

108TH CONGRESS
2D SESSION

H. R. 4852

To authorize appropriations for the Department of Homeland Security for fiscal year 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2004

Mr. COX (for himself, Ms. DUNN, Mr. CAMP, Mr. SHADEGG, Mr. THORNBERRY, and Mr. GIBBONS) introduced the following bill; which was referred to the Select Committee on Homeland Security, and in addition to the Committees on Science, Transportation and Infrastructure, Energy and Commerce, the Judiciary, Government Reform, Agriculture, and Select Intelligence (Permanent Select), 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

A BILL

To authorize appropriations for the Department of Homeland Security for fiscal year 2005, 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 Authorization Act for
6 Fiscal Year 2005”.

- 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—INFORMATION COLLECTION, ANALYSIS, AND DISSEMINATION

- Sec. 101. Information collection requirements and priorities.
 Sec. 102. Access to information.
 Sec. 103. Homeland Security Advisory System.
 Sec. 104. Homeland security information sharing.
 Sec. 105. IAIP personnel recruitment.
 Sec. 106. Participation of the Department in the Terrorist Threat Integration Center.

TITLE II—CYBERSECURITY

- Sec. 201. Cybersecurity defined.
 Sec. 202. Assistant Secretary for Cybersecurity.

TITLE III—SCIENCE AND TECHNOLOGY

- Sec. 301. Homeland Security Institute extension.
 Sec. 302. Special access programs.
 Sec. 303. Homeland Security Science and Technology Advisory Committee.
 Sec. 304. Additional budget-related submissions.
 Sec. 305. Technology-related solicitations, contracts, and grants.
 Sec. 306. Homeland security science investment.
 Sec. 307. Cybersecurity training programs and equipment.
 Sec. 308. Joint development of counterterrorism and homeland security technologies, products, and services.
 Sec. 309. Geospatial information.
 Sec. 310. Interoperable communications.
 Sec. 311. Technology development and transfer.

TITLE IV—CRITICAL INFRASTRUCTURE PROTECTION

- Sec. 401. Liberty Shield Award for Innovation and Excellence in Critical Infrastructure Protection.
 Sec. 402. Sense of Congress regarding private sector participation in the Homeland Security Operations Center.
 Sec. 403. Treatment of global positioning system as critical infrastructure.
 Sec. 404. Coordination of critical infrastructure grants.
 Sec. 405. Critical infrastructure protection awareness.

TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE

- Sec. 501. Terrorism exercise program requirements.
 Sec. 502. Grant award notification and distribution.
 Sec. 503. Mutual aid program.
 Sec. 504. National preparedness goal.
 Sec. 505. Clarification of responsibility for interoperative communications.
 Sec. 506. National biodefense strategy.
 Sec. 507. National strategy to mitigate the radiological and nuclear threat.

TITLE VI—SECURITY ENFORCEMENT AND INVESTIGATIONS

- Sec. 601. Plan for enhanced coordination and interoperability of maritime and airborne homeland security assets.
- Sec. 602. Access to border and transportation security information.
- Sec. 603. Combined enrollment centers for expedited inspection programs.
- Sec. 604. Expedited inspection program use at multiple ports of entry.

TITLE VII—DEPARTMENTAL MANAGEMENT AND OPERATIONS

- Sec. 701. Assignment of management responsibilities to Deputy Secretary; establishment of additional officer.
- Sec. 702. Additional budget-related submission.
- Sec. 703. Congressional notification requirements.

TITLE VIII—TECHNICAL CORRECTIONS AND MISCELLANEOUS PROVISIONS

- Sec. 801. Technical correction relating to definition of critical infrastructure information.
- Sec. 802. Clarification of pay level for Director of Bureau of Citizenship and Immigration Services.
- Sec. 803. Director of United States Secret Service.
- Sec. 804. Technical correction renaming the National Imagery and Mapping Agency.
- Sec. 805. No effect on authority of Inspector General.

