

Calendar No. 440

107TH CONGRESS
2^D SESSION**S. 2452****[Report No. 107-175]**

To establish the Department of National Homeland Security and the National Office for Combating Terrorism.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2002

Mr. LIEBERMAN (for himself, Mr. SPECTER, Mr. GRAHAM, Mr. DURBIN, Mr. REID, and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JUNE 24, 2002

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italie*]**A BILL**

To establish the Department of National Homeland Security
and the National Office for Combating Terrorism.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “National Homeland Security and Combating Terrorism
 4 Act of 2002”.

5 (b) TABLE OF CONTENTS.—The table of contents is
 6 as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—DEPARTMENT OF NATIONAL HOMELAND SECURITY

Sec. 101. Establishment of the Department of National Homeland Security.

Sec. 102. Transfer of authorities, functions, personnel, and assets to the Department.

Sec. 103. Establishment of directorates and office.

Sec. 104. Steering Group; Coordination Committee; and Acceleration Fund.

Sec. 105. Reporting requirements.

Sec. 106. Planning, programming, and budgeting process.

Sec. 107. Environmental protection, safety, and health requirements.

Sec. 108. Savings provisions.

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

Sec. 201. National Office for Combating Terrorism.

Sec. 202. Funding for Strategy programs and activities.

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM
AND THE HOMELAND SECURITY RESPONSE

Sec. 301. Strategy.

Sec. 302. *Management guidance for Strategy implementation.*

Sec. ~~302~~. 303. National Homeland Security Panel.

TITLE IV—NATIONAL EMERGENCY PREPAREDNESS ENHANCEMENT

Sec. 401. *Short title.*

Sec. 402. *Preparedness information and education.*

Sec. 403. *Pilot program.*

Sec. 404. *Designation of National Emergency Preparedness Week.*

TITLE ~~IV~~ V—EFFECTIVE DATE

Sec. ~~401~~. 501. Effective date.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) DIRECTOR.—Except as provided under sec-
2 tion 104, the term “Director” means the Director of
3 the National Office for Combating Terrorism.

4 (2) DEPARTMENT.—The term “Department”
5 means the Department of National Homeland Secu-
6 rity established under title I.

7 (3) FEDERAL TERRORISM PREVENTION AND
8 RESPONSE AGENCY.—The term “Federal terrorism
9 prevention and response agency” means any Federal
10 department or agency charged under the Strategy
11 with responsibilities for carrying out the Strategy.

12 (4) OFFICE.—The term “Office” means the
13 National Office for Combating Terrorism established
14 under title II.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of National Homeland Security.

17 (6) STRATEGY.—The term “Strategy” means
18 the National Strategy for Combating Terrorism and
19 the Homeland Security Response developed under
20 this Act.

1 **TITLE I—DEPARTMENT OF NA-**
2 **TIONAL HOMELAND SECUR-**
3 **RITY**

4 **SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF**
5 **NATIONAL HOMELAND SECURITY.**

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—There is established the De-
8 partment of National Homeland Security.

9 (2) EXECUTIVE DEPARTMENT.—Section 101 of
10 title 5, United States Code, is amended by adding
11 at the end the following:

12 “The Department of National Homeland Secu-
13 rity.”.

14 (b) SECRETARY OF NATIONAL HOMELAND SECUR-
15 RITY.—

16 (1) IN GENERAL.—The Secretary of National
17 Homeland Security shall be the head of the Depart-
18 ment. The Secretary shall be appointed by the Presi-
19 dent, by and with the advice and consent of the Sen-
20 ate.

21 (2) RESPONSIBILITIES.—The responsibilities of
22 the Secretary shall be the following:

23 (A) To develop policies, goals, objectives,
24 priorities, and plans for the United States for
25 the promotion of homeland security.

1 (B) To develop, with the Director, a com-
2 prehensive strategy in accordance with title III.

3 (C) Develop processes to integrate the ele-
4 ments and goals of the Strategy into the strate-
5 gies and plans of Federal, State, and local de-
6 partments and agencies, including interagency
7 and intergovernmental shared policies.

8 (D) To evaluate the programs of the Fed-
9 eral Government relating to homeland security
10 that involve activities of State and local govern-
11 ments as part of the Strategy.

12 (E) To advise the Director on the develop-
13 ment of a comprehensive annual budget for the
14 programs and activities under the Strategy, and
15 have the responsibility for budget recommenda-
16 tions relating to border security, critical infra-
17 structure protection, emergency preparation
18 and response, and State and local activities.

19 (F) To plan, coordinate, and integrate
20 those United States Government activities relat-
21 ing to border security, critical infrastructure
22 protection and emergency preparedness, and to
23 act as the focal point regarding natural and
24 manmade crises and emergency planning and
25 response.

1 (G) To work and coordinate with State
2 and local governments and executive agencies in
3 providing United States homeland security, and
4 to communicate with and support State and
5 local officials through the use of regional offices
6 around the Nation.

7 (H) To provide overall operational plan-
8 ning guidance to executive agencies regarding
9 United States homeland security.

10 (I) To conduct exercise and training pro-
11 grams for employees of the Department and
12 other involved agencies, and establish effective
13 command and control procedures for the full
14 range of potential contingencies regarding
15 United States homeland security, including con-
16 tingencies that require the substantial support
17 of military assets.

18 (J) To annually develop a Federal re-
19 sponse plan for homeland security and emer-
20 gency preparedness with regard to terrorism
21 and other manmade and natural disasters.

22 (K) To identify and promote technological
23 innovation that will enhance homeland security.

24 (L)(i) To develop and implement within
25 the Department a coordinating center with rep-

1 representatives from other Federal departments or
2 agencies with homeland security responsibilities.

3 (ii) To designate departments and agencies
4 to provide a representative under clause (i) and
5 require those departments and agencies to fur-
6 nish a representative on a permanent, part-
7 time, or as needed basis, as determined by the
8 Secretary.

9 (iii) To request additional personnel from
10 appropriate departments and agencies as may
11 be necessary and coordinate with those depart-
12 ments and agencies.

13 (iv) To request State and local authorities
14 to provide representatives to the coordination
15 center.

16 (3) EXECUTIVE SCHEDULE LEVEL I POSI-
17 TION.—Section 5312 of title 5, United States Code,
18 is amended by adding at the end the following:

19 “Secretary of National Homeland Security.”.

20 (4) MEMBERSHIP ON THE NATIONAL SECURITY
21 COUNCIL.—Section 101(a) of the National Security
22 Act of 1947 (50 U.S.C. 402(a)) is amended in the
23 fourth sentence by striking paragraphs (5), (6), and
24 (7) and inserting the following:

1 “(5) the Secretary of National Homeland Secu-
2 rity; and

3 “(6) each Secretary or Under Secretary of such
4 other executive department, or of a military depart-
5 ment, as the President shall designate.”.

6 (c) DEPUTY SECRETARY OF NATIONAL HOMELAND
7 SECURITY.—

8 (1) IN GENERAL.—There shall be in the De-
9 partment a Deputy Secretary of National Homeland
10 Security, who shall be appointed by the President,
11 by and with the advice and consent of the Senate.

12 (2) RESPONSIBILITIES.—The Deputy Secretary
13 of National Homeland Security shall—

14 (A) assist the Secretary in the administra-
15 tion and operations of the Department;

16 (B) perform such responsibilities as the
17 Secretary shall prescribe; and

18 (C) act as the Secretary during the ab-
19 sence or disability of the Secretary or in the
20 event of a vacancy in the office of the Sec-
21 retary.

