

116TH CONGRESS  
2D SESSION

# H. R. 8791

To amend the Homeland Security Act of 2002 to make certain reforms to the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2020

Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. PAYNE, Miss RICE of New York, Mr. CORREA, Ms. UNDERWOOD, Mr. CLEAVER, Mr. GREEN of Texas, Ms. CLARKE of New York, Ms. TITUS, Mrs. WATSON COLEMAN, and Mrs. DEMINGS) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Oversight and Reform, the Judiciary, and Transportation and Infrastructure, 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 amend the Homeland Security Act of 2002 to make certain reforms to the Department of Homeland Security, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Department of Homeland Security Reform Act of 2020”  
6 or the “DHS Reform Act of 2020”.

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

Sec. 1. Short title; table of contents.

TITLE I—HEADQUARTERS REFORMS

Subtitle A—Leadership Reforms

- Sec. 101. Departmental leadership.
- Sec. 102. Succession reforms.
- Sec. 103. Resolution of intra-departmental disputes.
- Sec. 104. Office of Strategy, Policy, and Plans.
- Sec. 105. Office of Inspector General.
- Sec. 106. Office of Public Affairs.
- Sec. 107. Office of Legislative Affairs.
- Sec. 108. Office of Partnership and Engagement.
- Sec. 109. Chief Privacy Officer.
- Sec. 110. Chief Financial Officer.
- Sec. 111. Chief Information Officer.
- Sec. 112. Chief Procurement Officer.
- Sec. 113. Chief Security Officer.
- Sec. 114. Chief Data Officer.
- Sec. 115. Officer for Civil Rights and Civil Liberties.
- Sec. 116. The Countering Weapons of Mass Destruction Office.
- Sec. 117. Coordinator for unmanned aircraft systems countermeasures.
- Sec. 118. Department of Homeland Security counterterrorism advisory board.
- Sec. 119. Department of Homeland Security leadership council.
- Sec. 120. School security coordinating council.

Subtitle B—Workforce Reforms

- Sec. 131. Chief human capital officer.
- Sec. 132. Employee engagement steering committee and action plan.
- Sec. 133. Annual employee award program.
- Sec. 134. Department of Homeland Security rotation program.
- Sec. 135. Homeland security rotational cybersecurity research program at the  
Coast Guard Academy.
- Sec. 136. Department of Homeland Security intelligence and cybersecurity di-  
versity fellowship program.
- Sec. 137. Cyber talent management system reporting.
- Sec. 138. Acquisition workforce.
- Sec. 139. Acquisition professional career program.
- Sec. 140. Security clearance management and administration.
- Sec. 141. Fitness information transparency.
- Sec. 142. Independent investigation of disciplinary outcomes.
- Sec. 143. Rights for transportation security officers.

TITLE II—LAW ENFORCEMENT ACCOUNTABILITY REFORMS

Subtitle A—De-Escalation

- Sec. 201. De-escalation, use of force, and body-worn camera policy.
- Sec. 202. De-escalation training.
- Sec. 203. Less lethal tactics assessment.

- Sec. 204. Requests relating to department of homeland security personnel or equipment.
- Sec. 205. Best practices to reduce incidents of excessive or unauthorized force.
- Sec. 206. Department of Homeland Security component insignia required.
- Sec. 207. FLETC advisory board.
- Sec. 208. Department of Homeland Security support for the national network of fusion centers.

#### Subtitle B—Securing of Firearms and Other Sensitive Assets

- Sec. 221. Definitions.
- Sec. 222. Inclusion of securing firearms and other sensitive assets in responsibilities of Under Secretary for Management.
- Sec. 223. Management directive.
- Sec. 224. Component responsibilities.
- Sec. 225. Personal property asset management Inspector General review.

#### Subtitle C—Federal Law Enforcement Training Centers

- Sec. 231. FLETC research and development.
- Sec. 232. Reporting on basic training programs of the Department of Homeland Security.

### TITLE III—ACQUISITION REFORMS

#### Subtitle A—Authorities

- Sec. 301. Definitions.
- Sec. 302. Acquisition authorities for Office of Program Accountability and Risk Management.
- Sec. 303. Acquisition authorities for technical support offices.
- Sec. 304. Acquisition authorities for Under Secretary for Management.
- Sec. 305. Acquisition authorities for Under Secretary for Strategy, Policy, and Plans.
- Sec. 306. Acquisition authorities for Chief Information Officer.

#### Subtitle B—Requirements and Oversight

- Sec. 321. Acquisition documentation.
- Sec. 322. Acquisition review board.
- Sec. 323. Suspension and debarment program.
- Sec. 324. Requirements to buy certain items related to national security interests according to certain criteria.
- Sec. 325. Prohibition on operation or procurement of foreign-made unmanned aircraft systems.

#### Subtitle C—Acquisition Program Management Accountability and Transparency

- Sec. 331. Congressional notification for major acquisition programs.
- Sec. 332. Acquisition reports.

### TITLE IV—OTHER REFORMS

- Sec. 401. Quadrennial homeland security review.
- Sec. 402. Limitations regarding secretarial authorities associated with the protection of public property.
- Sec. 403. Biometric enterprise management.

- Sec. 404. Enhanced departmental oversight of certain intelligence matters.  
 Sec. 405. Privacy, civil rights, and civil liberties coordination required.  
 Sec. 406. Department-wide social media policy.  
 Sec. 407. Propaganda prohibited.  
 Sec. 408. Limits on expenses for a swearing-in ceremony.  
 Sec. 409. Conflict of interest awareness and reporting.  
 Sec. 410. Mentor-protégé program.  
 Sec. 411. Historically black colleges and universities (HBCUS) homeland security partnerships.  
 Sec. 412. Children’s technical expert.  
 Sec. 413. Modification of Secretary’s reorganization authority.  
 Sec. 414. Definitions.

1           **TITLE I—HEADQUARTERS**  
 2                           **REFORMS**  
 3           **Subtitle A—Leadership Reforms**

4   **SEC. 101. DEPARTMENTAL LEADERSHIP.**

5           (a) IN GENERAL.—Section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended—

7                   (1) in subsection (c), in the matter preceding  
 8           paragraph (1), by striking “through the Office of  
 9           State and Local Coordination (established under section  
 10          801)” and inserting “through the Office of  
 11          Partnership and Engagement”; and

12                   (2) by adding at the end the following new subsection:  
 13          section:

14          “(h) HEADQUARTERS.—

15                   “(1) IN GENERAL.—There is in the Department  
 16          a Headquarters.

17                   “(2) COMPONENTS.—The Headquarters shall  
 18          include each of the following:

19                           “(A) The Office of the Secretary, which  
 20          shall include—

- 1 “(i) the Deputy Secretary;  
2 “(ii) the Associate Secretary;  
3 “(iii) the Chief of Staff; and  
4 “(iv) the Executive Secretary.

5 “(B) The Management Directorate, includ-  
6 ing the Office of the Chief Financial Officer,  
7 Federal Protective Service, and Office of Bio-  
8 metric Identity Management.

9 “(C) The Science and Technology Direc-  
10 torate.

11 “(D) The Office of Strategy, Policy, and  
12 Plans.

13 “(E) The Office of the General Counsel.

14 “(F) The Office of the Chief Privacy and  
15 FOIA Officer.

16 “(G) The Office for Civil Rights and Civil  
17 Liberties.

18 “(H) The Office of Operations Coordina-  
19 tion.

20 “(I) The Office of Intelligence and Anal-  
21 ysis.

22 “(J) The Office of Legislative Affairs.

23 “(K) The Office of Public Affairs.

24 “(L) The Office of the Inspector General.

1           “(M) The Office of the Citizenship and  
2           Immigration Services Ombudsman.

3           “(N) The Countering Weapons of Mass  
4           Destruction Office.

5           “(O) The Office of Partnership and En-  
6           gagement.

7           “(P) The Ombudsman for Border and Im-  
8           migration Enforcement Related Concerns.”.

9           (b) CONFORMING AMENDMENTS.—Section 103(a) of  
10          the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is  
11          amended—

12           (1) in the subsection heading, by inserting “;  
13          ASSISTANT SECRETARIES AND OTHER OFFICERS”  
14          after “UNDER SECRETARIES”;

15           (2) in paragraph (1)—

16           (A) by inserting after subparagraph (A)  
17          the following subparagraph (B) and making  
18          conforming changes:

19           “(B) An Associate Secretary of Homeland  
20          Security, who shall be the Secretary’s second  
21          assistant for purposes of subchapter III of  
22          chapter 33 of title 5, United States Code and  
23          shall, on behalf of the Secretary, direct, author-  
24          ize, and control U. S. Customs and Border Pro-  
25          tection, U.S. Immigration and Customs En-

1           forcement, United States Secret Service, and  
2           Federal Protective Service, and, in consultation  
3           with the Deputy Secretary, the law enforcement  
4           activities in other Department components.”;  
5           and

6                   (B) by amending subparagraph (I) to read  
7           as follows:

8                   “(I) An Administrator of the Transpor-  
9           tation Security Administration.”;

10           (3) by amending paragraph (2) to read as fol-  
11           lows:

12                   “(2) APPOINTMENTS.—The following Assistant  
13           Secretaries shall be appointed by the President or  
14           the Secretary, as the case may be, without the ad-  
15           vice and consent of the Senate:

16                   “(A) PRESIDENTIAL APPOINTMENTS.—The  
17           Department shall have the following positions  
18           appointed by the President:

19                   “(i) The Assistant Secretary for Pub-  
20           lic Affairs.

21                   “(ii) The Assistant Secretary for Leg-  
22           islative Affairs.

23                   “(iii) The Assistant Secretary for the  
24           Countering Weapons of Mass Destruction  
25           Office.

1 “(iv) The Chief Medical Officer.

2 “(B) SECRETARIAL APPOINTMENTS.—The  
3 Secretary shall appoint an Assistant Secretary  
4 for Partnership and Engagement and, within  
5 the Office of Strategy, Policy and Plans, an As-  
6 sistant Secretary for International Affairs in  
7 addition to five assistant secretaries with di-  
8 vided responsibility for the following areas:

9 “(i) Strategy.

10 “(ii) Threat prevention, including tar-  
11 geted violence.

12 “(iii) Integration.

13 “(iv) Border.

14 “(v) Immigration, including immigra-  
15 tion statistics.

16 “(vi) Cybersecurity and infrastructure  
17 security.

18 “(vii) Screening and vetting, including  
19 biometrics.

20 “(viii) Law enforcement.

21 “(ix) Foreign investment and trade.”;

22 and

23 (4) by adding at the end the following new  
24 paragraphs:



1           “(3) LIMITATION ON ESTABLISHMENT OF AS-  
2           SISTANT SECRETARY POSITIONS.—No Assistant Sec-  
3           retary position may be established in addition to the  
4           positions provided for by this section unless such po-  
5           sition is authorized by a statute enacted after the  
6           date of the enactment of this paragraph.

7           “(4) UNDER SECRETARY FOR MANAGEMENT.—  
8           The Under Secretary for Management shall serve a  
9           five-year term.”.

10 **SEC. 102. SUCCESSION REFORMS.**

11           Amend section 103(g) of the Homeland Security Act  
12 as follows:

13           (1) In paragraph (1), strike “neither the Sec-  
14           retary nor Deputy Secretary is” and insert “the Sec-  
15           retary, Deputy Secretary, and Associate Secretary  
16           are not”.

17           (2) In paragraph (2), insert “(A)” before “such  
18           other officers” and strike and replace remaining text  
19           with the following:

20                   “(A) such other official of the Department  
21                   in further order of succession to serve as Acting  
22                   Secretary in a manner that requires such offi-  
23                   cial to have served in the Department for at  
24                   least 90 days prior to such designation in either  
25                   the position of the head of a component or in

1 another position by and with the advice and  
2 consent of the Senate, or in the event that an  
3 official meeting this criteria is not available, in  
4 a manner that requires such official to have  
5 served for at least 90 days prior to such des-  
6 ignation in the Senior Executive Service within  
7 the Department; and

8 “(B) such other official of the Department  
9 to serve as the acting head of a component, in  
10 the event that the head of a component vacates  
11 the position, in a manner that requires such of-  
12 ficial to have served for at least 90 days prior  
13 to such designation in the Senior Executive  
14 Service.”.

15 **SEC. 103. RESOLUTION OF INTRA-DEPARTMENTAL DIS-**  
16 **PUTES.**

17 Insert at the end of section 103 of the Homeland Se-  
18 curity Act the following:

19 “(h) INTRA-DEPARTMENTAL DISPUTES.—On behalf  
20 of the Secretary, the Deputy Secretary shall have author-  
21 ity to resolve any intra-Departmental disputes that may  
22 arise between two or more components where one compo-  
23 nent is under the purview of the Associate Secretary. The  
24 Associate Secretary may appeal a resolution issued by the  
25 Deputy Secretary to the Secretary.”.

1 **SEC. 104. OFFICE OF STRATEGY, POLICY, AND PLANS.**

2 (a) IN GENERAL.—Section 709 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 349) is amended—

4 (1) in subsection (a), by adding at the end the  
5 following: “The Office of Strategy, Policy, and Plans  
6 shall include an Assistant Secretary for Inter-  
7 national Affairs and at least five assistant secre-  
8 taries within the Office of Strategy, Policy, and  
9 Plans with divided responsibility for the following  
10 areas:

11 “(i) Strategy.

12 “(ii) Threat prevention, including tar-  
13 geted violence.

14 “(iii) Integration.

15 “(iv) Border.

16 “(v) Immigration, including immigra-  
17 tion statistics.

18 “(vi) Cybersecurity and infrastructure  
19 security.

20 “(vii) Screening and vetting, including  
21 biometrics.

22 “(viii) Law enforcement.

23 “(ix) Foreign investment and trade.”;

24 (2) in subsection (c)(1), by inserting “, includ-  
25 ing for activities that cross multiple Department  
26 components” before the semicolon at the end;

1           (3) in subsection (c)(6), by inserting “, includ-  
2           ing feedback from organizations representing the  
3           needs of children,” after “stakeholder feedback”;

4           (4) by redesignating subsections (e) through (g)  
5           as subsections (f) through (h), respectively; and

6           (5) by inserting after subsection (d) the fol-  
7           lowing new subsection:

8           “(e) ASSISTANT SECRETARY FOR INTERNATIONAL  
9           AFFAIRS.—The Office of International Affairs shall be led  
10          by an Assistant Secretary for International Affairs. The  
11          Assistant Secretary shall—

12           “(1) coordinate international activities within  
13          the Department, including activities carried out by  
14          the components of the Department, in consultation  
15          with other Federal officials with responsibility for  
16          counterterrorism and homeland security matters;

17           “(2) advise, inform, and assist the Secretary  
18          with respect to the development and implementation  
19          of the international policy priorities of the Depart-  
20          ment, including strategic priorities for the deploy-  
21          ment of assets, including personnel, outside the  
22          United States;

23           “(3) develop, in consultation with the Under  
24          Secretary for Management, guidance for selecting,  
25          assigning, training, and monitoring overseas deploy-

1 ments of Department personnel, including minimum  
2 standards for pre-deployment training;

3 “(4) maintain awareness regarding the inter-  
4 national travel of senior officers of the Department  
5 and their intent to pursue negotiations with foreign  
6 government officials, and review resulting draft  
7 agreements;

8 “(5) coordinate with any Departmental official  
9 engaged in negotiations with representatives of a  
10 foreign government regarding an agreement and, as  
11 appropriate, support such official in the negotiation  
12 of such agreement; and

13 “(6) perform such other functions as are estab-  
14 lished by law or delegated by the Under Secretary  
15 for Strategy, Policy, and Plans.”.

16 (b) ABOLISHMENT OF OFFICE OF INTERNATIONAL  
17 AFFAIRS.—

18 (1) IN GENERAL.—The Office of International  
19 Affairs within the Office of the Secretary of Home-  
20 land Security is abolished.

21 (2) TRANSFER OF ASSETS AND PERSONNEL.—  
22 The functions authorized to be performed by the of-  
23 fice referred to in paragraph (1) as of the day before  
24 the date of the enactment of this Act, and the assets  
25 and personnel associated with such functions, are

1 transferred to the head of the Office of International  
2 Affairs of the Office of Strategy, Policy, and Plans  
3 of the Department of Homeland Security.

4 (3) CONFORMING AMENDMENT.—The Home-  
5 land Security Act of 2002 is amended by striking  
6 section 879 (6 U.S.C. 459).

7 (4) CLERICAL AMENDMENT.—The table of con-  
8 tents in section 1(b) of such Act is amended by  
9 striking the item relating to section 879.

10 (c) HOMELAND SECURITY ADVISORY COUNCIL.—  
11 Section 102 of the Homeland Security Act of 2002 (6  
12 U.S.C. 112) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (2), by striking “and” at  
15 the end;

16 (B) in paragraph (3), by striking the pe-  
17 riod at the end and inserting a semicolon; and

18 (C) by adding at the end the following new  
19 paragraphs:

20 “(4) shall establish a Homeland Security Advi-  
21 sory Council that includes representatives with rel-  
22 evant homeland security expertise or experience and  
23 not less than two representatives with expertise or  
24 experience with respect to protecting privacy and  
25 civil rights and civil liberties to provide advice and

1 recommendations on homeland security-related mat-  
2 ters, including advice with respect to the preparation  
3 of the Quadrennial Homeland Security Review; and

4 “(5) shall provide to the Committee on Home-  
5 land Security of the House of Representatives and  
6 the Committee on Homeland Security and Govern-  
7 mental Affairs of the Senate an annual report that  
8 includes—

9 “(A) a list of the Homeland Security Advi-  
10 sory Council’s members and subcommittee as-  
11 signments;

12 “(B) a summary of all recommendations  
13 made by the Homeland Security Advisory Coun-  
14 cil, including by any subcommittees; and

15 “(C) a description of any action the De-  
16 partment has taken in response to such rec-  
17 ommendations.”;

18 (2) by striking subsection (f);

19 (3) by redesignating subsection (g) as sub-  
20 section (f); and

21 (4) by adding at the end the following new sub-  
22 section:

23 “(g) CONFLICTS OF INTEREST.—No member of the  
24 Homeland Security Advisory Council established pursuant  
25 to subsection (b)(4) may participate in developing any ad-

1 vice or recommendation regarding any matter which di-  
2 rectly benefits such member or pertains specifically to any  
3 firm or organization with which such member has been  
4 associated at any time during the immediately preceding  
5 three years.”.

6 (d) CONFLICTS OF INTEREST POLICY.—Not later  
7 than 90 days after the date of the enactment of this Act,  
8 the Secretary of Homeland Security, acting through the  
9 Under Secretary for Strategy, Policy, and Plans of the De-  
10 partment of Homeland Security, shall issue a written pol-  
11 icy to members of the Homeland Security Advisory Com-  
12 mittee regarding conflicts of interests requirement set  
13 forth in subsection (g) of section 102 of the Homeland  
14 Security Act of 2002, as amended by this section.

15 (e) COUNTERTERRORISM AND TARGETED VIOLENCE  
16 STRATEGY.—

17 (1) IN GENERAL.—No later than 180 days of  
18 enactment of this Act, the Under Secretary for  
19 Strategy, Policy, and Plans of the Department of  
20 Homeland Security shall update or replace the stra-  
21 tegic framework to counter terrorism and targeted  
22 violence, as issued by the Department in September  
23 2019, and associated implementation plans to ensure  
24 that the Department’s strategic framework and im-  
25 plementation plans—



1 (A) address the current threat environment  
2 for domestic terrorism, international terrorism,  
3 targeted violence, and emerging threats, includ-  
4 ing violent white supremacist extremism; and

5 (B) specify how the Department's preven-  
6 tion and preparedness activities address the  
7 threat environment.

8 (2) REVIEWS.—Starting two years after imple-  
9 mentation of paragraph (1), the Under Secretary  
10 shall carry out a review of the Department's stra-  
11 tegic framework and implementation plans to  
12 counter terrorism and targeted violence and update  
13 or replace such plans to ensure that such strategic  
14 frameworks and plans address the current threat en-  
15 vironment for domestic terrorism, international ter-  
16 rorism, targeted violence, and emerging threats, in-  
17 cluding violent white supremacist extremism and  
18 specify how the Department's prevention and pre-  
19 paredness activities address the threat environment.

20 (f) ACTIVITIES RELATED TO CHILDREN REPORT.—  
21 Not later than 1 year after the date of the enactment of  
22 this Act and annually thereafter for 5 years, the Under  
23 Secretary for Strategy, Policy, and Plans of the Depart-  
24 ment of Homeland Security shall submit to the Committee  
25 on Homeland Security and the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives  
2 and the Committee on Homeland Security and Govern-  
3 mental Affairs of the Senate a report describing the ef-  
4 forts the Department has undertaken to review and incor-  
5 porate feedback from organizations representing the needs  
6 of children into Department policy in accordance with  
7 paragraph (6) of section 709(c) of the Homeland Security  
8 Act of 2002 (as amended by section 2 of this Act), includ-  
9 ing information on the following:

10           (1) The designation of any individual respon-  
11           sible for carrying out such paragraph (6).

12           (2) Any review, formal or informal, of Depart-  
13           ment policies, programs, or activities to assess the  
14           suitability of such policies, programs, or activities  
15           for children and where feedback from organizations  
16           representing the needs of children should be re-  
17           viewed and incorporated.

18           (3) Any review, change, modification, or pro-  
19           mulgation of Department policies, programs, or ac-  
20           tivities to ensure that such policies, programs, or ac-  
21           tivities are appropriate for children.

22           (4) Coordination with organizations or experts  
23           outside the Department pursuant to such paragraph  
24           (6) conducted to inform any such review, change,

1 modification, or promulgation of such policies, pro-  
2 grams, or activities.

3 (g) DEFINITIONS.—In this section, each of the terms  
4 “functions”, “assets”, and “personnel” has the meaning  
5 given each such term under section 2 of the Homeland  
6 Security Act of 2002 (6 U.S.C. 101).

7 **SEC. 105. OFFICE OF INSPECTOR GENERAL.**

8 (a) TRANSPARENCY.—

9 (1) PUBLICATION OF REPORTS.—The Office of  
10 Inspector General shall, in accordance with section  
11 8M(b)(1) of the Inspector General Act of 1978, pro-  
12 vide to the Committee on Homeland Security of the  
13 House of Representatives and the Committee on  
14 Homeland Security and Governmental Affairs of the  
15 Senate and publish on the Inspector General’s  
16 website, the following, irrespective of whether the  
17 record contains recommendations or whether the De-  
18 partment concurs with included recommendations—

19 (A) any report that substantiates an alle-  
20 gation of whistleblower retaliation pursuant to  
21 the Whistleblower Protection Act, Military  
22 Whistleblower Protection Act, or Presidential  
23 Personnel Directive 19;

24 (B) any report that substantiates an alle-  
25 gation of misconduct, waste, fraud, abuse, or

1 violation of Department policy against a mem-  
2 ber of the Senior Executive Service or politically  
3 appointed official; and

4 (C) any other programmatic report, review,  
5 inspection or audit.

6 (2) CONGRESSIONAL REPORTING.—The semi-  
7 annual report transmitted to the appropriate con-  
8 gressional committees pursuant to section 5(b) of  
9 the Inspector General Act of 1978 immediately fol-  
10 lowing enactment of this Act, and each subsequent  
11 semiannual report transmitted, shall be accompanied  
12 by a list of ongoing programmatic audits or inspec-  
13 tions that includes, at a minimum, the following in-  
14 formation:

15 (A) Description of each audit or inspec-  
16 tion, including the office(s) or component(s)  
17 under review.

18 (B) Source of each audit or inspection.

19 (C) Actual or proposed dates for—

20 (i) initiating each audit or inspection;

21 (ii) submitting a draft report to the  
22 Department for review; and

23 (iii) publishing the final report to the  
24 Inspector General’s website pursuant to  
25 subsection (b)(1).

1 (D) Explanation for any significant  
2 changes to the description of an audit or in-  
3 spection, including the office(s) or component(s)  
4 under review, or a delay of more than 30 days  
5 in the actual or proposed date for submitting a  
6 draft report to the Department for review or  
7 publishing the final report to the Inspector  
8 General's website.

9 (b) NOTIFICATION REGARDING MISCONDUCT ALLE-  
10 GATIONS.—The heads of offices and components of the  
11 Department of Homeland Security shall promptly notify  
12 the Inspector General of the Department of all allegations  
13 of misconduct with respect to which the Inspector General  
14 has investigative authority under the Inspector General  
15 Act of 1978. The Inspector General may waive the notifi-  
16 cation requirement under this subsection with respect to  
17 any category or subset of allegations of misconduct.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion may be construed as affecting the authority of the  
20 Secretary of Homeland Security under subsection (a) of  
21 section 8I of the Inspector General Act of 1978 (5 U.S.C.  
22 App. 8I).

23 **SEC. 106. OFFICE OF PUBLIC AFFAIRS.**

24 (a) IN GENERAL.—Not later than 120 days after the  
25 date of the enactment of this Act, the Under Secretary

1 for Management of the Department of Homeland Secu-  
2 rity, in coordination with the Assistant Secretary for Pub-  
3 lic Affairs of the Department and the General Counsel of  
4 the Department, shall—

5 (1) issue a code of conduct for all personnel in-  
6 volved in the Department’s public affairs operations  
7 and require certifications of receipt of such code  
8 within 30 days of receipt; and

9 (2) publish and disseminate a Department-wide  
10 management directive and associated guidelines for  
11 internal review of all public-facing materials to maxi-  
12 mize the quality, objectivity, utility, and integrity of  
13 information (including statistical information) that  
14 includes information on when to engage with the Of-  
15 fice of General Counsel of the Department to exe-  
16 cute—

17 (A) a legal sufficiency review; and

18 (B) a compliance review in accordance with  
19 section 515 of the Treasury and General Gov-  
20 ernment Appropriations Act for Fiscal Year  
21 2001 (Public Law 106–554).

22 (b) REVIEW.—Not later than one year after the date  
23 of the enactment of this Act, the Inspector General of the  
24 Department of Homeland Security shall—

1           (1) submit to the Committee on Homeland Se-  
2           curity of the House of Representatives and the Com-  
3           mittee on Homeland Security and Governmental Af-  
4           fairs of the Senate an audit of the public affairs of-  
5           fices throughout the Department that reviews com-  
6           pliance with the requirements specified in subsection  
7           (a); and

8           (2) issue, as appropriate, recommendations to  
9           the Department of Homeland Security to improve  
10          the quality, objectivity, utility, and integrity of pub-  
11          lic-facing materials disseminated by the public af-  
12          fairs offices throughout the Department.

13 **SEC. 107. OFFICE OF LEGISLATIVE AFFAIRS.**

14          Section 103 of the Homeland Security Act of 2002  
15          (6 U.S.C. 113), as amended by this Act, is further amend-  
16          ed by adding at the end the following new subsection:

17          “(i) ASSISTANT SECRETARY FOR LEGISLATIVE AF-  
18          FAIRS.—The Assistant Secretary for Legislative Affairs  
19          shall serve as the primary liaison to Congress and shall  
20          maintain one internal reporting structure for engaging  
21          with authorizing and appropriating congressional commit-  
22          tees.

23          “(1) LIMITATION ON DEPUTY ASSISTANT SEC-  
24          RETARY FOR LEGISLATIVE AFFAIRS POSITIONS.—  
25          There shall be within the Office of Legislative Af-

1       fairs at the Department not more than two, Deputy  
2       Assistant Secretary for Legislative Affairs positions,  
3       one for each chamber of Congress.

4           “(2) DEPARTMENT REPORTS.—

5           “(A) IN GENERAL.—Notwithstanding any  
6       other provision of law, any report that the De-  
7       partment or a component of the Department is  
8       required to submit to the Committee on Appro-  
9       priations of the Senate or the Committee on  
10      Appropriations of the House of Representatives  
11      under any provision of law shall be submitted  
12      concurrently to the Committee on Homeland  
13      Security and Governmental Affairs of the Sen-  
14      ate and the Committee on Homeland Security  
15      of the House of Representatives.

16          “(B) APPLICABILITY.—Subparagraph (A)  
17      shall apply with respect to any report described  
18      in such subparagraph that is submitted on or  
19      after the date of enactment of this subsection.

20          “(C) NOTICE.—The Secretary shall notify,  
21      in writing, the chairmen and ranking members  
22      of the authorizing and appropriating congress-  
23      sional committees of jurisdiction regarding pol-  
24      icy memoranda, management directives, and re-



1 programming notifications issued by the De-  
2 partment.”.

3 **SEC. 108. OFFICE OF PARTNERSHIP AND ENGAGEMENT.**

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

7 **“SEC. 711. OFFICE OF PARTNERSHIP AND ENGAGEMENT.**

8 “(a) IN GENERAL.—There is an Office of Partner-  
9 ship and Engagement in the Department headed by an  
10 Assistant Secretary for Partnership and Engagement.

11 “(b) DUTIES OF THE ASSISTANT SECRETARY.—The  
12 Assistant Secretary for Partnership and Engagement  
13 shall—

14 “(1) lead the efforts of the Department to in-  
15 corporate external feedback from stakeholders into  
16 policy and strategic planning efforts, as appropriate,  
17 in consultation with the Office for Civil Rights and  
18 Civil Liberties of the Department;

19 “(2) develop an engagement strategy to ensure  
20 continuous and collaborative communication with  
21 stakeholders that, among other things, sets forth  
22 how the Department can use its authorities to con-  
23 vene government and outside stakeholders and how  
24 such interactions can support efforts to increase

1 trust between the Department and stakeholders and  
2 ensure timely information sharing;

3 “(3) conduct the activities specified in section  
4 2006(b);

5 “(4) advise the Secretary on the effects of the  
6 policies, regulations, processes, and actions of the  
7 Department on the private sector and create and  
8 foster strategic communications with the private sec-  
9 tor to enhance the primary mission of the Depart-  
10 ment to protect the homeland;

11 “(5) facilitate relationships with academic insti-  
12 tutions and the private sector, including through the  
13 administration of the Homeland Security Advisory  
14 Council;

15 “(6) facilitate relationships with State and local  
16 governments and provide State and local govern-  
17 ments with regular information, research, and tech-  
18 nical support to assist local efforts at securing the  
19 homeland; and

20 “(7) perform such other functions as are estab-  
21 lished by law or delegated by the Secretary.

22 “(c) DEPUTY ASSISTANT SECRETARIES.—There  
23 shall be a Deputy Assistant Secretary for State and Local  
24 Law Enforcement and a Deputy Assistant Secretary for

1 Private Sector Engagement within the Office of Partner-  
2 ship and Engagement.”.

3 (b) TRANSFER OF FUNCTIONS, ASSETS, AND PER-  
4 SONNEL OF OFFICE FOR STATE AND LOCAL LAW EN-  
5 FORCEMENT.—The functions authorized to be performed  
6 by the Office for State and Local Law Enforcement of  
7 the Department of Homeland Security as of the day before  
8 the date of the enactment of this Act, and the assets and  
9 personnel associated with such functions, are transferred  
10 to the Office of Partnership and Engagement under sec-  
11 tion 711 of the Homeland Security Act of 2002, as added  
12 by this section.

13 (c) ANNUAL REPORTS.—

14 (1) IN GENERAL.—For each of fiscal years  
15 2021 through 2025, the Assistant Secretary for  
16 Partnership and Engagement of the Department of  
17 Homeland Security shall submit to the Committee  
18 on Homeland Security of the House of Representa-  
19 tives and the Committee on Homeland Security and  
20 Governmental Affairs of the Senate a report on the  
21 activities of the Office of Partnership and Engage-  
22 ment of the Department. Each such report shall in-  
23 clude, for the fiscal year covered by such report, a  
24 description of all programs, events, activities, and

1 outreach conducted by the following sub-offices and  
2 campaigns of the Office:

3 (A) The Office of Intergovernmental Af-  
4 fairs.

5 (B) The Private Sector Office.

6 (C) The Loaned Executive Program.

7 (D) The Office of Academic Engagement.

8 (E) The Committee Management Office.

9 (F) The “If You See Something, Say  
10 Something®” Public Awareness Campaign.

11 (G) The Blue Campaign.

12 (H) Faith Initiatives.

13 (2) STATE AND LOCAL LAW ENFORCEMENT RE-  
14 PORT REQUIREMENTS.—Section 2006(b) of the  
15 Homeland Security Act of 2002 (6 U.S.C. 607(b))  
16 is amended—

17 (A) by redesignating paragraph (5) as  
18 paragraph (6); and

19 (B) by inserting after paragraph (4) the  
20 following new paragraph (5):

21 “(5) ANNUAL REPORT.—For each of fiscal  
22 years 2021 through 2025, the Deputy Assistant Sec-  
23 retary for State and Local Law Enforcement shall  
24 submit to the Committee on Homeland Security and  
25 the Committee on the Judiciary of the House of

1 Representatives and the Committee on Homeland  
2 Security and Governmental Affairs and the Com-  
3 mittee on the Judiciary of the Senate a report on  
4 the Deputy Assistant Secretary’s activities for the  
5 period. Each such report shall include, for the fiscal  
6 year covered by such report, a description of each of  
7 the following:

8 “(A) Efforts to coordinate and share infor-  
9 mation regarding Department and component  
10 agency programs with State, local, and Tribal  
11 law enforcement agencies.

12 “(B) Efforts to improve information shar-  
13 ing through the Homeland Security Information  
14 Network by appropriate component agencies of  
15 the Department and by State, local, and Tribal  
16 law enforcement agencies.

17 “(C) The status of performance metrics to  
18 evaluate the effectiveness of efforts to carry out  
19 responsibilities specified in this subsection.

20 “(D) Any feedback from State, local, and  
21 Tribal law enforcement agencies about the Of-  
22 fice, including the mechanisms utilized to collect  
23 such feedback.”.

24 (d) ANNUAL CATALOG ON DEPARTMENT OF HOME-  
25 LAND SECURITY TRAINING, PUBLICATIONS, PROGRAMS,

1 AND SERVICES FOR STATE, LOCAL, AND TRIBAL LAW EN-  
2 FORCEMENT AGENCIES.—Section 2006(b)(4) of the  
3 Homeland Security Act of 2002 (6 U.S.C. 607(b)(4)) is  
4 amended—

5 (1) in subparagraph (E), by striking “and” at  
6 the end;

7 (2) in subparagraph (F), by striking the period  
8 and inserting “; and”; and

9 (3) by adding at the end the following new sub-  
10 paragraph:

11 “(G) produce an annual catalog that sum-  
12 marizes opportunities for training, publications,  
13 programs, and services available to State, local,  
14 and Tribal law enforcement agencies from the  
15 Department and from each component and of-  
16 fice within the Department and, not later than  
17 30 days after the date of such production, dis-  
18 seminate such catalog, including by—

19 “(i) making such catalog available to  
20 State, local, and Tribal law enforcement  
21 agencies, including by posting such catalog  
22 on the website of the Department and co-  
23 operating with national organizations that  
24 represent such agencies;

1           “(ii) making such catalog available  
2           through the Homeland Security Informa-  
3           tion Network; and

4           “(iii) submitting such catalog to the  
5           Committee on Homeland Security and the  
6           Committee on the Judiciary of the House  
7           of Representatives and the Committee on  
8           Homeland Security and Governmental Af-  
9           fairs and the Committee on the Judiciary  
10          of the Senate.”.

11          (e) ABOLISHMENT OF OFFICE FOR STATE AND  
12          LOCAL GOVERNMENT COORDINATION.—

13                 (1) IN GENERAL.—The Office for State and  
14          Local Government Coordination of the Department  
15          of Homeland Security is abolished.

