropriate, to assist in the commer-  
10      cialization of innovative homeland security tech-  
11      nologies that are expected to be ready for commer-  
12      cialization in the near term and within 36 months.”;  
13      and

14               (C) by adding at the end the following new  
15      subsections:

16      “(b) REVIEW OF RESPONSIBILITIES.—Not later than  
17      180 days after the date of the enactment of this sub-  
18      section, the Under Secretary for Science and Technology  
19      shall submit to the Committee on Homeland Security and  
20      the Committee on Science, Space, and Technology of the  
21      House of Representatives and the Committee on Home-  
22      land Security and Governmental Affairs of the Senate a  
23      report on the implementation of paragraphs (2) (including  
24      how the policy and strategic plan under such paragraph  
25      may serve as a basis for a national strategy referred to

1 in such paragraph), (11), (12), (13), (16), and (17) of  
2 subsection (a).”;

3 (3) in section 303(1) (6 U.S.C. 183(1)), by  
4 striking subparagraph (F);

5 (4) in section 305 (6 U.S.C. 185)—

6 (A) by striking “The” and inserting the  
7 following new subsection:

8 “(a) ESTABLISHMENT.—The”; and

9 (B) by adding at the end the following new  
10 subsection:

11 “(b) CONFLICTS OF INTEREST.—The Secretary shall  
12 review and revise, as appropriate, the policies of the De-  
13 partment relating to personnel conflicts of interest to en-  
14 sure that such policies specifically address employees of  
15 federally funded research and development centers estab-  
16 lished pursuant to subsection (a) who are in a position  
17 to make or materially influence research findings or agen-  
18 cy decisionmaking.”;

19 (5) in section 306 (6 U.S.C. 186)—

20 (A) in subsection (e), by adding at the end  
21 the following new sentence: “If such regulations  
22 are issued, the Under Secretary shall report to  
23 the Committee on Homeland Security and the  
24 Committee on Science, Space, and Technology  
25 of the House of Representatives and the Com-

1           committee on Homeland Security and Govern-  
2           mental Affairs of the Senate prior to such  
3           issuance.”; and

4                       (B) by amending subsection (d) to read as  
5           follows:

6           “(d) PERSONNEL.—In hiring personnel for the Direc-  
7           torate of Science and Technology, the Secretary shall have  
8           the hiring and management authorities described in sec-  
9           tion 1101 of the Strom Thurmond National Defense Au-  
10          thorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note;  
11          Public Law 105–261). The term of appointments for em-  
12          ployees under subsection (c)(1) of such section may not  
13          exceed 5 years before the granting of any extension under  
14          subsection (c)(2) of such section.”;

15                   (6) in section 308 (6 U.S.C. 188)—

16                           (A) in subsection (b)(2)—

17                                   (i) in subparagraph (B)—

18   (I) in clause (iv), by striking  
19   “and nuclear countermeasures or de-  
20   tection” and inserting “nuclear, and  
21   explosives countermeasures or detec-  
22   tion (which may include research into  
23   remote sensing and remote imaging)”;  
24   and

1 (II) by adding after clause (xiv)  
2 the following new clause:

3 “(xv) Cybersecurity.”; and

4 (ii) by amending subparagraph (D) to  
5 read as follows:

6 “(D) ANNUAL REPORT TO CONGRESS.—

7 Not later than 1 year after the date of the en-  
8 actment of this subparagraph and annually  
9 thereafter, the Secretary shall submit to Con-  
10 gress a report on the implementation of this  
11 section. Each such report shall—

12 “(i) indicate which center or centers  
13 have been designated pursuant to this sec-  
14 tion;

15 “(ii) describe how such designation or  
16 designations enhance homeland security;

17 “(iii) provide information on any deci-  
18 sions to revoke or modify such designation  
19 or designations;

20 “(iv) describe research that has been  
21 tasked and completed by each center that  
22 has been designated during the preceding  
23 year;

1                   “(v) describe funding provided by the  
2                   Secretary for each center under clause (iv)  
3                   for that year; and

4                   “(vi) describe plans for utilization of  
5                   each center or centers in the forthcoming  
6                   year.”; and

7                   (B) by adding at the end the following new  
8                   subsection:

9                   “(d) TEST, EVALUATION, AND STANDARDS DIVI-  
10                  SION.—

11                   “(1) ESTABLISHMENT.—There is established in  
12                   the Directorate of Science and Technology a Test,  
13                   Evaluation, and Standards Division.

14                   “(2) DIRECTOR.—The Test, Evaluation, and  
15                   Standards Division shall be headed by a Director of  
16                   Test, Evaluation, and Standards, who shall be ap-  
17                   pointed by the Secretary and report to the Under  
18                   Secretary for Science and Technology.

19                   “(3) RESPONSIBILITIES, AUTHORITIES, AND  
20                   FUNCTIONS.—The Director of Test, Evaluation, and  
21                   Standards—

22                   “(A) through the Under Secretary for  
23                   Science and Technology, serve as an adviser to  
24                   the Secretary and the Under Secretary of Man-

1           agement on all test and evaluation or standards  
2           activities in the Department; and

3           “(B) shall—

4                   “(i) establish and update as necessary  
5                   test and evaluation policies for the Depart-  
6                   ment, including policies to ensure that  
7                   operational testing is done at facilities that  
8                   already have relevant and appropriate safe-  
9                   ty and material certifications to the extent  
10                  such facilities are available;

11                  “(ii) oversee and ensure that adequate  
12                  test and evaluation activities are planned  
13                  and conducted by or on behalf of compo-  
14                  nents and offices of the Department with  
15                  respect to major acquisition programs of  
16                  the Department, as designated by the Sec-  
17                  retary, based on risk, acquisition level, nov-  
18                  elty, complexity, and size of any such ac-  
19                  quisition program, or as otherwise estab-  
20                  lished in statute;

21                  “(iii) review major acquisition pro-  
22                  gram test reports and test data to assess  
23                  the adequacy of test and evaluation activi-  
24                  ties conducted by or on behalf of compo-  
25                  nents and offices of the Department, in-

1 cluding test and evaluation activities  
2 planned or conducted pursuant to clause  
3 (ii); and

4 “(iv) review available test and evalua-  
5 tion infrastructure to determine whether  
6 the Department has adequate resources to  
7 carry out its testing and evaluation respon-  
8 sibilities, as established under this title.