TITLE IX—AUTHORIZATION OF APPROPRIATIONS

- Sec. 901. Department of Homeland Security.
- Sec. 902. Departmental management and operations.
- Sec. 903. Information analysis and infrastructure protection.
- Sec. 904. Science and technology.
- Sec. 905. Security enforcement and investigations.
- Sec. 906. Emergency preparedness and response.

1 **TITLE I—INFORMATION COLLEC-** 2 **TION, ANALYSIS, AND DIS-** 3 **SEMINATION**

4 **SEC. 101. INFORMATION COLLECTION REQUIREMENTS AND** 5 **PRIORITIES.**

6 (a) IN GENERAL.—Section 102 of the Homeland Se-
7 curity Act of 2002 (6 U.S.C. 112) is amended—

8 (1) by redesignating subsections (e), (f), and
9 (g), as subsections (f), (g), and (h), respectively; and

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

3 “(e) PARTICIPATION IN FOREIGN COLLECTION RE-
4 QUIREMENTS AND MANAGEMENT PROCESSES.—The Sec-
5 retary shall be a member of any Federal Government
6 interagency board, established by executive order or any
7 other binding interagency directive, that is responsible for
8 establishing foreign collection information requirements
9 and priorities for estimative analysis.”.

10 (b) HOMELAND SECURITY INFORMATION REQUIRE-
11 MENTS BOARD.—

12 (1) IN GENERAL.—Title I of such Act (6 U.S.C.
13 111 et seq.) is amended by adding at the end the
14 following new section:

15 **“SEC. 104. HOMELAND SECURITY INFORMATION REQUIRE-**
16 **MENTS BOARD.**

17 “(a) ESTABLISHMENT OF BOARD.—There is estab-
18 lished an interagency Homeland Security Information Re-
19 quirements Board (hereinafter in this section referred to
20 as the ‘Information Requirements Board’).

21 “(b) MEMBERSHIP.—The following officials are mem-
22 bers of the Information Requirements Board:

23 “(1) The Secretary of Homeland Security, who
24 shall serve as the chairman of the Information Re-
25 quirements Board.

1 “(2) The Attorney General.

2 “(3) The Secretary of Commerce.

3 “(4) The Secretary of the Treasury.

4 “(5) The Secretary of Defense.

5 “(6) The Secretary of Energy.

6 “(7) The Secretary of State.

7 “(8) The Director of Central Intelligence.

8 “(9) The Director of the Federal Bureau of In-
9 vestigation.

10 “(10) The Director of the Terrorist Threat In-
11 tegration Center or any successor entity.

12 “(11) The Chief Privacy Officer of the Depart-
13 ment of Homeland Security.

14 “(c) FUNCTIONS.—

15 “(1) OVERSIGHT OF HOMELAND SECURITY RE-
16 QUIREMENTS.—The Information Requirements
17 Board shall oversee the process for establishing
18 homeland security requirements and collection man-
19 agement for all terrorism-related information and all
20 other homeland security information (as defined in
21 section 892(g)) collected within the United States.

22 “(2) DETERMINATION OF COLLECTION PRIOR-
23 ITIES.—The Information Requirements Board
24 shall—

“(A) determine the domestic information collection requirements for information relevant to the homeland security mission; and

“(B) prioritize the collection and use of such information.

“(3) COORDINATION OF COLLECTION REQUIREMENTS AND MANAGEMENT ACTIVITIES.—

“(A) COORDINATION WITH COUNTERPART AGENCIES.—The Chairman shall ensure that the Information Requirements Board carries out its activities in a manner that is fully coordinated with Board’s counterpart entities.

“(B) PARTICIPATION OF COUNTERPART ENTITIES.—The Chairman and the Director of Central Intelligence shall ensure that each counterpart entity—

“(i) has at least one representative on the Information Requirement Board and on every sub-component of the Board; and

“(ii) meets jointly with the Information Requirements Board (and, as appropriate, with any sub-component of the Board) as often as the Chairman and the Director of Central Intelligence determine appropriate.