16                 (2) TRANSFER OF FUNCTIONS AND ASSETS.—  
17          The functions authorized to be performed by the Of-  
18          fice for State and Local Government Coordination of  
19          the Department of Homeland Security on the day  
20          before the date of the enactment of this Act, and the  
21          assets and personnel associated with such functions,  
22          are transferred to the Assistant Secretary for Part-  
23          nership and Engagement of the Department under  
24          section 711 of the Homeland Security Act of 2002,  
25          as added by this section.

1           (3) CONFORMING AMENDMENT.—The Home-  
2           land Security Act of 2002 is amended by striking  
3           section 801 (6 U.S.C. 631).

4           (4) CLERICAL AMENDMENT.—The table of con-  
5           tents in section 1(b) of such Act is amended by  
6           striking the item relating to section 801.

7           (f) ABOLISHMENT OF SPECIAL ASSISTANT TO SEC-  
8           RETARY OF HOMELAND SECURITY.—

9           (1) IN GENERAL.—In accordance with the  
10          amendment made by section 104(c)(2) of this Act  
11          (relating to striking subsection (f) of section 102 of  
12          the Homeland Security Act of 2002), the position of  
13          Special Assistant to the Secretary authorized by  
14          such subsection (f) is abolished.

15          (2) TRANSFER OF FUNCTIONS AND ASSETS.—  
16          The functions authorized to be performed by the  
17          Special Assistant to the Secretary referred to in  
18          paragraph (1) on the day before the date of the en-  
19          actment of this Act, and the assets and personnel  
20          associated with such functions, are transferred to  
21          the Assistant Secretary for Partnership and Engage-  
22          ment under section 711 of the Homeland Security  
23          Act of 2002, as added by this section.

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



1 amended by inserting after the item relating to section  
2 710 the following new item:

“Sec. 711. Office of Partnership and Engagement.”.

3 **SEC. 109. CHIEF PRIVACY OFFICER.**

4 Section 222 of the Homeland Security Act of 2002  
5 (6 U.S.C. 142) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by inserting “to be the Chief Pri-  
10 vacy Officer of the Department” after “in  
11 the Department”; and

12 (ii) by striking “to the Secretary, to  
13 assume” and inserting “to the Secretary.  
14 Such official shall have”;

15 (B) in paragraph (5)(B), by striking  
16 “and” at the end;

17 (C) by striking paragraph (6); and

18 (D) by inserting after paragraph (5) the  
19 following new paragraphs:

20 “(6) developing guidance to assist components  
21 of the Department in developing privacy policies and  
22 practices;

23 “(7) establishing a mechanism to ensure such  
24 components are in compliance with Federal, regu-

1 latory, statutory, and Department privacy require-  
2 ments, mandates, directives, and policies;

3 “(8) working with the Chief Information Officer  
4 of the Department to identify methods for managing  
5 and overseeing the records, management policies,  
6 and procedures of the Department;

7 “(9) working with components and offices of  
8 the Department to ensure that information sharing  
9 activities incorporate privacy protections;

10 “(10) serving as the Chief FOIA Officer of the  
11 Department for purposes of subsection (j) of section  
12 552 of title 5, United States Code (popularly known  
13 as the ‘Freedom of Information Act’), to manage  
14 and process requests related to such section;

15 “(11) developing guidance on procedures to be  
16 followed by individuals making requests for informa-  
17 tion under section 552 of title 5, United States  
18 Code;

19 “(12) overseeing the management and proc-  
20 essing of requests for information under section 552  
21 of title 5, United States Code, within Department  
22 Headquarters and relevant Department component  
23 offices;

24 “(13) providing component heads with input on  
25 the management of their respective FOIA offices, in-

1 including recruiting and hiring component FOIA offi-  
2 cers, budget formulation, and organizational place-  
3 ment within each such component;

4 “(14) issuing guidance to relevant Department  
5 component offices to ensure compliance with unified  
6 disclosure, processing, and training policies in ac-  
7 cordance with section 552 of title 5, United States  
8 Code;

9 “(15) identifying and eliminating unnecessary  
10 and duplicative actions taken by the Department in  
11 the course of processing requests for information  
12 under section 552 of title 5, United States Code;

13 “(16) preparing an annual report to Congress  
14 that includes—

15 “(A) a description of the activities of the  
16 Department that affect privacy during the fiscal  
17 year covered by each such report, including  
18 complaints of privacy violations, implementation  
19 of section 552a of title 5, United States Code  
20 (popularly known as the ‘Privacy Act of 1974’),  
21 internal controls, and other matters; and

22 “(B) the number of new technology pro-  
23 grams implemented in the Department during  
24 the fiscal year covered by each such report, the  
25 number of such programs that the Chief Pri-

1           vacy Officer has evaluated to ensure that pri-  
2           vacy protections are considered and imple-  
3           mented, the number of such programs that ef-  
4           fectively implemented privacy protections into  
5           new technology programs, and an explanation  
6           of why any new programs did not effectively im-  
7           plement privacy protections;

8           “(17) coordinate with the Under Secretary for  
9           Intelligence and Analysis to—

10                   “(A) ensure that any intelligence informa-  
11                   tion under this Act is, to the extent practicable,  
12                   shared, retained, and disseminated in a manner  
13                   consistent with the protection of the privacy  
14                   rights; and

15                   “(B) provide training to intelligence per-  
16                   sonnel on privacy rights, regulations, and infor-  
17                   mation practices as specified in section 552a of  
18                   title 5, United States Code (commonly referred  
19                   to as the ‘Privacy Act of 1974’) and other rel-  
20                   evant laws, with a focus on personnel who have  
21                   authority to disseminate information analyzed  
22                   by the Department pursuant to paragraph (6)  
23                   of section 201(d) or the responsibility to review  
24                   information to be disseminated pursuant to  
25                   paragraph (6) of 201(d); and

1           “(18) carrying out such other responsibilities as  
2           the Secretary determines are appropriate, consistent  
3           with this section.”; and

4           (2) by adding at the end the following new sub-  
5           section:

6           “(f) REASSIGNMENT OF FUNCTIONS.—Notwith-  
7           standing subsection (a)(10), the Secretary may reassign  
8           the functions related to managing and processing requests  
9           for information under section 552 of title 5, United States  
10          Code, to another official within the Department, con-  
11          sistent with requirements of such section.

12          “(g) PRIVACY WORKING GROUP.—

13                 “(1) IN GENERAL.—The Chief Privacy Officer,  
14                 or, if the Secretary determines appropriate, whoever  
15                 is designated by the Secretary as the Chief FOIA  
16                 Officer, shall establish and serve as the Chair of a  
17                 working group comprised of personnel from across  
18                 the Department who are involved in executing disclo-  
19                 sure policies and processes involved in administra-  
20                 tion of section 552 of title 5, United States Code  
21                 (commonly referred to as the ‘Freedom of Informa-  
22                 tion Act’) in furtherance of improving the Depart-  
23                 ment’s timely compliance with such section 552.

24                 “(2) PURPOSE.—The working group established  
25                 in accordance with paragraph (1) shall be a forum—

1           “(A) for the sharing of information and  
2           best practices; and

3           “(B) to develop solutions to challenges re-  
4           lating to disclosure policies and processes, re-  
5           ferred to in such paragraph, encountered within  
6           Department component offices.

7           “(3) RESPONSIBILITIES.—Members of the  
8           working group shall meet not less than once every  
9           quarter to advise the Chair on matters concerning  
10          disclosure policies and processes involved in the ad-  
11          ministration of section 552 of title 5, United States  
12          Code, including on the following matters:

13                  “(A) The development of guidance for uni-  
14                  form disclosure policies and processes, in ac-  
15                  cordance with paragraph (14) of subsection (a).

16                  “(B) Ways to reduce unnecessary  
17                  redundancies that may undermine the respon-  
18                  sive and efficient processing of requests for in-  
19                  formation under such section 552.”.

20   **SEC. 110. CHIEF FINANCIAL OFFICER.**

21           (a) IN GENERAL.—Section 702 of the Homeland Se-  
22          curity Act of 2002 (6 U.S.C. 342) is amended—

23                  (1) by redesignating subsections (b) and (c) as  
24          subsections (c) and (d), respectively; and

1           (2) by inserting after subsection (a) the fol-  
2           lowing new subsection:

3           “(b) RESPONSIBILITIES.—In carrying out the re-  
4           sponsibilities, authorities, and functions specified in sec-  
5           tion 902 of title 31, United States Code, the Chief Finan-  
6           cial Officer shall—

7           “(1) oversee Department budget formulation  
8           and execution;

9           “(2) 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          “(3) lead cost-estimating practices for the De-  
14          partment, including the development of policies on  
15          cost estimating and approval of life cycle cost esti-  
16          mates;

17          “(4) coordinate with the Office of Strategy,  
18          Policy, and Plans to ensure that the development of  
19          the budget for the Department is compatible with  
20          the long-term strategic plans, priorities, and policies  
21          of the Secretary;

22          “(5) develop financial management policy for  
23          the Department and oversee the implementation of  
24          such policy, including the establishment of effective

1 internal controls over financial reporting systems  
2 and processes throughout the Department;

3 “(6) provide guidance for and over financial  
4 system modernization efforts throughout the Depart-  
5 ment;

6 “(7) lead the efforts of the Department related  
7 to financial oversight, including identifying ways to  
8 streamline and standardize business processes;

9 “(8) oversee the costs of acquisition programs  
10 and related activities to ensure that actual and  
11 planned costs are in accordance with budget esti-  
12 mates and are affordable, or can be adequately fund-  
13 ed, over the lifecycle of such programs and activities;

14 “(9) implement fully by fiscal year 2022 a com-  
15 mon accounting structure to be used across the en-  
16 tire Department;

17 “(10) track, approve, oversee, and make public  
18 information on expenditures by components of the  
19 Department for conferences, as appropriate, includ-  
20 ing by requiring each component to—

21 “(A) report to the Inspector General of the  
22 Department, the Committee on Homeland Se-  
23 curity of the House of Representatives, and the  
24 Committee on Homeland Security and Govern-  
25 mental Affairs of the Senate the expenditures



1 by such component for each conference hosted  
2 or attended by Department employees for which  
3 the total expenditures of the Department exceed  
4 \$20,000, within 15 days after the date of the  
5 conference; and

6 “(B) with respect to such expenditures,  
7 provide—

8 “(i) the information described in sub-  
9 sections (a), (b), and (c) of section 739 of  
10 title VII of division E of the Consolidated  
11 and Further Continuing Appropriations  
12 Act, 2015 (Public Law 113–235); and

13 “(ii) documentation of such expendi-  
14 tures; and

15 “(11) provide to the Committee on Homeland  
16 Security of the House of Representatives and the  
17 Committee on Homeland Security and Governmental  
18 Affairs of the Senate any report delivered to any  
19 other committee of the House of Representatives or  
20 Senate regarding the financial functions of the De-  
21 partment.”.

22 (b) RULE OF CONSTRUCTION.—Nothing in the  
23 amendment made by this section may be construed as al-  
24 tering or amending the responsibilities, authorities, and  
25 functions of the Chief Financial Officer of the Department

1 of Homeland Security under section 902 of title 31,  
2 United States Code.

3 **SEC. 111. CHIEF INFORMATION OFFICER.**

4 (a) IN GENERAL.—Section 703 of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 343) is amended—

6 (1) in subsection (a), by adding at the end the  
7 following new sentence: “In addition to the functions  
8 under section 3506(a)(2) of title 44, United States  
9 Code, the Chief Information Officer shall perform  
10 the functions set forth in this section and such other  
11 functions as may be assigned by the Secretary.”;

12 (2) by redesignating subsections (b) and (c) as  
13 subsections (d) and (e), respectively; and

14 (3) by inserting after subsection (a) the fol-  
15 lowing new subsections:

16 “(b) RESPONSIBILITIES.—In addition to performing  
17 the functions under section 3506 of title 44, United States  
18 Code, the Chief Information Officer shall serve as the lead  
19 technical authority for information technology programs  
20 of the Department and Department components, and  
21 shall—

22 “(1) advise and assist the Secretary, heads of  
23 the components of the Department, and other senior  
24 officers in carrying out the responsibilities of the  
25 Department for all activities relating to the budgets,

1 programs, security, and operations of the informa-  
2 tion technology functions of the Department;

3 “(2) to the extent delegated by the Secretary,  
4 exercise leadership and authority over Department  
5 information technology management and establish  
6 the information technology priorities, policies, proc-  
7 esses, standards, guidelines, and procedures of the  
8 Department to ensure interoperability and standard-  
9 ization of information technology;

10 “(3) maintain a consolidated inventory of the  
11 mission critical and mission essential information  
12 systems of the Department, and develop and main-  
13 tain contingency plans for responding to a disrup-  
14 tion in the operation of any of such information sys-  
15 tems;

16 “(4) maintain the security, visibility, reliability,  
17 integrity, and availability of data and information  
18 technology of the Department;

19 “(5) establish and implement policies and pro-  
20 cedures to effectively monitor and manage  
21 vulnerabilities in the supply chain for purchases of  
22 information technology, in consultation with the  
23 Chief Procurement Officer of the Department;

24 “(6) review contracts and interagency agree-  
25 ments associated with major information technology

1 investments and information technology investments  
2 that have had cost, schedule, or performance chal-  
3 lenges in the past;

4 “(7) assess the risk of all major information  
5 technology investments and publicly report the risk  
6 rating to the Office of Management and Budget; and

7 “(8) carry out any other responsibilities dele-  
8 gated by the Secretary consistent with an effective  
9 information system management function.

10 “(c) STRATEGIC PLANS.—In coordination with the  
11 Chief Financial Officer, the Chief Information Officer  
12 shall develop an information technology strategic plan  
13 every five years and report to the Committee on Homeland  
14 Security and the Committee on Appropriations of the  
15 House of Representatives and the Committee on Home-  
16 land Security and Governmental Affairs and the Com-  
17 mittee on Appropriations of the Senate on the extent to  
18 which—

19 “(1) the budget of the Department aligns with  
20 priorities specified in the information technology  
21 strategic plan;

22 “(2) the information technology strategic plan  
23 informs the budget process of the Department;

1           “(3) information technology priorities were or  
2           were not funded and the reasons for not funding all  
3           priorities in a given fiscal year;

4           “(4) the Department has identified and ad-  
5           dressed skills gaps needed to implement the informa-  
6           tion technology strategic plan; and

7           “(5) unnecessary duplicate information tech-  
8           nology within and across the components of the De-  
9           partment has been eliminated.”.

10       (b) SOFTWARE LICENSING.—

11           (1) SOFTWARE INVENTORY.—Not later than  
12           180 days after the date of the enactment of this Act  
13           and every two years thereafter until 2024, the Chief  
14           Information Officer of the Department of Homeland  
15           Security, in consultation with Department compo-  
16           nent chief information officers, shall—

17                   (A) conduct a Department-wide inventory  
18                   of all existing software licenses held by the De-  
19                   partment, including utilized and unutilized li-  
20                   censes;

21                   (B) assess the needs of the Department  
22                   and the components of the Department for soft-  
23                   ware licenses for the subsequent two fiscal  
24                   years;

1 (C) examine how the Department can  
2 achieve the greatest possible economies of scale  
3 and cost savings in the procurement of software  
4 licenses;

5 (D) determine in writing how the use of  
6 shared cloud-computing services will impact the  
7 needs for software licenses for the subsequent  
8 two fiscal years;

9 (E) establish plans and estimated costs for  
10 eliminating unutilized software licenses for the  
11 subsequent two fiscal years; and

12 (F) submit a copy of each inventory con-  
13 ducted under subparagraph (A) and each writ-  
14 ten determination conducted under subpara-  
15 graph (D) to the Committee on Homeland Se-  
16 curity of the House of Representatives and the  
17 Committee on Homeland Security and Govern-  
18 mental Affairs of the Senate.

19 (2) PLAN TO REDUCE SOFTWARE LICENSES.—  
20 If the Chief Information Officer of the Department  
21 of Homeland Security determines through the inven-  
22 tory conducted under paragraph (1) that the number  
23 of software licenses held by the Department and the  
24 components of the Department exceed the needs of  
25 the Department, not later than 90 days after the

1 date on which the inventory is completed, the Sec-  
2 retary of Homeland Security shall establish a plan  
3 for reducing the number of such software licenses to  
4 meet the needs of the Department.

5 (c) **COMPTROLLER GENERAL REVIEW.**—Not later  
6 than fiscal year 2021, the Comptroller General of the  
7 United States shall review the extent to which the Chief  
8 Information Officer of the Department of Homeland Secu-  
9 rity fulfilled all requirements established in this section  
10 and the amendment made by this section.

11 (d) **COMPLETION OF FIRST DEFINITION OF CAPA-**  
12 **BILITIES.**—Not later than one year after the date of the  
13 enactment of this Act, the Chief Information Officer of  
14 the Department of Homeland Security shall complete the  
15 first information technology strategic plan required under  
16 subsection (c) of section 701 of the Homeland Security  
17 Act of 2002, as added by subsection (a) of this section.

18 **SEC. 112. CHIEF PROCUREMENT OFFICER.**

19 (a) **IN GENERAL.**—Title VII of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
21 this Act, is further amended by adding at the end the fol-  
22 lowing new section:

23 **“SEC. 712. CHIEF PROCUREMENT OFFICER.**

24 “(a) **IN GENERAL.**—There is in the Department a  
25 Chief Procurement Officer, who shall serve as a senior

1 business advisor to agency officials on procurement-re-  
2 lated matters and report directly to the Under Secretary  
3 for Management. The Chief Procurement Officer is the  
4 senior procurement executive for purposes of subsection  
5 (c) of section 1702 of title 41, United States Code, and  
6 shall perform procurement functions as specified in such  
7 subsection.

8 “(b) RESPONSIBILITIES.—The Chief Procurement  
9 Officer shall—

10 “(1) delegate or retain contracting authority, as  
11 appropriate;

12 “(2) issue procurement policies and oversee the  
13 heads of contracting activity of the Department to  
14 ensure compliance with such policies;

15 “(3) serve as the main liaison of the Depart-  
16 ment to industry on procurement-related issues;

17 “(4) account for the integrity, performance, and  
18 oversight of Department procurement and con-  
19 tracting functions;

20 “(5) ensure that procurement contracting strat-  
21 egies and plans are consistent with the intent and  
22 direction of the Acquisition Review Board;

23 “(6) oversee a centralized procurement work-  
24 force certification and training program using, as  
25 appropriate, existing best practices and contracting



1 training opportunities from the Federal Government,  
2 private sector, or universities and colleges, including  
3 training on how best to identify actions that warrant  
4 referrals for suspension or debarment;

5 “(7) provide input on the periodic performance  
6 reviews of each head of contracting activity of the  
7 Department;

8 “(8) collect baseline data and use such data to  
9 establish performance measures on the impact of  
10 strategic sourcing initiatives on the private sector,  
11 including small businesses;

12 “(9) establish and implement policies and pro-  
13 cedures to effectively monitor and manage  
14 vulnerabilities in the supply chain for all Depart-  
15 ment purchases;

16 “(10) ensure that a fair proportion of the value  
17 of Federal contracts and subcontracts are awarded  
18 to small businesses (in accordance with the procure-  
19 ment contract goals under section 15(g) of the Small  
20 Business Act (15 U.S.C. 644(g))), maximize oppor-  
21 tunities for small business participation in such con-  
22 tracts, and ensure, to the extent practicable, small  
23 businesses that achieve qualified vendor status for  
24 security-related technologies are provided an oppor-  
25 tunity to compete for contracts for such technology;

1           “(11) conduct oversight of implementation of  
2           administrative agreements to resolve suspension or  
3           debarment proceedings; and

4           “(12) carry out any other procurement duties  
5           that the Under Secretary for Management may des-  
6           ignate.

7           “(c) **HEAD OF CONTRACTING ACTIVITY DEFINED.**—  
8           In this section, the term ‘head of contracting activity’  
9           means an official responsible for the establishment, man-  
10          agement, and oversight of a team of procurement profes-  
11          sionals properly trained, certified, and warranted to ac-  
12          complish the acquisition of products and services on behalf  
13          of the designated components, offices, and organizations  
14          of the Department, and as authorized, other government  
15          entities.”.

16          (b) **CLERICAL AMENDMENT.**—The table of contents  
17          in section 1(b) of the Homeland Security Act of 2002 is  
18          amended by inserting after the item relating to section  
19          711, as added by this Act, the following new item:

          “Sec. 712. Chief Procurement Officer.”.

20          **SEC. 113. CHIEF SECURITY OFFICER.**

21          (a) **IN GENERAL.**—Title VII of the Homeland Secu-  
22          rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
23          this Act, is further amended by adding at the end the fol-  
24          lowing new section:

1 **“SEC. 713. CHIEF SECURITY OFFICER.**

2 “(a) IN GENERAL.—There is in the Department a  
3 Chief Security Officer, who shall report directly to the  
4 Under Secretary for Management.

5 “(b) RESPONSIBILITIES.—The Chief Security Officer  
6 shall—

7 “(1) develop and implement the security poli-  
8 cies, programs, and standards of the Department,  
9 including as relates to interoperable enterprise sys-  
10 tems;

11 “(2) identify training and provide education to  
12 Department personnel on security-related matters;  
13 and

14 “(3) provide support to Department compo-  
15 nents on security-related matters.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) of such Act is further amended by inserting  
18 after the item relating to section 712, as added by this  
19 Act, the following new item:

“Sec. 713. Chief Security Officer.”.

20 **SEC. 114. CHIEF DATA OFFICER.**

21 Section 703 of the Homeland Security Act of 2002  
22 (6 U.S.C. 343), as amended by this Act, is further amend-  
23 ed by adding at the end the following new subsection:

24 “(f) CHIEF DATA OFFICER.—

1           “(1) IN GENERAL.—The Secretary, in consulta-  
2           tion with the Chief Information Officer, shall des-  
3           ignate a career appointee of the Department as the  
4           Chief Data Officer of the Department.

5           “(2) QUALIFICATIONS.—The Chief Data Officer  
6           shall possess demonstrated training and experience  
7           in the management, governance, generation, collec-  
8           tion, protection, analysis, use, and sharing of data,  
9           including the protection and de-identification of per-  
10          sonally identifiable information.

11          “(3) FUNCTIONS.—The Chief Data Officer  
12          shall be responsible for the following:

13                 “(A) Ensuring that the Department con-  
14                 forms with data management best practices rec-  
15                 ognized across industry and the Federal Gov-  
16                 ernment.

17                 “(B) Coordinating the organization and in-  
18                 tegration of data across the Department for im-  
19                 proved interoperability, analysis, and decision-  
20                 making.

21                 “(C) Reviewing the impact of the infra-  
22                 structure of the Department regarding data in-  
23                 tegrity and interoperability.

24                 “(D) Coordinating the release of data for  
25                 public use following appropriate privacy reviews

1 within the Department, as coordinated with the  
2 Chief Privacy Officer.

3 “(E) Promoting the use of modern data  
4 systems to improve Department operations.

5 “(F) Coordinating the storage of Depart-  
6 ment records in accordance with the National  
7 Archives and Records Administration’s General  
8 Records Schedules.

9 “(G) Publishing guidance for revising  
10 record schedule proposals which shall include  
11 guidelines for keeping a written record of jus-  
12 tification for such revisions.

13 “(H) Overseeing, in consultation with the  
14 Chief Privacy Officer of the Department, as ap-  
15 propriate, the Department’s compliance with  
16 the following responsibilities:

17 “(i) Issuing guidelines ensuring and  
18 maximizing the quality, objectivity, utility  
19 and integrity of information (including sta-  
20 tistical information).

21 “(ii) Establishing administrative  
22 mechanisms that allow affected persons to  
23 seek and obtain correction of information  
24 maintained and disseminated by relevant  
25 components of the Department that does

1 not comply with the Department’s guide-  
2 lines.

3 “(iii) Reporting to the Director of the  
4 Office of Management and Budget about  
5 the number and nature of complaints re-  
6 ceived by relevant components of the De-  
7 partment regarding the accuracy of infor-  
8 mation disseminated and how such com-  
9 plaints were handled by such components.

10 “(I) Coordinating with appropriate officials  
11 of the Department, including the Chief Privacy  
12 Officer, component privacy officers, component  
13 Chief Data Officers, and program managers,  
14 regarding the use of data within their respective  
15 components and under their authorities.

16 “(J) Serving as the liaison to other Fed-  
17 eral agencies and the Office of Management  
18 and Budget on data and the best way to use ex-  
19 isting Department data for statistical purposes.

20 “(4) COMPONENT CHIEF DATA OFFICERS.—The  
21 heads of each operational component of the Depart-  
22 ment, in consultation with the Chief Data Officer of  
23 the Department and the Chief Information Officer  
24 of such component, shall designate a career ap-  
25 pointee from each such component as the Chief Data

1 Officer of such component. Each such component  
2 Chief Data Officer shall—

3 “(A) have the qualifications described  
4 under paragraph (2); and

5 “(B) coordinate with and assist the Chief  
6 Data Officer of the Department in the imple-  
7 mentation of the functions specified in subpara-  
8 graphs (A) through (F) of paragraph (3) for  
9 their respective component.

10 “(5) REPORTS.—Not later than 180 days after  
11 the date of the enactment of this subsection and pe-  
12 riodically thereafter as necessary, the Secretary shall  
13 submit to the Committee on Homeland Security of  
14 the House of Representatives and the Committee on  
15 Homeland Security and Governmental Affairs of the  
16 Senate a report on the implementation of this sub-  
17 section, including any concerns regarding such im-  
18 plementation.

19 “(6) DEFINITION.—In this subsection, the term  
20 ‘career appointee’ has the meaning given such term  
21 in section 3132 of title 5, United States Code.”.

22 **SEC. 115. OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-**  
23 **ERTIES.**

24 (a) IN GENERAL.—Section 705 of the Homeland Se-  
25 curity Act of 2002 (6 U.S.C. 345) is amended—

1 (1) in the section heading, by striking “**ESTAB-**  
2 **LISHMENT OF**”; and

3 (2) by striking subsections (a) and (b) and in-  
4 serting the following new subsections:

5 “(a) **IN GENERAL.**—There is established within the  
6 Department an Office for Civil Rights and Civil Liberties.  
7 The head of such Office is the Officer for Civil Rights  
8 and Civil Liberties, who shall report directly to the Sec-  
9 retary.

10 “(b) **RESPONSIBILITIES.**—The Officer for Civil  
11 Rights and Civil Liberties shall carry out the following re-  
12 sponsibilities:

13 “(1) Oversee compliance with constitutional,  
14 statutory, regulatory, policy, and other requirements  
15 relating to the civil rights and civil liberties of indi-  
16 viduals affected by the programs and activities of  
17 the Department.

18 “(2) Integrate civil rights and civil liberties pro-  
19 tections into all programs and activities of the De-  
20 partment.

21 “(3) Conduct civil rights and civil liberties im-  
22 pact assessments, as appropriate, including prior to  
23 the implementation of new Department regulations,  
24 initiatives, programs, or policies.



1           “(4) Conduct periodic reviews of policies, proce-  
2           dures, and activities of the Department relating to  
3           civil rights and civil liberties.

4           “(5) Provide policy advice, recommendations,  
5           and other technical assistance relating to civil rights  
6           and civil liberties to the Secretary and to heads of  
7           components, directorates, and offices and other per-  
8           sonnel within the Department.

9           “(6) Review, assess, and investigate complaints,  
10          including complaints filed by members of the public,  
11          and information indicating possible abuses of civil  
12          rights or civil liberties at the Department, unless the  
13          Inspector General of the Department determines  
14          that any such complaint should be investigated by  
15          the Inspector General.

16          “(7) Initiate reviews, investigations, and assess-  
17          ments of the administration of the programs and ac-  
18          tivities by the Department relating to civil rights  
19          and civil liberties, as the Officer determines nec-  
20          essary.

21          “(8) Coordinate with the Privacy Officer to en-  
22          sure that—

23                  “(A) programs, policies, and procedures in-  
24                  volving civil rights, civil liberties, and privacy

1           considerations are addressed in an integrated  
2           and comprehensive manner; and

3           “(B) Congress receives appropriate reports  
4           regarding such programs, policies, and proce-  
5           dures.

6           “(9) Lead the equal employment opportunity  
7           programs of the Department, including complaint  
8           management and adjudication, workforce diversity,  
9           and promotion of the merit system principles.

10          “(10) Make publicly available through acces-  
11          sible communications channels, including the website  
12          of the Department—

13                 “(A) information on the responsibilities  
14                 and functions of, and how to contact, the Of-  
15                 fice;

16                 “(B) summary of reports of investigations  
17                 that result in final recommendations that are  
18                 issued by the Officer upon completion of inves-  
19                 tigations carried out pursuant to paragraph (6);  
20                 and

21                 “(C) summaries of impact assessments  
22                 issued by the Officer and carried out pursuant  
23                 to paragraph (3) or (7).

24          “(11) Engage with individuals and communities  
25          whose civil rights and civil liberties may be affected

1 by programs and activities of the Department, in-  
2 cluding by informing such individuals and commu-  
3 nities about report and redress processes and advis-  
4 ing the Secretary and heads of components, direc-  
5 torates, offices, and other personnel within the De-  
6 partment of concerns raised by such individuals and  
7 communities.

8 “(c) COORDINATION WITH INSPECTOR GENERAL.—

9 “(1) AUTHORITY TO INVESTIGATE POSSIBLE  
10 ABUSES.—The Officer for Civil Rights and Civil Lib-  
11 erties may investigate any matter referred to in  
12 paragraph (6) or (7) of subsection (b) after fulfilling  
13 the coordination requirements under paragraph (2)  
14 with respect to such matter.

15 “(2) COORDINATION REQUIREMENTS.—

16 “(A) REFERRAL OF MATTERS TO INSPEC-  
17 TOR GENERAL.—Before initiating any investiga-  
18 tion described under paragraph (1), the Officer  
19 for Civil Rights and Civil Liberties shall refer  
20 the matter and all related complaints to the In-  
21 spector General of the Department.

22 “(B) INSPECTOR GENERAL RESPONSIBIL-  
23 ITIES.—

24 “(i) DETERMINATION AND NOTIFICA-  
25 TION.—Not later than 5 business days

1 after the receipt of a matter referred under  
2 subparagraph (A), the Inspector General  
3 shall—

4 “(I) make a determination re-  
5 garding whether the Inspector Gen-  
6 eral intends to initiate an audit or in-  
7 vestigation of the matter referred  
8 under subparagraph (A); and

9 “(II) notify the Officer of such  
10 determination.

11 “(ii) AUDITS AND INVESTIGATIONS.—  
12 If the Inspector General notifies the Offi-  
13 cer for Civil Rights and Civil Liberties that  
14 the Inspector General intends to initiate an  
15 audit or investigation, the Inspector Gen-  
16 eral shall—

17 “(I) initiate such audit or inves-  
18 tigate by not later than 90 days after  
19 providing such notification; or

20 “(II) not later than 3 days after  
21 the end of the 90-day period specified  
22 in subclause (I), notify the Officer  
23 that such audit or investigation was  
24 not initiated.

1           “(C) PROVISION OF ASSISTANCE.—At the  
2 request of the Inspector General, the Officer for  
3 Civil Rights and Civil Liberties may provide as-  
4 sistance to the Inspector General on any inves-  
5 tigation or audit initiated by the Inspector Gen-  
6 eral based on a referral under subparagraph  
7 (A).

8           “(D) INVESTIGATION BY OFFICER.—The  
9 Officer for Civil Rights and Civil Liberties may  
10 investigate a matter referred to the Inspector  
11 General under subparagraph (A) only if—

12                   “(i) the Inspector General notifies the  
13 Officer for Civil Rights and Civil Liberties  
14 that the Inspector General does not intend  
15 to initiate an audit or investigation relat-  
16 ing to that matter; or

17                   “(ii) the Inspector General provides  
18 notification under subparagraph (B)(ii)(II)  
19 that an audit or investigation was not initi-  
20 ated.

21           “(d) TRANSPARENCY.—

22                   “(1) COMPLAINTS.—In the case of a complaint  
23 made concerning allegations of abuses of civil rights  
24 and civil liberties under paragraph (6) of subsection

1 (b), the Officer for Civil Rights and Civil Liberties  
2 shall—

3 “(A) provide to the individual who made  
4 the complaint notice of the receipt of such com-  
5 plaint within 30 days of receiving the com-  
6 plaint; and

7 “(B) inform the complainant of the deter-  
8 mination of the Officer regarding the initiation  
9 of a review, assessment, or investigation within  
10 the Office, a referral to the Inspector General  
11 of the Department, or any other action taken.

12 “(2) INVESTIGATIONS.—In the case of an inves-  
13 tigation initiated by the Officer pursuant to para-  
14 graph (6) or (7) of subsection (b), upon the conclu-  
15 sion of the investigation, the Officer shall produce a  
16 report on the investigation which—

17 “(A) shall include the findings and rec-  
18 ommendations of the Officer;

19 “(B) a summary of which shall be made  
20 publicly available;

21 “(C) shall not include any personally iden-  
22 tifiable information related to any individual in-  
23 volved in such investigation; and

24 “(D) may include a classified appendix, as  
25 the Officer determines appropriate.

1           “(3) SUBMITTAL TO HEADS OF OPERATIONAL  
2 COMPONENTS.—The Officer shall transmit a copy of  
3 each report produced under paragraph (2) to the  
4 Secretary and to the relevant head of each relevant  
5 operational component of the Department.

6           “(4) REPORTS TO CONGRESS.—Upon the con-  
7 clusion of any investigation conducted by the Officer  
8 for Civil Rights and Civil Liberties under paragraph  
9 (6) or (7) of subsection (b), the Officer shall submit  
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 a report on the investigation, which shall be  
14 prepared and submitted without any prior comment  
15 or amendment by the Secretary, Deputy Secretary,  
16 or any other officer or employee of the Department,  
17 unless the Officer seeks such comment.

18           “(e) COMPONENT CIVIL RIGHTS AND CIVIL LIB-  
19 ERTIES OFFICER.—The head of each of the operational  
20 components of the Department shall designate a career  
21 appointee (as such term is defined in section 3132 of title  
22 5, United States Code) from such component as the Offi-  
23 cer for Civil Rights and Civil Liberties of that component.  
24 The Officer for Civil Rights and Civil Liberties of each  
25 such component shall coordinate with and provide infor-

1 mation to the Officer for Civil Rights and Civil Liberties  
2 of the Department on matters related to civil rights and  
3 civil liberties within the components.

4 “(f) ACCESS TO INFORMATION.—The Officer for Civil  
5 Rights and Civil Liberties of the Department—

6 “(1) shall have access to all records, reports,  
7 audits, reviews, documents, papers, recommenda-  
8 tions, and other materials available to the Depart-  
9 ment that relate to programs and operations with  
10 respect to the responsibilities of the Officer under  
11 subsection (b); and

12 “(2) may, to the extent the Officer determines  
13 necessary, and subject to the approval of the Sec-  
14 retary—

15 “(A) issue a subpoena to require the pro-  
16 duction, by any person other than a Federal  
17 agency, of all information, documents, reports,  
18 answers, records, accounts, papers, and other  
19 documentary evidence necessary in the perform-  
20 ance of the responsibilities of the Officer under  
21 this section; and

22 “(B) administer to or take from any per-  
23 son an oath, affirmation, or affidavit, whenever  
24 necessary in the performance of the responsibil-  
25 ities of the Officer under this section.