22 (3) EXECUTIVE SCHEDULE LEVEL II POSI-
23 TION.—Section 5313 of title 5, United States Code,
24 is amended by adding at the end the following:

1 “Deputy Secretary of National Homeland Secu-
2 rity.”.

3 (d) INSPECTOR GENERAL.—

4 (1) IN GENERAL.—There shall be in the De-
5 partment an Inspector General for the Department.
6 The Inspector General and the Office of Inspector
7 General shall be subject to the Inspector General
8 Act of 1978 (5 U.S.C. App.).

9 (2) ESTABLISHMENT.—Section 11 of the In-
10 spector General Act of 1978 (5 U.S.C. App.) is
11 amended—

12 (A) in paragraph (1), by inserting “Na-
13 tional Homeland Security,” after “Labor,”; and

14 (B) in paragraph (2), by inserting “Na-
15 tional Homeland Security,” after “Labor,”.

16 (e) DIRECTOR OF THE COORDINATING CENTER.—

17 (1) IN GENERAL.—There shall be in the De-
18 partment a Director of the Coordinating Center who
19 shall report directly to the Deputy Secretary. The
20 Coordinating Center shall be developed and imple-
21 mented in accordance with subsection (b)(2)(L).

22 (2) RESPONSIBILITIES.—The Director of the
23 Coordinating Center shall be responsible for—

24 (A) ensuring that the law enforcement, im-
25 migration, and intelligence databases informa-

tion systems containing information relevant to homeland security are compatible; and

(B) with respect to the functions under this paragraph, ensuring compliance with Federal laws relating to privacy and intelligence information.

SEC. 102. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.

The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The law enforcement components of the Immigration and Naturalization Service relating to Border Patrol, Inspections, Investigations (interior enforcement), Intelligence, Detention and Removal, and International Affairs.

(4) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

1 (5) The Critical Infrastructure Assurance Of-
2 fice of the Department of Commerce.

3 (6) The National Infrastructure Protection
4 Center and the National Domestic Preparedness Of-
5 fice of the Federal Bureau of Investigation.

6 (7) The Animal and Plant Health Inspection
7 Service of the Department of Agriculture, that por-
8 tion of which administers laws relating to agricul-
9 tural quarantine inspections at points of entry.

10 **SEC. 103. ESTABLISHMENT OF DIRECTORATES AND OFFICE.**

11 (a) ESTABLISHMENT OF DIRECTORATES.—The fol-
12 lowing staff directorates are established within the De-
13 partment:

14 (1) DIRECTORATE OF BORDER AND TRANSPOR-
15 TATION PROTECTION.—The Directorate of Border
16 and Transportation Protection, which shall be re-
17 sponsible for the following:

18 (A) Overseeing and coordinating all United
19 States border security activities.

20 (B) Developing border and maritime secu-
21 rity policy for the United States.

22 (C) Developing and implementing inter-
23 national standards for enhanced security in
24 transportation nodes.

1 (D) Performing such other duties assigned
2 by the Secretary.

3 (2) DIRECTORATE OF CRITICAL INFRASTRUC-
4 TURE PROTECTION.—The Directorate of Critical In-
5 frastructure Protection, which shall be responsible
6 for the following:

7 (A) Acting as the Critical Information
8 Technology, Assurance, and Security Officer of
9 the Department to coordinate efforts to address
10 the vulnerability of the United States to elec-
11 tronic or physical attacks on critical infrastruc-
12 ture of the United States, including utilities,
13 transportation nodes, and energy resources.

14 (B) Overseeing the protection of such in-
15 frastructure and the physical assets and infor-
16 mation networks that make up such infrastruc-
17 ture.

18 (C) Ensuring the maintenance of a nucleus
19 of cyber security experts within the United
20 States Government.

21 (D) Enhancing sharing of information re-
22 garding cyber security and physical security of
23 the United States, tracking vulnerabilities and
24 proposing improved risk management policies,
25 and delineating the roles of various government

1 agencies in preventing, defending, and recov-
2 ering from attacks.

3 (E) Coordinating with the Federal Com-
4 munications Commission in helping to establish
5 cyber security policy, standards, and enforce-
6 ment mechanisms, and working closely with the
7 Federal Communications Commission on cyber
8 security issues with respect to international
9 bodies.

10 (F) Coordinating the activities of Informa-
11 tion Sharing and Analysis Centers to share in-
12 formation on threats, vulnerabilities, individual
13 incidents, and privacy issues regarding United
14 States homeland security.

15 (G) Assuming the responsibilities carried
16 out by the Critical Infrastructure Assurance Of-
17 fice before the effective date of this Act.

18 (H) Assuming the responsibilities carried
19 out by the National Infrastructure Protection
20 Center before the effective date of this Act.

21 (I) Performing such other duties assigned
22 by the Secretary.

23 (3) DIRECTORATE FOR EMERGENCY PREPARED-
24 NESS AND RESPONSE.—The Directorate for Emer-

1 agency Preparedness and Response, which shall be re-
2 sponsible for the following:

3 (A) Carrying out all emergency prepared-
4 ness and response activities carried out by the
5 Federal Emergency Management Agency before
6 the effective date of this Act.

7 (B) Assuming the responsibilities carried
8 out by the National Domestic Preparedness Of-
9 fice before the effective date of this Act.

10 (C) Organizing and training local entities
11 to respond to emergencies and providing State
12 and local authorities with equipment for detec-
13 tion, protection, and decontamination in an
14 emergency involving weapons of mass destruc-
15 tion.

16 (D) Overseeing Federal, State, and local
17 emergency preparedness training and exercise
18 programs in keeping with current intelligence
19 estimates and providing a single staff for Fed-
20 eral assistance for any emergency (including
21 emergencies caused by flood, earthquake, hurri-
22 cane, disease, or terrorist bomb).

23 (E) Creating a National Crisis Action Cen-
24 ter to act as the focal point for monitoring
25 emergencies and for coordinating Federal sup-

1 port for State and local governments and the
2 private sector in crises.

3 (F) Establishing training and equipment
4 standards, providing resource grants, and en-
5 couraging intelligence and information sharing
6 among the Department of Defense, the Federal
7 Bureau of Investigation, the Central Intel-
8 ligence Agency, State emergency management
9 officials, and local first responders.

10 (G) Coordinating and integrating oper-
11 ational activities of the Department of Defense,
12 the National Guard, and other Federal agencies
13 into a Federal response plan.

14 (H) Coordinating activities among private
15 sector entities, including entities within the
16 medical community, with respect to recovery,
17 consequence management, and planning for
18 continuity of services.

19 (I) Developing and managing a single re-
20 sponse system for national incidents in coordi-
21 nation with the Department of Justice, the
22 Federal Bureau of Investigation, the Depart-
23 ment of Health and Human Services, the Cen-
24 ters for Disease Control, and other appropriate
25 Federal departments and agencies.

1 (J) Maintaining Federal asset databases
 2 and supporting up-to-date State and local data-
 3 bases.

4 (K) Performing such other duties as as-
 5 signed by the Secretary.

6 (b) ESTABLISHMENT OF OFFICE OF SCIENCE AND
 7 TECHNOLOGY.—

8 (1) IN GENERAL.—There is established in the
 9 Department an Office of Science and Technology.

10 (2) PURPOSE.—The Office of Science and
 11 Technology shall advise the Secretary regarding re-
 12 search and development efforts and priorities for the
 13 directorates established in subsection (a).