1 “(C) COUNTERPART ENTITY DEFINED.—In
2 this section, the term ‘counterpart entity’
3 means an entity of the Federal Government
4 that is responsible for foreign intelligence collec-
5 tion requirements and management, including
6 the Office of the Deputy Director of Central In-
7 telligence for Community Management and sen-
8 ior collection managers of each of the agencies
9 under the National Foreign Intelligence Pro-
10 gram (as defined in section 3(6) of the National
11 Security Act of 1947 (50 U.S.C. 401a(6))).

12 “(d) MEETINGS.—

13 “(1) IN GENERAL.—The Information Require-
14 ments Board shall meet regularly at such times and
15 places as its Chairman may direct.

16 “(2) INVITED REPRESENTATIVES.—The chair-
17 man may invite representatives of Federal agencies
18 not specified in subsection (b) to attend meetings of
19 the Information Requirements Board.”.

20 “(2) CLERICAL AMENDMENT.—The table of con-
21 tents of the Homeland Security Act of 2002 is
22 amended by inserting after the item relating to sec-
23 tion 103 the following new item:

“104. Homeland Security Information Requirements Board.”.

1 **SEC. 102. ACCESS TO INFORMATION.**

2 (a) IMPROVEMENTS TO SECURE COMMUNICATIONS
3 AND INFORMATION TECHNOLOGY INFRASTRUCTURE.—
4 Paragraph (14) of section 201(d) of the Homeland Secu-
5 rity Act of 2002 (6 U.S.C. 121(d)) is amended by striking
6 “in furtherance of the responsibilities under this section,
7 and to disseminate information acquired and analyzed by
8 the Department, as appropriate” and inserting “with max-
9 imum flexibility and speed, in furtherance of the respon-
10 sibilities under this section, and to ensure the simulta-
11 neous dissemination of such data and information to all
12 appropriate personnel”.

13 (b) IMPROVEMENT IN ACCESS TO INFORMATION BY
14 DEPARTMENT PERSONNEL.—Subsection (a) of section
15 202 of such Act (6 U.S.C. 122) is amended by adding
16 at the end the following new paragraph:

17 “(3) UTILIZATION.—Subject to the require-
18 ments of section 201(d)(12), the Secretary may pro-
19 vide access to any of the information and materials
20 described in this subsection to any personnel of the
21 Department that the Secretary determines requires
22 such access to discharge duties assigned to such per-
23 sonnel.”.

24 (c) ESTABLISHMENT OF PROCEDURES FOR AUTO-
25 MATIC AND IMMEDIATE TRANSFER OF INFORMATION TO

1 THE DEPARTMENT.—Subsection (b) of such section is
2 amended—

3 (1) by striking “and” at the end of paragraph
4 (1);

5 (2) by striking the period at the end of para-
6 graph (2) and inserting “; and”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(3) the Secretary, in consultation with the ap-
10 propriate Federal Government officials, shall identify
11 and put into place systems, protocols, and proce-
12 dures to ensure that appropriate personnel of the
13 Department are provided access to such information
14 automatically and immediately.”.

15 (d) EFFECT OF PROVISION OF INFORMATION TO THE
16 TERRORIST THREAT INTEGRATION CENTER.—Subsection
17 (d) of such section is amended by adding at the end the
18 following new paragraph:

19 “(3) OBLIGATION TO SHARE INFORMATION.—
20 Except as otherwise directed by the President or
21 with the specific written agreement of the Secretary,
22 no Federal agency or official shall be deemed to have
23 discharged any obligation to share any information,
24 report, assessment, or other material, including
25 unevaluated intelligence information, with the De-

1 partment solely by virtue of having provided that in-
 2 formation, report, assessment, or other material to
 3 the Terrorist Threat Integration Center or to any
 4 entity that succeeds to any of the functions of the
 5 Terrorist Threat Integration Center.”.