1       “(g) ANNUAL REPORT.—Not later than March 31 of  
2 each year, the Officer for Civil Rights and Civil Liberties  
3 of the Department shall submit directly to the President,  
4 the President of the Senate, the Speaker of the House of  
5 Representatives, and the appropriate committees and sub-  
6 committees of Congress, a report on the implementation  
7 of this section during the year preceding the year during  
8 which the report is submitted. Each such report shall in-  
9 clude, for the year covered by the report—

10           “(1) any allegations of abuse described under  
11 subsection (b)(6) and any actions by the Depart-  
12 ment or a component, directorate, or office of the  
13 Department that the Officer identifies as responsive  
14 to such allegations;

15           “(2) a list of Department programs and activi-  
16 ties for which civil rights and civil liberties impact  
17 assessments were conducted, or policy advice, rec-  
18 ommendations, or other technical assistance was  
19 provided;

20           “(3) any recommendations issued by the Officer  
21 to the Secretary or the head of a component, direc-  
22 torate, or office, together with information on the  
23 status of the implementation of such recommenda-  
24 tions;

1           “(4) information on the diversity and equal em-  
2           ployment opportunity activities of the Department,  
3           including information on complaint management and  
4           adjudication of equal employment opportunity com-  
5           plaints and efforts to ensure compliance throughout  
6           the Department with equal employment opportunity  
7           requirements;

8           “(5) a description of any efforts to engage with  
9           individuals and communities whose civil rights and  
10          civil liberties may be affected by activities carried  
11          out by the Department, including public meetings;  
12          and

13          “(6) information on total staffing for the Office  
14          of Civil Rights and Civil Liberties, including—

15                 “(A) the number of full-time, part-time  
16                 and contract support personnel; and

17                 “(B) information on the number of em-  
18                 ployees whose primary responsibilities include  
19                 supporting the Officer in carrying out para-  
20                 graph (9) of subsection (b).”.

21          (b)       REPORTING       TO       CONGRESS.—Section  
22          1062(f)(1)(A)(i) of the National Security Intelligence Re-  
23          form Act of 2004 (42 U.S.C. 2000ee–1(f)(1)(A)(i)) is  
24          amended by inserting “the Committee on Homeland Secu-

1 rity of the House of Representatives,” after “Affairs of  
2 the Senate,”.

3 (c) **COMPTROLLER GENERAL REVIEW.**—Not later  
4 than 180 days after the date of the enactment of this Act,  
5 the Comptroller General of the United States 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 on sub-  
9 section (b)(11) of section 705 of the Homeland Security  
10 Act of 2002 (6 U.S.C. 345), as amended by subsection  
11 (a).

12 (d) **CLERICAL AMENDMENT.**—The item relating to  
13 section 705 in section 1(b) of the Homeland Security Act  
14 of 2002 is amended to read as follows:

“Sec. 705. Officer for Civil Rights and Civil Liberties.”.

15 **SEC. 116. THE COUNTERING WEAPONS OF MASS DESTRUC-**  
16 **TION OFFICE.**

17 (a) **QUALIFICATIONS FOR THE ASSISTANT SEC-**  
18 **RETARY.**—Section 1901(b) of the Homeland Security Act  
19 is amended by inserting before the period at the end the  
20 following: “and shall have experience and expertise in  
21 chemical, biological, radiological, or nuclear materials, de-  
22 vices or agents and experience successfully leading a work-  
23 force that includes scientists”.

24 (b) **WORKFORCE MORALE AND RETENTION.**—Not  
25 later than 90 days after enactment of this Act, the Assist-

1 ant Secretary for Countering Weapons of Mass Destruc-  
2 tion, in coordination with the Chief Human Capital Officer  
3 of the Department, shall submit to the Committee on  
4 Homeland Security of the House of Representatives and  
5 the Committee on Homeland Security and Governmental  
6 Affairs of the Senate a plan, that includes metrics, for  
7 the Department to address morale and employee retention  
8 challenges within the office.

9 (c) NATIONAL TECHNICAL NUCLEAR FORENSICS  
10 CENTER.—Not later than 120 days after enactment of  
11 this Act, the Assistant Secretary for Countering Weapons  
12 of Mass Destruction shall submit a report on implementa-  
13 tion of paragraphs (11) and (12) of section 1923(a) of  
14 the Homeland Security Act.

15 (d) NOTICE OF DELAY.—Should the Secretary fail to  
16 comply with provisions of subsection (g) of section 2 of  
17 Public Law 115–387 by the deadline listed therein, the  
18 Secretary shall provide the Committee on Homeland Secu-  
19 rity of the House of Representatives and the Committee  
20 on Homeland Security and Governmental Affairs of the  
21 Senate with written notice not later than one week fol-  
22 lowing the deadline listed in subsection (g), specifying the  
23 reasons for the failure, and comply with the provisions of  
24 subsection (g) within two weeks of the delivery deadline  
25 of said notice. Nothing in this section shall be construed

1 to limit, or otherwise affect the reporting required under  
2 subsection (g).

3 **SEC. 117. COORDINATOR FOR UNMANNED AIRCRAFT SYS-**  
4 **TEMS COUNTERMEASURES.**

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

8 **“SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS**  
9 **COORDINATOR.**

10 “(a) COORDINATOR.—The Secretary shall designate  
11 an official of the Department as the Countering Un-  
12 manned Aircraft Systems (UAS) Coordinator (in this sec-  
13 tion referred to as the ‘Coordinator’) to coordinate with  
14 relevant Department offices and components, including  
15 the Office for Civil Rights and Civil Liberties and the Pri-  
16 vacy Office, and other relevant Federal agencies, as appro-  
17 priate, on the development of policies and plans to counter  
18 threats associated with UAS, including relating to the fol-  
19 lowing:

20 “(1) Countering UAS that may be used in a  
21 terrorist attack.

22 “(2) Promoting research and development of  
23 counter UAS technologies.

24 “(3) Ensuring the dissemination of information  
25 and guidance related to countering UAS threats.

1           “(4) Serving as the Department point of con-  
2           tact for Federal, State, local, and Tribal law en-  
3           forcement entities and the private sector regarding  
4           the Department’s activities related to countering  
5           UAS.

6           “(5) Carrying out other related UAS activities,  
7           as directed by the Secretary.

8           “(b) COORDINATION WITH APPLICABLE FEDERAL  
9           LAWS.—The Coordinator shall, in addition to other as-  
10          signed duties, coordinate with relevant Department offices  
11          and components and other relevant Federal agencies, as  
12          appropriate, to ensure testing, evaluation, or deployment  
13          of a system used to identify, assess, or defeat a UAS is  
14          carried out in accordance with applicable Federal laws.

15          “(c) COORDINATION WITH PRIVATE SECTOR.—The  
16          Coordinator shall, working with the Office of Partnership  
17          and Engagement and other relevant Department offices  
18          and components, or other Federal agencies, as appro-  
19          priate, serve as the principal Department official respon-  
20          sible for disseminating to the private sector information  
21          regarding any opportunities for public-private collabora-  
22          tion on counter UAS technology and other counter UAS  
23          technology information, particularly information that may  
24          impact the development, testing, or lawful utilization of  
25          counter UAS services or systems by the private sector.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by inserting after the item relating to section  
4 320 the following new item:

“Sec. 321. Countering Unmanned Aircraft Systems Coordinator.”.

5 **SEC. 118. DEPARTMENT OF HOMELAND SECURITY**  
6 **COUNTERTERRORISM ADVISORY BOARD.**

7 (a) IN GENERAL.—Subtitle A of title II of the Home-  
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-  
9 ed by adding at the end the following new section:

10 **“SEC. 210H. DEPARTMENTAL COORDINATION ON COUNTER-**  
11 **TERRORISM.**

12 “(a) ESTABLISHMENT.—There is in the Department  
13 a board to be composed of senior representatives of de-  
14 partmental operational components and headquarters ele-  
15 ments. The purpose of the board shall be to coordinate  
16 and integrate departmental intelligence, activities, and  
17 policy related to the Department’s counterterrorism mis-  
18 sion and functions, including counter-targeted violence.

19 “(b) CHARTER.—There shall be a charter to govern  
20 the structure and mission of the board. Such charter shall  
21 direct the board to focus on the current threat environ-  
22 ment and the importance of aligning departmental  
23 counterterrorism activities under the Secretary’s guidance.  
24 The charter shall be reviewed and updated every 4 years,  
25 as appropriate.

1 “(c) MEMBERS.—

2 “(1) CHAIR.—The Secretary shall appoint the  
3 Associate Secretary or other appropriate Depart-  
4 mental official to serve as the chair of the board.

5 “(2) ADDITIONAL MEMBERS.—The Secretary  
6 shall appoint additional members of the board from  
7 among the following:

8 “(A) The Transportation Security Admin-  
9 istration.

10 “(B) United States Customs and Border  
11 Protection.

12 “(C) United States Immigration and Cus-  
13 toms Enforcement.

14 “(D) The Federal Emergency Management  
15 Agency.

16 “(E) The United States Coast Guard.

17 “(F) United States Citizenship and Immi-  
18 gration Services.

19 “(G) The United States Secret Service.

20 “(H) The Cybersecurity and Infrastructure  
21 Security Agency.

22 “(I) The Office of Operations Coordina-  
23 tion.

24 “(J) The Office of the General Counsel.

25 “(K) The Office of Privacy.



1           “(L) The Office of Civil Rights and Civil  
2           Liberties.

3           “(M) The Office of Intelligence and Anal-  
4           ysis.

5           “(N) The Office of Strategy, Policy, and  
6           Plans.

7           “(O) The Science and Technology Direc-  
8           torate.

9           “(P) The Countering Weapons of Mass  
10          Destruction Office.

11          “(Q) The Federal Protective Service.

12          “(R) Other Departmental offices and pro-  
13          grams as determined appropriate by the Sec-  
14          retary.

15          “(d) MEETINGS.—The board shall meet on a regular  
16          basis to discuss intelligence and coordinate ongoing threat  
17          mitigation efforts and departmental activities, including  
18          coordination with other Federal, State, local, tribal, terri-  
19          torial, and private sector partners, and shall make rec-  
20          ommendations to the Secretary.

21          “(e) TERRORISM ALERTS.—The board shall advise  
22          the Secretary on the issuance of terrorism alerts pursuant  
23          to section 203 of this Act.”.

24          (b) TRANSNATIONAL WHITE SUPREMACISM EXTRE-  
25          MISM REPORT.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after enactment of this Act, the chair shall submit  
3 to the Committee on Homeland Security of the  
4 House of Representatives and the Committee on  
5 Homeland Security and Governmental Affairs of the  
6 Senate a report on current efforts and future plans  
7 to combat violence in the United States and against  
8 United States persons and interests abroad associ-  
9 ated with foreign white supremacist extremist orga-  
10 nizations.

11           (2) CLASSIFICATION.—The report required  
12 under paragraph (1) shall be submitted in unclassi-  
13 fied form and be made publicly available, but may  
14 include a classified annex for any sensitive or classi-  
15 fied information if necessary.

16           (c) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) of such Act is amended by inserting after  
18 the item relating to section 210G the following new item:

“Sec. 210H. Departmental coordination on counterterrorism.”.

19           (d) REPORT.—Not later than 90 days after the date  
20 of the enactment of this Act, the Secretary shall submit  
21 to the Committee on Homeland Security of the House of  
22 Representatives and the Committee on Homeland Security  
23 and Governmental Affairs of the Senate a report on the  
24 status and activities of the board established under section

1 210H of the Homeland Security Act of 2002, as added  
2 by subsection (a).

3 **SEC. 119. DEPARTMENT OF HOMELAND SECURITY LEADER-**  
4 **SHIP COUNCIL.**

5 (a) IN GENERAL.—Subtitle H of title VIII of the  
6 Homeland Security Act of 2002 is amended by adding at  
7 the end the following new section:

8 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCIL.**

9 “(a) DEPARTMENT LEADERSHIP COUNCIL.—

10 “(1) ESTABLISHMENT.—The Secretary may es-  
11 tablish a Department leadership council as the Sec-  
12 retary determines necessary to ensure coordination  
13 and improve programs and activities of the Depart-  
14 ment.

15 “(2) FUNCTION.—A Department leadership  
16 council shall—

17 “(A) serve as a forum for coordination and  
18 information sharing;

19 “(B) advise the Secretary, Deputy Sec-  
20 retary, and Associate Secretary on Department  
21 strategy, operations, and guidance; and

22 “(C) consider and report on such other  
23 matters as the Secretary, Deputy Secretary, or  
24 Associate Secretary may direct.

1           “(3) RELATIONSHIP TO OTHER FORUMS.—The  
2           Secretary, Deputy Secretary, or Associate Secretary  
3           may delegate the authority to direct the implementa-  
4           tion of any decision or guidance resulting from the  
5           action of a Department leadership council to any of-  
6           fice, component, coordinator, or other senior official  
7           of the Department.

8           “(b) JOINT REQUIREMENTS COUNCIL.—

9           “(1) DEFINITION OF JOINT REQUIREMENT.—In  
10          this subsection, the term ‘joint requirement’ means  
11          a condition or need of more than one operating com-  
12          ponents of the Department that is required to be  
13          met or possessed by a system, product, or service to  
14          satisfy an operational mission.

15          “(2) ESTABLISHMENT.—The Secretary shall es-  
16          tablish within the Department a Joint Requirements  
17          Council.

18          “(3) MISSION.—In addition to other matters  
19          assigned to the Joint Requirements Council by the  
20          Secretary, Deputy Secretary, or the Associate Sec-  
21          retary, the Joint Requirements Council shall—

22                  “(A) develop Department-wide policies for  
23                  identifying, validating, and prioritizing capa-  
24                  bility gaps and requirements that reduce dupli-

1 cation and increase opportunities for efficiencies  
2 in meeting mission needs of the Department;

3 “(B) assess and validate proposed capa-  
4 bility gaps and requirements for all acquisition  
5 programs, to ensure alignment with the Depart-  
6 ment’s strategic goals, and that requirements  
7 are well-defined, measurable, achievable, and  
8 cost-informed;

9 “(C) implement portfolio reviews to iden-  
10 tify common capability gaps or mission needs  
11 among components to harmonize investments  
12 and prevent unnecessary overlap and duplica-  
13 tion among components; and

14 “(D) assist with developing joint require-  
15 ments for any common capability gaps or mis-  
16 sion needs identified under subparagraph (C);

17 “(E) prioritize new and existing require-  
18 ments identified under subparagraphs (B) and  
19 (D) to make recommendations to the Secretary,  
20 Deputy Secretary, or Associate Secretary as a  
21 part of the Department’s annual budget devel-  
22 opment process;

23 “(F) track any changes to existing require-  
24 ments, including the reasons for the changes, to  
25 identify opportunities to improve the require-

1           ments generation process across the Depart-  
2           ment; and

3           “(G) provide technical support and assist-  
4           ance to components, including reviewing compo-  
5           nent-level policies for identifying, validating,  
6           and prioritizing capability gaps and require-  
7           ments to ensure alignment with the Depart-  
8           ment-wide policies established under subpara-  
9           graph (A).

10          “(4) COMPOSITION.—

11           “(A) CHAIRPERSON.—The Secretary shall  
12           appoint a chairperson of the Joint Require-  
13           ments Council, for a term of not more than 4  
14           years, from among senior officials from compo-  
15           nents of the Department or other senior offi-  
16           cials as designated by the Secretary.

17           “(B) PARTICIPATION.—The Secretary shall  
18           ensure participation of relevant senior officials  
19           representing components of the Department  
20           and other senior officials as designated by the  
21           Secretary.

22           “(C) ADMINISTRATION.—The Secretary  
23           shall designate a full-time employee of the De-  
24           partment to serve as the executive secretariat of  
25           the Council.

1           “(5) RELATIONSHIP TO FUTURE YEARS HOME-  
2           LAND SECURITY PROGRAM.—The Secretary shall en-  
3           sure that the Future Years Homeland Security Pro-  
4           gram required under section 874 is consistent with  
5           any recommendations of the Joint Requirements  
6           Council required under paragraph (3)(E), as af-  
7           firmed by the Secretary.

8           “(6) ANNUAL REPORT.—Within one year of the  
9           date of enactment of this Act, and each year there-  
10          after, the Chair of the Joint Requirements Council  
11          shall submit a report to the congressional homeland  
12          security committees (as such term is defined in sec-  
13          tion 830) summarizing the activities of the Council  
14          during the preceding fiscal year. The report shall in-  
15          clude a list of documents validated by the Council  
16          that identifies, at a minimum, the following details:

17                   “(A) The type of document.

18                   “(B) The relevant components.

19                   “(C) The document version, if previously  
20          validated, and reason for review or revision.

21                   “(D) The dates of initial submission and  
22          final validation.”.

23          (b) 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 890A the following new item:

“Sec. 890B. Department leadership council.”.

3 **SEC. 120. SCHOOL SECURITY COORDINATING COUNCIL.**

4 (a) IN GENERAL.—Title VII of the Homeland Secu-  
5 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
6 this Act, is further amended by adding at the end the fol-  
7 lowing new section:

8 **“SEC. 714. SCHOOL SECURITY COORDINATING COUNCIL.**

9 “(a) ESTABLISHMENT.—There is established in the  
10 Department a coordinating council to ensure that, to the  
11 maximum extent practicable, activities, plans, and policies  
12 to enhance the security of an early childhood education  
13 program, elementary school, high school, or secondary  
14 schools against an act of terrorism are coordinated.

15 “(b) COMPOSITION.—The members of the council es-  
16 tablished pursuant to subsection (a) shall include the fol-  
17 lowing:

18 “(1) The Under Secretary for Strategy, Policy,  
19 and Plans.

20 “(2) The Director of the Cybersecurity and In-  
21 frastructure Security.

22 “(3) The Administrator of the Federal Emer-  
23 gency Management Agency.

24 “(4) The Director of the Secret Service.



1           “(5) The Executive Director of the Office of  
2 Academic Engagement.

3           “(6) The Assistant Secretary for Public Affairs.

4           “(7) The Civil Rights and Civil Liberties Offi-  
5 cer.

6           “(8) The Privacy Officer.

7           “(9) Any other official of the Department the  
8 Secretary determines appropriate.

9           “(c) LEADERSHIP.—The Secretary shall designate a  
10 member of the council to serve as chair of the council.

11          “(d) REPORTS.—Not later than 180 days after enact-  
12 ment of this section, and annually thereafter, the Sec-  
13 retary 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 of the  
16 Senate a report regarding the council’s activities during  
17 the preceding year, including information on any metrics  
18 regarding the efficacy of such activities and any engage-  
19 ment with stakeholders outside of the Federal Govern-  
20 ment.

21          “(e) DEFINITIONS.—In this section, the terms ‘early  
22 childhood education program’, ‘elementary school’, ‘high  
23 school’, and ‘secondary school’ have the meanings given  
24 such terms in section 8101 of the Elementary and Sec-  
25 ondary Education Act of 1965 (20 U.S.C. 7801).”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by inserting after the item relating to section  
4 714 the following new item:

“Sec. 714. School security coordinating council.”.

## 5 **Subtitle B—Workforce Reforms**

### 6 **SEC. 131. CHIEF HUMAN CAPITAL OFFICER.**

7 Section 704 of the Homeland Security Act of 2002  
8 (6 U.S.C. 344) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) by inserting “, including with re-  
12 spect to leadership development and em-  
13 ployee engagement,” after “policies”;

14 (ii) by striking “and in line” and in-  
15 serting “, in line”; and

16 (iii) by inserting “and informed by  
17 best practices within the Federal Govern-  
18 ment and the private sector,” after “prior-  
19 ities,”;

20 (B) in paragraph (2), by striking “develop  
21 performance measures to provide a basis for  
22 monitoring and evaluating” and inserting  
23 “evaluate, on an ongoing basis,”;

1 (C) in paragraph (3), by inserting “that,  
2 to the extent practicable, are informed by em-  
3 ployee feedback” after “policies”;

4 (D) in paragraph (4), by inserting “includ-  
5 ing internship, leadership development, and em-  
6 ployee engagement programs,” before “in co-  
7 ordination”;

8 (E) in paragraph (5), by inserting before  
9 the semicolon at the end the following: “that is  
10 informed by an assessment, carried out by the  
11 Chief Human Capital Officer, of the learning  
12 and developmental needs of employees in super-  
13 visory and non-supervisory roles across the De-  
14 partment and appropriate workforce planning  
15 initiatives”;

16 (F) by redesignating paragraphs (9) and  
17 (10) as paragraphs (12) and (13), respectively;  
18 and

19 (G) by inserting after paragraph (8) the  
20 following new paragraphs:

21 “(9) maintain a catalogue of available intern-  
22 ship and employee development opportunities, in-  
23 cluding the Homeland Security Rotation Program  
24 pursuant to section 844, departmental leadership de-

1        development programs, interagency development pro-  
2        grams, and other rotational programs;

3            “(10) ensure that employee discipline and ad-  
4        verse action programs comply with the requirements  
5        of all pertinent laws, rules, regulations, and Federal  
6        guidance, and ensure due process for employees;

7            “(11) analyze each Department or Government-  
8        wide Federal workforce satisfaction or morale survey  
9        within 90 days of the publication of any such survey  
10       and submit to the Secretary such analysis and, as  
11       appropriate, any recommendations to improve work-  
12       force satisfaction or morale within the Depart-  
13       ment;”;

14            (H) in paragraph (12), as so redesignated,  
15        by striking “and” after the semicolon at the  
16        end;

17            (I) in paragraph (13), as so redesignated,  
18        by striking the period at the end and inserting  
19        “; and”; and

20            (J) by adding at the end the following new  
21        paragraph:

22            “(14) oversee the consolidation, integration,  
23        and modernization of the Department’s human cap-  
24        ital information technology infrastructure, including

1 systems to manage employee and contractor training  
2 records and employee performance records.”;

3 (2) by redesignating subsections (d) and (e) as  
4 subsections (f) and (g), respectively;

5 (3) by inserting after subsection (c) the fol-  
6 lowing new subsections:

7 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-  
8 CER.—The Chief Human Capital Officer may designate  
9 an employee of the Department to serve as a Chief Learn-  
10 ing and Engagement Officer to assist the Chief Human  
11 Capital Officer in carrying out this section.

12 “(e) INTERNSHIP PROGRAMS.—

13 “(1) IN GENERAL.—In carrying out the respon-  
14 sibilities identified in subsections (b)(4) and (b)(9),  
15 the Chief Human Capital Officer shall, in coordina-  
16 tion with all the components of the Department—

17 “(A) regularly review the catalogue of in-  
18 ternships to ensure each program’s purpose,  
19 structure, and eligibility requirements align  
20 with Department and component workforce  
21 strategies and to eliminate unnecessary or du-  
22 plicative programs;

23 “(B) maintain data on the number of par-  
24 ticipants, including attrition and graduation

1 rates, for each internship program by fiscal  
2 year;

3 “(C) identify opportunities and mecha-  
4 nisms to convert or hire internship participants  
5 that satisfactorily complete program require-  
6 ments to permanent positions;

7 “(D) track the conversion or hiring rates  
8 of internship participants to permanent posi-  
9 tions within the Department or components by  
10 program; and

11 “(E) share lessons learned and opportuni-  
12 ties for improving the management and admin-  
13 istration of internship programs within the De-  
14 partment and components.

15 “(2) DEFINITIONS.—In this section, the term  
16 ‘internship’ means any program that provides tem-  
17 porary employment or work experience to partici-  
18 pants, including current students and recent grad-  
19 uates.”; and

20 (4) in subsection (f), as so redesignated—

21 (A) by redesignating paragraphs (2), (3),  
22 and (4) as paragraphs (6), (7), and (8), respec-  
23 tively; and

24 (B) by inserting after paragraph (1) the  
25 following new paragraphs:

1           “(2) information on employee development op-  
2           portunities catalogued pursuant to paragraph (9) of  
3           subsection (b) and any available data on participa-  
4           tion rates, attrition rates, and impacts on retention  
5           and employee satisfaction;

6           “(3) information on the progress of Depart-  
7           ment-wide strategic workforce planning efforts as  
8           determined under paragraph (2) of subsection (b);

9           “(4) information on the activities of the em-  
10          ployee engagement steering committee established  
11          pursuant to section 715, including the number of  
12          meeting, types of materials developed and distrib-  
13          uted, and recommendations made to the Secretary;

14          “(5) information on the implementation status  
15          of any cybersecurity-focused personnel systems used  
16          to recruit, retain, and manage mission critical  
17          cybersecurity talent authorized pursuant to the Sec-  
18          retary’s authority under section 2208;”.

19 **SEC. 132. EMPLOYEE ENGAGEMENT STEERING COMMITTEE**  
20 **AND ACTION PLAN.**

21          (a) IN GENERAL.—Title VII of the Homeland Secu-  
22          rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
23          this Act, is further amended by adding at the end the fol-  
24          lowing new section:

1 **“SEC. 715. EMPLOYEE ENGAGEMENT.**

2       “(a) STEERING COMMITTEE.—Not later than 120  
3 days after the date of the enactment of this section, the  
4 Secretary shall establish an employee engagement steering  
5 committee, including representatives from operational  
6 components, headquarters, and field personnel, including  
7 supervisory and non-supervisory personnel, and employee  
8 labor organizations that represent Department employees,  
9 and chaired by the Under Secretary for Management, to  
10 carry out the following activities:

11           “(1) Identify factors that have a negative im-  
12 pact on employee engagement, morale, and commu-  
13 nications within the Department, such as percep-  
14 tions about limitations on career progression, mobil-  
15 ity, or development opportunities, collected through  
16 employee feedback platforms, including through an-  
17 nual employee surveys, questionnaires, and other  
18 communications, as appropriate.

19           “(2) Identify, develop, and distribute initiatives  
20 and best practices to improve employee engagement,  
21 morale, and communications within the Department,  
22 including through annual employee surveys, ques-  
23 tionnaires, and other communications, as appro-  
24 priate.

25           “(3) Monitor efforts of each component to ad-  
26 dress employee engagement, morale, and commu-



1       nications based on employee feedback provided  
2       through annual employee surveys, questionnaires,  
3       and other communications, as appropriate.

4               “(4) Advise the Secretary on efforts to improve  
5       employee engagement, morale, and communications  
6       within specific components and across the Depart-  
7       ment.

8               “(5) Conduct regular meetings and report, not  
9       less than once per quarter, to the Under Secretary  
10      for Management, the head of each component, and  
11      the Secretary on Department-wide efforts to improve  
12      employee engagement, morale, and communications.

13      “(b) ACTION PLAN; REPORTING.—The Secretary,  
14      acting through the Chief Human Capital Officer, shall—

15              “(1) not later than 120 days after the date of  
16      the establishment of the employee engagement steer-  
17      ing committee under subsection (a), issue a Depart-  
18      ment-wide employee engagement action plan, reflect-  
19      ing input from the steering committee and employee  
20      feedback provided through annual employee surveys,  
21      questionnaires, and other communications in accord-  
22      ance with paragraph (1) of such subsection, to exe-  
23      cute strategies to improve employee engagement,  
24      morale, and communications within the Department;  
25      and

1 “(2) require the head of each component to—

2 “(A) develop and implement a component-  
3 specific employee engagement plan to advance  
4 the action plan required under paragraph (1)  
5 that includes performance measures and objec-  
6 tives, is informed by employee feedback pro-  
7 vided through annual employee surveys, ques-  
8 tionnaires, and other communications, as appro-  
9 priate, and sets forth how employees and, where  
10 applicable, their labor representatives, are to be  
11 integrated in developing programs and initia-  
12 tives;

13 “(B) monitor progress on implementation  
14 of such action plan; and

15 “(C) provide to the Chief Human Capital  
16 Officer and the steering committee quarterly re-  
17 ports on actions planned and progress made  
18 under this paragraph.

19 “(c) TERMINATION.—This section shall terminate on  
20 the date that is five years after the date of the enactment  
21 of this section.”.

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 in section 1(b) of the Homeland Security Act of 2002 is  
24 amended by inserting after the item related to section 714,  
25 as added by this Act, the following new item:

“Sec. 715. Employee engagement.”.

1 (c) SUBMISSIONS TO CONGRESS.—

2 (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-  
3 MENT ACTION PLAN.—The Secretary of Homeland  
4 Security, acting through the Chief Human Capital  
5 Officer of the Department of Homeland Security,  
6 shall submit to the Committee on Homeland Secu-  
7 rity of the House of Representatives and the Com-  
8 mittee on Homeland Security and Governmental Af-  
9 fairs of the Senate the Department of Homeland Se-  
10 curity-wide employee engagement action plan re-  
11 quired under subsection (b)(1) of section 715 of the  
12 Homeland Security Act of 2002 (as added by sub-  
13 section (a) of this section) not later than 30 days  
14 after the issuance of such plan.

15 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-  
16 MENT PLANS.—Each head of a component of the  
17 Department of Homeland Security shall submit to  
18 the Committee on Homeland Security of the House  
19 of Representatives and the Committee on Homeland  
20 Security and Governmental Affairs of the Senate the  
21 component-specific employee engagement plan of  
22 each such component required under subsection  
23 (b)(2) of section 715 of the Homeland Security Act  
24 of 2002 (as added by subsection (a) of this section)

1 not later than 30 days after the issuance of each  
2 such plan.

3 **SEC. 133. ANNUAL EMPLOYEE AWARD PROGRAM.**

4 (a) IN GENERAL.—Title VII of the Homeland Secu-  
5 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
6 this Act, is further amended by adding at the end the fol-  
7 lowing new section:

8 **“SEC. 716. ANNUAL EMPLOYEE AWARD PROGRAM.**

9 “(a) IN GENERAL.—The Secretary may establish an  
10 annual employee award program to recognize Department  
11 employees or groups of employees for significant contribu-  
12 tions to the achievement of the Department’s goals and  
13 missions. If such a program is established, the Secretary  
14 shall—

15 “(1) establish within such program categories  
16 of awards, each with specific criteria, that empha-  
17 sizes honoring employees who are at the non-super-  
18 visory level;

19 “(2) publicize within the Department how any  
20 employee or group of employees may be nominated  
21 for an award;

22 “(3) establish an internal review board com-  
23 prised of representatives from Department compo-  
24 nents, headquarters, and field personnel to submit to

1 the Secretary award recommendations regarding  
2 specific employees or groups of employees;

3 “(4) select recipients from the pool of nominees  
4 submitted by the internal review board under para-  
5 graph (3) and convene a ceremony at which employ-  
6 ees or groups of employees receive such awards from  
7 the Secretary; and

8 “(5) publicize such program within the Depart-  
9 ment.

10 “(b) INTERNAL REVIEW BOARD.—The internal re-  
11 view board described in subsection (a)(3) shall, when car-  
12 rying out its function under such subsection, consult with  
13 representatives from operational components and head-  
14 quarters, including supervisory and non-supervisory per-  
15 sonnel, and employee labor organizations that represent  
16 Department employees.

17 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion may be construed to authorize additional funds to  
19 carry out the requirements of this section or to require  
20 the Secretary to provide monetary bonuses to recipients  
21 of an award under this section.”.

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 in section 1(b) of the Homeland Security Act of 2002 is  
24 amended by inserting after the item relating to section  
25 715, as added by this Act, the following new item:

“Sec. 716. Annual employee award program.”.

1 **SEC. 134. DEPARTMENT OF HOMELAND SECURITY ROTA-**  
2 **TION PROGRAM.**

3 (a) ENHANCEMENTS TO THE ROTATION PROGRAM.—  
4 Section 844 of the Homeland Security Act of 2002 (6  
5 U.S.C. 414) is amended—

6 (1) By striking “(a) ESTABLISHMENT.—”

7 (2) by redesignating paragraphs (1) through  
8 (5) as subsections (a) through (e), respectively, and  
9 adjusting the margins accordingly;

10 (3) in subsection (a), as so redesignated, in the  
11 first sentence—

12 (A) by striking “Not later than 180 days  
13 after the date of enactment of this section, the”  
14 and inserting “The”; and

15 (B) by striking “for employees of the De-  
16 partment” and inserting “for certain personnel  
17 within the Department”;

18 (4) in subsection (b), as so redesignated—

19 (A) by redesignating subparagraphs (A)  
20 through (G) as paragraphs (3) through (9), re-  
21 spectively, and adjusting the margins accord-  
22 ingly;

23 (B) by inserting before paragraph (3), as  
24 so redesignated, the following new paragraphs:

25 “(1) seek to foster greater departmental inte-  
26 gration and unity of effort;

1           “(2) seek to help enhance the knowledge, skills,  
2           and abilities of participating personnel with respect  
3           to the programs, policies, and activities of the De-  
4           partment;”;

5           (C) in paragraph (4), as so redesignated,  
6           by striking “middle and senior level employees”  
7           and inserting “personnel”; and

8           (D) in paragraph (7), as so redesignated,  
9           by inserting before “invigorate” the following:  
10          “seek to improve morale and retention through-  
11          out the Department and”;

12          (5) in subsection (c), as redesignated by para-  
13          graph (2)—

14           (A) by redesignating subparagraphs (A)  
15           and (B) as paragraphs (1) and (2), respectively,  
16           and adjusting the margins accordingly; and

17           (B) in paragraph (2), as so redesignated—

18           (i) by striking clause (iii); and

19           (ii) by redesignating clauses (i), (ii),  
20           and (iv) through (viii) as subparagraphs

21           (A) through (G), respectively, and adjust-  
22           ing the margins accordingly;

23          (6) by redesignating subsections (d) and (e), as  
24          redesignated by paragraph (2), as subsections (e)  
25          and (f), respectively;

1           (7) by inserting after subsection (c) the fol-  
2           lowing new subsection:

3           “(d) ADMINISTRATIVE MATTERS.—In carrying out  
4 the Rotation Program the Secretary shall—

5           “(1) before selecting employees for participation  
6           in the Rotation Program, disseminate information  
7           broadly within the Department about the availability  
8           of the Rotation Program, qualifications for partici-  
9           pation in the Rotation Program, including a min-  
10          imum length of full-time employment within the em-  
11          ploying component or office not less than one year,  
12          and the general provisions of the Rotation Program;

13          “(2) require as a condition of participation in  
14 the Rotation Program that an employee—

15                 “(A) is nominated by the head of the com-  
16                 ponent or office employing the employee; and

17                 “(B) is selected by the Secretary, or the  
18                 Secretary’s designee, solely on the basis of rel-  
19                 ative ability, knowledge, and skills, after fair  
20                 and open competition that assures that all can-  
21                 didates receive equal opportunity;

22          “(3) ensure that each employee participating in  
23 the Rotation Program shall be entitled to return,  
24 within a reasonable period of time after the end of  
25 the period of participation, to the position held by



1 the employee, or a corresponding or higher position,  
2 in the component or office that employed the em-  
3 ployee prior to the participation of the employee in  
4 the Rotation Program;

5 “(4) require that the rights that would be avail-  
6 able to the employee if the employee were detailed  
7 from the employing component or office to another  
8 Federal agency or office remain available to the em-  
9 ployee during the employee’s participation in the Ro-  
10 tation Program; and

11 “(5) require that, during the period of partici-  
12 pation by an employee in the Rotation Program, per-  
13 formance evaluations for the employee shall be—

14 “(A) conducted by officials in the office or  
15 component employing the employee with input  
16 from the supervisors of the employee at the  
17 component or office in which the employee is  
18 placed during such period; and

19 “(B) provided the same weight with re-  
20 spect to promotions and other rewards as per-  
21 formance evaluations for service in the office or  
22 component employing the employee.”; and

23 (8) by adding at the end the following new sub-  
24 section:

1           “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-  
2 GRAM.—

3           “(1) ESTABLISHMENT.—The Secretary shall es-  
4 tablish an Intelligence Rotational Assignment Pro-  
5 gram as part of the Rotation Program under sub-  
6 section (a).

7           “(2) ADMINISTRATION.—The Chief Human  
8 Capital Officer, in conjunction with the Chief Intel-  
9 ligence Officer, shall administer the Intelligence Ro-  
10 tational Assignment Program established pursuant  
11 to paragraph (1).