14 **SEC. 104. STEERING GROUP; COORDINATION COMMITTEE;**
 15 **AND ACCELERATION FUND.**

16 (a) DEFINITIONS.—In this section:

17 (1) COORDINATION COMMITTEE.—The term
 18 “Coordination Committee” means the Homeland Se-
 19 curity Science and Technology Coordination Com-
 20 mittee established under this section.

21 (2) DIRECTOR.—The term “Director” means
 22 the Director of the Office of Science and Tech-
 23 nology.

24 (3) FUND.—The term “Fund” means the Ac-
 25 celeration Fund for Research and Development of

1 Homeland Security Technologies established under
2 this section.

3 (4) HOMELAND SECURITY RESEARCH AND DE-
4 VELOPMENT.—The term “homeland security re-
5 search and development” means research and devel-
6 opment of technologies that are applicable in the de-
7 tection of, prevention of, protection against, response
8 to, and recovery from homeland security threats,
9 particularly acts of terrorism.

10 (5) STEERING GROUP.—The term “Steering
11 Group” means the Homeland Security Science and
12 Technology Senior Steering Group established under
13 this section.

14 (b) PURPOSES.—The purposes of this section are
15 to—

16 (1) establish a fund to leverage existing re-
17 search and development and accelerate the deploy-
18 ment of technology that will serve to enhance home-
19 land defense;

20 (2) establish a committee and steering group to
21 coordinate and advise on issues relating to homeland
22 security research and development and administer
23 the Fund; and

1 (3) establish the responsibilities of the Director
2 of the Office of Science and Technology relating to
3 homeland security research and development.

4 (c) FUND.—

5 (1) ESTABLISHMENT.—There is established the
6 Acceleration Fund for Research and Development of
7 Homeland Security Technologies.

8 (2) USE OF FUND.—The Fund may be used
9 to—

10 (A) accelerate research, development, test-
11 ing, and evaluation of critical homeland security
12 technologies; and

13 (B) support homeland security research
14 and development.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated
17 \$200,000,000 to the Fund for fiscal year 2003.

18 (d) STEERING GROUP.—

19 (1) ESTABLISHMENT.—There is established the
20 Homeland Security Science and Technology Senior
21 Steering Group within the Office of Science and
22 Technology. The Director shall chair the Steering
23 Group.

24 (2) RESPONSIBILITIES.—The Steering Group
25 shall—

1 (A) provide recommendations and prior-
2 ities to the Director; and

3 (B) assist the Director in establishing pri-
4 orities and forwarding recommendations on
5 homeland security technology to the Secretary.

6 (3) COMPOSITION.—The Steering Group shall
7 be composed, as named by the Director, of senior re-
8 search and development officials representing all ap-
9 propriate Federal departments and agencies that
10 conduct research and development relevant for
11 homeland security and combating terrorism.

12 (4) QUALIFICATIONS.—Each representative
13 shall—

14 (A) possess extensive experience in man-
15 aging research and development projects; and

16 (B) be appointed by the head of the re-
17 spective department or agency.

18 (5) SUBGROUPS.—

19 (A) IN GENERAL.—At the discretion of the
20 Director, the Steering Group may be composed
21 of subgroups with expertise in specific home-
22 land security areas.

23 (B) SUBGROUP AREAS.—The Director may
24 establish subgroups in areas including—

- 1 (i) information technology infrastruc-
- 2 ture;
- 3 (ii) critical infrastructure;
- 4 (iii) interoperability issues in commu-
- 5 nications technology;
- 6 (iv) bioterrorism;
- 7 (v) chemical, biological, radiological
- 8 defense; and
- 9 (vi) any other area as determined nec-
- 10 essary.

11 (e) COORDINATION COMMITTEE.—

12 (1) ESTABLISHMENT.—There is established a
13 Homeland Security Science and Technology Coordi-
14 nation Committee within the Office of Science and
15 Technology. The Director shall chair the Coordina-
16 tion Committee.

17 (2) COMPOSITION.—The Coordination Com-
18 mittee shall be a working level group composed of
19 representatives managing relevant agency research
20 and development portfolios, appointed by the head of
21 each department or agency described under sub-
22 section (d)(2).

23 (3) SUBGROUPS.—

24 (A) IN GENERAL.—At the discretion of the
25 Director, the Coordination Committee may be

1 composed of subgroups with relevant expertise
2 in specific homeland security areas.

3 (B) SUBGROUP AREAS.—The Director may
4 establish subgroups in areas, including—

5 (i) information technology infrastruc-
6 ture;

7 (ii) critical infrastructure;

8 (iii) interoperability issues in Commu-
9 nications Technology;

10 (iv) bioterrorism;

11 (v) chemical, biological, radiological
12 defense; and

13 (vi) any other area as determined nec-
14 essary.

15 (4) RESPONSIBILITIES.—The Coordination
16 Committee shall have the following responsibilities:

17 (A) To facilitate effective communication
18 among departments, agencies, and other enti-
19 ties of the Federal Government, with respect to
20 the conduct of research and development re-
21 lated to homeland security.

22 (B) To identify, by consensus and on a
23 yearly basis, specific technology areas for which
24 the Fund shall be used to rapidly transition
25 homeland security research and development

1 into deployed technology and reduce identified
2 homeland security vulnerabilities. The identified
3 technology areas shall, as determined by the
4 Coordination Committee, be areas in which
5 there exist research and development projects
6 that address identified homeland security
7 vulnerabilities and, assuming single-year fund-
8 ing, can be accelerated to the stage of proto-
9 typing, evaluating, transitioning, or deploying.

10 (C) To administer the Fund, including—

11 (i) issuing an annual multiagency pro-
12 gram announcement soliciting proposals
13 from governmental entities, industry, and
14 academia;

15 (ii) competitively selecting, on the
16 basis of a merit-based review, proposals
17 that advance the state of deployed tech-
18 nologies in the areas identified for that
19 year;

20 (iii) at the discretion of the Coordina-
21 tion Committee, assigning 1 or more pro-
22 gram managers from any department or
23 agency represented on the Coordination
24 Committee to oversee, administer, and exe-

1 cute a Fund project as the agent of the
2 Coordination Committee; and

3 (iv) providing methods of funding ad-
4 ministration, including grant, cooperative
5 agreement, or any other transaction.

6 (f) OFFICE OF SCIENCE AND TECHNOLOGY RESPON-
7 SIBILITIES.—The Director shall—

8 (1) assist the Secretary, the Directorates, and
9 cooperating agencies in—

10 (A) assessing and testing homeland secu-
11 rity vulnerabilities and possible threats;

12 (B) evaluating and advising on maintain-
13 ing talent resources in key technology and skill
14 areas required for homeland security, including
15 information security experts;

16 (C) developing a system for sharing key
17 homeland security research and technology de-
18 velopments and opportunities with appropriate
19 Federal, State, local, and private sector entities;
20 and

21 (D) proposing risk management strategies
22 based on technology developments;

23 (2) assist the Directorate of Critical Infrastruc-
24 ture Protection in the responsibilities of that Direc-
25 torate;

1 (3) with respect to expenditures from the Fund,
2 exercise acquisition authority consistent with the au-
3 thority described under section 2371 of title 10,
4 United States Code, relating to authorizing coopera-
5 tive agreements and other transactions;

6 (4) in hiring personnel to assist in the adminis-
7 tration of the Office of Science and Technology,
8 have the authority to exercise the personnel hiring
9 and management authorities described in section
10 1101 of the Strom Thurmond National Defense Au-
11 thorization Act for Fiscal Year 1999 (5 U.S.C. 3104
12 note; Public Law 105–261); and

13 (5) develop and oversee the implementation of
14 periodic homeland security technology demonstra-
15 tions, held at least annually, for the purpose of im-
16 proving contact between technology developers, ven-
17 dors, and acquisition personnel associated with re-
18 lated industries.