9 “(4) LIMITATION.—The Test, Evaluation, and  
10 Standards Division is not required to carry out oper-  
11 ational testing of major acquisition programs.

12 “(5) EVALUATION OF DEPARTMENT OF DE-  
13 FENSE TECHNOLOGIES.—The Director of Test,  
14 Evaluation, and Standards may evaluate tech-  
15 nologies currently in use or being developed by the  
16 Department of Defense to assess whether such tech-  
17 nologies can be leveraged to address homeland secu-  
18 rity capability gaps.”;

19 (7) in section 309(a) (6 U.S.C. 189(a)), by add-  
20 ing at the end the following new paragraph:

21 “(3) TREATMENT OF CERTAIN FUNDS.—Not-  
22 withstanding any other provision of law, any funds  
23 provided to a Department of Energy national labora-  
24 tory by the Department may not be treated as an  
25 assisted acquisition.”;



1           (8) in section 310 (6 U.S.C. 190), by adding at  
2           the end the following new subsection:

3           “(e) SUCCESSOR FACILITY.—Any successor facility  
4           to the Plum Island Animal Disease Center, including the  
5           National Bio and Agro-Defense Facility (NBAF) under  
6           construction as of the date of the enactment of this sub-  
7           section, which is intended to the replace the Plum Island  
8           Animal Disease Center shall be subject to the require-  
9           ments of this section in the same manner and to the same  
10          extent as the Plum Island Animal Disease Center under  
11          this section.”;

12          (9) in section 311 (6 U.S.C. 191)—

13                 (A) in subsection (b)—

14                         (i) in paragraph (1)—

15                                 (I) by striking “20 members”  
16                                 and inserting “not fewer than 15 and  
17                                 not more than 30”; and

18                                 (II) by inserting “academia, na-  
19                                 tional labs, private industry, and”  
20                                 after “representatives of”;

21                         (ii) by redesignating paragraph (2) as  
22                         paragraph (3); and

23                         (iii) by inserting after paragraph (1)  
24                         the following new paragraph:

1           “(2) SUBCOMMITTEES.—The Advisory Com-  
2           mittee may establish subcommittees that focus on  
3           research and development challenges, as appro-  
4           priate.”;

5           (B) in subsection (c)—

6           (i) in paragraph (1), by inserting “on  
7           a rotating basis” before the period at the  
8           end;

9           (ii) by striking paragraph (2) and re-  
10          designating paragraph (3) as paragraph  
11          (2); and

12          (iii) in paragraph (2), as so redesign-  
13          ated, by striking “be appointed” and in-  
14          serting “serve”;

15          (C) in subsection (e), in the second sen-  
16          tence, by striking “the call of”;

17          (D) in subsection (h)—

18           (i) in paragraph (1)—

19           (I) in the first sentence—

20           (aa) by striking “render”  
21           and inserting “submit”; and

22           (bb) by striking “Congress”  
23           and inserting “the appropriate  
24           congressional committees”; and

1 (II) in the second sentence, by  
2 inserting “, and incorporate the find-  
3 ings and recommendations of the Ad-  
4 visory Committee subcommittees,” be-  
5 fore “during”; and

6 (ii) in paragraph (2)—

7 (I) by striking “render” and in-  
8 serting “submit”; and

9 (II) by striking “Congress” and  
10 inserting “the Committee on Home-  
11 land Security and the Committee on  
12 Science, Space, and Technology of the  
13 House of Representatives and the  
14 Committee on Homeland Security and  
15 Governmental Affairs of the Senate”;

16 (E) in subsection (i), by inserting “, except  
17 that the Advisory Committee shall file a charter  
18 with Congress every 2 years in accordance with  
19 subsection (b)(2) of such section (14)”;

20 (F) in subsection (j), by striking “2008”  
21 and inserting “2020”;

22 (10) in section 313 (6 U.S.C. 193)—

23 (A) by redesignating subsection (c) as sub-  
24 section (d); and

1 (B) by inserting after subsection (b) the  
2 following new subsection:

3 “(c) APPLICATION OF PROGRAM.—The Secretary,  
4 acting through the Under Secretary for Science and Tech-  
5 nology, shall use the program established under subsection  
6 (a) to—

7 “(1) enhance the cooperation between compo-  
8 nents and offices of the Department on projects that  
9 have similar goals, timelines, or outcomes;

10 “(2) ensure the coordination of technologies to  
11 eliminate unnecessary duplication of research and  
12 development;

13 “(3) ensure technologies are accessible for com-  
14 ponent and office use on a Department website; and

15 “(4) carry out any additional purpose the Sec-  
16 retary determines necessary.”; and

17 (11) by adding after section 317 (6 U.S.C.  
18 195c) the following new sections:

19 **“SEC. 318. IDENTIFICATION AND PRIORITIZATION OF RE-**  
20 **SEARCH AND DEVELOPMENT.**

21 “(a) IN GENERAL.—Not later than 180 days after  
22 the date of the enactment of this section, the Under Sec-  
23 retary for Science and Technology shall establish a process  
24 to define, identify, prioritize, fund, and task the basic and  
25 applied homeland security research and development ac-

1 tivities of the Directorate of Science and Technology to  
2 meet the needs of the components and offices of the De-  
3 partment, the first responder community, and the Home-  
4 land Security Enterprise (as such term is defined in sec-  
5 tion 322).