12           “(3) ELIGIBILITY.—The Intelligence Rotational  
13 Assignment Program established pursuant to para-  
14 graph (1) shall be open to employees serving in ex-  
15 isting analyst positions within the Department’s In-  
16 telligence Enterprise and other Department employ-  
17 ees as determined appropriate by the Chief Human  
18 Capital Officer and the Chief Intelligence Officer.

19           “(4) COORDINATION.—The responsibilities  
20 specified in subsection (c)(2) that apply to the Rota-  
21 tion Program under such subsection shall, as appli-  
22 cable, also apply to the Intelligence Rotational As-  
23 signment Program under this subsection.”.

24           “(b) CONGRESSIONAL NOTIFICATION AND OVER-  
25 SIGHT.—Not later than 120 days after the date of the en-

1 actment of this Act, the Secretary of Homeland Security  
2 shall provide to the Committee on Homeland Security and  
3 the Permanent Select Committee on Intelligence of the  
4 House of Representatives and the Committee on Home-  
5 land Security and Governmental Affairs of the Senate in-  
6 formation about the status of the Homeland Security Ro-  
7 tation Program authorized by section 844 of the Home-  
8 land Security Act of 2002, as amended by subsection (a)  
9 of this section.

10 **SEC. 135. HOMELAND SECURITY ROTATIONAL**  
11 **CYBERSECURITY RESEARCH PROGRAM AT**  
12 **THE COAST GUARD ACADEMY.**

13 (a) IN GENERAL.—Subtitle E of title VIII of the  
14 Homeland Security Act of 2002 (6 U.S.C. 411 et seq.)  
15 is amended by adding at the end the following new section:

16 **“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PRO-**  
17 **GRAM.**

18 “To enhance the Department’s cybersecurity capac-  
19 ity, the Secretary may establish a rotational research, de-  
20 velopment, and training program to—

21 “(1) detail to the Cybersecurity and Infrastruc-  
22 ture Security Agency (including the national  
23 cybersecurity and communications integration center  
24 authorized by section 2209) Coast Guard Academy  
25 graduates and faculty; and

1 “(2) detail to the Coast Guard Academy, as  
 2 faculty, individuals with expertise and experience in  
 3 cybersecurity who are employed by—

4 “(A) the Cybersecurity and Infrastructure  
 5 Security Agency (including employees from the  
 6 national cybersecurity and communications inte-  
 7 gration center);

8 “(B) the Directorate of Science and Tech-  
 9 nology; or

10 “(C) an institution that has been des-  
 11 ignated by the Department as a Center of Ex-  
 12 cellence for Cyber Defense, or the equivalent.”.

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

“Sec. 846. Rotational cybersecurity research program.”.

16 **SEC. 136. DEPARTMENT OF HOMELAND SECURITY INTEL-**  
 17 **LIGENCE AND CYBERSECURITY DIVERSITY**  
 18 **FELLOWSHIP PROGRAM.**

19 (a) PROGRAM.—Subtitle D of title XIII of the Home-  
 20 land Security Act of 2002 (5 U.S.C. 3301 note et seq.)  
 21 is amended by adding at the end the following new section:

22 **“SEC. 1333. INTELLIGENCE AND CYBERSECURITY DIVER-**  
 23 **SITY FELLOWSHIP PROGRAM.**

24 “(a) PROGRAM.—The Secretary shall carry out an in-  
 25 telligence and cybersecurity diversity fellowship program

1 (in this section referred to as the ‘Program’) under which  
2 an eligible individual may—

3 “(1) participate in a paid internship at the De-  
4 partment that relates to intelligence, cybersecurity,  
5 or some combination thereof;

6 “(2) receive tuition assistance from the Sec-  
7 retary; and

8 “(3) upon graduation from an institution of  
9 higher education and successful completion of the  
10 Program, receive an offer of employment to work in  
11 an intelligence or cybersecurity position of the De-  
12 partment that is in the excepted service.

13 “(b) ELIGIBILITY.—To be eligible to participate in  
14 the Program, an individual shall—

15 “(1) be a citizen of the United States; and

16 “(2) as of the date of submitting the applica-  
17 tion to participate in the Program—

18 “(A) have a cumulative grade point aver-  
19 age of at least 3.2 on a 4.0 scale; and

20 “(B) be a sophomore, junior, or senior  
21 at—

22 “(i) a historically Black college or uni-  
23 versity or a minority-serving institution; or

24 “(ii) an institution of higher education  
25 that is not a historically Black college or

1                    university or a minority-serving institution  
2                    and be an active participant in a minority  
3                    serving organization of such institution.

4            “(c) DIRECT HIRE AUTHORITY.—If an individual  
5 who receives an offer of employment under subsection  
6 (a)(3) accepts such offer, the Secretary shall appoint,  
7 without regard to provisions of subchapter I of chapter  
8 33 of title 5, United States Code (except for section 3328  
9 of such title), such individual to the position specified in  
10 such offer.

11            “(d) REPORTS.—

12                    “(1) REPORTS.—Not later than 1 year after the  
13 date of the enactment of this section, and on an an-  
14 nual basis thereafter, the Secretary shall submit to  
15 the appropriate committees of Congress a report on  
16 the Program.

17                    “(2) MATTERS.—Each report under paragraph  
18 (1) shall include, with respect to the most recent  
19 year, the following:

20                            “(A) A description of outreach efforts by  
21 the Secretary to raise awareness of the Pro-  
22 gram among institutions of higher education in  
23 which eligible individuals are enrolled.

1           “(B) Information on specific recruiting ef-  
2           forts conducted by the Secretary to increase  
3           participation in the Program.

4           “(C) The number of individuals partici-  
5           pating in the Program, listed by the institution  
6           of higher education in which the individual is  
7           enrolled at the time of participation, and infor-  
8           mation on the nature of such participation, in-  
9           cluding on whether the duties of the individual  
10          under the Program relate primarily to intel-  
11          ligence or to cybersecurity.

12          “(D) The number of individuals who ac-  
13          cepted an offer of employment under the Pro-  
14          gram and an identification of the element with-  
15          in the Department to which each individual was  
16          appointed.

17          “(e) DEFINITIONS.—In this section:

18                 “(1) APPROPRIATE COMMITTEES OF CON-  
19                 GRESS.—The term ‘appropriate committees of Con-  
20                 gress’ means—

21                         “(A) the Committee on Homeland Security  
22                         and the Permanent Select Committee on Intel-  
23                         ligence of the House of Representatives; and

1           “(B) the Committee on Homeland Security  
2           and Governmental Affairs and the Select Com-  
3           mittee on Intelligence of the Senate.

4           “(2) EXCEPTED SERVICE.—The term ‘excepted  
5           service’ has the meaning given that term in section  
6           2103 of title 5, United States Code.

7           “(3) HISTORICALLY BLACK COLLEGE OR UNI-  
8           VERSITY.—The term ‘historically Black college or  
9           university’ has the meaning given the term ‘part B  
10          institution’ in section 322 of the Higher Education  
11          Act of 1965 (20 U.S.C. 1061).

12          “(4) INSTITUTION OF HIGHER EDUCATION.—  
13          The term ‘institution of higher education’ has the  
14          meaning given that term in section 101 of the High-  
15          er Education Act of 1965 (20 U.S.C. 1001).

16          “(5) MINORITY-SERVING INSTITUTION.—The  
17          term ‘minority-serving institution’ means an institu-  
18          tion of higher education described in section 371(a)  
19          of the Higher Education Act of 1965 (20 U.S.C.  
20          1067q(a)).”.

21          (b) CLERICAL AMENDMENTS.—The table of contents  
22          for such Act is amended by inserting after the item relat-  
23          ing to section 1332 the following new item:

“Sec. 1333. Intelligence and cybersecurity diversity fellowship program.”.



1 **SEC. 137. CYBER TALENT MANAGEMENT SYSTEM REPORT-**  
2 **ING.**

3 Section 2208 of the Homeland Security Act of 2002  
4 (6 U.S.C. 658) is amended—

5 (1) in subsection (c)—

6 (A) by striking “section” and inserting  
7 “Act”; and

8 (B) by striking “for 4 years”.

9 (2) in paragraph (2)(B), by inserting “and per-  
10 formance against those measures compared to the  
11 prior year” after “progress”; and

12 (3) in paragraph (4)—

13 (A) by redesignating paragraphs (A), (B),  
14 (C), (D), (E), and (F) as paragraphs (B), (C),  
15 (D), (E), (F), and (G), respectively; and

16 (B) by inserting after paragraph (4) the  
17 following new paragraph:

18 “(A) the target number of qualified posi-  
19 tions to be filled by occupation and grade and  
20 level or pay band;”.

21 **SEC. 138. ACQUISITION WORKFORCE.**

22 (a) **IN GENERAL.**—Title VII of the Homeland Secu-  
23 rity Act of 2002 (6 U.S.C. 341 et seq.) as amended by  
24 this Act, is further amended by adding at the end the fol-  
25 lowing new section:

1 **“SEC. 717. ACQUISITION WORKFORCE.**

2       “(a) POLICIES.—The Under Secretary for Manage-  
3 ment shall establish policies and procedures for the effec-  
4 tive management (including accession, education, training,  
5 and career development) of persons serving in the acqui-  
6 sition workforce within the Department and, to the extent  
7 practicable, shall ensure such policies and procedures are  
8 implemented uniformly throughout the Department.

9       “(b) DESIGNATION.—

10           “(1) ACQUISITION CAREER FIELDS.—The  
11 Under Secretary for Management shall designate  
12 those career fields in the Department that are acqui-  
13 sition related for the purposes of this section. Such  
14 career fields shall include, at a minimum, the fol-  
15 lowing areas:

16           “(A) Program management.

17           “(B) Systems planning, development, and  
18 engineering.

19           “(C) Test and evaluation.

20           “(D) Procurement, including contracting.

21           “(E) Life cycle logistics.

22           “(F) Information technology.

23           “(G) Cybersecurity.

24           “(H) Cost estimating and financial man-  
25 agement.

1           “(I) Production, quality assurance, and  
2           manufacturing.

3           “(J) Property management.

4           “(2) CRITICAL POSITIONS.—The Under Sec-  
5           retary for Management shall designate those posi-  
6           tions within each career field specified in paragraph  
7           (1) that are considered critical. Such positions may  
8           only be filled by a properly qualified full-time Gov-  
9           ernment employee and, for each major acquisition  
10          program (as such terms is defined in section 830),  
11          shall include—

12                   “(A) Program Manager;

13                   “(B) Deputy Program Manager; and

14                   “(C) any other position of significant re-  
15                   sponsibility in an acquisition career field in  
16                   which the primary duties are supervisory or  
17                   management duties.

18          “(c) CAREER PATHS.—

19                   “(1) REQUIREMENTS.—For each acquisition ca-  
20                   reer field designated under subsection (b), the Under  
21                   Secretary for Management shall establish:

22                           “(A) QUALIFICATIONS.—Education, train-  
23                           ing, and experience requirements based on the  
24                           level of complexity of duties carried out in the  
25                           position.

1           “(B) CERTIFICATIONS.—Identify course  
2 work and on-the-job training requirements that  
3 demonstrate qualifications at specified levels in  
4 each career field.

5           “(2) DELEGATION.—The Under Secretary for  
6 Management shall identify a lead office with subject  
7 matter expertise for each career field to—

8           “(A) determine the qualification and cer-  
9 tification requirements required under para-  
10 graph (1) for each specified level;

11           “(B) outline procedures and timeframes  
12 for maintaining and renewing certifications;

13           “(C) regularly review certification require-  
14 ments to make updates, as needed, to keep pace  
15 with advancements in each career field; and

16           “(D) disseminate information on qualifica-  
17 tion and certification requirements, including  
18 any updates pursuant to subparagraph (C), at  
19 least annually.”.

20           (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of the Homeland Security Act of 2002 is  
22 amended by inserting after the item relating to section  
23 716, as added by this Act, the following new item:

“Sec. 717. Acquisition workforce.”.

24           (c) WORKFORCE PLAN.—Not later than one year  
25 after the enactment of this Act, the Under Secretary for

1 Management shall submit to the congressional homeland  
2 security committees and the Comptroller General of the  
3 United States an acquisition workforce plan.

4 (d) CONTENTS.—The plan required under subsection  
5 (c) shall include—

6 (1) a comparison of the number of needed and  
7 actual positions in each career field of the Depart-  
8 ment’s acquisition workforce, including that filled by  
9 contractors, by component and by certification level,  
10 as appropriate;

11 (2) a strategy for addressing any gaps identi-  
12 fied in the comparison pursuant to paragraph (1),  
13 including efforts to recruit and train qualified indi-  
14 viduals and a cost-benefit analysis of filling positions  
15 with contractors or government employees; and

16 (3) any risks or challenges the Department  
17 faces in recruiting, training, or maintaining a quali-  
18 fied acquisition workforce and strategies for miti-  
19 gating those risks or challenges.

20 (e) CONSULTATION.—In developing the plan required  
21 under subsection (c), the Under Secretary for Manage-  
22 ment may consult with headquarters, components, employ-  
23 ees in the field, and individuals from industry and the aca-  
24 demic community.

1 (f) REVIEW.—Not later than one year after the plan  
2 required under subsection (c) is submitted, the Comp-  
3 troller General of the United States shall conduct a review  
4 of the plan and submit a report of its findings to the con-  
5 gressional homeland security committees. The review shall  
6 include an assessment of the reliability of the workforce  
7 data reported in the plan; an evaluation of the Depart-  
8 ment’s strategy for addressing any identified workforce  
9 gaps, risks, or challenges; and any other recommendations  
10 for improving the Department’s acquisition workforce.

11 **SEC. 139. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

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

15 **“SEC. 718. ACQUISITION PROFESSIONAL CAREER PRO-**  
16 **GRAM.**

17 “(a) ESTABLISHMENT.—There is established in the  
18 Department an acquisition professional career program to  
19 develop a cadre of acquisition professionals within the De-  
20 partment.

21 “(b) ADMINISTRATION.—The Under Secretary for  
22 Management shall administer the acquisition professional  
23 career program established pursuant to subsection (a).

1       “(c) PROGRAM REQUIREMENTS.—The Under Sec-  
2 retary for Management shall carry out the following with  
3 respect to the acquisition professional career program:

4           “(1) Designate the occupational series, grades,  
5 and number of acquisition positions throughout the  
6 Department to be included in the program and man-  
7 age centrally such positions.

8           “(2) Establish and publish on the Department’s  
9 website eligibility criteria for candidates to partici-  
10 pate in the program.

11          “(3) Carry out recruitment efforts to attract  
12 candidates—

13           “(A) from institutions of higher education,  
14 including such institutions with established ac-  
15 quisition specialties and courses of study, his-  
16 torically Black colleges and universities, and  
17 Hispanic-serving institutions;

18           “(B) with diverse work experience outside  
19 of the Federal Government; or

20           “(C) with military service.

21          “(4) Hire eligible candidates for designated po-  
22 sitions under the program.

23          “(5) Develop a structured program comprised  
24 of acquisition training, on-the-job experience, De-  
25 partment-wide rotations, mentorship, shadowing,

1 and other career development opportunities for pro-  
2 gram participants.

3 “(6) Provide, beyond required training estab-  
4 lished for program participants, additional special-  
5 ized acquisition training, including small business  
6 contracting and innovative acquisition techniques  
7 training.

8 “(d) REPORTS.—Not later than 180 days after enact-  
9 ment of this section, and annually thereafter for five years,  
10 the Secretary shall submit to the Committee on Homeland  
11 Security of the House of Representatives and the Com-  
12 mittee on Homeland Security and Governmental Affairs  
13 of the Senate a report on the acquisition professional ca-  
14 reer program. Each such report shall include the following  
15 information:

16 “(1) The number of candidates approved for  
17 the program.

18 “(2) The number of candidates who commenced  
19 participation in the program, including generalized  
20 information on such candidates’ backgrounds with  
21 respect to education and prior work experience, but  
22 not including personally identifiable information.

23 “(3) A breakdown of the number of partici-  
24 pants hired under the program by type of acquisition  
25 position.



1           “(4) A list of Department components and of-  
2           fices that participated in the program and informa-  
3           tion regarding length of time of each program par-  
4           ticipant in each rotation at such components or of-  
5           fices.

6           “(5) Program attrition rates and post-program  
7           graduation retention data, including information on  
8           how such data compare to the prior year’s data, as  
9           available.

10           “(6) The Department’s recruiting efforts for  
11           the program.

12           “(7) The Department’s efforts to promote re-  
13           tention of program participants.

14           “(e) DEFINITIONS.—In this section:

15           “(1) HISPANIC-SERVING INSTITUTION.—The  
16           term ‘Hispanic-serving institution’ has the meaning  
17           given such term in section 502 of the Higher Edu-  
18           cation Act of 1965 (20 U.S.C. 1101a).

19           “(2) HISTORICALLY BLACK COLLEGES AND  
20           UNIVERSITIES.—The term ‘historically Black col-  
21           leges and universities’ has the meaning given the  
22           term ‘part B institution’ in section 322(2) of Higher  
23           Education Act of 1965 (20 U.S.C. 1061(2)).

24           “(3) INSTITUTION OF HIGHER EDUCATION.—  
25           The term ‘institution of higher education’ has the

1 meaning given such term in section 101 of the High-  
 2 er Education Act of 1965 (20 U.S.C. 1001).”.

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  
 6 717 the following new item:

“Sec. 718. Acquisition professional career program.”.

7 **SEC. 140. SECURITY CLEARANCE MANAGEMENT AND AD-**  
 8 **MINISTRATION.**

9 (a) IN GENERAL.—Title VII of the Homeland Secu-  
 10 rity Act of 2002 is amended—

11 (1) by inserting before section 701 (6 U.S.C.  
 12 341) the following:

13 **“Subtitle A—Headquarters**  
 14 **Activities”;**

15 and

16 (2) by adding at the end the following new sub-  
 17 title: “

18 **“Subtitle B—Security Clearances**

19 **“SEC. 731. DESIGNATION OF NATIONAL SECURITY SEN-**  
 20 **SITIVE AND PUBLIC TRUST POSITIONS.**

21 “(a) IN GENERAL.—The Secretary shall require the  
 22 designation of the sensitivity level of national security po-  
 23 sitions (pursuant to part 1400 of title 5, Code of Federal  
 24 Regulations, or similar successor regulation) be conducted  
 25 in a manner consistent with respect to all components and

1 offices of the Department, and consistent with Federal  
2 guidelines.

3 “(b) IMPLEMENTATION.—In carrying out subsection  
4 (a), the Secretary shall require the utilization of uniform  
5 designation tools throughout the Department and provide  
6 training to appropriate staff of the Department on such  
7 utilization. Such training shall include guidance on factors  
8 for determining eligibility for access to classified informa-  
9 tion and eligibility to hold a national security position.

10 **“SEC. 732. REVIEW OF POSITION DESIGNATIONS.**

11 “(a) IN GENERAL.—Not later than 120 days of en-  
12 actment of this section, and every five years thereafter,  
13 the Secretary shall review all sensitivity level designations  
14 of national security positions (pursuant to part 1400 of  
15 title 5, Code of Federal Regulations, or similar successor  
16 regulation) at the Department.

17 “(b) DETERMINATION.—If during the course of a re-  
18 view required under subsection (a), the Secretary deter-  
19 mines that a change in the sensitivity level of a position  
20 that affects the need for an individual to obtain access  
21 to classified information is warranted, such access shall  
22 be administratively adjusted and an appropriate level peri-  
23 odic reinvestigation completed, as necessary.

24 “(c) CONGRESSIONAL REPORTING.—Upon comple-  
25 tion of each review required under subsection (a), the Sec-

1   retary shall report to the Committee on Homeland Secu-  
2   rity of the House of Representatives and the Committee  
3   on Homeland Security and Governmental Affairs of the  
4   Senate on the findings of each such review, including the  
5   number of positions by classification level and by compo-  
6   nent and office of the Department in which the Secretary  
7   made a determination in accordance with subsection (b)  
8   to—

- 9           “(1) require access to classified information;  
10           “(2) no longer require access to classified infor-  
11   mation; or  
12           “(3) otherwise require a different level of access  
13   to classified information.

14   **“SEC. 733. AUDITS.**

15           “Beginning not later than 180 days after the date  
16   of the enactment of this section, the Inspector General of  
17   the Department shall conduct regular audits of compliance  
18   of the Department with part 1400 of title 5, Code of Fed-  
19   eral Regulations, or similar successor regulation.

20   **“SEC. 734. REPORTING.**

21           “(a) IN GENERAL.—The Secretary shall annually  
22   through fiscal year 2026 submit to the Committee on  
23   Homeland Security of the House of Representatives and  
24   the Committee on Homeland Security and Governmental  
25   Affairs of the Senate a report on the following:

1           “(1) The number of denials, suspensions, rev-  
2           ocations, and appeals of the eligibility for access to  
3           classified information of an individual throughout  
4           the Department.

5           “(2) The date and status or disposition of each  
6           reported action under paragraph (1).

7           “(3) The identification of the sponsoring entity,  
8           whether by a component, office, or headquarters of  
9           the Department, of each action under paragraph (1),  
10          and description of the grounds for each such action.

11          “(4) Demographic data, including data relating  
12          to race, sex, national origin, and disability, of each  
13          individual for whom eligibility for access to classified  
14          information was denied, suspended, revoked, or ap-  
15          pealed, and the number of years that each such indi-  
16          vidual was eligible for access to such information.

17          “(5) In the case of a suspension in excess of  
18          180 days, an explanation for such duration.

19          “(b) FORM.—Each report required under subsection  
20 (a) shall be submitted in unclassified form and be made  
21 publicly available, but may include a classified annex for  
22 any sensitive or classified information if necessary.

1 **“SEC. 735. UNIFORM ADJUDICATION, SUSPENSION, DENIAL,**  
2 **AND REVOCATION.**

3 “Not later than one year after the date of the enact-  
4 ment of this section, the Secretary, in consultation with  
5 the Homeland Security Advisory Committee, shall develop  
6 and submit to the Committee on Homeland Security of  
7 the House of Representatives and the Committee on  
8 Homeland Security and Governmental Affairs of the Sen-  
9 ate a plan to achieve greater uniformity within the Depart-  
10 ment with respect to the adjudication of eligibility of an  
11 individual for access to classified information that are con-  
12 sistent with the Adjudicative Guidelines for Determining  
13 Access to Classified Information published on December  
14 29, 2005, or similar successor regulation. The plan shall  
15 consider the following:

16 “(1) Mechanisms to foster greater compliance  
17 with the uniform Department adjudication, suspen-  
18 sion, denial, and revocation standards by the head of  
19 each component and office of the Department with  
20 the authority to adjudicate access to classified infor-  
21 mation.

22 “(2) The establishment of an internal appeals  
23 panel responsible for final national security clear-  
24 ance denial and revocation determinations that is  
25 comprised of designees who are career, supervisory  
26 employees from components and offices of the De-

1       partment with the authority to adjudicate access to  
2       classified information and headquarters, as appro-  
3       priate.

4       **“SEC. 736. DATA PROTECTION.**

5       “‘The Secretary shall ensure that all information re-  
6       ceived for the adjudication of eligibility of an individual  
7       for access to classified information is consistent with the  
8       Adjudicative Guidelines for Determining Access to Classi-  
9       fied Information published on December 29, 2005, or  
10      similar successor regulation, and is protected against mis-  
11      appropriation.

12      **“SEC. 737. REFERENCE.**

13      “‘Except as otherwise provided, for purposes of this  
14      subtitle, any reference to the ‘Department’ includes all  
15      components and offices of the Department.’”.

16      (b) CLERICAL AMENDMENT.—The table of contents  
17      of the Homeland Security Act of 2002 relating to the  
18      items relating to title VII is amended—

19              (1) by inserting before the item relating to sec-  
20      tion 701 the following new item:

                    “Subtitle A—Headquarters Activities”;

21      and

22              (2) by inserting at the end the following new  
23      items:

                    “Subtitle B—Security Clearances

                    “Sec. 731. Designation of national security sensitive and public trust positions.

                    “Sec. 732. Review of position designations.

“Sec. 733. Audits.

“Sec. 734. Reporting.

“Sec. 735. Uniform adjudication, suspension, denial, and revocation.

“Sec. 736. Data protection.

“Sec. 737. Reference.”.

1 **SEC. 141. FITNESS INFORMATION TRANSPARENCY.**

2 (a) CONSOLIDATION OF FITNESS STANDARDS.—Not  
3 later than 180 days after the date of the enactment of  
4 this Act, the Secretary of Homeland Security, acting  
5 through the Chief Security Officer of the Department of  
6 Homeland Security, shall—

7 (1) coordinate with the heads of components of  
8 the Department to review and consolidate all Fed-  
9 eral contractor fitness standards used by the De-  
10 partment and its components in order to issue a uni-  
11 form set of fitness standards that reflect public trust  
12 concerns which correspond to each position risk  
13 level;

14 (2) require the Department and the heads of its  
15 components to use such uniform fitness standards  
16 that correspond to the relevant position risk level as  
17 the basis for fitness determinations for a contractor  
18 employee; and

19 (3) publish such uniform fitness standards that  
20 correspond to each such position risk level on the  
21 public website of the Department and cause the  
22 same to be printed in the Federal Register.



1 (b) DEVIATION FROM UNIFORM FITNESS STAND-  
2 ARDS.—The Secretary of Homeland Security, acting  
3 through the Chief Security Officer of the Department of  
4 Homeland Security, may authorize the Department or a  
5 component of the Department to deviate from the uniform  
6 fitness standards issued pursuant to subsection (a) on a  
7 position-by-position basis if—

8 (1) the Secretary publishes in writing on the  
9 public website of the Department and causes the  
10 same to be printed in the Federal Register a certifi-  
11 cation that contains—

12 (A) a determination that such uniform fit-  
13 ness standards are not sufficient to protect in-  
14 formation, systems, or facilities of the Depart-  
15 ment the unauthorized disclosure of which or  
16 unauthorized access to which could reasonably  
17 be expected to cause substantial damage to the  
18 integrity and efficiency of the Department; and

19 (B) a description of approved additional  
20 fitness standards and a list to which positions  
21 such deviation applies; or

22 (2) exigent circumstances created by a presi-  
23 dential declaration of a major disaster issued pursu-  
24 ant to section 401 of the Robert T. Stafford Dis-  
25 aster Relief and Emergency Assistance Act (42

1 U.S.C. 5170) require such deviation to mitigate  
2 staffing shortages for the duration of such declara-  
3 tion.

4 (c) RECIPROCIITY.—

5 (1) IN GENERAL.—The Chief Security Officer  
6 of the Department of Homeland Security shall im-  
7 plement a process to ensure fitness determinations  
8 made by the Department are uniformly accepted  
9 throughout the Department and its components.

10 (2) SUFFICIENCY.—The Secretary of Homeland  
11 Security, acting through the Chief Security Officer  
12 of the Department of Homeland Security, may, as  
13 appropriate, deem a favorably adjudicated personnel  
14 security investigation sufficient to satisfy a require-  
15 ment to complete a contractor fitness determination  
16 under this section.

17 (d) FITNESS ADJUDICATION STATUS UPDATES.—  
18 Not later than 1 year after the date of the enactment of  
19 this Act, the Secretary of Homeland Security, acting  
20 through the Chief Security Officer of the Department of  
21 Homeland Security and in coordination with heads of the  
22 components of the Department, shall implement a uniform  
23 process to—

24 (1) provide, not less frequently than monthly,  
25 contractor representatives certified pursuant to sub-

1 section (e)(1) access to information regarding the  
2 status of fitness determinations for Department con-  
3 tractor employees relevant to such contractor rep-  
4 resentatives; and

5 (2) collect each fiscal quarter data to allow the  
6 Department and its components and contractor rep-  
7 resentatives to assess average fitness investigation,  
8 adjudication, and determination processing times for  
9 each component of the Department, including infor-  
10 mation regarding the parameters used to calculate  
11 each such average.

12 (e) CERTIFICATION.—Before the implementation of  
13 the uniform process described in subsection (d), the Sec-  
14 retary of Homeland Security, acting through the Chief Se-  
15 curity Officer of the Department of Homeland Security,  
16 shall—

17 (1) certify that each contractor representative  
18 receiving information from such process has received  
19 information regarding practices relating to the ade-  
20 quate protection of personally identifiable informa-  
21 tion and has acknowledged in writing to adhere to  
22 such practices; and

23 (2) consult with the Director of the Office of  
24 Personnel Management to ensure that such process

1 is consistent with current best practices across the  
2 Federal Government.

3 (f) APPLICABILITY OF SECTION 44936 OF TITLE 49,  
4 UNITED STATES CODE.—No authority or policy created  
5 by or issued pursuant to this section shall apply to employ-  
6 ees or contractors of an air carrier, foreign air carrier,  
7 or airport operator subject to employment investigations  
8 pursuant to section 44936 of title 49, United States Code.

9 (g) REPORTS TO CONGRESS.—Not later than 180  
10 days after the publication of uniform fitness standards de-  
11 scribed in subsection (a) and annually thereafter for four  
12 years, the Secretary of Homeland Security shall submit  
13 to the Committee on Homeland Security and the Com-  
14 mittee on Oversight and Reform of the House of Rep-  
15 resentatives and the Committee on Homeland Security  
16 and Governmental Affairs of the Senate a report con-  
17 taining—

18 (1) the number of deviation requests under sub-  
19 section (b) made to the Chief Security Officer of the  
20 Department of Homeland Security, including—

21 (A) the number of deviation requests ap-  
22 proved and the corresponding justification for  
23 each such deviation from such fitness stand-  
24 ards; and

1 (B) the number of deviation requests de-  
2 nied and the corresponding justification for  
3 each such denial;

4 (2) information regarding the number and aver-  
5 age duration of Federal contractor fitness deter-  
6 minations for each component of the Department;

7 (3) information regarding the use of programs  
8 or policies that allow contractors to begin work prior  
9 to the completion of a fitness determination;

10 (4) to the extent practicable, the number of in-  
11 dividuals who, during the preceding calendar year,  
12 received an unfavorable fitness determination from  
13 the Department by reason of an affiliation with or  
14 membership in an organization dedicated to ter-  
15 rorism;

16 (5) to the extent practicable, the number of in-  
17 dividuals who, during the preceding calendar year,  
18 received a favorable fitness determination from the  
19 Department despite an affiliation with or member-  
20 ship in an organization dedicated to terrorism;

21 (6) information regarding the degree to which  
22 fitness determinations made by the Department and  
23 its components or other Federal agencies are recog-  
24 nized on a reciprocal basis by the Department and  
25 its components pursuant to subsection (c)(1);

1           (7) information regarding the degree to which  
2           suitability and fitness determinations for Federal ap-  
3           plicants and appointees made by the Department  
4           and its components or other Federal agencies are  
5           recognized on a reciprocal basis by the Department  
6           and its components; and

7           (8) information regarding the degree to which  
8           the Secretary, acting through the Chief Security Of-  
9           ficer of the Department, uses the authority under  
10          subsection (c)(2).

11          (h) SUITABILITY STATUS UPDATES.—Not later than  
12          1 year after the date of the enactment of this Act, the  
13          Chief Security Officer of the Department of Homeland Se-  
14          curity, in consultation with the Chief Human Capital Offi-  
15          cer of the Department, shall develop a plan to provide  
16          Federal applicants and appointees with suitability and fit-  
17          ness determination status updates similar to updates pro-  
18          vided to contractor representatives under subsection (d).

19          (i) EXIGENT CIRCUMSTANCES FITNESS DETERMINA-  
20          TION REVIEW.—The Chief Security Officer of the Depart-  
21          ment of Homeland Security may conduct an immediate  
22          review of a contractor employee’s fitness determination  
23          when a contractor employee has engaged in violent acts  
24          against individuals, property, or public spaces based on  
25          the contractor employee’s association with persons or or-

1 ganizations that advocate, threaten, or use force or vio-  
2 lence, or any other illegal or unconstitutional means, in  
3 an effort to prevent others from exercising their rights  
4 under the Constitution or laws of the United States or  
5 of any State, based on factors including, at a minimum,  
6 race, religion, national origin, or disability.

7 (j) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-  
8 tional funds are authorized to be appropriated to carry  
9 out this Act. This Act shall be carried out using amounts  
10 otherwise appropriated.

11 (k) DEFINITIONS.—In this section:

12 (1) CONTRACTOR.—The term “contractor” has  
13 the meaning given such term in section 7101 of title  
14 41, United States Code.

15 (2) CONTRACTOR EMPLOYEE.—The term “con-  
16 tractor employee” means an individual who performs  
17 work for or on behalf of any Federal agency under  
18 a contract and who, in order to perform the work  
19 specified under such contract, will require access to  
20 facilities, information, information technology sys-  
21 tems, staff, or other assets of the Department of  
22 Homeland Security, and who could, by the nature of  
23 the access or duties of such individual, adversely af-  
24 fect the integrity or efficiency of the Department.

25 Such contracts include the following:

1 (A) Personal services contracts.

2 (B) Contracts between any non-Federal  
3 entity and the Department.

4 (C) Sub-contracts between any non-Fed-  
5 eral entity and another non-Federal entity to  
6 perform work related to the primary contract  
7 with the Department.

8 (3) CONTRACTOR REPRESENTATIVE.—The term  
9 “contractor representative” means a person em-  
10 ployed by a contractor who is designated in writing  
11 by an authorized official of a contractor as respon-  
12 sible for managing and communicating with the De-  
13 partment of Homeland Security or its components  
14 on behalf of such contractor on matters relating to  
15 fitness determinations, and is certified pursuant to  
16 subsection (e)(1) regarding the adequate protection  
17 of personally identifiable information.

18 (4) EXCEPTED SERVICE.—The term “excepted  
19 service” has the meaning given such term in section  
20 2103 of title 5, United States Code.

21 (5) FITNESS.—The term “fitness” means the  
22 level of character and conduct necessary for an indi-  
23 vidual to perform work for or on behalf of a Federal  
24 agency in the excepted service, other than a position



1 subject to a suitability determination or as a non-  
2 appropriated fund instrumentality employee.

3 (6) FITNESS DETERMINATION.—The term “fit-  
4 ness determination” means a decision by a Federal  
5 agency that an individual does or does not have the  
6 required level of character and conduct necessary to  
7 perform work for or on behalf of a Federal agency  
8 in the excepted service, other than a position subject  
9 to a suitability determination, as a contractor em-  
10 ployee, or as a nonappropriated fund instrumentality  
11 employee.

12 (7) INFORMATION TECHNOLOGY.—The term  
13 “information technology” has the meaning given  
14 such term in section 11101 of title 40, United  
15 States Code.

16 (8) NONAPPROPRIATED FUND INSTRUMEN-  
17 TIALITY EMPLOYEE.—The term “nonappropriated  
18 fund instrumentality employee” has the meaning  
19 given such term in section 1587(a)(1) of title 10,  
20 United States Code.

21 (9) PERSONNEL SECURITY INVESTIGATION.—  
22 The term “personnel security investigation” has the  
23 meaning given such term in subsection (a) of section  
24 3001 of the Intelligence Reform and Terrorism Pre-  
25 vention Act of 2004 (50 U.S.C. 3341).

1           (10) SUITABILITY DETERMINATION.—The term  
2           “suitability determination” has the meaning given  
3           such term in section 731.101 of title 5, Code of Fed-  
4           eral Regulations.

5           (11) TERRORISM.—The term “terrorism”  
6           means any criminal acts that involve violence or are  
7           dangerous to human life and appear to be intended  
8           to intimidate or coerce a civilian population to influ-  
9           ence the policy of a government by intimidation or  
10          coercion, or to affect the conduct of a government by  
11          mass destruction, assassination, or kidnapping.