19 **SEC. 105. REPORTING REQUIREMENTS.**

20 (a) **BIENNIAL REPORTS.**—Every 2 years the Sec-
21 retary shall submit to Congress—

22 (1) a report assessing the resources and re-
23 quirements of executive agencies relating to border
24 security and emergency preparedness issues; and

1 (2) a report certifying the preparedness of the
 2 United States to prevent, protect against, and re-
 3 spond to natural disasters, cyber attacks, and inci-
 4 dents involving weapons of mass destruction.

5 (b) ADDITIONAL REPORT.—Not later than 1 year
 6 after the effective date of this Act, the Secretary shall sub-
 7 mit to Congress a report—

8 (1) assessing the progress of the Department
 9 in—

10 (A) implementing this title; and

11 (B) ensuring the core functions of each en-
 12 tity transferred to the Department are main-
 13 tained and strengthened; ~~and~~

14 ~~(2) recommending any conforming changes in~~
 15 ~~law necessary as a result of the enactment and im-~~
 16 ~~plementation of this title.~~

17 (2) *recommending other governmental functions*
 18 *or elements that need to be incorporated into the De-*
 19 *partment in order for the Department to function ef-*
 20 *fectively, giving consideration to such areas as border*
 21 *security and border management and transportation*
 22 *security; and*

23 (3) *recommending any conforming changes of*
 24 *law necessary as a result of enactment and implemen-*
 25 *tation of this title.*

1 (c) *POINT OF ENTRY MANAGEMENT REPORT.*—Not
 2 later than 1 year after the effective date of this Act, the
 3 Secretary shall submit to Congress a report outlining pro-
 4 posed steps to consolidate management authority for Fed-
 5 eral operations at key points of entry into the United
 6 States.

7 (d) *COMBATING TERRORISM AND HOMELAND SECU-*
 8 *RITY.*—Not later than 270 days after the date of enactment
 9 of this Act, the Secretary and the Director shall—

10 (1) *in consultation with the head of each depart-*
 11 *ment or agency affected by this Act, develop defini-*
 12 *tions of the terms “combating terrorism” and “home-*
 13 *land security” for purposes of this Act and shall con-*
 14 *sider such definitions in determining the mission of*
 15 *the Department and Office; and*

16 (2) *submit a report to Congress on such defini-*
 17 *tions.*

18 **SEC. 106. PLANNING, PROGRAMMING, AND BUDGETING**
 19 **PROCESS.**

20 The Secretary shall establish procedures to ensure
 21 that the planning, programming, budgeting, and financial
 22 activities of the Department comport with sound financial
 23 and fiscal management principles. At a minimum, those
 24 procedures shall provide for the planning, programming,
 25 and budgeting of activities of the Department using funds

1 that are available for obligation for a limited number of
2 years.

3 **SEC. 107. ENVIRONMENTAL PROTECTION, SAFETY, AND**
4 **HEALTH REQUIREMENTS.**

5 The Secretary shall—

6 (1) ensure that the Department complies with
7 all applicable environmental, safety, and health stat-
8 utes and substantive requirements; and

9 (2) develop procedures for meeting such re-
10 quirements.

11 **SEC. 108. SAVINGS PROVISIONS.**

12 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—

13 All orders, determinations, rules, regulations, permits,
14 agreements, grants, contracts, recognitions of labor orga-
15 nizations, collective bargaining agreements, certificates, li-
16 censes, registrations, privileges, and other administrative
17 actions—

18 (1) which have been issued, made, granted, or
19 allowed to become effective by the President, any
20 Federal agency or official thereof, or by a court of
21 competent jurisdiction, in the performance of func-
22 tions which are transferred under this title; and

23 (2) which are in effect at the time this Act
24 takes effect, or were final before the effective date

1 of this Act and are to become effective on or after
2 the effective date of this Act,
3 shall, to the extent related to such functions, continue in
4 effect according to their terms until modified, terminated,
5 superseded, set aside, or revoked in accordance with law
6 by the President, the Secretary of National Homeland Se-
7 curity or other authorized official, a court of competent
8 jurisdiction, or by operation of law.

9 (b) PROCEEDINGS NOT AFFECTED.—The provisions
10 of this title shall not affect any proceedings, including no-
11 tices of proposed rulemaking, or any application for any
12 license, permit, certificate, or financial assistance pending
13 before an agency at the time this title takes effect, with
14 respect to functions transferred by this title but such pro-
15 ceedings and applications shall continue. Orders shall be
16 issued in such proceedings, appeals shall be taken there-
17 from, and payments shall be made pursuant to such or-
18 ders, as if this title had not been enacted, and orders
19 issued in any such proceedings shall continue in effect
20 until modified, terminated, superseded, or revoked by a
21 duly authorized official, by a court of competent jurisdic-
22 tion, or by operation of law. Nothing in this subsection
23 shall be deemed to prohibit the discontinuance or modi-
24 fication of any such proceeding under the same terms and
25 conditions and to the same extent that such proceeding

1 could have been discontinued or modified if this title had
2 not been enacted.

3 (c) SUITS NOT AFFECTED.—The provisions of this
4 title shall not affect suits commenced before the effective
5 date of this Act, and in all such suits, proceedings shall
6 be had, appeals taken, and judgments rendered in the
7 same manner and with the same effect as if this title had
8 not been enacted.

9 (d) NONABATEMENT OF ACTIONS.—No suit, action,
10 or other proceeding commenced by or against an agency,
11 or by or against any individual in the official capacity of
12 such individual as an officer of an agency, shall abate by
13 reason of the enactment of this title.

14 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-
15 MULGATION OF REGULATIONS.—Any administrative ac-
16 tion relating to the preparation or promulgation of a regu-
17 lation by an agency relating to a function transferred
18 under this title may be continued by the Department of
19 National Homeland Security with the same effect as if this
20 title had not been enacted.

21 (f) EMPLOYMENT AND PERSONNEL.—

22 (1) INTERIM AUTHORITY FOR APPOINTMENT
23 AND COMPENSATION.—Funds available to any offi-
24 cial or component of any entity the functions of
25 which are transferred to the Department, may with

1 the approval of the Director of the Office of Man-
2 agement and Budget, be used to pay the compensa-
3 tion and expenses of any officer or employee under
4 this title until such time as funds for that purpose
5 are otherwise available.

6 (2) EMPLOYEE RIGHTS.—

7 (A) IN GENERAL.—The Department or a
8 subdivision within the Department shall not be
9 excluded under section 7103(b)(1) of title 5,
10 United States Code, from coverage under chap-
11 ter 71 of that title unless the President deter-
12 mines that a majority of employees within the
13 Department or applicable subdivision have, as
14 their primary job duty, intelligence, counter-
15 intelligence, or investigative work directly re-
16 lated to terrorism investigation.