6 “(b) PROCESS.—The process established under sub-  
7 section (a) shall—

8 “(1) be responsive to near-, mid-, and long-term  
9 needs, including unanticipated needs to address  
10 emerging terrorist threats;

11 “(2) utilize gap analysis and risk assessment  
12 tools where available and applicable;

13 “(3) include protocols to assess—

14 “(A) off-the-shelf technology to determine  
15 if an identified homeland security capability gap  
16 or threat to the homeland can be addressed  
17 through the acquisition process instead of com-  
18 mencing research and development of tech-  
19 nology to address such capability gap or threat;  
20 and

21 “(B) communication and collaboration for  
22 research and development activities pursued by  
23 other executive agencies, to determine if tech-  
24 nology can be leveraged to identify and address  
25 homeland security capability gaps or threats to

1 the homeland and avoid unnecessary duplication  
2 of efforts;

3 “(4) provide for documented and validated re-  
4 search and development requirements;

5 “(5) strengthen first responder participation to  
6 identify and prioritize homeland security techno-  
7 logical gaps, including by—

8 “(A) soliciting feedback from appropriate  
9 national associations and advisory groups rep-  
10 resenting the first responder community and  
11 first responders within the components and of-  
12 fices of the Department; and

13 “(B) establishing and promoting a publicly  
14 accessible portal to allow the first responder  
15 community to help the Directorate of Science  
16 and Technology develop homeland security re-  
17 search and development goals;

18 “(6) institute a mechanism to publicize the De-  
19 partment’s homeland security technology priorities  
20 for the purpose of informing Federal, State, and  
21 local governments, first responders, and the private  
22 sector;

23 “(7) establish considerations to be used by the  
24 Directorate in selecting appropriate research enti-  
25 ties, including the national laboratories, federally

1 funded research and development centers, university-  
2 based centers, and the private sector, to carry out  
3 research and development requirements;

4 “(8) incorporate feedback derived as a result of  
5 the mechanism established in section 323, ensuring  
6 the Directorate is utilizing regular communication  
7 with components and offices of the Department; and

8 “(9) include any other criteria or measures the  
9 Under Secretary for Science and Technology con-  
10 siders necessary for the identification and  
11 prioritization of research requirements.

12 **“SEC. 319. DEVELOPMENT OF DIRECTORATE STRATEGY**  
13 **AND RESEARCH AND DEVELOPMENT PLAN.**

14 “(a) STRATEGY.—

15 “(1) IN GENERAL.—Not later than 1 year after  
16 the date of the enactment of this section, the Under  
17 Secretary for Science and Technology shall develop  
18 and submit to the Committee on Homeland Security  
19 and the Committee on Science, Space, and Tech-  
20 nology of the House of Representatives and the  
21 Committee on Homeland Security and Governmental  
22 Affairs of the Senate a strategy to guide the activi-  
23 ties of the Directorate of Science and Technology.  
24 Such strategy shall be updated at least once every  
25 5 years and shall identify priorities and objectives

1 for the development of science and technology solu-  
2 tions and capabilities addressing homeland security  
3 operational needs. Such strategy shall include the  
4 coordination of such priorities and activities within  
5 the Department. Such strategy shall take into ac-  
6 count the priorities and needs of stakeholders in the  
7 Homeland Security Enterprise (as such term is de-  
8 fined in section 322). In developing such strategy,  
9 efforts shall be made to support collaboration and  
10 avoid unnecessary duplication across the Federal  
11 Government. Such strategy shall be risk-based and  
12 aligned with other strategic guidance provided by—

13 “(A) the National Strategy for Homeland  
14 Security;

15 “(B) the Quadrennial Homeland Security  
16 Review; and

17 “(C) any other relevant strategic planning  
18 documents, as determined by the Under Sec-  
19 retary.

20 “(2) CONTENTS.—The strategy required under  
21 paragraph (1) shall be prepared in accordance with  
22 applicable Federal requirements and guidelines, and  
23 shall include the following:

24 “(A) An identification of the long-term  
25 strategic goals, objectives, and metrics of the



1 Directorate, including those to address terrorist  
2 threats.

3 “(B) A technology transition strategy for  
4 the programs of the Directorate.

5 “(C) Short- and long-term strategic goals,  
6 and objectives for increasing the number of des-  
7 ignations and certificates issued under subtitle  
8 G of title VIII, including cybersecurity tech-  
9 nologies that could significantly reduce, or miti-  
10 gate the effects of, cybersecurity risks (as such  
11 term is defined in subsection (a)(1) of the sec-  
12 ond section 226, relating to the national cyber-  
13 security and communications integration cen-  
14 ter), without compromising the quality of the  
15 evaluation of applications for such designations  
16 and certificates.

17 “(b) FIVE-YEAR RESEARCH AND DEVELOPMENT  
18 PLAN.—

19 “(1) IN GENERAL.—The Under Secretary for  
20 Science and Technology shall develop, and update at  
21 least once every 5 years, a 5-year research and de-  
22 velopment plan for the activities of the Directorate  
23 of Science and Technology. The Under Secretary  
24 shall develop the first such plan by the date that is

1 not later than 1 year after the date of the enactment  
2 of this section.