12 **SEC. 142. INDEPENDENT INVESTIGATION OF DISCIPLINARY**  
13 **OUTCOMES.**

14          (a) IN GENERAL.—Not later than 120 days after the  
15          date of the enactment of this Act, the Comptroller General  
16          of the United States shall investigate whether the applica-  
17          tion in the Department of Homeland Security of discipline  
18          and adverse actions are administered in an equitable and  
19          consistent manner that results in the same or substantially  
20          similar disciplinary outcomes across the Department for  
21          misconduct by a non-supervisory or supervisor employee  
22          who engaged in the same or substantially similar mis-  
23          conduct.

24          (b) CONSULTATION.—In carrying out the investiga-  
25          tion described in subsection (a), the Comptroller General

1 of the United States shall consult with the employee en-  
2 gagement steering committee established pursuant to sub-  
3 section (b)(1) of section 713 of the Homeland Security  
4 Act of 2002 (as added by this Act).

5 (c) ACTION BY UNDER SECRETARY FOR MANAGE-  
6 MENT.—Upon completion of the investigation described in  
7 subsection (a), the Under Secretary for Management of  
8 the Department of Homeland Security shall review the  
9 findings and recommendations of such investigation and  
10 implement a plan, in consultation with the employee en-  
11 gagement steering committee established pursuant to sub-  
12 section (b)(1) of section 713 of the Homeland Security  
13 Act of 2002, to correct any relevant deficiencies identified  
14 by the Comptroller General of the United States. The  
15 Under Secretary for Management shall direct the em-  
16 ployee engagement steering committee to review such plan  
17 to inform committee activities and action plans authorized  
18 under such section 713.

19 **SEC. 143. RIGHTS FOR TRANSPORTATION SECURITY OFFI-**  
20 **CERS.**

21 (a) DEFINITIONS.—For purposes of this section—

22 (1) the term “adjusted basic pay” means—

23 (A) the rate of pay fixed by law or admin-  
24 istrative action for the position held by a cov-  
25 ered employee before any deductions; and

1 (B) any regular, fixed supplemental pay-  
2 ment for non-overtime hours of work creditable  
3 as basic pay for retirement purposes, including  
4 any applicable locality payment and any special  
5 rate supplement;

6 (2) the term “Administrator” means the Ad-  
7 ministrator of the Transportation Security Adminis-  
8 tration;

9 (3) the term “covered employee” means an em-  
10 ployee who holds a covered position;

11 (4) the term “covered position” means a posi-  
12 tion within the Transportation Security Administra-  
13 tion;

14 (5) the term “conversion date” means the date  
15 as of which subparagraphs (A) through (D) of para-  
16 graph (3) of subsection (b) take effect;

17 (6) the term “2019 Determination” means the  
18 publication, entitled “Determination on Transpor-  
19 tation Security Officers and Collective Bargaining”,  
20 issued on July 13, 2019, by Administrator David P.  
21 Pekoske;

22 (7) the term “employee” has the meaning given  
23 such term by section 2105 of title 5, United States  
24 Code;

1           (8) the term “Secretary” means the Secretary  
2 of Homeland Security; and

3           (9) the term “TSA personnel management sys-  
4 tem” means any personnel management system es-  
5 tablished or modified under—

6           (A) section 111(d) of the Aviation and  
7 Transportation Security Act (49 U.S.C. 44935  
8 note); or

9           (B) section 114(n) of title 49, United  
10 States Code.

11 (b) CONVERSION OF TSA PERSONNEL.—

12           (1) RESTRICTIONS ON CERTAIN PERSONNEL  
13 AUTHORITIES.—Notwithstanding any other provision  
14 of law, effective as of the date of the enactment of  
15 this Act—

16           (A) any TSA personnel management sys-  
17 tem in use for covered employees and covered  
18 positions on the day before such date of enact-  
19 ment, and any TSA personnel management pol-  
20 icy, letters, guideline, or directive in effect on  
21 such day may not be modified;

22           (B) no TSA personnel management policy,  
23 letter, guideline, or directive that was not estab-  
24 lished before such date issued pursuant to sec-  
25 tion 111(d) of the Aviation and Transportation

1 Security Act (49 U.S.C. 44935 note) or section  
2 114(n) of title 49, United States Code, may be  
3 established; and

4 (C) any authority to establish or adjust a  
5 human resources management system under  
6 chapter 97 of title 5, United States Code, shall  
7 terminate with respect to covered employees  
8 and covered positions.

9 (2) PERSONNEL AUTHORITIES DURING TRANSI-  
10 TION PERIOD.—Any TSA personnel management  
11 system in use for covered employees and covered po-  
12 sitions on the day before the date of enactment of  
13 this Act and any TSA personnel management policy,  
14 letter, guideline, or directive in effect on the day be-  
15 fore the date of enactment of this Act shall remain  
16 in effect until the effective date under paragraph (3)  
17 of this subsection.

18 (3) TRANSITION TO GENERAL PERSONNEL MAN-  
19 AGEMENT SYSTEM APPLICABLE TO CIVIL SERVICE  
20 EMPLOYEES.—Effective as of the date determined by  
21 the Secretary, but in no event later than 180 days  
22 after the date of the enactment of this Act—

23 (A) each provision of law cited in para-  
24 graph (9) of subsection (a) of this section is re-  
25 pealed;

1 (B) any TSA personnel management pol-  
2 icy, letter, guideline, and directive, including the  
3 2019 Determination, shall cease to be effective;

4 (C) any human resources management sys-  
5 tem established or adjusted under chapter 97 of  
6 title 5, United States Code, with respect to cov-  
7 ered employees or covered positions shall cease  
8 to be effective; and

9 (D) covered employees and covered posi-  
10 tions shall be subject to the provisions of title  
11 5, United States Code.

12 (4) SAFEGUARDS ON GRIEVANCES.—In carrying  
13 out this Act, the Secretary shall take such actions  
14 as are necessary to provide an opportunity to each  
15 covered employee with a grievance or disciplinary ac-  
16 tion (including an adverse action) pending within  
17 TSA on the date of enactment of this Act or at any  
18 time during the transition period described in para-  
19 graph (3) of this subsection to have such grievance  
20 removed to proceedings pursuant to title 5, United  
21 States Code, or continued within TSA.

22 (c) TRANSITION RULES.—

23 (1) NONREDUCTION IN PAY AND COMPENSA-  
24 TION.—Under pay conversion rules as the Secretary  
25 may prescribe to carry out this Act, a covered em-

1        ployee converted from a TSA personnel management  
2        system to the provisions of title 5, United States  
3        Code, pursuant to paragraph (D) of subsection  
4        (b)(3) of this section shall not be subject to any re-  
5        duction in the rate of adjusted basic pay payable, or  
6        total compensation provided, to such covered em-  
7        ployee.

8            (2) PRESERVATION OF OTHER RIGHTS.—In the  
9        case of each covered employee as of the conversion  
10       date, the Secretary shall take any actions necessary  
11       to ensure that—

12            (A) any annual leave, sick leave, or other  
13        paid leave accrued, accumulated, or otherwise  
14        available to a covered employee immediately be-  
15        fore the conversion date shall remain available  
16        to the employee until used; and

17            (B) the Government share of any pre-  
18        miums or other periodic charges under chapter  
19        89 of title 5, United States Code, governing  
20        group health insurance shall remain at least the  
21        same as was the case immediately before the  
22        conversion date.

23            (3) GAO STUDY ON TSA PAY RATES.—Not later  
24        than the date that is 9 months after the date of en-  
25        actment of this Act, the Comptroller General shall



1 submit a report to Congress on the differences in  
2 rates of pay, classified by pay system, between  
3 Transportation Security Administration employees—

4 (A) with duty stations in the contiguous 48

5 States; and

6 (B) with duty stations outside of such

7 States, including those employees located in any  
8 territory or possession of the United States.

9 (4) RULE OF CONSTRUCTION.—During the  
10 transition period and after the conversion date, the  
11 Secretary shall ensure that the Transportation Secu-  
12 rity Administration continues to prevent the hiring  
13 of individuals who have been convicted of a sex  
14 crime, an offense involving a minor, a crime of vio-  
15 lence, or terrorism.

16 (d) CONSULTATION REQUIREMENT.—

17 (1) EXCLUSIVE REPRESENTATIVE.—The labor  
18 organization certified by the Federal Labor Rela-  
19 tions Authority on June 29, 2011, or successor labor  
20 organization shall be treated as the exclusive rep-  
21 resentative of full- and part-time non-supervisory  
22 TSA personnel carrying out screening functions  
23 under section 44901 of title 49, United States Code,  
24 and shall be the exclusive representative for such  
25 personnel under chapter 71 of title 5, United States

1 Code, with full rights under such chapter. Any col-  
2 lective bargaining agreement covering such personnel  
3 on the date of enactment of this Act shall remain in  
4 effect, consistent with paragraph (4).

5 (2) CONSULTATION RIGHTS.—Not later than 7  
6 days after the date of the enactment of this Act, the  
7 Secretary shall consult with the exclusive representa-  
8 tive for the personnel described in subsection (a)  
9 under chapter 71 of title 5, United States Code, on  
10 the formulation of plans and deadlines to carry out  
11 the conversion of covered employees and covered po-  
12 sitions under this Act. Prior to the conversion date,  
13 the Secretary shall provide (in writing) to such ex-  
14 clusive representative the plans for how the Sec-  
15 retary intends to carry out the conversion of covered  
16 employees and covered positions under this Act, in-  
17 cluding with respect to such matters as—

18 (A) the anticipated conversion date; and

19 (B) measures to ensure compliance with  
20 subsections (b) and (c).

21 (3) REQUIRED AGENCY RESPONSE.—If any  
22 views or recommendations are presented under para-  
23 graph (2) by the exclusive representative, the Sec-  
24 retary shall consider the views or recommendations  
25 before taking final action on any matter with respect

1 to which the views or recommendations are pre-  
2 sented and provide the exclusive representative a  
3 written statement of the reasons for the final actions  
4 to be taken.

5 (4) SUNSET PROVISION.—The provisions of this  
6 section shall cease to be effective as of the conver-  
7 sion date.

## 8 **TITLE II—LAW ENFORCEMENT** 9 **ACCOUNTABILITY REFORMS**

### 10 **Subtitle A—De-Escalation**

#### 11 **SEC. 201. DE-ESCALATION, USE OF FORCE, AND BODY-** 12 **WORN CAMERA POLICY.**

13 (a) IN GENERAL.—Subtitle A of title VII of the  
14 Homeland Security Act of 2002 (6 U.S.C. 341 et seq.),  
15 as amended by this Act, is further amended by adding  
16 at the end the following new sections:

#### 17 **“SEC. 719. DE-ESCALATION AND USE OF FORCE.**

18 “(a) POLICY.—Not later than 180 days after the date  
19 of the enactment of this section, the Secretary, acting  
20 through the Under Secretary for Management, in con-  
21 sultation with Associate Secretary, shall update the De-  
22 partment-wide policy issued on September 7, 2018, on the  
23 use of force by law enforcement officers of the Department  
24 to ensure that such officers use only the amount of force  
25 that is objectively reasonable in consideration of the facts

1 and circumstances at issue to bring incidents under con-  
2 trol effectively, while also ensuring the safety of such offi-  
3 cers and other individuals. Such updated policy shall set  
4 forth in a clear and consistent manner that de-escalation  
5 is preferred.

6 “(b) REQUIREMENTS.—The Department-wide policy  
7 updated pursuant to subsection (a) shall require—

8 “(1) law enforcement officers of the Depart-  
9 ment to complete initial and recurrent training in  
10 the full range of use of force tactics, including the  
11 use of de-escalation;

12 “(2) the head of each component of the Depart-  
13 ment with such officers to—

14 “(A) designate an individual or individuals,  
15 having subject matter expertise regarding use  
16 of force policy, training, and the application of  
17 use of force tactics, including de-escalation tac-  
18 tics, to be responsible for ensuring compliance  
19 with such updated policy; and

20 “(B) maintain a use of force review council  
21 or committee, the members of which shall have  
22 subject matter expertise described in subpara-  
23 graph (A) to perform internal analysis of use of  
24 force incidents to—

1                   “(i) inform training and tactics and  
2                   develop recommendations for improvements  
3                   to policies and procedures; and

4                   “(ii) identify trends and lessons  
5                   learned to be shared within the component  
6                   and across the Department;

7                   “(3) make recommendations with regard to, or  
8                   report deficiencies in, training, policies, or proce-  
9                   dures; and

10                  “(4) maintain data regarding use of force with-  
11                  in such component in accordance with subsection  
12                  (c).

13                  “(c) REPORTING.—

14                  “(1) IN GENERAL.—The Associate Secretary  
15                  shall—

16                         “(A) issue requirements for the head of  
17                         each component of the Department to collect  
18                         and maintain data regarding the use of force  
19                         within each such component necessary to pub-  
20                         lish the report required under subparagraph  
21                         (B); and

22                         “(B) publish, every six months, a report on  
23                         the Department’s website containing, to the ex-  
24                         tent possible—

1           “(i) data regarding each incident dur-  
2           ing the previous six-month period in which  
3           lethal force was used by law enforcement  
4           officers of the Department that—

5                   “(I) is disaggregated by compo-  
6                   nent; and

7                   “(II) describes—

8                           “(aa) specific information on  
9                           the region or jurisdiction in  
10                           which each such incident oc-  
11                           curred; and

12                           “(bb) the circumstances sur-  
13                           rounding each such incident; and

14                   “(ii) a specification of whether a De-  
15                   partment officer or other individual was in-  
16                   jured or killed in each such incident; and

17                   “(C) in conjunction with the report re-  
18                   quired under subparagraph (B), publish a sum-  
19                   mary of any reviews with respect to which, dur-  
20                   ing the previous six-month period, final action  
21                   was taken, including a summary of the findings  
22                   resulting from any such reviews and any find-  
23                   ings relating to whether the uses of force con-  
24                   templated by any such reviews complied with  
25                   Federal law and Department-wide policy.

1           “(2) PRIVACY PROTECTION.—Any information  
2           published pursuant to this subsection shall be pre-  
3           sented in a manner that protects individual privacy.

4           “(d) OFFICE OF INSPECTOR GENERAL.—The Inspec-  
5           tor General of the Department shall on an ongoing basis  
6           review compliance with subsections (a) and (c).

7           “(e) DE-ESCALATION AND USE OF FORCE COUN-  
8           CIL.—

9           “(1) IN GENERAL.—The Secretary of Homeland  
10          Security, acting through the Associate Secretary,  
11          shall maintain an intradepartmental council, chaired  
12          by the Under Secretary for Strategy, Policy, and  
13          Plans, at which representatives from the following  
14          components and entities may share lessons learned,  
15          best practices, and trends regarding de-escalation  
16          and use of force policies, training, and oversight:

17                   “(A) The Office of the Under Secretary for  
18                   Management.

19                   “(B) U.S. Customs and Border Protection.

20                   “(C) The Coast Guard.

21                   “(D) The Secret Service.

22                   “(E) U.S. Immigration and Customs En-  
23                   forcement.

24                   “(F) The Federal Emergency Management  
25                   Agency.





1 formed law enforcement officers of the Department  
2 and dashboard cameras for all marked vehicles of  
3 the Department and associated recording protocols.

4 “(2) PRINCIPLES.—The Department-wide direc-  
5 tive required under paragraph (1) shall consider  
6 principles published by major civil and human rights  
7 organizations regarding body-worn cameras and  
8 dashboard cameras and include the following:

9 “(A) Benchmarks for implementation of  
10 the use of body-worn cameras by uniformed law  
11 enforcement officers and dashboard cameras for  
12 marked vehicles of the Department.

13 “(B) Training requirements, procedures,  
14 and best practices for the use of body-worn  
15 cameras and dashboard cameras.

16 “(C) Plans to publicize the directive and  
17 the requirements set forth in this section so  
18 that the workforce and other impacted individ-  
19 uals are notified of new policies, in particular,  
20 those regarding the retention and right to in-  
21 spect body-worn camera footage.

22 “(3) LIMITED EXCEPTION.—The directive re-  
23 quired under paragraph (1) shall not apply—

24 “(A) to any personnel who operate in a lo-  
25 cation where the Secretary carries out redun-

1           dant video-monitoring or video-surveillance that  
2           is maintained in good working order and that  
3           provides video footage of a quality that is the  
4           same or better than that which would be cap-  
5           tured by a body-worn camera or dashboard  
6           camera;

7           “(B) to any vehicle that serves as a mobile  
8           command vehicle, and to any personnel therein;

9           “(C) to any vehicle, including any Federal,  
10          State, local, or rented vehicle, that the Sec-  
11          retary deploys in support of protective oper-  
12          ations and to any law enforcement personnel  
13          therein while such personnel are engaged in  
14          such protective operations; and

15          “(D) in instances in which an immediate  
16          threat to the life or safety of a uniformed law  
17          enforcement officer of the Department makes  
18          activating a body-worn camera or dashboard  
19          camera impossible or dangerous, except that in  
20          such an instance such officer shall activate any  
21          such camera at the first reasonable opportunity  
22          to do so.

23          “(b) RETENTION OF FOOTAGE.—

24                  “(1) IN GENERAL.—Body camera and dash-  
25          board camera video footage shall be retained by the

1 law enforcement agency that employs the officer  
2 whose camera captured the footage, or an authorized  
3 agent thereof, for 6 months after the date it was re-  
4 corded, after which time such footage shall be per-  
5 manently deleted.

6 “(2) ADDITIONAL RETENTION REQUIRE-  
7 MENTS.—Notwithstanding the retention and deletion  
8 requirements in paragraph (1)—

9 “(A) video footage shall be automatically  
10 retained for not less than 3 years if the video  
11 footage captures an interaction or event involv-  
12 ing—

13 “(i) any use of force; or

14 “(ii) an encounter about which a com-  
15 plaint has been registered by a subject of  
16 the video footage; and

17 “(B) body camera video footage shall also  
18 be retained for not less than 3 years if a longer  
19 retention period is voluntarily requested by—

20 “(i) the uniformed officer whose body  
21 camera recorded the video footage, if that  
22 officer reasonably asserts the video footage  
23 has evidentiary or exculpatory value in an  
24 ongoing investigation;

1           “(ii) any uniformed officer who is a  
2           subject of the video footage, if that officer  
3           reasonably asserts the video footage has  
4           evidentiary or exculpatory value;

5           “(iii) any superior officer of a uni-  
6           formed officer whose body camera recorded  
7           the video footage or who is a subject of the  
8           video footage, if that superior officer rea-  
9           sonably asserts the video footage has evi-  
10          dentiary or exculpatory value;

11          “(iv) any uniformed officer, if the  
12          video footage is being retained solely and  
13          exclusively for police training purposes;

14          “(v) any member of the public who is  
15          a subject of the video footage;

16          “(vi) any parent or legal guardian of  
17          a minor who is a subject of the video foot-  
18          age; or

19          “(vii) a deceased subject’s spouse,  
20          next of kin, or legally authorized designee.

21           “(3) RIGHT TO INSPECT.—During the retention  
22          periods described in paragraphs (1) and (2), the fol-  
23          lowing persons shall have the right to inspect, but  
24          not retain or in any matter alter, the body camera  
25          footage:

1           “(A) Any person who is a subject of body  
2 camera video footage, and their designated legal  
3 counsel.

4           “(B) A parent of a minor subject of body  
5 camera video footage, and their designated legal  
6 counsel.

7           “(C) The spouse, next of kin, or legally au-  
8 thorized designee of a deceased subject of body  
9 camera video footage, and their designated legal  
10 counsel.

11           “(D) A uniformed officer whose body cam-  
12 era recorded the video footage, and their des-  
13 ignated legal counsel, subject to the limitations  
14 and restrictions in this part.

15           “(E) The superior officer of a uniformed  
16 officer whose body camera recorded the video  
17 footage, subject to the limitations and restric-  
18 tions in this part.

19           “(F) Any defense counsel who claims, pur-  
20 suant to a written affidavit, to have a reason-  
21 able basis for believing a video may contain evi-  
22 dence that exculpates a client.

23           “(c) PERIODIC REPORTING.—

24           “(1) IN GENERAL.—Not later than 180 days  
25 after the date of the enactment of this section and

1 every 180 days thereafter until the Secretary sub-  
2 mits the certification described in paragraph (2), the  
3 Under Secretary for Management shall report to the  
4 Committee on Homeland Security of the House of  
5 Representatives and the Committee on Homeland  
6 Security and Governmental Affairs of the Senate re-  
7 garding progress on efforts to implement the De-  
8 partment-wide directive described in subsection (a).

9 “(2) CERTIFICATION.—A certification described  
10 in this paragraph is a certification submitted by the  
11 Secretary 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 that the Department has fully imple-  
15 mented the directive described in subsection (a).

16 **“SEC. 721. PROHIBITED USE OF FORCE.**

17 “(a) IN GENERAL.—Beginning on the date that is 90  
18 days after the date of the enactment of this section, a law  
19 enforcement officer of the Department who intentionally  
20 uses a chokehold or carotid hold shall be subject to dis-  
21 ciplinary review. Such officer may be subject to discipli-  
22 nary action, consistent with chapter 75 of title V, includ-  
23 ing termination, except in instances in which the use of  
24 such force is determined by the Secretary Associate Sec-

1 retary to be objectively reasonable under the cir-  
2 cumstances.

3 “(b) DEFINITION.—In this section, the terms  
4 ‘chokehold’ and ‘carotid hold’ mean the application of any  
5 pressure to the throat or windpipe, the use of maneuvers  
6 that restrict blood or oxygen flow to the brain, or carotid  
7 artery restraints that prevent or hinder breathing or re-  
8 duce intake of air of an individual.”.

9 (b) CLERICAL AMENDMENTS.—The table of contents  
10 in section 1(b) of the Homeland Security Act of 2002 is  
11 amended by inserting at the end of the items relating to  
12 subtitle A of title VII the following new items:

“Sec. 719. De-escalation and use of force.

“Sec. 720. Body-worn camera and dashboard cameras.

“Sec. 721. Prohibited use of force.”.

13 **SEC. 202. DE-ESCALATION TRAINING.**

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

17 **“SEC. 890C. DE-ESCALATION TRAINING.**

18 “(a) DEPARTMENT TRAINING.—Not later than 90  
19 days after the issuance of the updated Department-wide  
20 policy pursuant to section 719, the Associate Secretary  
21 shall ensure that use of force training provided to law en-  
22 forcement officers of the Department appropriately em-  
23 phasize de-escalation training to reflect such policy’s pref-  
24 erence for de-escalation.

1           “(b) STATE AND LOCAL LAW ENFORCEMENT TRAIN-  
2 ING.—The Associate Secretary, acting through the Direc-  
3 tor of the Federal Law Enforcement Training Center, in  
4 consultation with the Deputy Assistant Secretary for State  
5 and Local Law Enforcement, shall, to the greatest extent  
6 practicable, increase the availability of use of force train-  
7 ing, including de-escalation training, in the training cur-  
8 riculum made available to State, local, Tribal, and terri-  
9 torial law enforcement officers.”.

10           (b) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of the Homeland Security Act of 2002 is  
12 amended by inserting after the item relating to section  
13 890B the following new item:

“Sec. 890C. De-escalation training.”.

14 **SEC. 203. LESS LETHAL TACTICS ASSESSMENT.**

15           (a) IN GENERAL.—Not later than 120 days after the  
16 date of the enactment of this Act, the Associate Secretary  
17 shall commission an assessment of written policies, train-  
18 ing, and instances of the utilization by the Department  
19 of Homeland Security of less lethal force tactics utilized  
20 by the Department within the past three years by a non-  
21 profit research institution with expertise in homeland se-  
22 curity, including border security, and law enforcement.  
23 Such assessment shall, if appropriate, include any rec-  
24 ommendations for changes with respect to such policies  
25 or training to improve the use of less lethal force tactics.



1 Such assessment shall, at a minimum, consider the use  
2 of the following:

3 (1) Oleoresin capsicum spray or any other fog  
4 or irritant dispensers for crowd control or disburse-  
5 ment.

6 (2) Electronic control weapons that discharge  
7 electrical energy.

8 (3) Compressed air launchers, such as com-  
9 pressed-air powered, shoulder-fired launchers that  
10 deliver less lethal projectiles.

11 (4) Munition launchers that deliver an airburst  
12 flash bang effect.

13 (5) Less-lethal specialty impact chemical muni-  
14 tions.

15 (6) Controlled tire deflation devices.

16 (7) Long range acoustic devices.

17 (8) Other crowd control and disbursement tac-  
18 tics.

19 (b) REPORT.—The assessment required under sub-  
20 section (a) shall be submitted to the Secretary of Home-  
21 land Security not later than one year after the commence-  
22 ment of such assessment. Not later than 90 days after  
23 receipt of such assessment, the Secretary shall submit to  
24 the Committee on Homeland Security of the House of  
25 Representatives and the Committee on Homeland Security

1 and Governmental Affairs of the Senate such assessment,  
2 together with the Secretary's feedback on any rec-  
3 ommendations contained therein.

4 **SEC. 204. REQUESTS RELATING TO DEPARTMENT OF HOME-**  
5 **LAND SECURITY PERSONNEL OR EQUIP-**  
6 **MENT.**

7 (a) IN GENERAL.—Subtitle H of title VIII of the  
8 Homeland Security Act of 2002, as amended by this title,  
9 is further amended by adding at the end the following new  
10 section:

11 **“SEC. 890D. REQUESTS RELATING TO PERSONNEL OR**  
12 **EQUIPMENT.**

13 “The Secretary shall provide notification 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 of the Senate of the Secretary's accept-  
17 ance of a request to augment local law enforcement capa-  
18 bilities with the deployment of Department personnel, in-  
19 cluding law enforcement personnel, unmanned aerial sys-  
20 tem operations, or other equipment within 24 hours of  
21 such acceptance. The notification requirement under this  
22 section shall not apply to ongoing or routine joint oper-  
23 ations or assignments authorized under law, including sec-  
24 tion 1303 of the Implementing Recommendations of the  
25 9/11 Commission Act of 2007 (6 U.S.C. 1112).”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002 is  
3 amended by inserting after the item relating to section  
4 890C, as added by this title, the following new item:

“Sec. 890D. Requests relating to personnel or equipment.”.

5 **SEC. 205. BEST PRACTICES TO REDUCE INCIDENTS OF EX-**  
6 **CESSIVE OR UNAUTHORIZED FORCE.**

7 (a) IN GENERAL.—The Associate Secretary of the  
8 Department of Homeland Security, acting through the  
9 Under Secretary for Science and Technology of the De-  
10 partment of Homeland Security, shall research and rec-  
11 ommend the adoption of evidence-based practices that,  
12 when utilized by law enforcement officers of the Depart-  
13 ment, have the potential to reduce incidents of excessive  
14 or unauthorized force. Such practices shall be based on  
15 research that takes into account the degree to which the  
16 following factors potentially contribute to such incidents:

17 (1) Gaps in training or staffing including those  
18 that may contribute to the delayed deployment of  
19 backup resources in the field.

20 (2) Unconscious bias regarding race, gender,  
21 ethnicity, or national origin or other psychological  
22 triggers.

23 (3) The level of racial, gender, and ethnic diver-  
24 sity within the workforce in which such law enforce-  
25 ment officer serves.

1           (4) Stress or fatigue, and related underlying  
2           causes.

3           (b) REPORT.—Not later than one year after com-  
4           mencing the research described in subsection (a), the  
5           Under Secretary for Science and Technology of the De-  
6           partment of Homeland Security shall submit to the Sec-  
7           retary of Homeland Security and the Committee on  
8           Homeland Security of the House of Representatives and  
9           the Committee on Homeland Security and Governmental  
10          Affairs of the Senate a report containing findings regard-  
11          ing evidence-based practices described in such subsection.

12          (c) RESEARCH PARTNERSHIPS.—To carry out sub-  
13          section (a), the Under Secretary for Science and Tech-  
14          nology of the Department of Homeland Security shall seek  
15          research partnerships with historically Black colleges and  
16          minority-serving institutions and other university-based  
17          centers for homeland security pursuant to section  
18          308(b)(2) of the Homeland Security Act of 2002 (6  
19          U.S.C. 188(b)(2)).

20       **SEC. 206. DEPARTMENT OF HOMELAND SECURITY COMPO-**  
21                               **NENT INSIGNIA REQUIRED.**

22          (a) IN GENERAL.—Subtitle A of title VII of the  
23          Homeland Security Act of 2002, as amended by this Act,  
24          is further amended by adding at the end the following new  
25          section:

1 **“SEC. 722. DEPARTMENT COMPONENT INSIGNIA REQUIRED.**

2       “(a) IN GENERAL.—All uniformed law enforcement  
3 officers of the Department who are required to display or  
4 wear the official insignia or uniform (as such term is de-  
5 fined in section 716(c)(3) of title 18, United States Code)  
6 of the Department or component, as the case may be, to  
7 perform the duties of such officer shall display or wear  
8 such official insignia or uniform in a manner that is visible  
9 to others when carrying out such duties, including when  
10 deployed to augment State or local law enforcement capa-  
11 bilities.

12       “(b) EXCEPTION.—The requirement under sub-  
13 section (a) shall not apply in the case of a law enforcement  
14 officer of the Department or a component of the Depart-  
15 ment who is engaged in undercover or covert operations.”.

16       (b) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) of the Homeland Security Act of 2002 is  
18 amended by inserting after the item relating to section  
19 721, as added by this title, the following new item:

“Sec. 722. Department component insignia required.”.

20 **SEC. 207. FLETC ADVISORY BOARD.**

21       (a) IN GENERAL.—Pursuant to section 871 of the  
22 Homeland Security Act of 2002 (6 U.S.C. 451), the Asso-  
23 ciate Secretary of Homeland Security shall establish an  
24 advisory committee to the Federal Law Enforcement  
25 Training Centers (FLETC) to advise and make rec-

1 ommendations on matters relating to the selection, devel-  
2 opment, content, and delivery of training by FLETC.

3 (b) MEMBERSHIP.—The committee established pur-  
4 suant to subsection (a) shall be comprised of 19 members  
5 who possess diverse expertise, knowledge, and experience  
6 in law enforcement training, including at least one rep-  
7 resentative from each of the following:

8 (1) A national association representing major  
9 metropolitan police chiefs.

10 (2) Rural police departments.

11 (3) African-American police officers.

12 (4) Hispanic police officers.

13 (5) Tribal police officers.

14 (c) RESPONSIBILITIES.—The committee shall provide  
15 advice and recommendations to FLETC on the following:

16 (1) Training policy formulation.

17 (2) Training needs for State, local, and Tribal  
18 law enforcement officers, including de-escalation  
19 training.

20 (3) Training curriculum, course content, and  
21 evaluation.

22 (4) Student admission, performance, testing,  
23 and evaluation.

24 (d) QUORUM; MEETINGS.—A quorum shall consist of  
25 a majority of members and the committee shall meet at

1 least twice annually. All committee meetings shall be open  
2 to the public and announced in advance in the Federal  
3 Register.

4 (e) LESS THAN LETHAL FORCE REPORT.—The com-  
5 mittee shall review the report required under section  
6 203(b) and issue, as appropriate, recommendations to  
7 FLETC regarding changes in training based on such re-  
8 port.

9 **SEC. 208. DEPARTMENT OF HOMELAND SECURITY SUP-**  
10 **PORT FOR THE NATIONAL NETWORK OF FU-**  
11 **SION CENTERS.**

12 Section 210A of the Homeland Security Act of 2002  
13 (6 U.S.C. 124h) is amended—

14 (1) in subsection (b)(1), by inserting “, includ-  
15 ing relating to privacy, civil rights, and civil liberties  
16 training,” after “advice and assistance”;

17 (2) in subsection (c), by adding at the end the  
18 following new paragraph:

19 “(7) PRIVACY, CIVIL RIGHTS, AND CIVIL LIB-  
20 ERTIES ADVISORS.—The Chief Privacy Officer of the  
21 Department and the Officer for Civil Rights and  
22 Civil Liberties of the Department, in coordination  
23 with the Under Secretary for Intelligence and Anal-  
24 ysis shall, to the maximum extent practicable, assign  
25 personnel to assist the fusion centers that partici-

1       pate in the State, Local, and Regional Fusion Cen-  
2       ter Initiative, including employees of such fusion  
3       centers who are responsible for privacy, civil rights,  
4       and civil liberties efforts within such fusion cen-  
5       ters.”;

6               (3) by redesignating subsections (k) and (l) as  
7       subsections (n) and (o), respectively; and

8               (4) by inserting after subsection (j) the fol-  
9       lowing new subsections:

10      “(k) SELF-ASSESSMENT.—

11              “(1) IN GENERAL.—Not later than one year  
12       after the date of the enactment of this subsection,  
13       the Secretary shall disseminate to each fusion center  
14       participating in the State, Local, and Regional Fu-  
15       sion Center Initiative and receiving a grant from the  
16       Department guidance on conducting a self-assess-  
17       ment with respect to adherence to privacy, civil  
18       rights, and civil liberties protections to privacy, civil  
19       rights, and civil liberties polices, including training.  
20       Not later than August 31, 2022, and annually there-  
21       after, such fusion centers shall submit to the Sec-  
22       retary such self-assessments.

23              “(2) INSPECTOR GENERAL REVIEW.—Not later  
24       than September 30, 2022, and annually thereafter,  
25       the Under Secretary for Intelligence and Analysis



1 shall submit to the Inspector General of the Depart-  
2 ment the self-assessments submitted to the Under  
3 Secretary. Not later than 90 days after the receipt  
4 of the self-assessments, and annually thereafter, the  
5 Inspector General shall review a representative sam-  
6 pling, as determined by the Inspector General, of the  
7 policies, practices, and performance with respect to  
8 privacy, civil rights, and civil liberties of the fusion  
9 centers participating in the State, Local, and Re-  
10 gional Fusion Center Initiative to determine such  
11 centers' adherence to privacy, civil rights, and civil  
12 liberties polices, including training. Each such review  
13 shall take into consideration the self-assessments of  
14 the fusion centers so sampled and reviewed. The In-  
15 spector General shall annually rotate the fusion cen-  
16 ters subject to such sampling and review, and shall  
17 endeavor to sample and review fusion centers that  
18 are diverse with respect to the metropolitan areas,  
19 States, or regions in which such fusion centers oper-  
20 ate.

21 “(l) COMPTROLLER GENERAL.—Beginning on the  
22 date that is one year after the date of the enactment of  
23 this subsection, the Comptroller General of the United  
24 States shall triennially submit to the Committee on Home-  
25 land Security of the House of Representatives and the

1 Committee on Homeland Security and Governmental Af-  
2 fairs of the Senate a review of the use of emerging tech-  
3 nologies, including facial recognition, artificial intelligence,  
4 and machine learning, by fusion centers participating in  
5 the State, Local, and Regional Fusion Center Initiative,  
6 and the effects of such technologies on the privacy, civil  
7 rights, and civil liberties of the American public. Each  
8 such review shall evaluate not fewer than—

9           “(1) three such fusion centers that serve high-  
10 risk urban areas (as such term is defined in section  
11 2003); and

12           “(2) two State fusion centers.”.

13       **Subtitle B—Securing of Firearms**  
14           **and Other Sensitive Assets**

15       **SEC. 221. DEFINITIONS.**

16       In this title:

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

19           (2) LOST.—The term “lost” includes loss by  
20 theft.

21           (3) SENSITIVE ASSETS.—The term “sensitive  
22 assets” has the meaning given such term in section  
23 701, as amended by section 222 of this Act.

24           (4) UNDER SECRETARY FOR MANAGEMENT.—  
25 The term “Under Secretary for Management”

1 means the Under Secretary for Management of the  
2 Department.