17 (B) NATIONAL SECURITY POSITIONS.—

18 Employees transferred under this title shall not
19 be considered to perform work which directly
20 affects national security within the meaning of
21 section 7112(b)(6) of title 5, United States
22 Code, unless their primary job duty involves in-
23 telligence, counterintelligence, or investigative
24 duties directly related to terrorism investiga-
25 tion. All employees transferred under this title

1 who are not in the counterterrorism positions
2 described in the preceding sentence shall con-
3 tinue to be afforded the full rights and protec-
4 tions under chapter 71 of title 5, United States
5 Code.

6 (g) NO AFFECT ON INTELLIGENCE AUTHORITIES.—
7 The transfer of authorities, functions, personnel, and as-
8 sets of elements of the United States Government under
9 this title, or the assumption of authorities and functions,
10 by the Department of Homeland Security under this title,
11 shall not be construed, in cases where such authorities,
12 functions, personnel, and assets, are engaged in intel-
13 ligence activities as defined in the National Security Act
14 of 1947, as affecting the authorities of the Director of
15 Central Intelligence, the Secretary of Defense, or the
16 heads of departments and agencies within the intelligence
17 community.

18 (h) REFERENCES.—Any reference in any other Fed-
19 eral law, Executive order, rule, regulation, or delegation
20 of authority, or any document of or pertaining to a depart-
21 ment, agency, or office from which a function is trans-
22 ferred by this title—

23 (1) to the head of such department, agency, or
24 office is deemed to refer to the Secretary of National
25 Homeland Security; or

1 (2) to such department, agency, or office is
 2 deemed to refer to the Department of National
 3 Homeland Security.

4 **TITLE II—NATIONAL OFFICE**
 5 **FOR COMBATING TERRORISM**

6 **SEC. 201. NATIONAL OFFICE FOR COMBATING TERRORISM.**

7 (a) ESTABLISHMENT.—There is established within
 8 the Executive Office of the President the National Office
 9 for Combating Terrorism.

10 (b) OFFICERS.—

11 (1) DIRECTOR.—The head of the Office shall be
 12 the Director of the National Office for Combating
 13 Terrorism, who shall be appointed by the President,
 14 by and with the advice and consent of the Senate.

15 (2) EXECUTIVE SCHEDULE LEVEL I POSI-
 16 TION.—Section 5312 of title 5, United States Code,
 17 is amended by adding at the end the following:

18 “Director of the National Office for Combating
 19 Terrorism.”.

20 (3) OTHER OFFICERS.—The President shall as-
 21 sign to the Office such other officers as the Presi-
 22 dent, in consultation with the Director, considers ap-
 23 propriate to discharge the responsibilities of the Of-
 24 fice.

1 (c) RESPONSIBILITIES.—Subject to the direction and
2 control of the President, the responsibilities of the Office
3 shall include the following:

4 (1) To develop national objectives and policies
5 for combating terrorism.

6 (2) To direct and review the development of a
7 comprehensive national assessment of terrorist
8 threats and vulnerabilities to those threats, which
9 shall be—

10 (A) conducted by the heads of relevant
11 Federal agencies; and

12 (B) used in preparation of the Strategy.

13 (3) To develop with the Secretary of National
14 Homeland Security, the Strategy under title III.

15 (4) To coordinate, oversee, and evaluate the im-
16 plementation and execution of the Strategy by agen-
17 cies of the Federal Government with responsibilities
18 for combating terrorism under the Strategy, particu-
19 larly those involving military, intelligence, law en-
20 forcement, and diplomatic assets.

21 (5)(A) To coordinate, with the advice of the
22 Secretary of National Homeland Security, the devel-
23 opment of a comprehensive annual budget for the
24 programs and activities under the Strategy, includ-
25 ing the budgets of the military departments and

1 agencies within the National Foreign Intelligence
 2 Program relating to international terrorism, but ex-
 3 cluding military programs, projects, or activities re-
 4 lating to force protection.

5 (B) To have the lead responsibility for budget
 6 recommendations relating to military, intelligence,
 7 law enforcement, and diplomatic assets in support of
 8 the Strategy.

9 (6) To exercise funding authority for Federal
 10 terrorism prevention and response agencies in ac-
 11 cordance with section 202.

12 (7) To serve as an advisor to the National Se-
 13 curity Council.

14 (8) *To work with the Director of the Federal Bu-*
 15 *reau of Investigation to ensure that—*

16 (A) *the Director of the National Office for*
 17 *Combating Terrorism receives the relevant infor-*
 18 *mation from the Federal Bureau of Investigation*
 19 *related to terrorism; and*

20 (B) *such information is made available to*
 21 *the appropriate agencies and to State and local*
 22 *law enforcement officials.*

23 (d) RESOURCES.—In consultation with the Director,
 24 the President shall assign or allocate to the Office such
 25 resources, including funds, personnel, and other resources,

1 as the President considers appropriate in order to facili-
2 tate the discharge of the responsibilities of the Office.

3 (e) OVERSIGHT BY CONGRESS.—The establishment
4 of the Office within the Executive Office of the President
5 shall not be construed as affecting access by Congress, or
6 any committee of Congress, to—

7 (1) any information, document, record, or paper
8 in the possession of the Office or any study con-
9 ducted by or at the direction of the Director; or

10 (2) any personnel of the Office.

11 **SEC. 202. FUNDING FOR STRATEGY PROGRAMS AND**
12 **ACTIVITIES.**

13 (a) BUDGET REVIEW.—In consultation with the Di-
14 rector of the Office of Management and Budget, the Sec-
15 retary of National Homeland Security, and the heads of
16 other executive departments and agencies, the Director
17 shall—

18 (1) identify programs that contribute to the
19 Strategy; and

20 (2) in the development of the budget submitted
21 by the President to Congress under section 1105 of
22 title 31, United States Code, review and provide ad-
23 vice to the heads of executive departments and agen-
24 cies on the amount and use of funding for programs
25 identified under paragraph (1).

1 (b) SUBMITTAL OF PROPOSED BUDGETS TO THE DI-
2 RECTOR.—

3 (1) IN GENERAL.—The head of each Federal
4 terrorism prevention and response agency shall sub-
5 mit to the Director each year the proposed budget
6 of that agency for the fiscal year beginning in that
7 year for programs and activities of that agency
8 under the Strategy during that fiscal year.

9 (2) DATE FOR SUBMISSION.—The proposed
10 budget of an agency for a fiscal year under para-
11 graph (1) shall be submitted to the Director—

12 (A) not later than the date on which the
13 agency completes the collection of information
14 for purposes of the submission by the President
15 of a budget to Congress for that fiscal year
16 under section 1105 of title 31, United States
17 Code; and

18 (B) before that information is submitted to
19 the Director of the Office of Management and
20 Budget for such purposes.

21 (3) FORMAT.—In consultation with the Director
22 of the Office of Management and Budget, the Direc-
23 tor shall specify the format for the submittal of pro-
24 posed budgets under paragraph (1).

25 (c) REVIEW OF PROPOSED BUDGETS.—

1 (1) IN GENERAL.—The Director shall review
2 each proposed budget submitted to the Director
3 under subsection (b).

4 (2) INADEQUATE FUNDING DETERMINATION.—
5 If the Director determines under paragraph (1) that
6 the proposed budget of an agency for a fiscal year
7 under subsection (b) is inadequate, in whole or in
8 part, to permit the implementation by the agency
9 during the fiscal year of the goals of the Strategy
10 applicable to the agency during the fiscal year, the
11 Director shall submit to the head of the agency—

12 (A) a notice in writing of the determina-
13 tion; and

14 (B) a statement of the proposed funding,
15 and any specific initiatives, that would (as de-
16 termined by the Director) permit the implemen-
17 tation by the agency during the fiscal year of
18 the goals of the Strategy applicable to the agen-
19 cy during the fiscal year.