6 **SEC. 103. HOMELAND SECURITY ADVISORY SYSTEM.**

7 (a) COORDINATION OF ADVISORIES.—Section
 8 201(d)(7) of the Homeland Security Act of 2002 (6
 9 U.S.C. 121(d)(7)) is amended—

10 (1) by striking “and” after the semicolon at the
 11 end of subparagraph (A);

12 (2) by striking the period at the end of sub-
 13 paragraph (B) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(C) except as otherwise directed by the
 16 President, coordinating the issuance of home-
 17 land security advisories, warnings, and advice
 18 from other Federal agencies to State and local
 19 government agencies and authorities, the pri-
 20 vate sector, other entities, and the public.”.

21 (b) USE OF HOMELAND SECURITY ADVISORY SYS-
 22 TEM.—

23 (1) IN GENERAL.—Subtitle A of title II of the
 24 Homeland Security Act of 2002 (6 U.S.C. 121 et
 25 seq.) is amended by adding at the end the following:

1 **“SEC. 203. USE OF HOMELAND SECURITY ADVISORY SYS-**
2 **TEM.**

3 “(a) PUBLIC ADVISORIES.—If the Secretary con-
4 cludes that credible information indicates a potential ter-
5 rorist threat to the United States that is not or cannot,
6 on the basis of the information available, be limited to one
7 or more States, regions, localities, facilities, sites, elements
8 of the population, critical infrastructure sectors, or public
9 or private sector activities or events, the Secretary shall,
10 as appropriate—

11 “(1) use the Homeland Security Advisory Sys-
12 tem administered under section 201(d)(7) to inform
13 the public of the existence and nature of the threat
14 and to convey information about the risk it poses to
15 the population and territory of the United States;

16 “(2) provide specific unclassified warning infor-
17 mation and advice about appropriate protective
18 measures and countermeasures pursuant to section
19 201(d)(7)(B), to State and local government agen-
20 cies and authorities, the private sector, other enti-
21 ties, and the public; and

22 “(3) provide specific classified warning informa-
23 tion and advice about appropriate protective meas-
24 ures and countermeasures pursuant to section
25 201(d)(7)(B) to State and local government officials
26 and individuals in the private sector, who—

1 “(A) have the appropriate security clear-
2 ance; and

3 “(B) in the Secretary’s judgment, need to
4 have access to such information and advice in
5 order to discharge their homeland security-re-
6 lated functions.

7 “(b) LIMITED ADVISORIES.—If the Secretary con-
8 cludes that credible information indicates a potential ter-
9 rorist threat to one or more particular States, regions, lo-
10 calities, facilities, sites, elements of the population, critical
11 infrastructure sectors, public or private sector activities or
12 events, or any combination of the foregoing, the Sec-
13 retary—

14 “(1) shall, as appropriate, inform officials of
15 the affected entities and provide specific warning in-
16 formation and advice about protective measures and
17 countermeasures to those officials pursuant to sec-
18 tion 201(d)(7)(B); and

19 “(2) may, in the Secretary’s discretion, issue a
20 public advisory relating to such threat.”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents in section 1(b) of such Act is amended by in-
23 serting after the item relating to section 202 the fol-
24 lowing:

“203. Use of Homeland Security Advisory System.”.

1 **SEC. 104. HOMELAND SECURITY INFORMATION SHARING.**

2 (a) ADMINISTRATION OF THE HOMELAND SECURITY
3 INFORMATION NETWORK.—Section 201(d) of the Home-
4 land Security Act of 2002 (6 U.S.C. 121(d)) is amended
5 by adding at the end the following new paragraph:

6 “(20) To administer the homeland security in-
7 formation network, including—

8 “(A) exercising primary responsibility for
9 creating a secure nationwide real-time home-
10 land security information sharing network for
11 Federal, State, and local government agencies
12 and authorities, the private sector, and other
13 governmental and private entities involved in
14 receiving, analyzing, and distributing informa-
15 tion related to threats to homeland security;
16 and

17 “(B) ensuring that the information sharing
18 systems, developed in connection with the net-
19 work created under subparagraph (A), utilize
20 and are compatible with, to the greatest extent
21 practicable, Federal, State, and local govern-
22 ment and private sector antiterrorism systems
23 and protocols that have been or are being devel-
24 oped.”.