3 **SEC. 222. INCLUSION OF SECURING FIREARMS AND OTHER**  
4 **SENSITIVE ASSETS IN RESPONSIBILITIES OF**  
5 **UNDER SECRETARY FOR MANAGEMENT.**

6 Section 701 of the Homeland Security Act of 2002  
7 (6 U.S.C. 341) is amended—

8 (1) in subsection (a)(6), by inserting “(includ-  
9 ing firearms and other sensitive assets)” after  
10 “equipment”;

11 (2) by redesignating the second subsection (e)  
12 (relating to the definition of interoperable commu-  
13 nications) as subsection (f); and

14 (3) by amending such redesignated subsection  
15 (f) to read as follows:

16 “(f) DEFINITIONS.—In this section:

17 “(1) INTEROPERABLE COMMUNICATIONS.—The  
18 term ‘interoperable communications’ has the mean-  
19 ing given such term in section 7303(g) of the Intel-  
20 ligence Reform and Terrorism Prevention Act of  
21 2004 (6 U.S.C. 194(g)).

22 “(2) SENSITIVE ASSETS.—The term ‘sensitive  
23 assets’ means any asset, regardless of value—

24 “(A) that the Department issues to a De-  
25 partment employee; and

1           “(B) that either the Under Secretary for  
2           Management or a component head determines  
3           requires special control and accounting.”.

4 **SEC. 223. MANAGEMENT DIRECTIVE.**

5           (a) SAFEGUARDING FIREARMS AND SENSITIVE AS-  
6           SETS DIRECTIVE.—

7           (1) IN GENERAL.—Not later than 120 days  
8           after the date of the enactment of this Act, the  
9           Under Secretary for Management shall develop and  
10          disseminate a Department-wide directive for achiev-  
11          ing adequate security over firearms and other sen-  
12          sitive assets across the Department.

13          (2) CONTENTS.—The Department-wide direc-  
14          tive required under subsection (a) shall, at a min-  
15          imum, include the following:

16                (A) Descriptions of what equipment, in ad-  
17                dition to firearms, is classified as a sensitive  
18                asset for the purpose of carrying out this Act.

19                (B) Requirements for securing Depart-  
20                ment-issued firearms and other sensitive assets.

21                (C) A classification system for all cat-  
22                egories of Department-issued badges and cor-  
23                responding requirements for safeguarding such  
24                assets.

1           (D) Reporting requirements for lost fire-  
2 arms and other sensitive assets, including  
3 timelines for such reporting, to supervisors,  
4 local law enforcement, the Federal Bureau of  
5 Investigation's National Crime Information  
6 Center, and Department headquarters.

7           (E) Recordkeeping requirements for lost  
8 firearms and other sensitive assets in inventory  
9 systems, including a timeline for recording such  
10 losses.

11           (3) REVIEW AND UPDATE OF DIRECTIVE.—Not  
12 later than one year after the issuance of the direc-  
13 tive required under subsection (a), the Under Sec-  
14 retary for Management shall review and update, as  
15 necessary, such directive, including adding a require-  
16 ment relating to recording in the inventory systems  
17 maintained by each component of the Department  
18 the acceptance or transfer of a firearm or other sen-  
19 sitive asset by such component.

20           (b) PERSONAL PROPERTY ASSET MANAGEMENT  
21 PROGRAM MANUAL.—Together with the issuance of the  
22 directive required under subsection (a), the Under Sec-  
23 retary for Management shall disseminate a revised version  
24 of the Personal Property Asset Management Program  
25 Manual that includes the following:

1           (1) Requirements for component heads to de-  
2       velop procedures to safeguard firearms and other  
3       sensitive assets during on and off-duty time.

4           (2) Requirements for the issuance of safety  
5       locking devices and policies on the use of such as-  
6       sets, as applicable.

7           (3) Requirements for initial, recurrent, and re-  
8       medial training on safeguarding such assets.

9           (4) Examples, with detail, of how to report and  
10      record lost sensitive assets across components of the  
11      Department, and an enforcement mechanism to en-  
12      sure supervisors maintain such records.

13          (5) A requirement that the file maintained on  
14      a lost firearm or other sensitive asset contains both  
15      the corresponding police report and the Department  
16      report detailing the circumstances surrounding such  
17      loss, including information on adherence to safe-  
18      guarding procedures.

19 **SEC. 224. COMPONENT RESPONSIBILITIES.**

20      Department component heads shall—

21          (1) comply with Federal law, Federal regula-  
22      tions, executive branch guidance, and Department  
23      policy, including directives required by this Act, re-  
24      lating to the management and oversight of securing  
25      firearms and other sensitive assets;

1           (2) review the need for non-law enforcement  
2 badges;

3           (3) require component personnel to safeguard  
4 firearms and other sensitive assets in accordance  
5 with the directive issued by the Under Secretary for  
6 Management under section 223;

7           (4) require that component personnel adhere to  
8 the procedures and timelines for properly reporting  
9 to supervisors lost firearms and other sensitive as-  
10 sets;

11           (5) require that lost firearms and other sen-  
12 sitive assets are reported to local law enforcement,  
13 the Federal Bureau of Investigation's National  
14 Crime Information Center, and Department head-  
15 quarters in the timeframe established in such direc-  
16 tive; and

17           (6) require that lost firearms and other sen-  
18 sitive assets are recorded in inventory systems in the  
19 timeframe established by such directive.

20 **SEC. 225. PERSONAL PROPERTY ASSET MANAGEMENT IN-**  
21 **SPECTOR GENERAL REVIEW.**

22           The Inspector General of the Department shall, on  
23 an ongoing basis, review implementation of this Act and,  
24 not later than 180 days after issuance of the Department-  
25 wide directive required under section 223, submit to the

1 Committee on Homeland Security of the House of Rep-  
2 resentatives and the Committee on Homeland Security  
3 and Governmental Affairs of the Senate a review of the  
4 progress and effectiveness of such directive, including an  
5 assessment of the adequacy of such directive, as well as  
6 the level of compliance among the components of the De-  
7 partment to achieve adequate security of sensitive assets  
8 across Department components.

9 **Subtitle C—Federal Law**  
10 **Enforcement Training Centers**

11 **SEC. 231. FLETC RESEARCH AND DEVELOPMENT.**

12 The Director of the Federal Law Enforcement Train-  
13 ing Centers (FLETC), in coordination with the Under  
14 Secretary for Science and Technology of the Department  
15 of Homeland Security, shall conduct research and develop-  
16 ment of a technology to enhance participation rates in  
17 training offered to State, local, and Tribal communities,  
18 with particular attention to rural or remote communities,  
19 for the purpose of enhancing domestic preparedness for  
20 and collective response to terrorism and other homeland  
21 security threats.

22 **SEC. 232. REPORTING ON BASIC TRAINING PROGRAMS OF**  
23 **THE DEPARTMENT OF HOMELAND SECURITY.**

24 (a) ANNUAL REPORTING.—



1           (1) IN GENERAL.—Not later than 90 days after  
2           the date of the enactment of this Act and annually  
3           thereafter, the Secretary of Homeland Security, act-  
4           ing through the Under Secretary for Management of  
5           the Department of Homeland Security, shall report  
6           to the Committee on Homeland Security of the  
7           House of Representatives and the Committee on  
8           Homeland Security and Governmental Affairs of the  
9           Senate on the accreditation status for each basic  
10          training program of the Department, including in-  
11          formation relating to the following:

12                   (A) The date on which each such program  
13                   achieved initial accreditation, or in the case of  
14                   a program that is not currently accredited, the  
15                   reasons for not obtaining or maintaining ac-  
16                   creditation, the activities, if any, taken to  
17                   achieve accreditation, and an anticipated  
18                   timeline for accreditation of such program.

19                   (B) The date each such program most re-  
20                   cently received accreditation or reaccreditation,  
21                   if applicable.

22                   (C) Each such program’s anticipated ac-  
23                   creditation or next reaccreditation date.

24                   (D) The name of the accreditation man-  
25                   ager for each such program.

1           (2) TERMINATION OF REPORTING REQUIRE-  
2           MENT.—Annual reports under paragraph (1) shall  
3           terminate when all basic training programs of the  
4           Department of Homeland Security are accredited.

5           (b) LAPSE IN ACCREDITATION.—

6           (1) IN GENERAL.—If a basic training program  
7           of the Department of Homeland Security loses ac-  
8           creditation, the head of the relevant component of  
9           the Department shall notify the Under Secretary for  
10          Management of the Department not later than 30  
11          days after such loss.

12          (2) NOTICE TO CONGRESS.—Not later than 60  
13          days after receiving a notification pursuant to sub-  
14          section (a), the Under Secretary for Management of  
15          the Department of Homeland Security shall notify  
16          the Committee on Homeland Security of the House  
17          of Representatives and the Committee on Homeland  
18          Security and Governmental Affairs of the Senate of  
19          the lapse in accreditation, the reason for such lapse,  
20          and the activities underway and planned to regain  
21          accreditation.

22          (c) DEFINITIONS.—In this section:

23          (1) ACCREDITATION.—The term “accredita-  
24          tion” means the recognition by a board that a basic

1 training program is administered, developed, and de-  
2 livered according to an applicable set of standards.

3 (2) ACCREDITATION MANAGER.—The term “ac-  
4 creditation manager” means the individual assigned  
5 by the component of the Department of Homeland  
6 Security to manage accreditation activities for a  
7 basic training program.

8 (3) BASIC TRAINING PROGRAM.—The term  
9 “basic training program” means an entry level pro-  
10 gram that is transitional to law enforcement service,  
11 provides training on critical competencies and re-  
12 sponsibilities, and is typically a requirement for ap-  
13 pointment to a law enforcement service job or job se-  
14 ries.

15 (4) REACCREDITATION.—The term “reaccredi-  
16 tation” means the assessment of a basic training  
17 program after initial accreditation to ensure the con-  
18 tinued compliance with an applicable set of stand-  
19 ards.

1           **TITLE III—ACQUISITION**  
2                           **REFORMS**  
3                           **Subtitle A—Authorities**

4   **SEC. 301. DEFINITIONS.**

5           (a) IN GENERAL.—Subtitle D of title VIII of the  
6 Homeland Security Act of 2002 is amended by inserting  
7 before section 831 the following new section:

8   **“SEC. 830. DEFINITIONS.**

9           “In this subtitle:

10                   “(1) The term ‘acquisition’ has the meaning  
11 given such term in section 131 of title 41, United  
12 States Code.

13                   “(2) The term ‘acquisition decision authority’  
14 means the authority, held by the Secretary acting  
15 through the Under Secretary for Management to—

16                           “(A) ensure compliance with Federal law,  
17 the Federal Acquisition Regulation, and De-  
18 partment acquisition management directives;

19                           “(B) review (including approving, pausing,  
20 modifying, or canceling) an acquisition program  
21 through the life cycle of such program;

22                           “(C) ensure that acquisition program man-  
23 agers have the resources necessary to success-  
24 fully execute an approved acquisition program;

1           “(D) ensure appropriate acquisition pro-  
2           gram management of cost, schedule, risk, and  
3           system performance of the acquisition program  
4           at issue, including assessing acquisition pro-  
5           gram baseline breaches and directing any cor-  
6           rective action for such breaches; and

7           “(E) ensure that acquisition program man-  
8           agers, on an ongoing basis, monitor cost, sched-  
9           ule, and performance against established base-  
10          lines and use tools to assess risks to an acquisi-  
11          tion program at all phases of the life cycle of  
12          such program to avoid and mitigate acquisition  
13          program baseline breaches.

14          “(3) The term ‘acquisition decision event’, with  
15          respect to an acquisition program, means a predeter-  
16          mined point within the acquisition lifecycle at which  
17          the acquisition decision authority determines wheth-  
18          er such acquisition program shall proceed to the  
19          next acquisition phase.

20          “(4) The term ‘acquisition decision memo-  
21          randum’, with respect to an acquisition, means the  
22          official documented record of decisions, including the  
23          rationale for the decisions and any assigned actions  
24          for such acquisition, as determined by the person ex-

1 exercising acquisition decision authority for such ac-  
2 quisition.

3 “(5) The term ‘acquisition program’ means the  
4 process by which the Department acquires, with any  
5 appropriated amounts or fee funding, by contract for  
6 purchase or lease, property or services (including  
7 construction) that support the missions and goals of  
8 the Department.

9 “(6) The term ‘acquisition program baseline’,  
10 with respect to an acquisition program, means a  
11 summary of the cost, schedule, and performance pa-  
12 rameters, expressed in standard, measurable, quan-  
13 titative terms, which must be met in order to accom-  
14 plish the goals of such program.

15 “(7) The term ‘best practices’, with respect to  
16 acquisition, means a knowledge-based approach to  
17 capability development that includes the following:

18 “(A) Identifying and validating needs.

19 “(B) Assessing alternatives to select the  
20 most appropriate solution.

21 “(C) Clearly establishing well-defined re-  
22 quirements.

23 “(D) Developing realistic cost estimates  
24 and schedules that account for the entire life  
25 cycle of an acquisition.

1           “(E) Securing stable funding that matches  
2 resources to requirements before initiating de-  
3 velopment.

4           “(F) Demonstrating technology, design,  
5 and manufacturing maturity before initiating  
6 production.

7           “(G) Using milestones and exit criteria or  
8 specific accomplishments that demonstrate the  
9 attainment of knowledge to support progress.

10          “(H) Regularly assessing and managing  
11 risks to achieving requirements and cost and  
12 schedule goals.

13          “(I) Adopting and executing standardized  
14 processes with known success across programs.

15          “(J) Establishing an adequate workforce  
16 that is qualified and sufficient to perform nec-  
17 essary functions.

18          “(K) Integrating the capabilities described  
19 in subparagraphs (A) through (J) into the De-  
20 partment’s mission and business operations.

21          “(8) The term ‘breach’, with respect to a major  
22 acquisition program, means a failure to meet any  
23 cost, schedule, or performance threshold specified in  
24 the most recently approved acquisition program  
25 baseline.

1           “(9) The term ‘congressional homeland security  
2 committees’ means—

3           “(A) the Committee on Homeland Security  
4 of the House of Representatives and the Com-  
5 mittee on Homeland Security and Govern-  
6 mental Affairs of the Senate; and

7           “(B) the Committee on Appropriations of  
8 the House of Representatives and of the Sen-  
9 ate.

10          “(10) The term ‘Component Acquisition Execu-  
11 tive’ means the senior acquisition official within a  
12 component who is designated in writing by the  
13 Under Secretary for Management, in consultation  
14 with the component head.

15          “(11) The term ‘life cycle cost’ means the total  
16 ownership cost of an acquisition, including all rel-  
17 evant costs related to acquiring, deploying, oper-  
18 ating, maintaining, and disposing of the system,  
19 project, or product over a specified period of time.

20          “(12) The term ‘major acquisition program’  
21 means a Department capital asset, services, or hy-  
22 brid acquisition program that is estimated by the  
23 Secretary to require an eventual total expenditure of  
24 at least \$300,000,000 (based on fiscal year 2020  
25 constant dollars) over its life cycle or a program



1 identified by the Chief Acquisition Officer as a pro-  
2 gram of special interest.

3 “(13) The term ‘non-major acquisition pro-  
4 gram’ means a Department capital asset, services, or  
5 hybrid acquisition program that is estimated by the  
6 Secretary to require an eventual total expenditure of  
7 less than \$300,000,000 (based on fiscal year 2020  
8 constant dollars) over its life cycle.”.

9 (b) CLERICAL AMENDMENT.—The table of contents  
10 in section 1(b) of such Act is further amended by inserting  
11 before the item relating to section 831 the following new  
12 item:

“830. Definitions.”.

13 **SEC. 302. ACQUISITION AUTHORITIES FOR OFFICE OF PRO-**  
14 **GRAM ACCOUNTABILITY AND RISK MANAGE-**  
15 **MENT.**

16 (a) IN GENERAL.—Subtitle A of title VII of the  
17 Homeland Security Act of 2002 (6 U.S.C. 341 et seq.),  
18 as amended by this Act, is further amended by adding  
19 at the end the new section following:

20 **“SEC. 723. OFFICE OF PROGRAM ACCOUNTABILITY AND**  
21 **RISK MANAGEMENT.**

22 “(a) ESTABLISHMENT OF OFFICE.—Within the Man-  
23 agement Directorate, there shall be a Program Account-  
24 ability and Risk Management office to—

1           “(1) provide consistent accountability, stand-  
2           ardization, and transparency of acquisition programs  
3           of the Department;

4           “(2) serve as the central oversight function for  
5           the Department’s acquisition portfolio; and

6           “(3) provide review and analysis of Department  
7           acquisition programs, as appropriate.

8           “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-  
9           TOR.—The Program Accountability and Risk Management  
10          office shall be led by an Executive Director to oversee the  
11          requirements specified in subsection (a). The Executive  
12          Director shall report directly to the Under Secretary for  
13          Management, and shall carry out the following responsibil-  
14          ities:

15               “(1) Monitor regularly the progress of Depart-  
16               ment major acquisition programs between acquisi-  
17               tion decision events to identify problems with cost,  
18               performance, or schedule that components may need  
19               to address to prevent cost overruns, performance  
20               issues, or schedule delays.

21               “(2) Assist the Under Secretary for Manage-  
22               ment in managing the Department’s acquisition pro-  
23               grams, acquisition workforce, and related activities.

24               “(3) Conduct oversight of individual acquisition  
25               programs to implement Department acquisition pro-

1       gram policy, procedures, and guidance with a pri-  
2       ority on ensuring the data the office collects and  
3       maintains from Department components is accurate  
4       and reliable.

5               “(4) Serve as the focal point and coordinator  
6       for the acquisition life cycle review process and as  
7       the executive secretariat for the Department’s Ac-  
8       quisition Review Board.

9               “(5) Advise the persons having acquisition deci-  
10      sion authority in making acquisition decisions con-  
11      sistent with all applicable laws and in establishing  
12      clear lines of authority, accountability, and responsi-  
13      bility for acquisition decision making within the De-  
14      partment.

15              “(6) Assess the results of major acquisition pro-  
16      grams’ post-implementation reviews and identify op-  
17      portunities to improve performance throughout the  
18      acquisition process and across the Department’s ac-  
19      quisition portfolio.

20              “(7) Provide technical support and assistance  
21      to Department acquisition programs and acquisition  
22      personnel.

23              “(8) Assist, as appropriate, with the prepara-  
24      tion of the Future Years Homeland Security Pro-  
25      gram.

1           “(9) Prepare and submit the Congressional Ac-  
2           quisition Progress Report for the Department, as re-  
3           quired under section 840.

4           “(10) In coordination with the Component Ac-  
5           quisition Executives, maintain the Master Acquisi-  
6           tion Oversight List that shall serve as an inventory  
7           of all major and non-major acquisition programs  
8           within the Department. The inventory shall be up-  
9           dated quarterly and include, at a minimum, the fol-  
10          lowing information for each program:

11                   “(A) Component sponsoring the acquisi-  
12                   tion.

13                   “(B) Name of the acquisition.

14                   “(C) Acquisition level as determined by the  
15                   program’s anticipated life cycle cost (as such  
16                   term is defined in section 830) and other cri-  
17                   teria pursuant to the Department-level acquisi-  
18                   tion policy.

19                   “(D) Acquisition decision authority for the  
20                   acquisition.

21                   “(E) Current acquisition phase.

22          “(c) RESPONSIBILITIES OF COMPONENTS.—Each  
23          head of a component shall comply with Federal law, the  
24          Federal Acquisition Regulation, and Department acquisi-  
25          tion management directives established by the Under Sec-

1   retary for Management, and shall carry out the following  
2   responsibilities:

3           “(1) Establish an organizational structure for  
4           conducting acquisitions within the component, to be  
5           managed by a Component Acquisition Executive,  
6           and obtain the resources necessary to operate such  
7           an organizational structure that are aligned with the  
8           number, type, size, and complexity of the acquisition  
9           programs of the component.

10          “(2) Oversee sustainment of capabilities de-  
11          ployed by major and non-major acquisition programs  
12          once all planned deployments are completed until  
13          such capabilities are retired or replaced.

14          “(d) RESPONSIBILITIES OF COMPONENT ACQUI-  
15          TION EXECUTIVES.—The Component Acquisition Execu-  
16          tive is responsible for overseeing all acquisition related ac-  
17          tivities within the component and, as such, shall carry out  
18          the following functions:

19               “(1) Establish and implement policies and guid-  
20               ance for managing and conducting oversight for  
21               major and non-major acquisition programs within  
22               the component that comply with Federal law, the  
23               Federal Acquisition Regulation, and Department ac-  
24               quisition management directives established by the  
25               Under Secretary for Management.



1 **“SEC. 836. TECHNICAL SUPPORT OFFICES.**

2 “(a) OFFICE OF TEST AND EVALUATION.—

3 “(1) ESTABLISHMENT OF OFFICE.—Within the  
4 Department, there shall be an Office of Test and  
5 Evaluation to—

6 “(A) provide test and evaluation support  
7 across the Department; and

8 “(B) serve as the liaison with other Fed-  
9 eral agencies, foreign, Tribal, State, and local  
10 governments; the private sector; educational in-  
11 stitutions; and other entities with regards to  
12 test and evaluation matters.

13 “(2) RESPONSIBILITIES OF DIRECTOR.—The  
14 Office of Test and Evaluation shall be led by a Di-  
15 rector to oversee the requirements specified in para-  
16 graph (1) and to carry out the following responsibil-  
17 ities:

18 “(A) Establish and update as necessary  
19 test and evaluation policies, procedures, and  
20 guidance for the Department.

21 “(B) Ensure, in coordination with relevant  
22 component heads, that major acquisition pro-  
23 grams—

24 “(i) complete reviews of operational  
25 requirements to ensure the requirements  
26 are informed by threats, including physical

1 and cyber threats, and are measurable,  
2 testable, and achievable within the con-  
3 straints of cost and schedule;

4 “(ii) complete independent testing and  
5 evaluation of technologies and systems  
6 throughout development;

7 “(iii) complete operational testing and  
8 evaluation that includes all system compo-  
9 nents and incorporates operators into the  
10 testing to ensure that systems meet the  
11 mission need as intended in the appro-  
12 priate operational setting;

13 “(iv) use independent verification and  
14 validation of test and evaluation implemen-  
15 tation and results, as appropriate; and

16 “(v) document whether such programs  
17 meet all operational requirements.

18 “(C) Provide oversight of test and evalua-  
19 tion for the Department’s major acquisition  
20 programs throughout the acquisition life cycle  
21 by—

22 “(i) approving program test and eval-  
23 uation master plans, plans for individual  
24 test and evaluation events, and other re-



1           lated documentation, as deemed appro-  
2           priate by the Director;

3           “(ii) approving the independent test  
4           and evaluation agent or third-party tester  
5           selected for each program; and

6           “(iii) providing an independent assess-  
7           ment to the acquisition decision authority  
8           that assesses a program’s progress in  
9           meeting operational requirements and  
10          operational effectiveness, suitability, and  
11          resilience to inform production and deploy-  
12          ment decisions.

13          “(D) Determine if testing conducted by  
14          other Federal departments and agencies, pri-  
15          vate or third-party entities, and educational in-  
16          stitutions is relevant and sufficient in deter-  
17          mining whether systems perform as intended.

18          “(3) ANNUAL REPORT.—Within one year of the  
19          date of enactment of this Act, and each year there-  
20          after, the Director of the Office of Test and Evalua-  
21          tion shall prepare a report summarizing the test and  
22          evaluation activities of the Department’s major ac-  
23          quisition programs during the preceding fiscal year.  
24          Each report shall be submitted in unclassified form

1 but may include a classified annex. Each report  
2 shall—

3 “(A) be submitted concurrently to the Sec-  
4 retary, Under Secretary for Management, the  
5 component heads, and the congressional home-  
6 land security committees (as such term is de-  
7 fined in section 830);

8 “(B) summarize the adequacy of any test  
9 and evaluation activities conducted for each  
10 major acquisition program in the fiscal year, in-  
11 cluding the assessment of results in dem-  
12 onstrating progress against program oper-  
13 ational requirements and determination of oper-  
14 ational effectiveness, suitability, and resilience;

15 “(C) assess the waivers of and deviations  
16 from program test and evaluation plans that oc-  
17 curred during the fiscal year, any concerns  
18 raised by the waivers or deviations, and the ac-  
19 tions that have been taken or are planned to be  
20 taken to address the concerns; and

21 “(D) include any other comments and rec-  
22 ommendations deemed appropriate, including  
23 comments and recommendations on resources  
24 and facilities available for test and evaluation

1           and levels of funding made available for test  
2           and evaluation activities.

3           “(b) OFFICE OF SYSTEMS ENGINEERING AND  
4 STANDARDS.—

5           “(1) ESTABLISHMENT OF OFFICE.—Within the  
6 Department, there shall be an Office of Systems En-  
7 gineering and Standards to—

8                   “(A) provide systems engineering, stand-  
9 ards, and human systems integration support  
10 across the Department; and

11                   “(B) serve as the liaison with other Fed-  
12 eral agencies, foreign, Tribal, State, and local  
13 governments; the private sector; educational in-  
14 stitutions; and other entities with regards to  
15 systems engineering, standards, and human  
16 systems integration matters.

17           “(2) RESPONSIBILITIES OF DIRECTOR.—The  
18 Office of Systems Engineering and Standards shall  
19 be led by a Director to oversee the requirements  
20 specified in subsection (1) and to carry out the fol-  
21 lowing responsibilities:

22                   “(A) Establish and update as necessary  
23 systems engineering, standards, and human  
24 systems integration policies, procedures, and  
25 guidance for the Department.

1           “(B) Ensure, in coordination with relevant  
2 component heads, that major acquisition pro-  
3 grams—

4                   “(i) integrate applicable standards  
5 into development specifications; and

6                   “(ii) complete systems engineering re-  
7 views and technical assessments during de-  
8 velopment to inform production and de-  
9 ployment decisions.

10           “(C) Provide oversight of systems engi-  
11 neering, standards, and human systems integra-  
12 tion for the Department’s major acquisition  
13 programs throughout the acquisition life cycle  
14 by—

15                   “(i) approving program systems engi-  
16 neering lifecycle tailoring plans; and

17                   “(ii) providing independent assess-  
18 ments, in coordination with the Office of  
19 the Chief Information Officer as appro-  
20 priate, of a program’s technical approach,  
21 and any significant changes to the tech-  
22 nical approach, to inform key acquisition  
23 decisions, such as initiating development;  
24 and

1                   “(iii) participating in program sys-  
2                   tems engineering lifecycle technical re-  
3                   views.”.

4           (b) CLERICAL AMENDMENT.—The table of contents  
5 in section 1(b) of the Homeland Security Act of 2002 is  
6 further amended by inserting after the item relating to  
7 section 835, as added by this Act, the following new items:  
“Sec. 836. Technical support offices.”.

8 **SEC. 304. ACQUISITION AUTHORITIES FOR UNDER SEC-**  
9 **RETARY FOR MANAGEMENT.**

10           Section 701 of the Homeland Security Act of 2002  
11 (6 U.S.C. 341) is amended by—

12                   (1) in subsection (a)(2), inserting “and acquisi-  
13                   tion management” after “procurement”;

14                   (2) redesignating subsection (d), the first sub-  
15                   section (e) (relating to the system for award man-  
16                   agement consultation), and the second subsection (e)  
17                   (relating to the definition of interoperable commu-  
18                   nications) as subsections (e), (f), and (g), respec-  
19                   tively; and

20                   (3) inserting after subsection (c) the following  
21                   new subsection:

22                   “(d) ACQUISITION AND RELATED RESPONSIBIL-  
23                   ITIES.—

24                   “(1) IN GENERAL.—Notwithstanding section  
25                   1702(a) of title 41, United States Code, the Under

1 Secretary for Management is the Chief Acquisition  
2 Officer of the Department. As Chief Acquisition Of-  
3 ficer, the Under Secretary shall have the authorities  
4 and perform the functions specified in such section  
5 1702(b), and perform all other functions and re-  
6 sponsibilities delegated by the Secretary or described  
7 in this subsection.

8 “(2) FUNCTIONS AND RESPONSIBILITIES.—In  
9 addition to the authorities and functions specified in  
10 section 1702(b) of title 41, United States Code, the  
11 functions and responsibilities of the Under Secretary  
12 for Management related to acquisition (as such term  
13 is defined in section 830) include the following:

14 “(A) Advising the Secretary regarding ac-  
15 quisition management activities, taking into ac-  
16 count risks of failure to achieve cost, schedule,  
17 or performance parameters, to ensure that the  
18 Department achieves its mission through the  
19 adoption of widely accepted program manage-  
20 ment best practices (as such term is defined in  
21 section 830) and standards and, where appro-  
22 priate, acquisition innovation best practices.

23 “(B) Leading the Department’s acquisition  
24 oversight body, the Acquisition Review Board,  
25 and synchronizing interagency coordination re-

1           garding the Department’s acquisition programs  
2           and acquisition management efforts.

3           “(C) Exercising the acquisition decision  
4           authority (as such term is defined in section  
5           830) to approve, pause, modify (including the  
6           rescission of approvals of program milestones),  
7           or cancel major acquisition programs (as such  
8           term is defined in section 830), unless the  
9           Under Secretary delegates such authority to a  
10          Component Acquisition Executive (as such term  
11          is defined in section 830) pursuant to para-  
12          graph (3).

13          “(D) Providing additional scrutiny and  
14          oversight for an acquisition that is not a major  
15          acquisition if—

16                  “(i) the acquisition is for a program  
17                  that is important to departmental strategic  
18                  and performance plans;

19                  “(ii) the acquisition is for a program  
20                  with significant program or policy implica-  
21                  tions; and

22                  “(iii) the Secretary determines that  
23                  such scrutiny and oversight for the acquisi-  
24                  tion is proper and necessary.

1           “(E) Establishing policies for acquisition  
2 that implement an approach that takes into ac-  
3 count risks of failure to achieve cost, schedule,  
4 or performance parameters that all components  
5 of the Department shall comply with, including  
6 outlining relevant authorities for program man-  
7 agers to effectively manage acquisition pro-  
8 grams (as such term is defined in section 830).

9           “(F) Ensuring that each major acquisition  
10 program has a Department-approved acquisi-  
11 tion program baseline (as such term is defined  
12 in section 830), pursuant to the Department’s  
13 acquisition management policy, that is traceable  
14 to the program’s life cycle cost estimate, inte-  
15 grated master schedule, and operational re-  
16 quirements.

17           “(G) Assisting the heads of components  
18 and Component Acquisition Executives in ef-  
19 forts to comply with Federal law, the Federal  
20 Acquisition Regulation, and Department acqui-  
21 sition management directives.

22           “(H) Ensuring that contracts, grants, and  
23 financial assistance are provided only to individ-  
24 uals and organizations that are not suspended  
25 or debarred.



1           “(I) Distributing guidance throughout the  
2           Department to ensure that contractors involved  
3           in acquisitions, particularly contractors that ac-  
4           cess the Department’s information systems and  
5           technologies, adhere to relevant Department  
6           policies related to physical and information se-  
7           curity as identified by the Under Secretary for  
8           Management.

9           “(J) Overseeing the Component Acquisi-  
10          tion Executive organizational structure to en-  
11          sure Component Acquisition Executives have  
12          sufficient capabilities and comply with Depart-  
13          ment acquisition policies.

14          “(K) Developing and managing a highly  
15          skilled professional acquisition workforce that  
16          has the technical expertise and business skills  
17          to ensure the Department acquires goods and  
18          services to meet mission needs at the best value  
19          for the expenditure of public resources.

20          “(3) DELEGATION OF CERTAIN ACQUISITION  
21          DECISION AUTHORITY.—The Under Secretary for  
22          Management may delegate acquisition decision au-  
23          thority in writing to the relevant Component Acqui-  
24          sition Executive for a major capital asset, services,  
25          or hybrid acquisition program that has a life cycle

1 cost estimate of at least \$300,000,000 but not more  
2 than \$1,000,000,000 if all of the following require-  
3 ments are met:

4 “(A) The component concerned possesses  
5 working policies, processes, and procedures that  
6 are consistent with Department-level acquisition  
7 policy.

8 “(B) The Component Acquisition Execu-  
9 tive concerned has adequate, experienced, and  
10 dedicated professional employees with program  
11 management training, as applicable, commensu-  
12 rate with the size of the acquisition programs  
13 and related activities delegated to such Compo-  
14 nent Acquisition Executive by the Under Sec-  
15 retary for Management.

16 “(C) Each major acquisition program con-  
17 cerned has written documentation showing that  
18 it has a Department-approved acquisition pro-  
19 gram baseline and it is meeting agreed-upon  
20 cost, schedule, and performance thresholds.

21 “(4) RELATIONSHIP TO UNDER SECRETARY  
22 FOR SCIENCE AND TECHNOLOGY.—The Under Sec-  
23 retary for Management and the Under Secretary for  
24 Science and Technology shall cooperate in matters  
25 related to the coordination of acquisitions across the

1 Department so that investments of the Directorate  
2 of Science and Technology are able to support cur-  
3 rent and future requirements of the components of  
4 the Department. Nothing in this subsection shall di-  
5 minish the authority granted to the Under Secretary  
6 for Science and Technology under this Act.”.

7 **SEC. 305. ACQUISITION AUTHORITIES FOR UNDER SEC-**  
8 **RETARY FOR STRATEGY, POLICY, AND PLANS.**

9 Subsection (c) of section 709 of the Homeland Secu-  
10 rity Act of 2002 (6 U.S.C. 349) is amended by—

11 (1) redesignating paragraphs (4) through (7) as  
12 (5) through (8), respectively; and

13 (2) inserting after paragraph (3) the following  
14 new paragraph:

15 “(4) ensure acquisition programs (as such term  
16 is defined in section 830) support the DHS Quad-  
17 rennial Homeland Security Review Report, the DHS  
18 Strategic Plan, the DHS Strategic Priorities, and  
19 other appropriate successor documents;”.

20 **SEC. 306. ACQUISITION AUTHORITIES FOR CHIEF INFORMA-**  
21 **TION OFFICER.**

22 Section 703 of the Homeland Security Act of 2002  
23 (6 U.S.C. 343) is amended—

24 (1) by redesignating subsection (b) as sub-  
25 section (c); and

1           (2) by inserting after subsection (a) the fol-  
2           lowing new subsection:

3           “(b) ACQUISITION RESPONSIBILITIES.—In addition  
4 to the responsibilities specified in section 11315 of title  
5 40, United States Code, the acquisition responsibilities of  
6 the Chief Information Officer, in consultation with the  
7 Under Secretary for Management, shall include the fol-  
8           lowing:

9           “(1) Overseeing the management of the Home-  
10          land Security Enterprise Architecture and ensuring  
11          that, before each acquisition decision event (as such  
12          term is defined in section 830), information tech-  
13          nology aspects of acquisition programs comply with  
14          any departmental information technology manage-  
15          ment requirements, security protocols, and the  
16          Homeland Security Enterprise Architecture, and in  
17          any case in which information technology aspects of  
18          acquisitions do not comply with the Department’s  
19          management directives, making recommendations to  
20          the Department’s Acquisition Review Board regard-  
21          ing such noncompliance.

22          “(2) Providing recommendations to the Acquisi-  
23          tion Review Board regarding information technology  
24          programs, and developing information technology ac-  
25          quisition strategic guidance.”.