3 “(2) CONTENTS.—Each 5-year research and de-  
4 velopment plan developed and revised under sub-  
5 section (a) shall—

6 “(A) define the Directorate of Science and  
7 Technology’s research, development, testing,  
8 and evaluation activities, priorities, performance  
9 metrics, and key milestones and deliverables  
10 for, as the case may be, the 5-fiscal-year period  
11 from 2016 through 2020, and for each 5-fiscal-  
12 year period thereafter;

13 “(B) describe, for the activities of the  
14 strategy developed under subsection (a), the  
15 planned annual funding levels for the period  
16 covered by each such 5-year research and devel-  
17 opment plan;

18 “(C) indicate joint investments with other  
19 Federal partners where applicable, and en-  
20 hanced coordination, as appropriate, with orga-  
21 nizations as specified in paragraph (19) of sec-  
22 tion 302;

23 “(D) analyze how the research programs of  
24 the Directorate support achievement of the

1 strategic goals and objectives identified in the  
2 strategy required under subsection (a);

3 “(E) describe how the activities and pro-  
4 grams of the Directorate meet the requirements  
5 or homeland security capability gaps or threats  
6 to the homeland identified by customers within  
7 and outside of the Department, including the  
8 first responder community; and

9 “(F) describe the policies of the Direc-  
10 torate regarding the management, organization,  
11 and personnel of the Directorate.

12 “(3) SCOPE.—The Under Secretary for Science  
13 and Technology shall ensure that each 5-year re-  
14 search and development plan developed and revised  
15 under subsection (a)—

16 “(A) reflects input from a wide range of  
17 stakeholders; and

18 “(B) takes into account how research and  
19 development by other Federal, State, private  
20 sector, and nonprofit institutions contributes to  
21 the achievement of the priorities identified in  
22 each plan, and avoids unnecessary duplication  
23 with such efforts.

24 “(4) REPORTS.—The Under Secretary for  
25 Science and Technology shall submit to the Com-

1       mittee on Homeland Security and the Committee on  
2       Science, Space, and Technology of the House of  
3       Representatives and the Committee on Homeland  
4       Security and Governmental Affairs of the Senate an  
5       annual report for 7 years beginning not later than  
6       1 year after the date of the development of the ini-  
7       tial 5-year research and development plan under  
8       paragraph (1) on the status and results to date of  
9       the implementation of such plan and the updates to  
10      such plan, including—

11               “(A) a summary of the research and devel-  
12               opment activities for the previous fiscal year in  
13               each mission area, including such activities to  
14               address homeland security risks, including  
15               threats, vulnerabilities, and consequences, and a  
16               summary of the coordination activities under-  
17               taken by the Directorate of Science and Tech-  
18               nology for components and offices of the De-  
19               partment, together with the results of the proc-  
20               ess specified in paragraph (15) of section 302;

21               “(B) clear links between the Directorate’s  
22               budget and each mission area or program, in-  
23               cluding those mission areas or programs to ad-  
24               dress homeland security risks, including  
25               threats, vulnerabilities, and consequences, speci-

1           fying which mission areas or programs fall  
2           under which budget lines, and clear links be-  
3           tween Directorate coordination work and prior-  
4           ities and annual expenditures for such work and  
5           priorities, including joint investments with other  
6           Federal partners, where applicable;

7                   “(C) an assessment of progress of the re-  
8           search and development activities based on the  
9           performance metrics and milestones set forth in  
10          such plan; and

11                   “(D) any changes to such plan.

12 **“SEC. 320. MONITORING OF PROGRESS.**

13          “(a) IN GENERAL.—The Under Secretary for Science  
14 and Technology shall establish and utilize a system to  
15 track the progress of the research, development, testing,  
16 and evaluation activities undertaken by the Directorate of  
17 Science and Technology, and shall provide to the Com-  
18 mittee on Homeland Security and the Committee on  
19 Science, Space, and Technology of the House of Rep-  
20 resentatives and the Committee on Homeland Security  
21 and Governmental Affairs of the Senate and customers of  
22 such activities, at a minimum on a biannual basis, regular  
23 updates on such progress.

24          “(b) REQUIREMENTS.—In order to provide the  
25 progress updates required under subsection (a), the Under

1 Secretary for Science and Technology shall develop a sys-  
2 tem that—

3 “(1) monitors progress toward project mile-  
4 stones identified by the Under Secretary;

5 “(2) maps progress toward deliverables identi-  
6 fied in each 5-year research and development plan  
7 required under section 319(b);

8 “(3) generates up-to-date reports to customers  
9 that transparently disclose the status and progress  
10 of research, development, testing, and evaluation ef-  
11 forts of the Directorate of Science and Technology;  
12 and

13 “(4) allows the Under Secretary to report the  
14 number of products and services developed by the  
15 Directorate that have been transitioned into acquisi-  
16 tion programs and resulted in successfully fielded  
17 technologies.

18 “(c) EVALUATION METHODS.—

19 “(1) EXTERNAL INPUT, CONSULTATION, AND  
20 REVIEW.—The Under Secretary for Science and  
21 Technology shall implement procedures to engage  
22 outside experts to assist in the evaluation of the  
23 progress of research, development, testing, and eval-  
24 uation activities of the Directorate of Science and  
25 Technology, including through—

1           “(A) consultation with experts, including  
2           scientists and practitioners, to gather inde-  
3           pendent expert peer opinion and advice on a  
4           project or on specific issues or analyses con-  
5           ducted by the Directorate; and

6           “(B) periodic, independent, external review  
7           to assess the quality and relevance of the Direc-  
8           torate’s programs and projects.

9           “(2) COMPONENT FEEDBACK.—The Under Sec-  
10          retary for Science and Technology shall establish a  
11          formal process to collect feedback from customers of  
12          the Directorate of Science and Technology on the  
13          performance of the Directorate that includes—

14               “(A) appropriate methodologies through  
15               which the Directorate can assess the quality  
16               and usefulness of technology and services deliv-  
17               ered by the Directorate;

18               “(B) development of metrics for measuring  
19               the usefulness of any technology or service pro-  
20               vided by the Directorate; and

21               “(C) standards for high-quality customer  
22               service.