20 (3) ADEQUATE FUNDING DETERMINATION.—If
21 the Director determines under paragraph (1) that
22 the proposed budget of an agency for a fiscal year
23 under subsection (b) is adequate to permit the im-
24 plementation by the agency during the fiscal year of
25 the goals of the Strategy applicable to the agency

1 during the fiscal year, the Director shall submit to
2 the head of the agency a notice in writing of that
3 determination.

4 (4) MAINTENANCE OF RECORDS.—The Director
5 shall maintain a record of—

6 (A) each notice submitted under paragraph
7 (2), including any statement accompanying
8 such notice; and

9 (B) each notice submitted under paragraph
10 (3).

11 (d) AGENCY RESPONSE TO REVIEW OF PROPOSED
12 BUDGETS.—

13 (1) INCORPORATION OF PROPOSED FUNDING.—
14 The head of a Federal terrorism prevention and re-
15 sponse agency that receives a notice under sub-
16 section (c)(2) with respect to the proposed budget of
17 the agency for a fiscal year shall incorporate the
18 proposed funding, and any initiatives, set forth in
19 the statement accompanying the notice into the in-
20 formation submitted to the Office of Management
21 and Budget in support of the proposed budget for
22 the agency for the fiscal year under section 1105 of
23 title 31, United States Code.

24 (2) ADDITIONAL INFORMATION.—The head of
25 each agency described under paragraph (1) for a fis-

1 cal year shall include as an appendix to the informa-
2 tion submitted to the Office of Management and
3 Budget under that paragraph for the fiscal year the
4 following:

5 (A) A summary of any modifications in the
6 proposed budget of such agency for the fiscal
7 year under that paragraph.

8 (B) An assessment of the effect of such
9 modifications on the capacity of such agency to
10 perform its responsibilities during the fiscal
11 year other than its responsibilities under the
12 Strategy.

13 (3) SUBMISSION TO CONGRESS.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the head of each agency described
16 under paragraph (1) for a fiscal year shall sub-
17 mit to Congress a copy of the appendix sub-
18 mitted to the Office of Management and Budg-
19 et for the fiscal year under paragraph (2) at
20 the same time the budget of the President for
21 the fiscal year is submitted to Congress under
22 section 1105 of title 31, United States Code.

23 (B) ELEMENTS WITHIN INTELLIGENCE
24 PROGRAMS.—In the submission of the copy of
25 the appendix to Congress under subparagraph

1 (A), those elements of the appendix which are
2 within the National Foreign Intelligence Pro-
3 gram shall be submitted to—

4 (i) the Select Committee on Intel-
5 ligence of the Senate; and

6 (ii) the Permanent Select Committee
7 on Intelligence of the House of Represent-
8 atives.

9 (e) SUBMITTAL OF REVISED PROPOSED BUDGETS.—

10 (1) IN GENERAL.—At the same time the head
11 of a Federal terrorism prevention and response
12 agency submits its proposed budget for a fiscal year
13 to the Office of Management and Budget for pur-
14 poses of the submission by the President of a budget
15 to Congress for the fiscal year under section 1105
16 of title 31, United States Code, the head of the
17 agency shall submit a copy of the proposed budget
18 to the Director.

19 (2) REVIEW AND DECERTIFICATION AUTHOR-
20 ITY.—The Director of the National Office for Com-
21 bating Terrorism—

22 (A) shall review each proposed budget sub-
23 mitted under paragraph (1); and

24 (B) in the case of a proposed budget for a
25 fiscal year to which subsection (c)(2) applies in

the fiscal year, if the Director determines as a result of the review that the proposed budget does not include the proposed funding, and any initiatives, set forth in the notice under that subsection with respect to the proposed budget—

(i) may decertify the proposed budget;

and

(ii) with respect to any proposed budget so decertified, shall submit to Congress—

(I) a notice of the decertification;

(II) a copy of the notice submitted to the agency concerned for the fiscal year under subsection (c)(2)(B); and

(III) the budget recommendations made under this section.

(f) NATIONAL TERRORISM PREVENTION AND RESPONSE PROGRAM BUDGET.—

(1) IN GENERAL.—For each fiscal year, following the submittal of proposed budgets to the Director under subsection (b), the Director shall, in consultation with the Secretary of National Home-

1 land Security and the head of each Federal ter-
 2 rorism prevention and response agency concerned—

3 (A) develop a consolidated proposed budget
 4 for such fiscal year for all programs and activi-
 5 ties under the Strategy for such fiscal year; and

6 (B) subject to paragraph (2), submit the
 7 consolidated proposed budget to the President
 8 and to Congress.

9 (2) ELEMENTS WITHIN INTELLIGENCE PRO-
 10 GRAMS.—In the submission of the consolidated pro-
 11 posed budget to Congress under paragraph (1)(B),
 12 those elements of the budget which are within the
 13 National Foreign Intelligence Program shall be sub-
 14 mitted to—

15 (A) the Select Committee on Intelligence of
 16 the Senate; and

17 (B) the Permanent Select Committee on
 18 Intelligence of the House of Representatives.

19 (3) DESIGNATION OF CONSOLIDATED PRO-
 20 POSED BUDGET.—The consolidated proposed budget
 21 for a fiscal year under this subsection shall be
 22 known as the National Terrorism Prevention and
 23 Response Program Budget for the fiscal year.

24 (g) REPROGRAMMING AND TRANSFER REQUESTS.—

1 (1) APPROVAL BY THE DIRECTOR.—The head
 2 of a Federal terrorism prevention and response
 3 agency may not submit to Congress a request for
 4 the reprogramming or transfer of any funds speci-
 5 fied in the National Terrorism Prevention and Re-
 6 sponse Program Budget for programs or activities of
 7 the agency under the Strategy for a fiscal year in
 8 excess of \$5,000,000 without the approval of the Di-
 9 rector.

10 (2) APPROVAL BY THE PRESIDENT.—The
 11 President may, upon the request of the head of the
 12 agency concerned, permit the submittal to Congress
 13 of a request previously disapproved by the Director
 14 under paragraph (1) if the President determines
 15 that the submittal of the request to Congress will
 16 further the purposes of the Strategy.

17 **TITLE III—NATIONAL STRATEGY**
 18 **FOR COMBATING TERRORISM**
 19 **AND THE HOMELAND SECU-**
 20 **RITY RESPONSE**

21 **SEC. 301. STRATEGY.**

22 (a) DEVELOPMENT.—The Secretary and the Director
 23 shall develop the National Strategy for Combating Ter-
 24 rorism and Homeland Security Response for detection,
 25 prevention, protection, response, and recovery to counter

1 terrorist threats, including the plans, policies, training, ex-
2 ercises, evaluation, and interagency cooperation that ad-
3 dress each such action relating to such threats.

4 (b) RESPONSIBILITIES.—

5 (1) RESPONSIBILITIES OF THE SECRETARY.—

6 The Secretary shall have responsibility for portions
7 of the Strategy addressing border security, critical
8 infrastructure protection, emergency preparation
9 and response, and integrating State and local efforts
10 with activities of the Federal Government.

11 (2) RESPONSIBILITIES OF THE DIRECTOR.—

12 The Director shall have overall responsibility for de-
13 velopment of the Strategy, and particularly for those
14 portions of the Strategy addressing intelligence, mili-
15 tary assets, law enforcement, and diplomacy.