1           **Subtitle B—Requirements and**  
2   **Oversight**

3   **SEC. 321. ACQUISITION DOCUMENTATION.**

4           (a) IN GENERAL.—Subtitle D of title VIII of the  
5 Homeland Security Act of 2002 (6 U.S.C. 341 et seq.)  
6 is amended by adding at the end the following new section:

7   **“SEC. 837. ACQUISITION DOCUMENTATION.**

8           “(a) IN GENERAL.—For each major acquisition pro-  
9 gram, the Secretary, acting through the Under Secretary  
10 for Management, shall require the head of a relevant com-  
11 ponent or office to—

12                   “(1) maintain acquisition documentation that is  
13 complete, accurate, timely, and valid, and that in-  
14 cludes, at a minimum—

15                           “(A) operational requirements that are  
16 validated consistent with departmental policy;

17                           “(B) a complete life cycle cost estimate  
18 with supporting documentation;

19                           “(C) verification of such life cycle cost esti-  
20 mate against independent cost estimates, and  
21 reconciliation of any differences;

22                           “(D) a cost-benefit analysis with sup-  
23 porting documentation;

24                           “(E) an integrated master schedule with  
25 supporting documentation;

1           “(F) plans for conducting systems engi-  
2           neering reviews and test and evaluation activi-  
3           ties throughout development to support produc-  
4           tion and deployment decisions;

5           “(G) an acquisition plan that outlines the  
6           procurement approach, including planned con-  
7           tracting vehicles;

8           “(H) a logistics and support plan for oper-  
9           ating and maintaining deployed capabilities  
10          until they are disposed of or retired; and

11          “(I) an acquisition program baseline (as  
12          such term is defined in section 830) that is  
13          traceable to the program’s operational require-  
14          ments required under (a), life cycle cost esti-  
15          mate required under (b), and integrated master  
16          schedule required under (e);

17          “(2) prepare cost estimates and schedules for  
18          major acquisition programs, as required under sub-  
19          paragraphs (B) and (E), in a manner consistent  
20          with best practices as identified by the Comptroller  
21          General of the United States;

22          “(3) ensure any revisions to the acquisition doc-  
23          umentation maintained pursuant to subsection  
24          (a)(1) are reviewed and approved in accordance with  
25          departmental policy; and

1           “(4) submit certain acquisition documentation  
2           to the Under Secretary for Management to inform  
3           submission to Congress of an annual progress report  
4           on the Department’s acquisitions as required by sec-  
5           tion 840 of the Homeland Security Act of 2002 as  
6           amended.

7           “(b) WAIVER.—On a case-by-case basis with respect  
8           to any major acquisition program under this section, the  
9           Secretary may waive the requirement under paragraph (4)  
10          of subsection (a) for a fiscal year if either—

11           “(1) such program has not—

12           “(A) entered the full rate production phase  
13           in the acquisition lifecycle;

14           “(B) had a reasonable cost estimate estab-  
15           lished; and

16           “(C) had a system configuration defined  
17           fully; or

18           “(2) such program does not meet the definition  
19           of capital asset, as such term is defined by the Di-  
20           rector of the Office of Management and Budget.

21           “(c) CONGRESSIONAL OVERSIGHT.—At the same  
22           time the President’s budget is submitted for a fiscal year  
23           under section 1105(a) of title 31, United States Code, the  
24           Secretary shall make information available, as applicable,  
25           to the Committee on Homeland Security of the House of

1 Representatives and the Committee on Homeland Security  
2 and Governmental Affairs of the Senate regarding the re-  
3 quirement described in subsection (a) in the prior fiscal  
4 year that includes the following specific information re-  
5 garding each major acquisition program for which the Sec-  
6 retary has issued a waiver under subsection (b):

7           “(1) The grounds for granting a waiver for  
8           such program.

9           “(2) The projected cost of such program.

10           “(3) The proportion of a component’s or office’s  
11           annual acquisition budget attributed to such pro-  
12           gram, as available.

13           “(4) Information on the significance of such  
14           program with respect to the component’s or office’s  
15           operations and execution of its mission.

16           “(d) MAJOR ACQUISITION PROGRAM DEFINED.—In  
17 this section, the term ‘major acquisition program’ means  
18 a Department capital asset, services, or hybrid acquisition  
19 program that is estimated by the Secretary to require an  
20 eventual total expenditure of at least \$300 million (based  
21 on fiscal year 2020 constant dollars) over its lifecycle or  
22 a program identified by the Chief Acquisition Officer as  
23 a program of special interest.”.

24           (b) CLERICAL AMENDMENT.—The table of contents  
25 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 836 the following new item:

“Sec. 837. Acquisition documentation.”.

3 **SEC. 322. ACQUISITION REVIEW BOARD.**

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

7 **“SEC. 838. ACQUISITION REVIEW BOARD.**

8 “(a) IN GENERAL.—The Secretary shall establish an  
9 Acquisition Review Board (in this section referred to as  
10 the ‘Board’) to—

11 “(1) strengthen accountability and uniformity  
12 within the Department acquisition review process;

13 “(2) review acquisition programs; and

14 “(3) review the use of best practices.

15 “(b) COMPOSITION.—

16 “(1) CHAIR.—The Under Secretary for Man-  
17 agement shall serve as chair of the Board.

18 “(2) PARTICIPATION.—The Secretary shall en-  
19 sure participation by other relevant Department offi-  
20 cials with responsibilities related to acquisitions as  
21 permanent members of the Board.

22 “(3) OVERSIGHT.—The Under Secretary for  
23 Management shall designate a full time employee of  
24 the Department to oversee the operations of the  
25 Board.

1           “(c) MEETINGS.—The Board shall meet regularly for  
2 purposes of ensuring all acquisitions processes proceed in  
3 a timely fashion to achieve mission readiness. The Board  
4 shall convene at the Secretary’s discretion and at any  
5 time—

6           “(1) a new acquisition program is initiated;

7           “(2) a major acquisition program—

8                   “(A) requires authorization to proceed  
9 from one acquisition decision event to another  
10 throughout the acquisition life cycle;

11                   “(B) is in breach (as such term is defined  
12 in section 830); or

13                   “(C) requires additional review, as deter-  
14 mined by the Under Secretary for Management;  
15 or

16           “(3) a non-major acquisition program requires  
17 review, as determined by the Under Secretary for  
18 Management.

19           “(d) RESPONSIBILITIES.—The responsibilities of the  
20 Board are as follows:

21           “(1) Determine the appropriate acquisition level  
22 and acquisition decision authority for new acquisi-  
23 tion programs based on the estimated eventual total  
24 expenditure to meet the mission need over the acqui-  
25 sition’s life cycle regardless of funding source.

1           “(2) Determine whether a proposed acquisition  
2           has met the requirements of key phases of the acqui-  
3           sition life cycle framework and is able to proceed to  
4           the next phase and eventual full production and de-  
5           ployment.

6           “(3) Oversee whether a proposed acquisition’s  
7           business strategy, resources, management, and ac-  
8           countability is executable and is aligned to strategic  
9           initiatives.

10          “(4) Support the person with acquisition deci-  
11          sion authority for an acquisition in determining the  
12          appropriate direction for such acquisition at key ac-  
13          quisition decision events.

14          “(5) Conduct systematic reviews of acquisitions  
15          to ensure that such acquisitions are progressing in  
16          compliance with the most recently approved docu-  
17          ments for their current acquisition phases.

18          “(6) Review the acquisition documents of each  
19          major acquisition program, including the acquisition  
20          program baseline and documentation reflecting con-  
21          sideration of tradeoffs among cost, schedule, and  
22          performance objectives, to ensure the reliability of  
23          underlying data.

24          “(7) Ensure that practices are adopted and im-  
25          plemented to require consideration of trade-offs

1 among cost, schedule, and performance objectives as  
2 part of the process for developing requirements for  
3 major acquisition programs prior to the initiation of  
4 the second acquisition decision event, including, at a  
5 minimum, the following practices:

6 “(A) Department officials responsible for  
7 acquisition, budget, and cost estimating func-  
8 tions are provided with the appropriate oppor-  
9 tunity to develop estimates and raise cost and  
10 schedule matters before performance objectives  
11 are established for capabilities when feasible.

12 “(B) Full consideration is given to possible  
13 trade-offs among cost, schedule, and perform-  
14 ance objectives for each alternative.

15 “(e) DOCUMENTATION AND REPORTING.—The chair  
16 of the Board shall—

17 “(1) ensure that all activities and decisions  
18 made pursuant to the Board’s responsibilities in  
19 subsection (d) are documented in acquisition deci-  
20 sion memorandum that includes, at a minimum—

21 “(A) a summary of the Board’s activity or  
22 purpose for convening;

23 “(B) the decision resulting from the  
24 Board’s activity;

1           “(C) the rationale for the decision, includ-  
2           ing justification for any decisions made to allow  
3           acquisition programs to deviate from the De-  
4           partment’s acquisition management policy; and

5           “(D) any assigned items for further action;  
6           and

7           “(2) within 7 days after the acquisition decision  
8           memorandum is signed, submit a copy of the memo-  
9           randum to the Committee on Homeland Security of  
10          the House of Representatives and the Committee on  
11          Homeland Security and Governmental Affairs of the  
12          Senate.”.

13          (b) CLERICAL AMENDMENT.—The table of contents  
14          in section 1(b) of the Homeland Security Act of 2002 (6  
15          U.S.C. 101 et seq.) is further amended by adding after  
16          the item relating to section 837 the following new item:

“Sec. 838. Acquisition Review Board.”.

17          **SEC. 323. SUSPENSION AND DEBARMENT PROGRAM.**

18          (a) ESTABLISHMENT.—The Secretary shall establish  
19          a suspension and debarment program that ensures the De-  
20          partment and each of the components of the Department  
21          comply with the laws, regulations, and guidance related  
22          to the suspension, debarment, and ineligibility of contrac-  
23          tors.

24          (b) REQUIREMENTS.—The program required to be  
25          established under subsection (a) shall—

1           (1) require that any referral made by a con-  
2           tracting official for consideration of actions to pro-  
3           tect the interests of the Federal Government be eval-  
4           uated by the Suspension and Debarment Official in  
5           writing in accordance with applicable regulations;

6           (2) develop and require training for all con-  
7           tracting officials of the Department on the causes  
8           for suspension and debarment and complying with  
9           departmental and Government-wide policies and  
10          processes; and

11          (3) include policies and processes for—

12                (A) tracking, reviewing, and documenting  
13                suspension and debarment decisions, including  
14                those related to poor performance, fraud, na-  
15                tional security considerations, and other criteria  
16                determined appropriate by the Secretary;

17                (B) ensuring consideration of and referral  
18                for suspension, debarment, or other necessary  
19                actions that protect the interests of the Federal  
20                Government;

21                (C) managing and sharing relevant docu-  
22                ments and information on contractors for use  
23                across the Department;

24                (D) requiring timely reporting into a cen-  
25                tralized departmental and Government-wide

1 databases by the suspension and debarment of-  
2 ficials to capture suspension and debarment ac-  
3 tivities, document justifications for decisions, or  
4 other relevant information;

5 (E) issuing guidance to implement these  
6 policies that is regularly updated and includes  
7 definitions for all relevant terms related to the  
8 program; and

9 (F) timely implementation of agreed upon  
10 recommendations from the Inspector General of  
11 the Department or the Comptroller General of  
12 the United States.

13 (c) INSPECTOR GENERAL REVIEW.—Beginning one  
14 year after the date of enactment of this Act, and every  
15 three years thereafter, the Inspector General of the De-  
16 partment of Homeland Security shall—

17 (1) conduct audits regarding grant and pro-  
18 curement awards to identify instances in which a  
19 contract or grant was improperly awarded to a sus-  
20 pended or debarred entity and whether corrective ac-  
21 tions were taken to prevent recurrence; and

22 (2) review the suspension and debarment pro-  
23 gram throughout the Department to assess whether  
24 suspension and debarment criteria are consistently  
25 applied throughout the Department and whether dis-

1 parities exist in the application of such criteria, par-  
2 ticularly with respect to business size and categories.

3 (d) DEFINITIONS.—In this section—

4 (1) the term “congressional homeland security  
5 committees” has the meaning given the term in sec-  
6 tion 2 of the Homeland Security Act of 2002, as  
7 amended by this Act;

8 (2) the term “Department” means the Depart-  
9 ment of Homeland Security; and

10 (3) the term “Secretary” means the Secretary  
11 of Homeland Security.

12 **SEC. 324. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**  
13 **LATED TO NATIONAL SECURITY INTERESTS**  
14 **ACCORDING TO CERTAIN CRITERIA.**

15 (a) REQUIREMENT.—The Secretary shall ensure that  
16 any procurement of covered items for a frontline oper-  
17 ational component meets the following criteria:

18 (1) To the maximum extent possible, not less  
19 than one-third of funds obligated in a specific fiscal  
20 year for the procurement of such covered items shall  
21 be covered items that are manufactured in part or  
22 provided in the United States by entities that qualify  
23 as small business concerns (as such term is de-  
24 scribed under section 3 of the Small Business Act  
25 (15 U.S.C. 632)).



1           (2) Each prime contractor, with respect to the  
2 procurement of such covered items, shall ensure, to  
3 the maximum extent practicable, the following:

4           (A) Each first-tier subcontractor and end  
5 item manufacturer complies with the contractor  
6 code of business ethics and conduct under sec-  
7 tion 3509 of title 41, United States Code, and  
8 the Federal Acquisition Regulation.

9           (B) Each first-tier subcontractor and end-  
10 item manufacturer is in compliance with a  
11 standard identified by the Secretary as appro-  
12 priate for quality, such as ISO 9001:2015 of  
13 the International Organization for Standardiza-  
14 tion.

15           (C) The ability of a first-tier subcontractor  
16 to fulfill the terms of the contract is verified.

17           (3) Each supplier of such a covered item with  
18 an insignia (such as any patch, badge, or emblem)  
19 and each supplier of such an insignia, if such cov-  
20 ered item with such insignia or such insignia, as the  
21 case may be, is not produced, applied, or assembled  
22 in the United States, shall—

23           (A) store such covered item with such in-  
24 signia or such insignia in a locked area;

1 (B) report any pilferage or theft of such  
2 covered item with such insignia or such insignia  
3 occurring at any stage before delivery of such  
4 covered item with such insignia or such insig-  
5 nia; and

6 (C) destroy any defective or unusable cov-  
7 ered item with insignia or insignia in a manner  
8 established by the Secretary, and maintain  
9 records, for 3 years after the creation of such  
10 records, of such destruction that include the  
11 date of such destruction, a description of the  
12 covered item with insignia or insignia destroyed,  
13 the quantity of the covered item with insignia  
14 or insignia destroyed, and the method of de-  
15 struction.

16 (b) PRICING.—The Secretary shall ensure that cov-  
17 ered items are purchased at a fair and reasonable price,  
18 consistent with the procedures and guidelines specified in  
19 the Federal Acquisition Regulation.

20 (c) REPORT.—Not later than 180 days after the date  
21 of the enactment of this section and annually thereafter,  
22 the Secretary shall provide to the Committee on Homeland  
23 Security, the Committee on Oversight and Reform, and  
24 the Committee on Appropriations of the House of Rep-  
25 resentatives, and the Committee on Homeland Security

1 and Governmental Affairs and the Committee on Appro-  
2 priations of the Senate a report on the following:

3 (1) Instances in which vendors have failed to  
4 meet deadlines for delivery of covered items and cor-  
5 rective actions taken by the Department in response  
6 to such instances.

7 (2) The status of efforts to carry out paragraph  
8 (1) of subsection (a).

9 (3) A description of how the Department en-  
10 sures the compliance of each prime contractor with  
11 the requirements of paragraph (2) of subsection (a)  
12 and any instances of non-compliance.

13 (d) DEPARTMENT FRONTLINE OPERATIONAL COM-  
14 PONENT DESCRIBED.—In this section, the term “Depart-  
15 ment frontline operational component” refers to any of the  
16 following components of the Department:

17 (1) United States Customs and Border Protec-  
18 tion.

19 (2) United States Immigration and Customs  
20 Enforcement.

21 (3) The United States Secret Service.

22 (4) The Transportation Security Administra-  
23 tion.

24 (5) The Cybersecurity and Infrastructure Secu-  
25 rity Agency.

1           (6) The Federal Protective Service.

2           (7) The Federal Emergency Management Agen-  
3        cy.

4           (8) The Federal Law Enforcement Training  
5        Centers.

6        (e) DETERMINATION.—If the Secretary determines  
7 that compliance with paragraph (1) of subsection (a) is  
8 impractical, the Secretary shall, not later than 15 days  
9 after making such determination, submit to the Com-  
10 mittee on Homeland Security of the House of Representa-  
11 tives and Committee on Homeland Security and Govern-  
12 mental Affairs of the Senate an explanation relating to  
13 such determination and specifics regarding what percent-  
14 age of covered items will be procured by small business  
15 concerns.

16       (f) EXCEPTION.—This section shall not apply to the  
17 purchase of covered items by the Department to be used  
18 by the Department for training purposes.

19       (g) COVERED ITEM DESCRIBED.—In this section, the  
20 term “covered item” refers to any of the following with  
21 respect to a Department frontline operational component:

22           (1) Body armor components intended to provide  
23        ballistic protection for an individual, consisting of  
24        one or more of the following:

25                   (A) Soft ballistic panels.

1 (B) Hard ballistic plates.

2 (C) Concealed armor carriers worn under a  
3 uniform.

4 (D) External armor carriers worn over a  
5 uniform.

6 (2) Helmets that provide ballistic protection  
7 and other head protection and components.

8 (3) Protective eyewear.

9 (4) Rain gear, cold weather gear, other environ-  
10 mental and flame-resistant clothing.

11 (5) Footwear.

12 (6) Uniforms.

13 (7) Bags and packs.

14 (8) Holsters and tactical pouches.

15 (9) Patches, insignia, and embellishments.

16 (10) Respiratory protective masks.

17 (11) Chemical, biological, radiological, and nu-  
18 clear protective gear.

19 (12) Hearing protection equipment.

20 (13) Any other critical safety item as deter-  
21 mined appropriate by the Secretary.

22 (h) EFFECTIVE DATE.—This section applies with re-  
23 spect to a contract entered into by the Department or any  
24 of its frontline operational components after 120 days of  
25 enactment of this Act.

1 (i) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the Secretary should endeavor to ensure that  
3 the majority of covered items for a frontline operational  
4 component procured by the Department are manufactured  
5 in the United States by entities that qualify as small busi-  
6 ness concerns.

7 (j) STUDY.—Not later than 1 year after the date of  
8 the enactment of this Act, the Secretary of Homeland Se-  
9 curity shall submit to the Committee on Homeland Secu-  
10 rity of the House of Representatives and the Committee  
11 on Homeland Security and Governmental Affairs of the  
12 Senate a study of the adequacy of allowances provided to  
13 employees of Department of Homeland Security frontline  
14 operational components (as such term is described in sec-  
15 tion 836 of the Homeland Security Act of 2002, as added  
16 by subsection (a)). Such study shall be informed by a De-  
17 partment-wide survey of employees from across the De-  
18 partment who receive uniform allowances that seeks to as-  
19 certain what, if any, improvements could be made to the  
20 current uniform allowances and what, if any, impacts cur-  
21 rent allowances have had on employee morale and reten-  
22 tion. Such study shall also consider increasing by 25 per-  
23 cent, at minimum, the uniform allowance for first year em-  
24 ployees and by 50 percent, at minimum, the annual allow-  
25 ance for all other employees.

1 **SEC. 325. PROHIBITION ON OPERATION OR PROCUREMENT**  
2 **OF FOREIGN-MADE UNMANNED AIRCRAFT**  
3 **SYSTEMS.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-  
5 rity may not operate, provide financial assistance for, or  
6 enter into or renew a contract for the procurement of—

7 (1) an unmanned aircraft system (UAS) that—

8 (A) is manufactured in a covered foreign  
9 country or by a corporation domiciled in a cov-  
10 ered foreign country;

11 (B) uses flight controllers, radios, data  
12 transmission devices, cameras, or gimbals man-  
13 ufactured in a covered foreign country or by a  
14 corporation domiciled in a covered foreign coun-  
15 try;

16 (C) uses a ground control system or oper-  
17 ating software developed in a covered foreign  
18 country or by a corporation domiciled in a cov-  
19 ered foreign country; or

20 (D) uses network connectivity or data stor-  
21 age located in or administered by a corporation  
22 domiciled in a covered foreign country; or

23 (2) a system manufactured in a covered foreign  
24 country or by a corporation domiciled in a covered  
25 foreign country for the detection or identification of  
26 covered unmanned aircraft systems.

1 (b) WAIVER.—The Secretary of Homeland Security  
2 may waive the prohibition under subsection (a) on a case  
3 by case basis by certifying in writing to the Committee  
4 on Homeland Security of the House of Representatives  
5 and the Committee on Homeland Security and Govern-  
6 mental Affairs of the Senate that the operation or procure-  
7 ment that is the subject of such a waiver is required—

8 (1) in the national interest of the United  
9 States;

10 (2) for counter-UAS surrogate testing and  
11 training; or

12 (3) for intelligence, electronic warfare, or infor-  
13 mation warfare operations, testing, analysis, and or  
14 training.

15 (c) DEFINITIONS.—In this section:

16 (1) COVERED FOREIGN COUNTRY.—The term  
17 “covered foreign country” means a country labeled  
18 as a strategic competitor in the “Summary of the  
19 2018 National Defense Strategy of the United  
20 States of America: Sharpening the American Mili-  
21 tary’s Competitive Edge” issued by the Department  
22 of Defense pursuant to section 113 of title 10,  
23 United States Code.

24 (2) UNMANNED AIRCRAFT SYSTEM.—The term  
25 “unmanned aircraft system” has the meaning given



1 such term in section 44801 of title 49, United  
2 States Code.

3 **Subtitle C—Acquisition Program**  
4 **Management Accountability and**  
5 **Transparency**

6 **SEC. 331. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**  
7 **QUISITION PROGRAMS.**

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

12 **“SEC. 839. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
13 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
14 **GRAM BREACH.**

15 “(a) REQUIREMENTS WITHIN DEPARTMENT IN  
16 EVENT OF BREACH.—

17 “(1) NOTIFICATIONS.—

18 “(A) NOTIFICATION OF BREACH.—If a  
19 breach (as such term is defined in section 830)  
20 occurs, or is expected to occur, in a major ac-  
21 quisition program, the program manager for  
22 such program shall notify the Component Ac-  
23 quisition Executive for such program, the head  
24 of the component concerned, the Executive Di-  
25 rector of the Program Accountability and Risk

1 Management office, and the Under Secretary  
2 for Management in writing not later than 30  
3 days after such breach is identified.

4 “(B) NOTIFICATION TO SECRETARY.—If a  
5 breach occurs, or is expected to occur, in a  
6 major acquisition program and such breach re-  
7 sults in an increase greater than 15 percent of  
8 a cost threshold, a delay greater than 180 days  
9 of a schedule threshold, or a failure to meet any  
10 of the performance thresholds specified in the  
11 most recently approved acquisition program  
12 baseline for such program, the Component Ac-  
13 quisition Executive for such program shall no-  
14 tify the Secretary in writing not later than five  
15 days after the Component Acquisition Executive  
16 for such program is notified of the breach pur-  
17 suant to subparagraph (A).

18 “(C) NOTIFICATION TO CONGRESS.—If a  
19 notification to the Secretary is made under sub-  
20 section (B) relating to a breach in a major ac-  
21 quisition program, the Under Secretary for  
22 Management shall notify the congressional  
23 homeland security committees (as such term is  
24 defined in section 830) of such breach in writ-

1           ing not later than 30 days after the notification  
2           is made to the Secretary.

3           “(2) REMEDIATION PLAN AND ROOT CAUSE  
4 ANALYSIS.—

5                   “(A) IN GENERAL.—If a breach occurs, or  
6           is expected to occur, in a major acquisition pro-  
7           gram, the program manager for such program  
8           shall, in coordination with the Component Ac-  
9           quisition Executive for such a program, submit  
10          to the head of the component concerned, the  
11          Executive Director of the Program Account-  
12          ability and Risk Management office, and the  
13          Under Secretary for Management in writing a  
14          remediation plan and root cause analysis relat-  
15          ing to such breach and program. Such plan and  
16          analysis shall be submitted at a date established  
17          at the discretion of the Under Secretary for  
18          Management.

19                   “(B) REMEDIATION PLAN.—The remedi-  
20          ation plan required under this subparagraph  
21          (A) shall—

22                           “(i) explain the circumstances of the  
23                           breach at issue;

24                           “(ii) include a root cause analysis that  
25                           determines the underlying cause or causes

1 of the breach, including the role, if any,  
2 of—

3 “(I) unrealistic performance ex-  
4 pectations;

5 “(II) unrealistic baseline esti-  
6 mates for cost or schedule or changes  
7 in program requirements;

8 “(III) immature technologies or  
9 excessive manufacturing or integra-  
10 tion risk;

11 “(IV) unanticipated design, engi-  
12 neering, manufacturing, or technology  
13 integration issues arising during pro-  
14 gram performance;

15 “(V) changes to the scope of such  
16 program;

17 “(VI) inadequate program fund-  
18 ing or changes in planned out-year  
19 funding from one 5-year funding plan  
20 to the next 5-year funding plan as  
21 outlined in the Future Years Home-  
22 land Security Program required under  
23 section 874;

24 “(VII) legislative, legal, or regu-  
25 latory changes;

1                   “(VIII) inadequate program  
2 management personnel, including lack  
3 of sufficient number of staff, training,  
4 credentials, certifications; or

5                   “(IX) inadequate assessment or  
6 mitigation of program risk;

7                   “(iii) propose corrective action to ad-  
8 dress the underlying cause or causes of the  
9 breach as identified in clause (ii);

10                  “(iv) explain the rationale for why a  
11 proposed corrective action is recommended  
12 compared to other options considered; and

13                  “(v) identify the estimated impact on  
14 program cost, schedule, and performance  
15 goals of implementing the proposed correc-  
16 tive action, and the extent to which fund-  
17 ing from other programs will need to be re-  
18 duced to cover the cost growth of such pro-  
19 gram.

20                  “(3) REVIEW OF REMEDIATION PLANS.—

21                  “(A) IN GENERAL.—The Under Secretary  
22 for Management shall review the remediation  
23 plan required under paragraph (2). The Under  
24 Secretary may approve such plan or provide an  
25 alternative proposed corrective action, including

1           cancelling the program, within 30 days of the  
2           submission of such plan under such paragraph.  
3           Programs that submit a breach notification to  
4           the Secretary pursuant to subsection (a)(1)(B)  
5           shall pause all activities other than those nec-  
6           essary to develop the remediation plan required  
7           under subsection (a)(2)(B) until the Under Sec-  
8           retary for Management approves such a plan or  
9           provides alternative corrective actions for the  
10          program.

11           “(B) DOCUMENTATION.—The Under Sec-  
12          retary for Management shall document the re-  
13          sult of the review required under subparagraph  
14          (A) in an acquisition decision memorandum. If  
15          the program is approved to continue, the Under  
16          Secretary for Management shall certify in the  
17          acquisition decision memorandum that—

18                   “(i) such program is essential to the  
19                   accomplishment of the Department’s mis-  
20                   sion;

21                   “(ii) there are no alternatives to the  
22                   capability or asset provided by such pro-  
23                   gram that will provide equal or greater ca-  
24                   pability in both a more cost-effective and  
25                   timely manner;

1           “(iii) the estimated impact on pro-  
2           gram cost, schedule, and performance  
3           goals of implementing the proposed correc-  
4           tive action are reasonable; and

5           “(iv) the management structure for  
6           such program is adequate to manage and  
7           control cost, schedule, and performance.

8           “(C) SUBMISSION TO CONGRESS.—Not  
9           later than 30 days after the review required  
10          under subparagraph (A) is completed, the  
11          Under Secretary for Management shall submit  
12          to the congressional homeland security commit-  
13          tees a copy of the remediation plan and the root  
14          cause analysis required under paragraph (2).”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
16          in section 1(b) of such Act is further amended by inserting  
17          after the item relating to section 838 the following new  
18          item:

          “Sec. 839. Congressional notification and other requirements for major acquisi-  
          tion program breach.”.

19          **SEC. 332. ACQUISITION REPORTS.**

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

1 **“SEC. 840. ACQUISITION REPORTS.**

2 “(a) CONGRESSIONAL ACQUISITION PROGRESS RE-  
3 PORT.—

4 “(1) IN GENERAL.—At the same time as the  
5 President’s budget is submitted for a fiscal year  
6 under section 1105(a) of title 31, United States  
7 Code, the Under Secretary for Management shall  
8 submit to the congressional homeland security com-  
9 mittees (as such term is defined in section 830) and  
10 the Comptroller General of the United States an an-  
11 nual acquisition progress report. The report shall in-  
12 clude the following:

13 “(A) A listing of programs that have been  
14 cancelled, paused, or are in breach pursuant to  
15 the section 838 of the Homeland Security Act  
16 of 2002 (as amended).

17 “(B) A listing of programs being tracked  
18 on the Master Acquisition Oversight List pursu-  
19 ant to subsection (b)(12) of section 711 of the  
20 Homeland Security Act of 2002 as amended  
21 that have not yet established an initial Depart-  
22 ment-approved acquisition program baseline.

23 “(C) A listing of established Executive  
24 Steering Committees, which provide governance  
25 of a program or related set of programs and  
26 lower-tiered oversight, and support between ac-



1           quisition decision events and component re-  
2           views, including the mission and membership  
3           for each.

4           “(2) INFORMATION FOR MAJOR ACQUISITION  
5           PROGRAMS.—For each major acquisition program on  
6           the Master Acquisition Oversight List pursuant to  
7           subsection (b)(12) of section 711 of the Homeland  
8           Security Act of 2002 as amended that has at least  
9           one Department-approved acquisition program base-  
10          line and has not yet fully deployed all planned capa-  
11          bilities, the report shall include the following:

12                   “(A) A narrative describing the purpose of  
13                   the program, including the capabilities being ac-  
14                   quired and the component(s) sponsoring the ac-  
15                   quisition.

16                   “(B) Acquisition Review Board status of  
17                   each acquisition, including the current acquisi-  
18                   tion phase, the date of the last review, and a  
19                   listing of the required documents that have  
20                   been completed with the dates approved.

21                   “(C) A comparison of the cost goals in the  
22                   first Department-approved acquisition program  
23                   baseline, the current Department-approved ac-  
24                   quisition program baseline, and the current es-  
25                   timate. The comparison shall include the time-

1 frame and confidence interval for each source  
2 and a description of and rationale for any  
3 changes.

4 “(D) A comparison of the schedule goals in  
5 the first Department-approved acquisition pro-  
6 gram baseline, the current Department-ap-  
7 proved acquisition program baseline, and the  
8 current schedule. The comparison shall identify  
9 what each event is expected to achieve and in-  
10 clude a description of and rationale for any  
11 changes.

12 “(E) A comparison of the performance  
13 goals in the first Department-approved acquisi-  
14 tion program baseline and the current Depart-  
15 ment-approved acquisition program baseline.  
16 The comparison shall identify the rationale for  
17 any changes and whether the current perform-  
18 ance goal has been demonstrated.

19 “(F) A list of key test and evaluation  
20 events, including dates they are planned or oc-  
21 curred.

22 “(G) Top five risks associated with the  
23 program, including narrative descriptions and  
24 mitigation actions.

1           “(H) Contract status, including earned  
2 value management data as applicable.

3           “(I) Total number of increments or units  
4 to be acquired, as appropriate, including a  
5 schedule outlining the quantity of increments or  
6 units to be procured annually until procurement  
7 is complete, as appropriate.

8           “(J) A table delineated by appropriation  
9 that provides (for prior years; past year; cur-  
10 rent year; budget year; budget year plus one;  
11 budget year plus two; budget year plus three;  
12 budget year plus four and beyond; and total  
13 cost) the actual or estimated appropriations, ob-  
14 ligations, unobligated authority, and planned  
15 expenditures.

16           “(3) UPDATES.—The Under Secretary for Man-  
17 agement shall submit quarterly updates to such re-  
18 port not later than 45 days after the completion of  
19 each quarter. The updates shall be submitted to the  
20 congressional homeland security committees (as such  
21 term is defined in section 830) and include the same  
22 information under paragraph (1) and (2) for any  
23 major acquisition program—

24           “(A) that has been newly established since  
25 the annual report was submitted; or

1           “(B) that has received approval for a re-  
2           vised acquisition program baseline.

3           “(b) COMPTROLLER GENERAL REVIEWS.—

4           “(1) BRIEFING.—Not later than three months  
5           after each annual report under subsection (a) is sub-  
6           mitted, the Comptroller General of the United States  
7           shall brief the congressional homeland security com-  
8           mittees (as such term is defined in section 830) on  
9           the contents of each such report, including observa-  
10          tions on the accuracy of the information presented  
11          and any other risks or challenges the Department  
12          faces in managing its acquisition portfolio.

13          “(2) REVIEW.—Not later than three years after  
14          submission of the first annual report under sub-  
15          section (a), the Comptroller General of the United  
16          States shall evaluate and submit to the congressional  
17          homeland security committees a report on the reli-  
18          ability of the data used to prepare such reports.”.

19          (b) CLERICAL AMENDMENT.—The table of contents  
20          in section 1(b) of such Act is further amended by inserting  
21          after the item relating to section 839 the following new  
22          item:

“Sec. 840. Acquisition reports.”.

## 1           **TITLE IV—OTHER REFORMS**

### 2   **SEC. 401. QUADRENNIAL HOMELAND SECURITY REVIEW.**

3           (a) IN GENERAL.—Section 706 of the Homeland Se-  
4   curity Act of 2002 (as redesignated by this Act; relating  
5   to the Quadrennial Homeland Security Review) is amend-  
6   ed—

7           (1) in subsection (a)(3)—

8           (A) in subparagraph (B), by striking  
9           “and” at the end;

10          (B) by redesignating subparagraph (C) as  
11          subparagraph (D); and

12          (C) by inserting after subparagraph (B)  
13          the following new subparagraph:

14                 “(C) representatives from appropriate ad-  
15          visory committees established pursuant to sec-  
16          tion 871, the Homeland Security Advisory  
17          Council, and the Homeland Security Science  
18          and Technology Advisory Committee, or other-  
19          wise established, including the Aviation Security  
20          Advisory Committee established pursuant to  
21          section 44946 of title 49, United States Code;  
22          and”;

23          (2) in subsection (b)—

24                 (A) in paragraph (2), by inserting before  
25          the semicolon at the end the following: “based

1 on the risk assessment required pursuant to  
2 subsection (c)(2)(B)”;

3 (B) in paragraph (3)—

4 (i) by inserting “, to the extent prac-  
5 ticable,” after “describe”; and

6 (ii) by striking “budget plan” and in-  
7 serting “resources required”;

8 (C) in paragraph (4)—

9 (i) by inserting “, to the extent prac-  
10 ticable,” after “identify”;

11 (ii) by striking “budget plan required  
12 to provide sufficient resources to success-  
13 fully” and inserting “resources required  
14 to”; and

15 (iii) by striking the semicolon at the  
16 end and inserting “, including any re-  
17 sources identified from redundant, waste-  
18 ful, or unnecessary capabilities and capac-  
19 ities that can be redirected to better sup-  
20 port other existing capabilities and capac-  
21 ities, as the case may be; and”;

22 (D) in paragraph (5), by striking “; and”  
23 and inserting a period; and

24 (E) by striking paragraph (6);

25 (3) in subsection (c)—

1 (A) in paragraph (1), by striking “Decem-  
2 ber 31 of the year” and inserting “60 days  
3 after the date of the submission of the Presi-  
4 dent’s budget for the fiscal year after the fiscal  
5 year”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (B), by striking  
8 “description of the threats to” and insert-  
9 ing “risk assessment of”;

10 (ii) in subparagraph (C), by inserting  
11 “, as required under subsection (b)(2)” be-  
12 fore the semicolon at the end;

13 (iii) in subparagraph (D)—

14 (I) by inserting “to the extent  
15 practicable,” before “a description”;  
16 and

17 (II) by striking “budget plan”  
18 and inserting “resources required”;

19 (iv) in subparagraph (F)—

20 (I) by inserting “to the extent  
21 practicable,” before “a discussion”;  
22 and

23 (II) by striking “the status of”;

24 (v) in subparagraph (G)—

1 (I) by inserting “to the extent  
2 practicable,” before “a discussion”;

3 (II) by striking “the status of”;

4 (III) by inserting “and risks” be-  
5 fore “to national homeland”; and

6 (IV) by inserting “and” after the  
7 semicolon at the end;

8 (vi) by striking subparagraph (H);

9 and

10 (vii) by redesignating subparagraph

11 (I) as subparagraph (H);

12 (C) by redesignating paragraph (3) as  
13 paragraph (4); and

14 (D) by inserting after paragraph (2) the  
15 following new paragraph (3):

16 “(3) DOCUMENTATION.—The Secretary shall  
17 retain and, upon request, provide to Congress the  
18 following documentation regarding each quadrennial  
19 homeland security review:

20 “(A) Records regarding the consultation  
21 carried out pursuant to subsection (a)(3),  
22 including the following:

23 “(i) All written communications, in-  
24 cluding communications sent out by the  
25 Secretary and feedback submitted to the



1 Secretary through technology, online com-  
2 munications tools, in-person discussions,  
3 and the interagency process.