1 **“SEC. 321. HOMELAND SECURITY SCIENCE AND TECH-**  
2 **NOLOGY FELLOWS PROGRAM.**

3       “(a) ESTABLISHMENT.—The Secretary, acting  
4 through the Under Secretary for Science and Technology  
5 and the Under Secretary for Management, shall establish  
6 a fellows program, to be known as the Homeland Security  
7 Science and Technology Fellows Program (in this section  
8 referred to as the ‘Program’), under which the Under Sec-  
9 retary for Science and Technology, in coordination with  
10 the Office of University Programs of the Department,  
11 shall facilitate the placement of fellows in relevant sci-  
12 entific or technological fields for up to 2 years in compo-  
13 nents and offices of the Department with a need for sci-  
14 entific and technological expertise.

15       “(b) UTILIZATION OF FELLOWS.—

16               “(1) IN GENERAL.—Under the Program, the  
17 Department may employ fellows—

18                       “(A) for the use of the Directorate of  
19 Science and Technology; or

20                       “(B) for the use of a component or office  
21 of the Department outside the Directorate,  
22 under a memorandum of agreement with the  
23 head of such a component or office under which  
24 such component or office will reimburse the Di-  
25 rectorate for the costs of such employment.



1           “(2) RESPONSIBILITIES.—Under an agreement  
2 referred to in subparagraph (B) of paragraph (1)—

3           “(A) the Under Secretary for Science and  
4 Technology and the Under Secretary for Man-  
5 agement shall—

6           “(i) solicit and accept applications  
7 from individuals who are currently enrolled  
8 in or who are graduates of postgraduate  
9 programs in scientific and engineering  
10 fields related to the promotion of securing  
11 the homeland or critical infrastructure sec-  
12 tors;

13           “(ii) screen applicants and interview  
14 them as appropriate to ensure that such  
15 applicants possess the appropriate level of  
16 scientific and engineering expertise and  
17 qualifications;

18           “(iii) provide a list of qualified appli-  
19 cants to the heads of components and of-  
20 fices of the Department seeking to utilize  
21 qualified fellows;

22           “(iv) subject to the availability of ap-  
23 propriations, pay financial compensation to  
24 such fellows;

1           “(v) coordinate with the Chief Secu-  
2           rity Officer to facilitate and expedite provi-  
3           sion of security and suitability clearances  
4           to such fellows, as appropriate; and

5           “(vi) otherwise administer all aspects  
6           of the employment of such fellows with the  
7           Department; and

8           “(B) the head of the component or office  
9           of the Department utilizing a fellow shall—

10           “(i) select such fellow from the list of  
11           qualified applicants provided by the Under  
12           Secretary;

13           “(ii) reimburse the Under Secretary  
14           for the costs of employing such fellow, in-  
15           cluding administrative costs; and

16           “(iii) be responsible for the day-to-day  
17           management of such fellow.

18           “(c) APPLICATIONS FROM NONPROFIT ORGANIZA-  
19           TIONS.—The Under Secretary for Science and Technology  
20           may accept an application under subsection (b)(2)(A) that  
21           is submitted by a nonprofit organization on behalf of indi-  
22           viduals whom such nonprofit organization has determined  
23           may be qualified applicants under the Program.

1 **“SEC. 322. CYBERSECURITY RESEARCH AND DEVELOP-**  
2 **MENT.**

3 “(a) IN GENERAL.—The Under Secretary for Science  
4 and Technology shall support research, development, test-  
5 ing, evaluation, and transition of cybersecurity technology,  
6 including fundamental research to improve the sharing of  
7 information, analytics, and methodologies related to cyber-  
8 security risks and incidents, consistent with current law.

9 “(b) ACTIVITIES.—The research and development  
10 supported under subsection (a) shall serve the components  
11 of the Department and shall—

12 “(1) advance the development and accelerate  
13 the deployment of more secure information systems;

14 “(2) improve and create technologies for detect-  
15 ing attacks or intrusions, including real-time contin-  
16 uous diagnostics and real-time analytic technologies;

17 “(3) improve and create mitigation and recov-  
18 ery methodologies, including techniques and policies  
19 for real-time containment of attacks, and develop-  
20 ment of resilient networks and information systems;

21 “(4) support, in coordination with the private  
22 sector, the review of source code that underpins crit-  
23 ical infrastructure information systems;

24 “(5) develop and support infrastructure and  
25 tools to support cybersecurity research and develop-  
26 ment efforts, including modeling, testbeds, and data

1 sets for assessment of new cybersecurity tech-  
2 nologies;

3 “(6) assist the development and support of  
4 technologies to reduce vulnerabilities in industrial  
5 control systems; and

6 “(7) develop and support cyber forensics and  
7 attack attribution.

8 “(c) COORDINATION.—In carrying out this section,  
9 the Under Secretary for Science and Technology shall co-  
10 ordinate activities with—

11 “(1) the Under Secretary appointed pursuant to  
12 section 103(a)(1)(H);

13 “(2) the heads of other relevant Federal depart-  
14 ments and agencies, including the National Science  
15 Foundation, the Defense Advanced Research  
16 Projects Agency, the Information Assurance Direc-  
17 torate of the National Security Agency, the National  
18 Institute of Standards and Technology, the Depart-  
19 ment of Commerce, the Networking and Information  
20 Technology Research and Development Program Of-  
21 fice, Sector Specific Agencies for critical infrastruc-  
22 ture, and other appropriate working groups estab-  
23 lished by the President to identify unmet needs and  
24 cooperatively support activities, as appropriate; and

25 “(3) industry and academia.