16 (c) CONTENTS.—The contents of the Strategy shall
17 include—

18 (1) policies and procedures to maximize the col-
19 lection, translation, analysis, exploitation, and dis-
20 semination of information relating to combating ter-
21 rorism and the homeland security response through-
22 out the Federal Government and with State and
23 local authorities;

24 (2) plans for countering chemical, biological, ra-
25 diological, nuclear and explosives, and cyber threats;

1 (3) plans for improving the resources of, coordi-
2 nation among, and effectiveness of health and med-
3 ical sectors for detecting and responding to terrorist
4 attacks on the homeland;

5 (4) specific measures to enhance cooperative ef-
6 forts between the public and private sectors in pro-
7 tecting against terrorist attacks;

8 (5) a review of measures needed to enhance
9 transportation security with respect to potential ter-
10 rorist attacks; and

11 (6) other critical areas.

12 (d) COOPERATION.—At the request of the Secretary
13 or Director, departments and agencies shall provide nec-
14 essary information or planning documents relating to the
15 Strategy.

16 (e) INTERAGENCY COUNCIL.—

17 (1) ESTABLISHMENT.—There is established the
18 National Combating Terrorism and Homeland Secu-
19 rity Response Council to assist with preparation and
20 implementation of the Strategy.

21 (2) MEMBERSHIP.—The members of the Coun-
22 cil shall be the heads of the Federal terrorism pre-
23 vention and response agencies or their designees.
24 The Secretary and Director shall designate such
25 agencies.

1 (3) CO-CHAIRS AND MEETINGS.—The Secretary
2 and Director shall co-chair the Council, which shall
3 meet at their direction.

4 (f) SUBMISSION TO CONGRESS.—Not later than De-
5 cember 1, 2003, and each year thereafter in which a Presi-
6 dent is inaugurated, the Secretary and the Director shall
7 submit the Strategy to Congress.

8 (g) UPDATING.—Not later than December 1, 2005,
9 and on December 1, of every 2 years thereafter, the Sec-
10 retary and the Director shall submit to Congress an up-
11 dated version of the Strategy.

12 (h) PROGRESS REPORTS.—Not later than December
13 1, 2004, and on December 1, of each year thereafter, the
14 Secretary and the Director may submit to Congress a re-
15 port that—

16 (1) describes the progress on implementation of
17 the Strategy; and

18 (2) provides recommendations for improvement
19 of the Strategy and the implementation of the Strat-
20 egy.

21 **SEC. 302. MANAGEMENT GUIDANCE FOR STRATEGY IMPLE-**
22 **MENTATION.**

23 (a) *IN GENERAL.*—*In consultation with the Director*
24 *and the Secretary, the Director of the Office of Management*

1 *and Budget shall provide management guidance for Federal*
 2 *agencies to successfully implement and execute the Strategy.*

3 (b) *OFFICE OF MANAGEMENT AND BUDGET REPORT.*—

4 *Not later than 180 days after the date of the submission*
 5 *of the Strategy referred to under section 301, the Director*
 6 *of the Office of Management and Budget shall—*

7 (1) *submit to Congress a report describing agen-*
 8 *cy progress under subsection (a); and*

9 (2) *provide a copy of the report to the Comp-*
 10 *troller General of the United States.*

11 (c) *GENERAL ACCOUNTING OFFICE REPORT.*—*Not*
 12 *later than 90 days after the receipt of the report required*
 13 *under subsection (b), the Comptroller General of the United*
 14 *States shall submit a report to the Governmental Affairs*
 15 *Committee of the Senate and the Government Reform Com-*
 16 *mittee of the House of Representatives evaluating—*

17 (1) *the management guidance identified under*
 18 *subsection (a); and*

19 (2) *Federal agency performance in implementing*
 20 *and executing the Strategy.*

21 **SEC. ~~302.~~ 303. NATIONAL COMBATING TERRORISM STRAT-**
 22 **EGY PANEL.**

23 (a) *ESTABLISHMENT.*—*The Secretary and the Direc-*
 24 *tor shall establish a nonpartisan, independent panel to be*

1 known as the National Combating Terrorism Strategy
2 Panel (in this section referred to as the “Panel”).

3 (b) MEMBERSHIP.—

4 (1) APPOINTMENT.—The Panel shall be com-
5 posed of a chairperson and 8 other individuals ap-
6 pointed by the Secretary and the Director, in con-
7 sultation with the chairman and ranking member of
8 the Committee on Governmental Affairs of the Sen-
9 ate and the chairman and ranking member of the
10 Committee on Government Reform of the House of
11 Representatives, from among individuals in the pri-
12 vate sector who are recognized experts in matters re-
13 lating to the homeland security of the United States.

14 (2) TERMS.—

15 (A) IN GENERAL.—An individual shall be
16 appointed to the Panel for an 18-month term.

17 (B) TERM PERIODS.—Terms on the Panel
18 shall not be continuous. All terms shall be for
19 the 18-month period which begins 12 months
20 before each date a report is required to be sub-
21 mitted under subsection (l)(2)(A).

22 (C) MULTIPLE TERMS.—An individual may
23 serve more than 1 term.

24 (c) DUTIES.—The Panel shall—

1 (1) conduct and submit to the Secretary the as-
2 sessment of the Strategy; and

3 (2) conduct the independent, alternative assess-
4 ment of homeland security measures required under
5 this section.

6 (d) ALTERNATIVE ASSESSMENT.—The Panel shall
7 submit to the Secretary an independent assessment of the
8 optimal policies and programs to combat terrorism, includ-
9 ing homeland security measures. As part of the assess-
10 ment, the Panel shall, to the extent practicable, estimate
11 the funding required by fiscal year to achieve these opti-
12 mal approaches.

13 (e) INFORMATION FROM FEDERAL AGENCIES.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Panel may secure directly from any Federal de-
16 partment or agency such information as the Panel
17 considers necessary to carry out this section. Upon
18 request of the Chairperson, the head of such depart-
19 ment or agency shall furnish such information to the
20 Panel.

21 (2) INTELLIGENCE INFORMATION.—The provi-
22 sion of information under this paragraph related to
23 intelligence shall be provided in accordance with pro-
24 cedures established by the Director of Central Intel-
25 ligence and in accordance with section 103(d)(3) of

1 the National Security Act of 1947 (50 U.S.C. 403–
2 3(d)(3)).

3 (f) COMPENSATION OF MEMBERS.—Each member of
4 the Panel shall be compensated at a rate equal to the daily
5 equivalent of the annual rate of basic pay prescribed for
6 level IV of the Executive Schedule under section 5315 of
7 title 5, United States Code, for each day (including travel
8 time) during which such member is engaged in the per-
9 formance of the duties of the Panel.

10 (g) TRAVEL EXPENSES.—The members of the Panel
11 shall be allowed travel expenses, including per diem in lieu
12 of subsistence, at rates authorized for employees of agen-
13 cies under subchapter I of chapter 57 of title 5, United
14 States Code, while away from their homes or regular
15 places of business in the performance of services for the
16 Panel.

17 (h) STAFF.—

18 (1) IN GENERAL.—The Chairperson of the
19 Panel may, without regard to the civil service laws
20 and regulations, appoint and terminate an executive
21 director and such other additional personnel as may
22 be necessary to enable the Panel to perform its du-
23 ties. The employment of an executive director shall
24 be subject to confirmation by the Panel.