4 “(ii) Information on how feedback re-  
5 ceived by the Secretary informed the quad-  
6 rennial homeland security review.

7 “(B) Information regarding the risk as-  
8 sessment, as required under subsection  
9 (c)(2)(B), including the following:

10 “(i) The risk model utilized to gen-  
11 erate the risk assessment.

12 “(ii) Information, including data used  
13 in the risk model, utilized to generate the  
14 risk assessment.

15 “(iii) Sources of information, includ-  
16 ing other risk assessments, utilized to gen-  
17 erate the risk assessment.

18 “(iv) Information on assumptions,  
19 weighing factors, and subjective judgments  
20 utilized to generate the risk assessment,  
21 together with information on the rationale  
22 or basis thereof.”; and

23 (4) by redesignating subsection (d) as sub-  
24 section (e); and

1           (5) by inserting after subsection (c) the fol-  
2           lowing new subsection (d):

3           “(d) REVIEW.—Not later than 90 days after the sub-  
4 mission of each report required under subsection (c)(1),  
5 the Secretary shall provide to the Committee on Homeland  
6 Security of the House of Representatives and the Com-  
7 mittee on Homeland Security and Governmental Affairs  
8 of the Senate information on the degree to which the find-  
9 ings and recommendations developed in the quadrennial  
10 homeland security review covered by each such report were  
11 integrated into the acquisition strategy and expenditure  
12 plans for the Department.”.

13           (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to a quadrennial  
15 homeland security review conducted after December 31,  
16 2021.

17 **SEC. 402. LIMITATIONS REGARDING SECRETARIAL AU-**  
18 **THORITIES ASSOCIATED WITH THE PROTEC-**  
19 **TION OF PUBLIC PROPERTY.**

20           Section 1315 of title 40, United States Code, is  
21 amended—

22           (1) in subsection (b)(1)—

23                   (A) by striking “of the Department of  
24 Homeland Security, including employees trans-  
25 ferred to the Department” and insert “trans-

1           ferred to the Department of Homeland Secu-  
2           rity”; and

3                   (B) by striking “2002,” and inserting  
4           “2002”;

5           (2) in subsection (b)(2)—

6                   (A) by striking “While engaged in the per-  
7           formance of official duties,” and inserting “To  
8           the extent necessary to protect the property de-  
9           scribed in subsection (a) and persons on such  
10          property,”;

11                   (B) in subparagraph (B) by striking “fire-  
12          arms” and inserting “a firearm”;

13                   (C) in subparagraph (C) by striking “if the  
14          officer or agent has reasonable grounds to be-  
15          lieve that the person to be arrested has com-  
16          mitted or is committing a felony;” and inserting  
17          the following: “if—

18                           “(i) the officer or agent has probable  
19                           cause to believe that the person to be ar-  
20                           rested has committed, is committing, or is  
21                           about to commit a felony on or related to  
22                           property owned or occupied by the Federal  
23                           Government;

24                           “(ii) the arrest—

1           “(I) occurs on the Federal prop-  
2 erty or an area in the immediate vi-  
3 cinity of the property and does not ex-  
4 tend beyond any adjacent sidewalk,  
5 public street, or other adjacent areas;

6           “(II) in the case of an agreement  
7 under subsection (e), occurs in an  
8 area in which arrests are permitted  
9 under the parameters established in  
10 such agreement; or

11           “(III) is carried out in an area  
12 not covered under subclause (I) or  
13 (II) only if—

14           “(aa) the officer or agent is  
15 in active pursuit of a person who  
16 is otherwise subject to arrest  
17 under this subparagraph; and

18           “(bb) such person exits the  
19 area covered by subclause (I) or  
20 (II), as applicable, during such  
21 pursuit; and

22           “(iii) there are specific and articulable  
23 facts to support a reasonable belief that  
24 the person may—

1                   “(I) escape before a warrant can  
2                   be obtained for his or her arrest;

3                   “(II) destroy evidence; or

4                   “(III) continue the commission of  
5                   a felony on or related to property  
6                   owned or occupied by the Federal  
7                   Government;”;

8                   (D) in subparagraph (E) by striking “;  
9                   and” and inserting “, except that such inves-  
10                  tigations and any associated surveillance are re-  
11                  stricted solely to offenses that may have been  
12                  committed against property owned or occupied  
13                  by the Federal Government; and”;

14                  (E) by striking subparagraph (F) and in-  
15                  serting the following:

16                  “(F) carry out such other activities nec-  
17                  essary to protect the property described in sub-  
18                  section (a) and persons on such property as the  
19                  Secretary may prescribe.”;

20                  (3) in subsection (e)—

21                  (A) by striking “the Secretary may enter  
22                  into agreements” and inserting “the Secretary  
23                  shall enter into agreements, including memo-  
24                  randa of understanding;”;

1 (B) by adding at the end the following:

2 “Any agreement, including memoranda of un-  
3 derstanding, entered into under this subsection  
4 shall include a requirement that all officers and  
5 agents designated under this subsection and  
6 subject to such agreement wear body cameras  
7 while on duty.”;

8 (4) by redesignating subsections (f) and (g) as  
9 subsections (h) and (i), respectively; and

10 (5) by inserting after subsection (e) the fol-  
11 lowing:

12 “(f) IDENTIFICATION AS FEDERAL OFFICER.—An of-  
13 ficer or agent designated under this subsection shall, while  
14 engaged in the performance of official duties, display—

15 “(1) appropriate insignia identifying the depart-  
16 ment or agency of the Department of Homeland Se-  
17 curity from which such officer or agent has been  
18 designated; and

19 “(2) the full name of the officer or agent.

20 “(g) LIMITATION ON ARRESTS.—With respect to any  
21 arrest carried out under subsection (b)(2)(C), the officer  
22 or agent shall—

23 “(1) identify himself or herself and the depart-  
24 ment or agency in which such officer or agent is em-  
25 ployed;

1           “(2) inform the individual being arrested of the  
2           cause for such arrest;

3           “(3) in the case of an arrest carried out pursu-  
4           ant to an agreement under subsection (e), notify any  
5           State or local government that is party to such  
6           agreement of the arrest; and

7           “(4) document the details of the arrest and the  
8           cause for such arrest.”.

9   **SEC. 403. BIOMETRIC ENTERPRISE MANAGEMENT.**

10       (a) BIOMETRICS AND IDENTITY MANAGEMENT DE-  
11       VELOPMENT AND STRATEGY.—Not later than one year  
12       after the date of the enactment of this Act, the Under  
13       Secretary for Strategy, Policy, and Plans shall, in coordi-  
14       nation with the Privacy Officer and Civil Rights and Civil  
15       Liberties Officer, and consultation with appropriate heads  
16       of components or offices within the Department, develop  
17       and coordinate a biometrics and identity management en-  
18       terprise strategy for the Department that includes guid-  
19       ance and requirements regarding the front-end collection,  
20       use, retention, sharing, and disposal of biometric informa-  
21       tion by and within the Department and requires the estab-  
22       lishment of robust privacy protections for individuals that,  
23       with respect to the United States VISIT program and any  
24       other such passenger facilitation program, prioritizes se-  
25       curing voluntary consent for the capture of biometrics

1 from individuals through an opt-in approach rather than  
2 an opt-out approach. Upon the issuance of the strategy,  
3 no component head shall be authorized to initiate or ex-  
4 pand a pilot or program that includes biometrics or iden-  
5 tity management without the Secretary determining that  
6 the program is consistent with this strategy or successor  
7 strategy.

8 (b) COMPLIANCE WITH DEPARTMENT BIOMETRICS  
9 AND IDENTITY MANAGEMENT STRATEGY.—The Under  
10 Secretary for Management shall—

11 (1) not later than 180 days after the issuance  
12 of the biometrics and identity management enter-  
13 prise strategy required under subsection (a) of this  
14 section, issue determinations regarding compliance  
15 with the strategy for each pilot or program of the  
16 Department that uses biometric technologies or in-  
17 formation and, where necessary, a corresponding  
18 corrective action plan for the pilot or program to  
19 come into compliance with the strategy within a  
20 year;

21 (2) upon issuance of determinations pursuant  
22 to paragraph (1), submit determinations together  
23 with any corresponding corrective action plans to the  
24 Committee on Homeland Security of the House of  
25 Representatives and the Committee on Homeland



1 Security and Governmental Affairs of the Senate;  
2 and

3 (3) two years after enactment of this Act, sub-  
4 mit certifications for each pilot or program that the  
5 Secretary determines to be in compliance the strat-  
6 egy to the Committee on Homeland Security of the  
7 House of Representatives and the Committee on  
8 Homeland Security and Governmental Affairs of the  
9 Senate and notification of the suspension or can-  
10 cellation of any pilots or programs that are not in  
11 compliance with the strategy.

12 (c) INVENTORY.—Within 180 days of enactment of  
13 this Act, the Under Secretary for Management, in coordi-  
14 nation with the Under Secretary for Science and Tech-  
15 nology, shall submit to the Committee on Homeland Secu-  
16 rity of the House of Representatives and the Committee  
17 on Homeland Security and Governmental Affairs of the  
18 Senate an inventory of all pilots and programs of the De-  
19 partment that use biometric technologies or information.  
20 The inventory shall include, at a minimum, the following  
21 information for each pilot and program—

22 (1) the components or Department offices in-  
23 volved, including their roles and responsibilities;

1           (2) the purpose of the pilot or program, includ-  
2           ing reason for the use of biometric technologies or  
3           information in the pilot or program;

4           (3) a description of functionality, including an  
5           overview of any technologies or systems used to cap-  
6           ture, share, or match biometric information;

7           (4) the timeframes and locations of key events,  
8           including the actual or planned initiation and com-  
9           pletion dates for test activities and technology de-  
10          ployments;

11          (5) estimated total cost and funding sources;

12          (6) any contracts or agreements entered into  
13          with other Federal departments and agencies, pri-  
14          vate or third-party entities, and educational institu-  
15          tions;

16          (7) status of implementation, including any  
17          transition plans for pilots; and

18          (8) status of plans for developing and issuing  
19          any related rulemakings or privacy impact assess-  
20          ments.

21          (d) ASSESSMENT.—Within one year of submitting the  
22          inventory required under subsection (a), the Under Sec-  
23          retary for Science and Technology shall conduct and sub-  
24          mit to the Committee on Homeland Security of the House  
25          of Representatives and the Committee on Homeland Secu-

1 rity and Governmental Affairs of the Senate an assess-  
2 ment of all pilots or programs of the Department that use  
3 biometric technologies or information that involves facial  
4 recognition or iris scanning. The assessment shall, at a  
5 minimum, review—

6           (1) the impact of device specifications and in-  
7 stallation factors, such as camera quality, lighting,  
8 and internet connectivity, of biometric collection  
9 technologies on the Department’s ability to capture  
10 accurate data across all demographic groups, includ-  
11 ing across age, sex, skin tone, and disability status,  
12 alone and in combination with each other, to inform  
13 minimum biometric capture device standards;

14           (2) proposed or implemented biometric collec-  
15 tion methods to capture accurate data across all de-  
16 mographic groups;

17           (3) information security of biometric technology  
18 or systems, including lessons learned to improve re-  
19 siliency against tampering or cyber threats; and

20           (4) independent testing results of biometric  
21 matching algorithms to verify accuracy across all de-  
22 mographic groups.

23           (e) LIMITATION ON EXPANDING BIOMETRIC AIR  
24 EXIT CAPABILITIES.—

1           (1) REQUIREMENT.—The Under Secretary for  
2 Management shall prohibit U.S. Customs and Bor-  
3 der Protection from expanding biometric air exit ca-  
4 pabilities to additional airports, air terminals, or air-  
5 lines, until it has demonstrated for at least three  
6 consecutive months that the program meets its vali-  
7 dated user requirement for capturing live biometric  
8 images of in-scope travelers on participating flights  
9 for capabilities already deployed as of the date of the  
10 enactment of this Act.

11           (2) DEFINITION.—In this section, the term “in-  
12 scope traveler” means any person who is required to  
13 provide biometrics upon exit from the United States  
14 pursuant to section 215.8(a)(1) of title 8, Code of  
15 Federal Regulations.

16 **SEC. 404. ENHANCED DEPARTMENTAL OVERSIGHT OF CER-**  
17 **TAIN INTELLIGENCE MATTERS.**

18 Paragraph (9) of section 201(d) of the Homeland Se-  
19 curity Act of 2002 (6 U.S.C. 121(d)) is amended—

20           (1) in subparagraph (A), by striking “and”  
21 after the semicolon;

22           (2) in subparagraph (B), by striking the period  
23 and inserting “; and”; and

24           (3) by adding at the end the following new sub-  
25 paragraph:



1           (1) the roles and responsibilities of Department  
2 offices, including the Office of the General Counsel  
3 and Privacy Office, in monitoring the Department’s  
4 compliance with the social media policy;

5           (2) a discussion of applicable Federal laws, reg-  
6 ulations, and requirements that apply to social  
7 media use, including those related to information  
8 quality, such as the Data Quality Act, ethical con-  
9 duct, protecting individual privacy, and records man-  
10 agement;

11           (3) the process for authorizing an official, De-  
12 partment branded social media account;

13           (4) training requirements, to include mass com-  
14 munication and ethics training, for authorizing agen-  
15 cy officials to use Department accounts to commu-  
16 nicate in their official capacity; and

17           (5) guidance for the personal use of social  
18 media accounts not related to official duties.

19           (b) PUBLICATION.—The Secretary shall maintain a  
20 list of all current official social media accounts of the De-  
21 partment on the website of the Department.

22 **SEC. 407. PROPAGANDA PROHIBITED.**

23           (a) IN GENERAL.—Not later than 90 days after en-  
24 actment of this Act, the Secretary, acting through the  
25 Under Secretary for Management, shall issue a Depart-

1 ment-wide directive and corresponding oversight mecha-  
2 nisms to all personnel prohibiting the origination or cir-  
3 culation of propaganda internally or externally, including  
4 with respect to public-facing materials.

5 (b) INSPECTOR GENERAL REVIEW.—Not later than  
6 September 30, 2022, the Inspector General of the Depart-  
7 ment shall review—

8 (1) the Department’s internal and external  
9 communications associated with the August 2020  
10 Kenosha, Wisconsin shooting; the 2020 protests in  
11 Portland, Oregon; and the issuance of Executive  
12 Order 13769 to determine if there is evidence of the  
13 Department engaging in propaganda as defined  
14 under this Act;

15 (2) implementation of subsection (a); and

16 (3) issue recommendations, as appropriate, to  
17 strengthen protections against the engagement of  
18 propaganda within the Department.

19 (c) PROPAGANDA DEFINED.—For purposes of this  
20 section, the term “propaganda” means information dis-  
21 seminated with the intent to promote or publicize a par-  
22 ticular political cause or point of view, including—

23 (1) materials designed to support or defeat the  
24 enactment of legislation before the Congress or any  
25 State or local legislature or legislative body;

1           (2) materials designed to support or defeat pro-  
2           posed or pending regulation, administrative action,  
3           or order issued by the Executive Branch including  
4           any State or local government;

5           (3) materials self-aggrandizing or overly publi-  
6           cizing and emphasizing the importance of the agency  
7           or activity in question;

8           (4) materials that are prepared by the agency  
9           or its contractors at the behest of the agency and  
10          circulated as the ostensible position of parties out-  
11          side the agency without disclosure that the informa-  
12          tion originated with the Department; and

13          (5) purely partisan materials, those designed to  
14          aid a particular political party or candidate.

15 **SEC. 408. LIMITS ON EXPENSES FOR A SWEARING-IN CERE-**  
16 **MONY.**

17          (a) **IN GENERAL.**—Notwithstanding any other provi-  
18          sion of law, the Secretary of Homeland Security may not  
19          obligate or expend any Federal funds or use any Govern-  
20          ment property for a reception or gathering after a swear-  
21          ing-in ceremony.

22          (b) **EXCEPTION.**—At the discretion of the Secretary  
23          of Homeland Security, the Secretary may obligate and ex-  
24          pend Federal funds or use Government property during  
25          an initial swearing-in ceremony for a presidential ap-



1 pointee within the Department of Homeland Security for  
2 meals or refreshments served during such ceremony if the  
3 total cost does not exceed an amount established by the  
4 Secretary not later than 90 days after the date of the en-  
5 actment of this section.

6 (c) REPORTING.—Not later than 60 days after the  
7 end of each fiscal year beginning with fiscal year 2021,  
8 the Secretary of Homeland Security, acting through the  
9 Chief Financial Officer of the Department of Homeland  
10 Security, shall submit to the Committee on Homeland Se-  
11 curity of the House of Representatives and the Committee  
12 on Homeland Security and Governmental Affairs of the  
13 Senate an annual report on all funds expended during  
14 swearing-in ceremonies described in subsection (b).

15 (d) DEFINITIONS.—In this section:

16 (1) GOVERNMENT PROPERTY.—The term “Gov-  
17 ernment property” has the meaning given such term  
18 in section 2635.704(b)(1) of title 5, Code of Federal  
19 Regulations.

20 (2) SWEARING-IN CEREMONY.—The term  
21 “swearing-in ceremony” means a gathering at which  
22 the swearing-in of a Department of Homeland Secu-  
23 rity official occurs.

1 **SEC. 409. CONFLICT OF INTEREST AWARENESS AND RE-**  
2 **PORTING.**

3 No later than 90 days after enactment, the Chief  
4 Procurement Officer shall—

5 (1) disseminate existing laws, regulations, and  
6 agency policies related to avoiding personal conflicts  
7 of interest and improper business practices to all  
8 Department contracting and grant officials, as well  
9 as information regarding protections for such offi-  
10 cials that report any attempt or actual interference  
11 by a Department, Administration, or other elected  
12 official or private individual with a conflict of inter-  
13 est or a desire to unfairly influence the procurement  
14 process; and

15 (2) require that all Department contracting and  
16 grant officials certify receipt and review of the infor-  
17 mation disseminated under paragraph (1).

18 **SEC. 410. MENTOR-PROTÉGÉ PROGRAM.**

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

22 **“SEC. 890E. MENTOR-PROTÉGÉ PROGRAM.**

23 **“(a) ESTABLISHMENT.—**There is established in the  
24 Department a mentor-protégé program (in this section re-  
25 ferred to as the ‘Program’) under which a mentor firm  
26 enters into an agreement with a protégé firm for the pur-

1 pose of assisting the protégé firm to compete for prime  
2 contracts and subcontracts of the Department.

3 “(b) ELIGIBILITY.—The Secretary shall establish cri-  
4 teria for mentor firms and protégé firms to be eligible to  
5 participate in the Program, including a requirement that  
6 a firm is not included on any list maintained by the Fed-  
7 eral Government of contractors that have been suspended  
8 or debarred.

9 “(c) PROGRAM APPLICATION AND APPROVAL.—

10 “(1) APPLICATION.—The Secretary, acting  
11 through the Office of Small and Disadvantaged  
12 Business Utilization of the Department, shall estab-  
13 lish a process for submission of an application joint-  
14 ly by a mentor firm and the protégé firm selected by  
15 the mentor firm. The application shall include each  
16 of the following:

17 “(A) A description of the assistance to be  
18 provided by the mentor firm, including, to the  
19 extent available, the number and a brief de-  
20 scription of each anticipated subcontract to be  
21 awarded to the protégé firm.

22 “(B) A schedule with milestones for  
23 achieving the assistance to be provided over the  
24 period of participation in the Program.

1           “(C) An estimate of the costs to be in-  
2           curred by the mentor firm for providing assist-  
3           ance under the Program.

4           “(D) Attestation that Program partici-  
5           pants will submit to the Secretary reports at  
6           times specified by the Secretary to assist the  
7           Secretary in evaluating the protégé firm’s devel-  
8           opmental progress.

9           “(E) Attestations that Program partici-  
10          pants will inform the Secretary in the event of  
11          change in eligibility or voluntary withdrawal  
12          from the Program.

13          “(2) APPROVAL.—Not later than 60 days after  
14          receipt of an application pursuant to paragraph (1),  
15          the head of the Office of Small and Disadvantaged  
16          Business Utilization shall notify applicants of ap-  
17          proval or, in the case of disapproval, the process for  
18          resubmitting an application for reconsideration.

19          “(3) RESCISSION.—The head of the Office of  
20          Small and Disadvantaged Business Utilization may  
21          rescind the approval of an application under this  
22          subsection if it determines that such action is in the  
23          best interest of the Department.

24          “(d) PROGRAM DURATION.—A mentor firm and  
25          protégé firm approved under subsection (c) shall enter into

1 an agreement to participate in the Program for a period  
2 of not less than 36 months.

3 “(e) PROGRAM BENEFITS.—A mentor firm and  
4 protégé firm that enter into an agreement under sub-  
5 section (d) may receive the following Program benefits:

6 “(1) With respect to an award of a contract  
7 that requires a subcontracting plan, a mentor firm  
8 may receive evaluation credit for participating in the  
9 Program.

10 “(2) With respect to an award of a contract  
11 that requires a subcontracting plan, a mentor firm  
12 may receive credit for a protégé firm performing as  
13 a first tier subcontractor or a subcontractor at any  
14 tier in an amount equal to the total dollar value of  
15 any subcontracts awarded to such protégé firm.

16 “(3) A protégé firm may receive technical, man-  
17 agerial, financial, or any other mutually agreed upon  
18 benefit from a mentor firm, including a subcontract  
19 award.

20 “(4) Any other benefits identified by the Sec-  
21 retary.

22 “(f) REPORTING.—Not later than 1 year after the  
23 date of the enactment of this Act, and annually thereafter,  
24 the head of the Office of Small and Disadvantaged Busi-  
25 ness Utilization shall submit to the Committees on Home-

1 land Security and Small Business of the House of Rep-  
2 resentatives a report that—

3 “(1) identifies each agreement between a men-  
4 tor firm and a protégé firm entered into under this  
5 section, including number of protégé firm partici-  
6 pants that are—

7 “(A) small business concerns;

8 “(B) small business concerns owned and  
9 controlled by veterans;

10 “(C) small business concerns owned and  
11 controlled by service-disabled veterans;

12 “(D) qualified HUBZone small business  
13 concerns;

14 “(E) small business concerns owned and  
15 controlled by socially and economically dis-  
16 advantaged individuals;

17 “(F) women-owned small business con-  
18 cerns;

19 “(G) historically Black colleges and univer-  
20 sities; and

21 “(H) minority institutions of higher edu-  
22 cation;

23 “(2) describes the type of assistance provided  
24 by mentor firms to protégé firms;

1           “(3) identifies contracts within the Department  
2           in which a mentor firm serving as the prime con-  
3           tractor provided subcontracts to a protégé firm  
4           under the Program; and

5           “(4) assesses the degree to which there has  
6           been—

7                   “(A) an increase in the technical capabili-  
8                   ties of protégé firms; and

9                   “(B) an increase in the quantity and esti-  
10                  mated value of prime contract and subcontract  
11                  awards to protégé firms for the period covered  
12                  by the report.

13           “(g) DEFINITIONS.—In this section:

14                   “(1) HISTORICALLY BLACK COLLEGE OR UNI-  
15                  VERSITY.—The term ‘historically Black college or  
16                  university’ means any of the historically Black col-  
17                  leges and universities referred to in section 2323 of  
18                  title 10, United States Code, as in effect on March  
19                  1, 2018.

20                   “(2) MENTOR FIRM.—The term ‘mentor firm’  
21                  means a for-profit business concern that is not a  
22                  small business concern that—

23                           “(A) has the ability to assist and commits  
24                           to assisting a protégé to compete for Federal  
25                           prime contracts and subcontracts; and

1           “(B) satisfies any other requirements im-  
2           posed by the Secretary.

3           “(3) MINORITY INSTITUTION OF HIGHER EDU-  
4           CATION.—The term ‘minority institution of higher  
5           education’ means an institution of higher education  
6           with a student body that reflects the composition  
7           specified in section 312(b) of the Higher Education  
8           Act of 1965 (20 U.S.C. 1058(b)).

9           “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’  
10          means a small business concern, a historically Black  
11          college or university, or a minority institution of  
12          higher education that—

13                 “(A) is eligible to enter into a prime con-  
14                 tract or subcontract with the Department; and

15                 “(B) satisfies any other requirements im-  
16                 posed by the Secretary.

17          “(5) SMALL BUSINESS ACT DEFINITIONS.—The  
18          terms ‘small business concern’, ‘small business con-  
19          cern owned and controlled by veterans’, ‘small busi-  
20          ness concern owned and controlled by service-dis-  
21          abled veterans’, ‘qualified HUBZone small business  
22          concern’, and ‘small business concern owned and  
23          controlled by women’ have the meaning given such  
24          terms, respectively, under section 3 of the Small  
25          Business Act (15 U.S.C. 632). The term ‘small busi-



1       ness concern owned and controlled by socially and  
 2       economically disadvantaged individuals’ has the  
 3       meaning given such term in section 8(d)(3)(C) of  
 4       the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

5       (b) CLERICAL AMENDMENT.—The table of contents  
 6       in section 1(b) of the Homeland Security Act of 2002 is  
 7       amended by inserting after the item relating to section  
 8       890D the following new item:

“Sec. 890E. Mentor-protégé program.”.

9       **SEC. 411. HISTORICALLY BLACK COLLEGES AND UNIVER-**  
 10                   **SITIES (HBCUS) HOMELAND SECURITY PART-**  
 11                   **NERSHIPS.**

12       (a) DEPARTMENT-WIDE STRATEGY FOR ENHANCED  
 13       PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES  
 14       AND UNIVERSITIES AND MINORITY-SERVING INSTITU-  
 15       TIONS.—Not later than 90 days after the date of the en-  
 16       actment of this Act, the Secretary, acting through the  
 17       Under Secretary for Strategy, Policy, and Plans of the De-  
 18       partment, shall—

19               (1) issue a Department-wide strategy to en-  
 20       hance partnerships with historically Black colleges  
 21       and universities and minority-serving institutions  
 22       that includes yearly goals, including goals related to  
 23       improving recruitment and hiring, research and de-  
 24       velopment, and acquisition opportunities at such in-  
 25       stitutions, through fiscal year 2025; and

1           (2) require the head of each component of the  
2     Department to—

3           (A) not later than 150 days after the date  
4           of the issuance under paragraph (1) of the De-  
5           partment-wide strategy, develop a component-  
6           specific action plan to implement such strategy;

7           (B) monitor progress on such implementa-  
8           tion; and

9           (C) not later than one year after the date  
10          of such issuance, report to the Secretary re-  
11          garding progress on such implementation.

12       (b) ENHANCEMENT OF RESEARCH AND DEVELOP-  
13     MENT PARTNERSHIPS.—The Secretary shall seek to en-  
14     hance partnerships with historically Black colleges and  
15     universities and minority-serving institutions with respect  
16     to administering the research and development activities  
17     of the Department by, among other things—

18           (1) encouraging the participation of such col-  
19           leges, universities, and institutions in the research,  
20           development, testing, and evaluation programs and  
21           activities of the Department;

22           (2) facilitating partnerships between such col-  
23           leges, universities, and institutions and private sec-  
24           tor stakeholders, national laboratories, and other  
25           academic institutions in areas important to home-

1 land security, including cybersecurity, emergency  
2 management, and counterterrorism; and

3 (3) distributing funds through Science and  
4 Technology Directorate grants, cooperative agree-  
5 ments, and contracts to such colleges, universities,  
6 and institutions for enhancements in areas impor-  
7 tant to homeland security, including cybersecurity,  
8 emergency management, and counterterrorism.

9 (c) CAREER OPPORTUNITIES PARTNERSHIPS.—Not  
10 later than 120 days after the date of the enactment of  
11 this Act, the Secretary, acting through the Chief Human  
12 Capitol Officer of the Department, shall make available  
13 to historically Black colleges and universities and minor-  
14 ity-serving institutions a current list of internship, fellow-  
15 ship, scholarship, and recruitment opportunities within the  
16 Department for students and recent graduates of such col-  
17 leges, universities, and institutions.

18 (d) ACQUISITION PARTNERSHIPS.—Not later than  
19 120 days after the date of the enactment of this Act, the  
20 Secretary, acting through the Chief Procurement Officer  
21 of the Department, shall—

22 (1) identify how to increase the participation of  
23 historically Black colleges and universities and mi-  
24 nority-serving institutions in Department acquisi-  
25 tions, including identifying existing opportunities for

1 historically Black colleges and universities and mi-  
2 nority-serving institutions to participate in the con-  
3 tracting program of the Small Business Administra-  
4 tion for minorities; and

5 (2) disseminate to such colleges, universities,  
6 and institutions—

7 (A) information identified in accordance  
8 with paragraph (1); and

9 (B) current and future opportunities to  
10 participate in Department acquisitions.

11 (e) ANNUAL REPORT.—

12 (1) IN GENERAL.—Not later than one year  
13 after enactment of this Act, and annually thereafter  
14 through 2026, the Secretary shall submit to the  
15 Committee on Homeland Security of the House of  
16 Representatives and the Committee on Homeland  
17 Security and Governmental Affairs of the Senate a  
18 report on the efforts of the Department to partner  
19 with historically Black colleges and universities and  
20 minority-serving institutions to carry out this Act.

21 (2) REPORTING REQUIREMENTS.—The annual  
22 reports required under subsection (a) shall include  
23 the following:

24 (A) A list of awards, including the cor-  
25 responding monetary value for each such

1 award, to historically Black colleges and univer-  
2 sities and minority-serving institutions,  
3 disaggregated by grant, contract, cooperative  
4 agreement, and other research development test  
5 and evaluation activity, initiative, and program.

6 (B) A description of how the Department  
7 is partnering with historically Black colleges  
8 and universities and minority-serving institu-  
9 tions under the programs referred to in sub-  
10 sections (b) and (d), and how such programs  
11 have helped such colleges, universities, and in-  
12 stitutions participate in acquisitions with the  
13 Department.

14 (C) A summary of outreach efforts to his-  
15 torically Black colleges and universities and mi-  
16 nority-serving institutions, and an identification  
17 of any Department programs and initiatives in  
18 which such colleges, universities, and institu-  
19 tions are under-represented among institutions  
20 of higher education.

21 (D) A description of the status of efforts  
22 made by the Department pursuant to sub-  
23 sections (a) and (c), including—

24 (i) for subsection (a), Department-  
25 wide goals pursuant to the Department-

1 wide strategy to enhance partnerships with  
2 historically Black colleges and universities  
3 and minority-serving institutions under  
4 such section, and the status of efforts to  
5 implement action plans throughout the De-  
6 partment to carry out such strategy; and

7 (ii) for subsection (c), participation  
8 rates in each internship, fellowship, schol-  
9 arship, and recruitment opportunity re-  
10 ferred to in such section, listed by histori-  
11 cally Black college and university and mi-  
12 nority-serving institution so participating.

13 (E) A list of memoranda of understanding  
14 entered into by the Department with histori-  
15 cally Black colleges and universities and minor-  
16 ity-serving institutions and information on the  
17 parties and scope of each such memorandum of  
18 understanding.

19 **SEC. 412. CHILDREN'S TECHNICAL EXPERT.**

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

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

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

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

3           “(I) identify and integrate the needs of  
4 children into activities to prepare for, protect  
5 against, respond to, recover from, and mitigate  
6 against the risk of natural disasters, acts of ter-  
7 rorism, and other manmade disasters, including  
8 catastrophic incidents, including by appointing  
9 a technical expert, who may consult with rel-  
10 evant outside organizations and experts, as nec-  
11 essary, to coordinate such integration, as nec-  
12 essary.”.

13 **SEC. 413. MODIFICATION OF SECRETARY’S REORGANIZA-**  
14 **TION AUTHORITY.**

15           Section 872(a) of the Homeland Security Act of 2002  
16 is amended—

17           (1) in paragraph (1), by striking “1502(b)”  
18 and inserting “1502”; and

19           (2) striking paragraph (2).

20 **SEC. 414. DEFINITIONS.**

21           For purposes of this Act, the following terms should  
22 be defined as follows:

23           (1) FOREIGN VIOLENT WHITE SUPREMACIST  
24 EXTREMIST ORGANIZATION.—The term “foreign vio-  
25 lent white supremacist extremist organization”

1 means an organization based outside the United  
2 States that seeks, wholly or in part, through unlaw-  
3 ful acts of force or violence, to support a belief in  
4 the intellectual and moral superiority of the white  
5 race over other races.

6 (2) HISTORICALLY BLACK COLLEGE OR UNI-  
7 VERSITY.—The term “historically Black college or  
8 university” has the meaning given the term “part B  
9 institution” in section 322 of the Higher Education  
10 Act of 1965 (20 U.S.C. 1061).

11 (3) INSTITUTION OF HIGHER EDUCATION.—The  
12 term “institution of higher education” has the  
13 meaning given that term in section 101 of the High-  
14 er Education Act of 1965 (20 U.S.C. 1001).

15 (4) MINORITY-SERVING INSTITUTION.—The  
16 term “minority-serving institution” means an insti-  
17 tution of higher education described in section  
18 371(a) of the Higher Education Act of 1965 (20  
19 U.S.C. 1067q(a)).

20 (5) PUBLIC-FACING MATERIALS.—The term  
21 “public-facing materials” means any written, audio,  
22 or video materials to inform the public, including  
23 press releases, speeches, talking points, fact sheets,  
24 testimony, letters, reports, billboards, and social  
25 media.



1           (6) SOCIAL MEDIA.—The term “social media”  
2 means any tools and technologies that allow a social  
3 media user to share communications, postings, or in-  
4 formation, or participate in social networking, in-  
5 cluding but not limited to blogs, social networks,  
6 video, and photo sharing websites, online forums,  
7 and discussion boards, and automated data feeds.

8           (7) TARGETED VIOLENCE.—The term “targeted  
9 violence” means any incident of violence in which an  
10 attacker selects a particular target prior to the inci-  
11 dent of violence so as to suggest an intent to inflict  
12 mass injury or death and may be an act of domestic  
13 terrorism or international terrorism, or an attack  
14 that otherwise lacks a clearly discernible political or  
15 ideological motivation, such as the June 12, 2016,  
16 nightclub mass shooting in Orlando, Florida, the Oc-  
17 tober 1, 2017, attack on concert-goers at a music  
18 festival in Las Vegas, Nevada, and the August 3,  
19 2019, mass shooting at a store in El Paso, Texas.

20           (8) VIOLENT WHITE SUPREMACIST EXTRE-  
21 MISM.—The term “white supremacist extremism”  
22 means an ideology that seeks, wholly or in part,  
23 through unlawful acts of force or violence, to sup-

- 1 port a belief in the intellectual and moral superiority
- 2 of the white race over other races.