25 (b) COORDINATION OF DISSEMINATION OF INFORMA-
26 TION TO NON-FEDERAL ENTITIES.—

1 (1) IN GENERAL.—Section 892 of such Act (6
2 U.S.C. 482) is amended—

3 (A) by redesignating subsections (f) and
4 (g) as subsections (g) and (h), respectively; and

5 (B) by inserting after subsection (e) the
6 following new subsection (f):

7 “(f) REQUIREMENT FOR COORDINATION OF DISSEMI-
8 NATION OF INFORMATION TO NON-FEDERAL ENTITIES.—

9 “(1) IN GENERAL.—Except as otherwise di-
10 rected by the President or with the specific written
11 agreement of the Secretary, no element of the intel-
12 ligence community nor any department, agency, or
13 other entity having Federal law enforcement respon-
14 sibilities, nor any partnership or joint venture con-
15 sisting wholly or in part of such entities, shall dis-
16 seminate its analytic products or conclusions related
17 to threats to homeland security to State, local, or
18 private sector officials without the prior approval of
19 the Secretary, except that the head of such an ele-
20 ment, department, agency, or other entity may dis-
21 seminate an analytic product or conclusion without
22 the Secretary’s approval—

23 “(A) when and to the extent that exigent
24 circumstances require that a specific analytic
25 product or conclusion be disseminated in order

1 to prevent, preempt, or disrupt an imminent
2 threat of death or serious bodily injury or sig-
3 nificant damage to United States persons, in-
4 frastructure or other interests; or

5 “(B) when it is necessary to share an ana-
6 lytic product or conclusion with Federal, State,
7 and local law enforcement officials relating to a
8 law enforcement activity, if—

9 “(i) the Department is provided, as
10 soon as feasible, notice of the potential of
11 such a communication and is, to the extent
12 practicable, included in the development of
13 such communication through the Depart-
14 ment’s liaison at the headquarters of the
15 Federal Bureau of Investigation; and

16 “(ii) the Secretary must approve any
17 further dissemination of such analytic
18 product or conclusion to non-law enforce-
19 ment State and local officials, the private
20 sector, or the public.

21 “(2) When an analytic product or conclusion is
22 disseminated pursuant to paragraph (1)(A), the Sec-
23 retary and the appropriate entities or officials in
24 other United States Government agencies shall be
25 notified immediately of that dissemination.”.

1 (2) DEFINITION.—Subsection (g) of such sec-
 2 tion (as redesignated by paragraph (1)(A)) is
 3 amended by adding at the end the following new
 4 paragraph:

5 “(5) ANALYTIC PRODUCT OR CONCLUSION.—
 6 The term ‘analytic product or conclusion’ means any
 7 product of the analysis of one or more pieces of
 8 homeland security information in which inferences
 9 have been drawn from such information to arrive at
 10 a determination about a fact (including a potential
 11 threat) that was not explicit or apparent on the face
 12 of the information itself, but does not include mere
 13 summaries of homeland security information.”.

14 **SEC. 105. IAIP PERSONNEL RECRUITMENT.**

15 (a) IN GENERAL.—Chapter 97 of title 5, United
 16 States Code, is amended by adding after section 9701 the
 17 following:

18 **“§ 9702. Recruitment bonuses**

19 “(a) IN GENERAL.—Notwithstanding any provision
 20 of chapter 57, the Secretary of Homeland Security, acting
 21 through the Under Secretary for Information Analysis and
 22 Infrastructure Protection, may pay a bonus to an indi-
 23 vidual in order to recruit such individual for a position
 24 that—

1 “(1) is within the Directorate for Information
2 Analysis and Infrastructure Protection; and

3 “(2) would otherwise be difficult to fill in the
4 absence of such a bonus.