1       “(d) TRANSITION TO PRACTICE.—The Under Sec-  
2 retary for Science and Technology shall support projects  
3 through the full life cycle of such projects, including re-  
4 search, development, testing, evaluation, pilots, and tran-  
5 sitions. The Under Secretary shall identify mature tech-  
6 nologies that address existing or imminent cybersecurity  
7 gaps in public or private information systems and net-  
8 works of information systems, identify and support nec-  
9 essary improvements identified during pilot programs and  
10 testing and evaluation activities, and introduce new cyber-  
11 security technologies throughout the Homeland Security  
12 Enterprise through partnerships and commercialization.  
13 The Under Secretary shall target federally funded cyberse-  
14 curity research that demonstrates a high probability of  
15 successful transition to the commercial market within 2  
16 years and that is expected to have notable impact on the  
17 cybersecurity of the information systems or networks of  
18 information systems of the United States.

19       “(e) DEFINITIONS.—In this section:

20               “(1) CYBERSECURITY RISK.—The term ‘cyber-  
21 security risk’ has the meaning given such term in  
22 the second section 226, relating to the national cy-  
23 bersecurity and communications integration center.

24               “(2) HOMELAND SECURITY ENTERPRISE.—The  
25 term ‘Homeland Security Enterprise’ means relevant

1 governmental and nongovernmental entities involved  
2 in homeland security, including Federal, State, local,  
3 and tribal government officials, private sector rep-  
4 resentatives, academics, and other policy experts.

5 “(3) INCIDENT.—The term ‘incident’ has the  
6 meaning given such term in the second section 226,  
7 relating to the national cybersecurity and commu-  
8 nications integration center.

9 “(4) INFORMATION SYSTEM.—The term ‘infor-  
10 mation system’ has the meaning given that term in  
11 section 3502(8) of title 44, United States Code.

12 **“SEC. 323. INTEGRATED PRODUCT TEAMS.**

13 “(a) IN GENERAL.—The Secretary shall establish in-  
14 tegrated product teams to serve as a central mechanism  
15 for the Department to identify, coordinate, and align re-  
16 search and development efforts with departmental mis-  
17 sions. Each team shall be managed by the Under Sec-  
18 retary for Science and Technology and the relevant senior  
19 leadership of operational components, and shall be respon-  
20 sible for the following:

21 “(1) Identifying and prioritizing homeland secu-  
22 rity capability gaps or threats to the homeland with-  
23 in a specific mission area and technological solutions  
24 to address such gaps.

1           “(2) Identifying ongoing departmental research  
2           and development activities and component acquisi-  
3           tions of technologies that are outside of depart-  
4           mental research and development activities to ad-  
5           dress a specific mission area.

6           “(3) Assessing the appropriateness of a tech-  
7           nology to address a specific mission area.

8           “(4) Identifying unnecessary redundancy in de-  
9           partmental research and development activities with-  
10          in a specific mission area.

11          “(5) Informing the Secretary and the annual  
12          budget process regarding whether certain techno-  
13          logical solutions are able to address homeland secu-  
14          rity capability gaps or threats to the homeland with-  
15          in a specific mission area.

16          “(b) CONGRESSIONAL OVERSIGHT.—Not later than 2  
17          years after the date of enactment of this section, the Sec-  
18          retary shall provide to the Committee on Homeland Secu-  
19          rity and the Committee on Science, Space, and Technology  
20          of the House of Representatives and the Committee on  
21          Homeland Security and Governmental Affairs of the Sen-  
22          ate information on the impact and effectiveness of the  
23          mechanism described in subsection (a) on research and de-  
24          velopment efforts, component relationships, and how the  
25          process has informed the research and development budget

1 and enhanced decisionmaking, including acquisition deci-  
2 sionmaking, at the Department. The Secretary shall seek  
3 feedback from the Under Secretary for Science and Tech-  
4 nology, Under Secretary for Management, and the senior  
5 leadership of operational components regarding the impact  
6 and effectiveness of such mechanism and include such  
7 feedback in the information provided under this sub-  
8 section.

9 **“SEC. 324. HOMELAND SECURITY-STEM SUMMER INTERN-  
10 SHIP PROGRAM.**

11 “(a) IN GENERAL.—The Under Secretary for Science  
12 and Technology shall establish a Homeland Security-  
13 STEM internship program (in this section referred to as  
14 the ‘program’) to carry out the objectives of this subtitle.

15 “(b) PROGRAM.—The program shall provide students  
16 with exposure to Department mission-relevant research  
17 areas, including threats to the homeland, to encourage  
18 such students to pursue STEM careers in homeland secu-  
19 rity related fields. Internships offered under the program  
20 shall be for up to 10 weeks during the summer.

21 “(c) ELIGIBILITY.—The Under Secretary for Science  
22 and Technology shall develop criteria for participation in  
23 the program, including the following:

24 “(1) At the time of application, an intern  
25 shall—



1           “(A) have successfully completed not less  
2           than 1 academic year of study at an institution  
3           of higher education in a STEM field;

4           “(B) be enrolled in a course of study in a  
5           STEM field at an institution of higher edu-  
6           cation; and

7           “(C) plan to continue such course of study  
8           or pursue an additional course of study in a  
9           STEM field at an institution of higher edu-  
10          cation in the academic year following the in-  
11          ternship.

12          “(2) An intern shall be pursuing career goals  
13          aligned with the Department’s mission, goals, and  
14          objectives.

15          “(3) Any other criteria the Under Secretary de-  
16          termines appropriate.

17          “(d) COOPERATION.—The program shall be adminis-  
18          tered in cooperation with the university-based centers for  
19          homeland security under section 308. Interns in the pro-  
20          gram shall be provided hands-on research experience and  
21          enrichment activities focused on Department research  
22          areas.

23          “(e) ACADEMIC REQUIREMENTS; OPERATION.—The  
24          Under Secretary for Science and Technology shall deter-  
25          mine the academic requirements, other selection criteria,

1 and standards for successful completion of each internship  
2 period in the program. The Under Secretary shall be re-  
3 sponsible for the design, implementation, and operation of  
4 the program.