1 (2) COMPENSATION.—The Chairperson of the
2 Panel may fix the compensation of the executive di-
3 rector and other personnel without regard to chapter
4 51 and subchapter III of chapter 53 of title 5,
5 United States Code, relating to classification of posi-
6 tions and General Schedule pay rates, except that
7 the rate of pay for the executive director and other
8 personnel may not exceed the rate payable for level
9 V of the Executive Schedule under section 5316 of
10 such title.

11 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

12 (A) IN GENERAL.—The executive director
13 and any personnel of the Panel who are employ-
14 ees shall be employees under section 2105 of
15 title 5, United States Code, for purposes of
16 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of
17 that title.

18 (B) MEMBERS OF PANEL.—Subparagraph
19 (A) shall not be construed to apply to members
20 of the Panel.

21 (4) REDUCTION OF STAFF.—During periods
22 that members are not serving terms on the Panel,
23 the executive director shall reduce the number and
24 hours of employees to the minimum necessary to—

1 (A) provide effective continuity of the
2 Panel; and

3 (B) minimize personnel costs of the Panel.

4 (i) DETAIL OF GOVERNMENT EMPLOYEES.—Any
5 Federal Government employee may be detailed to the
6 Panel without reimbursement, and such detail shall be
7 without interruption or loss of civil service status or privi-
8 lege.

9 (j) ADMINISTRATIVE PROVISIONS.—

10 (1) USE OF MAIL AND PRINTING.—The Panel
11 may use the United States mails and obtain printing
12 and binding services in the same manner and under
13 the same conditions as other departments and agen-
14 cies of the Federal Government.

15 (2) SUPPORT SERVICES.—The Secretary shall
16 furnish the Panel any administrative and support
17 services requested by the Panel.

18 (3) GIFTS.—The Panel may accept, use, and
19 dispose of gifts or donations of services or property.

20 (k) PAYMENT OF PANEL EXPENSES.—The com-
21 pensation, travel expenses, and per diem allowances of
22 members and employees of the Panel shall be paid out of
23 funds available to the Department for the payment of
24 compensation, travel allowances, and per diem allowances,
25 respectively, of civilian employees of the Department. The

1 other expenses of the Panel shall be paid out of funds
2 available to the Department for the payment of similar
3 expenses incurred by the Department.

4 (l) REPORTS.—

5 (1) PRELIMINARY REPORT.—

6 (A) REPORT TO SECRETARY.—Not later
7 than July 1, 2004, the Panel shall submit to
8 the Secretary and the Director a preliminary
9 report setting forth the activities and the find-
10 ings and recommendations of the Panel under
11 subsection (d), including any recommendations
12 for legislation that the Panel considers appro-
13 priate.

14 (B) REPORT TO CONGRESS.—Not later
15 than 30 days after the submission of the report
16 under subparagraph (A), the Secretary and the
17 Director shall submit to the committees re-
18 ferred to under subsection (b) a copy of that re-
19 port with the comments of the Secretary on the
20 report.

21 (2) QUADRENNIAL REPORTS.—

22 (A) REPORTS TO SECRETARY.—Not later
23 than December 1, 2004, and not later than De-
24 cember 1 every 4 years thereafter, the Panel
25 shall submit to the Secretary and the Director

a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORTS TO CONGRESS.—Not later than 60 days after each report is submitted under subparagraph (A), the Secretary shall submit to the committees referred to under subsection (b) a copy of the report with the comments of the Secretary and the Director on the report.

TITLE IV—NATIONAL EMERGENCY PREPAREDNESS ENHANCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “National Emergency Preparedness Enhancement Act of 2002”.

SEC. 402. PREPAREDNESS INFORMATION AND EDUCATION.

(a) *ESTABLISHMENT OF CLEARINGHOUSE.*—*There is established in the Department a National Clearinghouse on Emergency Preparedness (referred to in this section as the “Clearinghouse”). The Clearinghouse shall be headed by a Director.*

1 (b) *CONSULTATION.*—*The Clearinghouse shall consult*
 2 *with such heads of Federal agencies, such task forces ap-*
 3 *pointed by Federal officers or employees, and such rep-*
 4 *resentatives of the private sector, as appropriate, to collect*
 5 *information on emergency preparedness, including infor-*
 6 *mation relevant to the Strategy.*

7 (c) *DUTIES.*—

8 (1) *DISSEMINATION OF INFORMATION.*—*The*
 9 *Clearinghouse shall ensure efficient dissemination of*
 10 *accurate emergency preparedness information.*

11 (2) *CENTER.*—*The Clearinghouse shall establish*
 12 *a one-stop center for emergency preparedness infor-*
 13 *mation, which shall include a website, with links to*
 14 *other relevant Federal websites, a telephone number,*
 15 *and staff, through which information shall be made*
 16 *available on—*

17 (A) *ways in which States, political subdivi-*
 18 *sions, and private entities can access Federal*
 19 *grants;*

20 (B) *emergency preparedness education and*
 21 *awareness tools that businesses, schools, and the*
 22 *general public can use; and*

23 (C) *other information as appropriate.*

24 (3) *PUBLIC AWARENESS CAMPAIGN.*—*The Clear-*
 25 *inghouse shall develop a public awareness campaign.*

1 *The campaign shall be ongoing, and shall include an*
 2 *annual theme to be implemented during the National*
 3 *Emergency Preparedness Week established under sec-*
 4 *tion 404. The Clearinghouse shall work with heads of*
 5 *Federal agencies to coordinate public service an-*
 6 *nouncements and other information-sharing tools uti-*
 7 *lizing a wide range of media.*

8 (4) *BEST PRACTICES INFORMATION.*—*The Clear-*
 9 *inghouse shall compile and disseminate information*
 10 *on best practices for emergency preparedness identi-*
 11 *fied by the Secretary and the heads of other Federal*
 12 *agencies.*

13 **SEC. 403. PILOT PROGRAM.**

14 (a) *EMERGENCY PREPAREDNESS ENHANCEMENT*
 15 *PILOT PROGRAM.*—*The Department shall award grants to*
 16 *private entities to pay for the Federal share of the cost of*
 17 *improving emergency preparedness and educating employ-*
 18 *ees and other individuals using the entities' facilities about*
 19 *emergency preparedness.*

20 (b) *USE OF FUNDS.*—*An entity that receives a grant*
 21 *under this subsection may use the funds made available*
 22 *through the grant to—*

23 (1) *develop evacuation plans and drills;*

(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

12 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
13 *authorized to be appropriated \$5,000,000 for each of fiscal*
14 *years 2003 through 2005 to carry out this section.*

17 (a) *NATIONAL WEEK.*—

(2) *PROCLAMATION.*—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

1 (b) *FEDERAL AGENCY ACTIVITIES.*—*In conjunction*
2 *with National Emergency Preparedness Week, the head of*
3 *each Federal agency, as appropriate, shall coordinate with*
4 *the Department to inform and educate the private sector*
5 *and the general public about emergency preparedness ac-*
6 *tivities, resources, and tools, giving a high priority to emer-*
7 *gency preparedness efforts designed to address terrorist at-*
8 *tacks.*

9 **TITLE IV V—EFFECTIVE DATE**

10 **SEC. ~~401.~~ 501. EFFECTIVE DATE.**

11 This Act shall take effect 180 days after the date of
12 enactment of this Act.

Calendar No. 440

107TH CONGRESS
2^D SESSION

S. 2452

[Report No. 107-175]

A BILL

To establish the Department of National Homeland
Security and the National Office for Combating
Terrorism.

JUNE 24, 2002

Reported with amendments