5 “(b) BONUS AMOUNT.—

6 “(1) IN GENERAL.—The amount of a bonus
7 under this section shall be determined under regula-
8 tions of the Secretary of Homeland Security, but
9 may not exceed 50 percent of the annual rate of
10 basic pay of the position involved.

11 “(2) FORM OF PAYMENT.—A bonus under this
12 section shall be paid in the form of a lump-sum pay-
13 ment and shall not be considered to be part of basic
14 pay.

15 “(3) COMPUTATION RULE.—For purposes of
16 paragraph (1), the annual rate of basic pay of a po-
17 sition does not include any comparability payment
18 under section 5304 or any similar authority.

19 “(c) SERVICE AGREEMENTS.—Payment of a bonus
20 under this section shall be contingent upon the employee
21 entering into a written service agreement with the Depart-
22 ment of Homeland Security. The agreement shall in-
23 clude—

24 “(1) the period of service the individual shall be
25 required to complete in return for the bonus; and

1 “(2) the conditions under which the agreement
 2 may be terminated before the agreed-upon service
 3 period has been completed, and the effect of the ter-
 4 mination.

5 “(d) ELIGIBILITY.—A bonus under this section may
 6 not be paid to recruit an individual for—

7 “(1) a position to which an individual is ap-
 8 pointed by the President, by and with the advice and
 9 consent of the Senate;

10 “(2) a position in the Senior Executive Service
 11 as a noncareer appointee (as defined in section
 12 3132(a)); or

13 “(3) a position which has been excepted from
 14 the competitive service by reason of its confidential,
 15 policy-determining, policy-making, or policy-advo-
 16 cating character.

17 “(e) TERMINATION.—The authority to pay bonuses
 18 under this section shall terminate on September 30, 2007.

19 **“§ 9703. Reemployed annuitants**

20 “(a) IN GENERAL.—If an annuitant receiving an an-
 21 nuity from the Civil Service Retirement and Disability
 22 Fund becomes employed in a position within the Depart-
 23 ment of Homeland Security, the annuitant’s annuity shall
 24 continue. An annuitant so reemployed shall not be consid-
 25 ered an employee for the purposes of chapter 83 or 84.

1 “(b) APPLICABILITY.—This section shall apply—

2 “(1) during the 3-year period beginning on the
3 date of the enactment of this section, to annuitants
4 holding positions within the Directorate for Informa-
5 tion Analysis and Infrastructure Protection; and

6 “(2) after the end of the 3-year period de-
7 scribed in paragraph (1), to annuitants holding posi-
8 tions within such directorate or other parts of the
9 Department of Homeland Security as the Secretary
10 of Homeland Security may designate.

11 “(c) DEFINITION.—For purposes of this section, the
12 term ‘annuitant’ has the meaning given such term under
13 section 8331 or 8401, whichever is appropriate.

14 **“§ 9704. Regulations**

15 “The Secretary of Homeland Security, in consulta-
16 tion with the Director of the Office of Personnel Manage-
17 ment, may prescribe any regulations necessary to carry
18 out section 9702 or 9703.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 97 of title 5, United States Code, is amended by add-
21 ing after the item relating to section 9701 the following:

“9702. Recruitment bonuses.

“9703. Reemployed annuitants.

“9704. Regulations.”.

1 **SEC. 106. PARTICIPATION OF THE DEPARTMENT IN THE**
2 **TERRORIST THREAT INTEGRATION CENTER.**

3 (a) ASSIGNMENT OF PERSONNEL.—Section 201(e) of
4 the Homeland Security Act of 2002 (6 U.S.C. 121(e)) is
5 amended by adding at the end the following new para-
6 graph:

7 “(4) ASSIGNMENT OF PERSONNEL TO TTIC.—
8 Personnel of the Department may be assigned to the
9 Terrorist Threat Integration Center (or any suc-
10 cessor entity) only for the purpose of performing
11 analytic functions and related duties.”.