5 “(f) RESEARCH MENTORS.—The Under Secretary  
6 for Science and Technology shall ensure that each intern  
7 in the program is assigned a research mentor to act as  
8 counselor and advisor and provide career-focused advice.

9 “(g) OUTREACH TO CERTAIN UNDER-REPRESENTED  
10 STUDENTS.—The Under Secretary for Science and Tech-  
11 nology shall conduct outreach to students who are mem-  
12 bers of groups under-represented in STEM careers to en-  
13 courage their participation in the program.

14 “(h) INSTITUTION OF HIGHER EDUCATION DE-  
15 FINED.—In this section, the term ‘institution of higher  
16 education’ has the meaning given the term in section 102  
17 of the Higher Education Act of 1965 (20 U.S.C. 1002),  
18 except that the term does not include institutions de-  
19 scribed in subparagraph (C) of such section 102(a)(1).”.

20 (b) EFFECTIVE DATE.—The amendments made by  
21 subsection (a) shall take effect on the date that is 30 days  
22 after the date of the enactment of this section.

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

1 amended by inserting after the item relating to section  
2 317 the following new items:

“Sec. 318. Identification and prioritization of research and development.

“Sec. 319. Development of Directorate strategy and research and development plan.

“Sec. 320. Monitoring of progress.

“Sec. 321. Homeland Security Science and Technology Fellows Program.

“Sec. 322. Cybersecurity research and development.

“Sec. 323. Integrated product teams.

“Sec. 324. Homeland Security-STEM summer internship program.”.

3 (d) RESEARCH AND DEVELOPMENT PROJECTS.—

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

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),  
8 by striking “2015” and inserting “2020”;

9 (B) in paragraph (1), by striking the last  
10 sentence; and

11 (C) by adding at the end the following new  
12 paragraph:

13 “(3) PRIOR APPROVAL.—In any case in which  
14 a component or office of the Department seeks to  
15 utilize the authority under this section, such office  
16 or component shall first receive prior approval from  
17 the Secretary by providing to the Secretary a pro-  
18 posal that includes the rationale for the use of such  
19 authority, the funds to be spent on the use of such  
20 authority, and the expected outcome for each project  
21 that is the subject of the use of such authority. In

1 such a case, the authority for evaluating the pro-  
2 posal may not be delegated by the Secretary to any-  
3 one other than the Under Secretary for Manage-  
4 ment.”;

5 (2) in subsection (c)—

6 (A) in paragraph (1), in the matter pre-  
7 ceding subparagraph (A), by striking “2015”  
8 and inserting “2020”; and

9 (B) by amending paragraph (2) to read as  
10 follows:

11 “(2) REPORT.—The Secretary shall annually  
12 submit to the Committee on Homeland Security and  
13 the Committee on Science, Space, and Technology of  
14 the House of Representatives and the Committee on  
15 Homeland Security and Governmental Affairs of the  
16 Senate a report detailing the projects for which the  
17 authority granted by subsection (a) was used, the  
18 rationale for such use, the funds spent using such  
19 authority, the extent of cost-sharing for such  
20 projects among Federal and non-Federal sources,  
21 the extent to which use of such authority has ad-  
22 dressed a homeland security capability gap or threat  
23 to the homeland identified by the Department, the  
24 total amount of payments, if any, that were received  
25 by the Federal Government as a result of the use of

1 such authority during the period covered by each  
2 such report, the outcome of each project for which  
3 such authority was used, and the results of any au-  
4 dits of such projects.”; and

5 (3) by adding at the end the following new sub-  
6 sections:

7 “(e) TRAINING.—The Secretary shall develop a train-  
8 ing program for acquisitions staff in the use of other  
9 transaction authority to help ensure the appropriate use  
10 of such authority.

11 “(f) OTHER TRANSACTION AUTHORITY DEFINED.—  
12 In this section, the term ‘other transaction authority’  
13 means authority under subsection (a).”.

14 (e) AMENDMENT TO DEFINITION.—Paragraph (2) of  
15 subsection (a) of the second section 226 of the Homeland  
16 Security Act of 2002 (6 U.S.C. 148; relating to the na-  
17 tional cybersecurity and communications integration cen-  
18 ter) is amended to read as follows:

19 “(2) INCIDENT.—The term ‘incident’ means an  
20 occurrence that actually or imminently jeopardizes,  
21 without lawful authority, the integrity, confiden-  
22 tiality, or availability of information on an informa-  
23 tion system, or actually or imminently jeopardizes,  
24 without lawful authority, an information system.”.

25 (f) GAO STUDY OF UNIVERSITY-BASED CENTERS.—

1           (1) IN GENERAL.—Not later than 120 days  
2 after the date of the enactment of this Act, the  
3 Comptroller General of the United States shall ini-  
4 tiate a study to assess the university-based centers  
5 for homeland security program authorized by section  
6 308(b)(2) of the Homeland Security Act of 2002 (6  
7 U.S.C. 188(b)(2)), and provide recommendations to  
8 the Committee on Homeland Security and the Com-  
9 mittee on Science, Space, and Technology of the  
10 House of Representatives and the Committee on  
11 Homeland Security and Governmental Affairs of the  
12 Senate for appropriate improvements.

13           (2) SUBJECT MATTERS.—The study required  
14 under subsection (a) shall include the following:

15           (A) A review of the Department of Home-  
16 land Security’s efforts to identify key areas of  
17 study needed to support the homeland security  
18 mission, and criteria that the Department uti-  
19 lized to determine those key areas for which the  
20 Department should maintain, establish, or  
21 eliminate university-based centers.

22           (B) A review of the method by which uni-  
23 versity-based centers, federally funded research  
24 and development centers, and Department of  
25 Energy national laboratories receive tasking

1 from the Department of Homeland Security, in-  
2 cluding a review of how university-based re-  
3 search is identified, prioritized, and funded.

4 (C) A review of selection criteria for desig-  
5 nating university-based centers and a weighting  
6 of such criteria.

7 (D) An examination of best practices from  
8 other agencies' efforts to organize and use uni-  
9 versity-based research to support their missions.

10 (E) A review of the Department of Home-  
11 land Security's criteria and metrics to measure  
12 demonstrable progress achieved by university-  
13 based centers in fulfilling Department taskings,  
14 and mechanisms for delivering and dissemi-  
15 nating the research results of designated uni-  
16 versity-based centers within the Department  
17 and to other Federal, State, and local agencies.

18 (F) An examination of the means by which  
19 academic institutions that are not designated or  
20 associated with the designated university-based  
21 centers can optimally contribute to the research  
22 mission of the Directorate of Science and Tech-  
23 nology of the Department of Homeland Secu-  
24 rity.

1 (G) An assessment of the interrelationship  
2 between the different university-based centers  
3 and the degree to which outreach and collabora-  
4 tion among a diverse array of academic institu-  
5 tions is encouraged by the Department of  
6 Homeland Security, particularly with histori-  
7 cally Black colleges and universities and minor-  
8 ity-serving institutions.

9 (H) A review of any other essential ele-  
10 ments of the programs determined in the con-  
11 duct of the study.

12 (g) PRIZE AUTHORITY.—The Under Secretary for  
13 Science and Technology of the Department of Homeland  
14 Security shall utilize, as appropriate, prize authority  
15 granted pursuant to current law.

16 (h) PROHIBITION ON NEW FUNDING.—No funds are  
17 authorized to be appropriated to carry out this section and  
18 the amendments made by this section. Such section and  
19 amendments shall be carried out using amounts otherwise  
20 appropriated or made available for such purposes.

21 **TITLE XXXIV—REVIEW OF**  
22 **UNIVERSITY-BASED CENTERS**

23 **SEC. 3401. REVIEW OF UNIVERSITY-BASED CENTERS.**

24 (a) GAO STUDY OF UNIVERSITY-BASED CENTERS.—  
25 Not later than 120 days after the date of enactment of



1 this Act, the Comptroller General of the United States  
2 shall initiate a study to assess the university-based centers  
3 for homeland security program authorized by section  
4 308(b)(2) of the Homeland Security Act of 2002 (6  
5 U.S.C. 188(b)(2)), and provide recommendations to the  
6 Committee on Homeland Security and the Committee on  
7 Science, Space, and Technology of the House of Rep-  
8 resentatives and the Committee on Homeland Security  
9 and Governmental Affairs of the Senate for appropriate  
10 improvements.

11 (b) SUBJECT MATTERS.—The study under sub-  
12 section (a) shall include the following:

13 (1) A review of the Department of Homeland  
14 Security's efforts to identify key areas of study need-  
15 ed to support the homeland security mission, and  
16 criteria that the Department utilized to determine  
17 those key areas for which the Department should  
18 maintain, establish, or eliminate university-based  
19 centers.

20 (2) A review of the method by which university-  
21 based centers, federally funded research and develop-  
22 ment centers, and Department of Energy national  
23 laboratories receive tasking from the Department of  
24 Homeland Security, including a review of how uni-

1 university-based research is identified, prioritized, and  
2 funded.

3 (3) A review of selection criteria for designating  
4 university-based centers and a weighting of such cri-  
5 teria.

6 (4) An examination of best practices from other  
7 agencies' efforts to organize and use university-  
8 based research to support their missions.

9 (5) A review of the Department of Homeland  
10 Security's criteria and metrics to measure demon-  
11 strable progress achieved by university-based centers  
12 in fulfilling Department taskings, and mechanisms  
13 for delivering and disseminating the research results  
14 of designated university-based centers within the De-  
15 partment and to other Federal, State, and local  
16 agencies.

17 (6) An examination of the means by which aca-  
18 demic institutions that are not designated or associ-  
19 ated with the designated university-based centers  
20 can optimally contribute to the research mission of  
21 the Directorate of Science and Technology of the  
22 Department of Homeland Security.

23 (7) An assessment of the interrelationship be-  
24 tween the different university-based centers and the  
25 degree to which outreach and collaboration among a

1 diverse array of academic institutions is encouraged  
2 by the Department of Homeland Security, particu-  
3 larly with historically Black colleges and universities  
4 and minority-serving institutions.

5 (8) A review of any other essential elements of  
6 the programs determined in the conduct of the  
7 study.

8 (c) INFORMATION RELATING TO UNIVERSITY-BASED  
9 CENTERS.—Subparagraph (D) of section 308(b)(2) of the  
10 Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)) is  
11 amended to read as follows:

12 “(D) ANNUAL REPORT TO CONGRESS.—  
13 Not later than 1 year after the date of the en-  
14 actment of this subparagraph and annually  
15 thereafter, the Secretary shall submit to Con-  
16 gress a report on the implementation of this  
17 section. Each such report shall—

18 “(i) indicate which center or centers  
19 have been designated pursuant to this sec-  
20 tion;

21 “(ii) describe how such designation or  
22 designations enhance homeland security;

23 “(iii) provide information on any deci-  
24 sions to revoke or modify such designation  
25 or designations;

1           “(iv) describe research that has been  
2           tasked and completed by each center that  
3           has been designated during the preceding  
4           year;

5           “(v) describe funding provided by the  
6           Secretary for each center under clause (iv)  
7           for that year; and

8           “(vi) describe plans for utilization of  
9           each center or centers in the forthcoming  
10          year.”.

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