12 (b) REPORT ON PARTICIPATION IN TERRORIST
13 THREAT INTEGRATION CENTER.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, the Sec-
16 retary of Homeland Security shall submit to each
17 appropriate congressional committee an unclassified
18 report that describes in detail the nature and scope
19 of the participation of the Department of Homeland
20 Security in, and interaction with, the Terrorist
21 Threat Integration Center.

22 (2) CONTENTS.—The report required by para-
23 graph (1) shall include the following information:

24 (A) The total funding that has been pro-
25 vided by the Department to the Center and the

1 cost of any personnel, services, or materials the
2 Department has provided to the Center.

3 (B) The number, expertise, and employing
4 component of Department personnel assigned to
5 the Center.

6 (C) Any non-Department regulation, policy
7 or directive that governs the qualifications, job
8 performance, or conduct of Department per-
9 sonnel assigned to the Center.

10 (D) A description of all analytic products
11 originated by the Center that are routinely dis-
12 seminated to the Department, including the en-
13 tities or officials within the Department that
14 routinely receive such products, and the means
15 by which such products are disseminated.

16 (E) A description of how each analytic
17 product provided to the Department by the
18 Center is utilized by the Department, including
19 a specification of which, if any, such products
20 the Department routinely disseminates to State,
21 local, or private sector officials.

22 (3) FORM OF SUBMISSION.—The report re-
23 quired by this section shall be submitted in unclassi-
24 fied form, but may include a classified annex.

25 (4) DEFINITIONS.—In this subsection:

1 (A) SECRETARY.—The term “Secretary”
2 means the Secretary of Homeland Security.

3 (B) APPROPRIATE CONGRESSIONAL COM-
4 MITTEES.—The term “appropriate congres-
5 sional committee” has the meaning given that
6 term in section 2(2) of the Homeland Security
7 Act of 2002 (6 U.S.C. 101(2)).

8 (C) CENTER.—The term “Center” means
9 the Terrorist Threat Integration Center.

10 **TITLE II—CYBERSECURITY**

11 **SEC. 201. CYBERSECURITY DEFINED.**

12 (a) PAPERWORK REDUCTION ACT.—Section 3502 of
13 title 44, United States Code, is amended by striking “and”
14 after the semicolon at the end of paragraph (13), by strik-
15 ing the period at the end of paragraph (14) and inserting
16 “; and”, and by adding at the end the following:

17 “(15) (A) the term ‘cybersecurity’ means the
18 prevention of damage to, the protection of, and the
19 restoration of computers, electronic communications
20 systems, electronic communication services, wire
21 communications, and electronic communications, in-
22 cluding information contained therein, to ensure its
23 availability, integrity, authentication, confidentiality,
24 and nonrepudiation; and

25 “(B) in this paragraph—

1 “(i) each of the terms ‘damage’ and
 2 ‘computer’ has the meaning that term has
 3 in section 1030 of title 18, United States
 4 Code; and

5 “(ii) each of the terms ‘electronic
 6 communications system’, ‘electronic com-
 7 munication service’, ‘wire communication’,
 8 and ‘electronic communication’ has the
 9 meaning that term has in section 2510 of
 10 title 18, United States Code.”.

11 (b) HOMELAND SECURITY ACT OF 2002.—Section 2
 12 of the Homeland Security Act of 2002 (6 U.S.C. 101) is
 13 amended by adding at the end the following:

14 “(17)(A) The term ‘cybersecurity’ has the
 15 meaning given that term in section 3502 of title 44,
 16 United States Code, as in effect on the date of the
 17 enactment of the Department of Homeland Security
 18 Authorization Act for Fiscal Year 2005.”.

19 **SEC. 202. ASSISTANT SECRETARY FOR CYBERSECURITY.**

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

23 **“SEC. 203. ASSISTANT SECRETARY FOR CYBERSECURITY.**

24 “(a) IN GENERAL.—There shall be in the Directorate
 25 for Information Analysis and Infrastructure Protection a

1 National Cybersecurity Office headed by an Assistant Sec-
2 retary for Cybersecurity (in this section referred to as the
3 ‘Assistant Secretary’), who shall assist the Secretary in
4 promoting cybersecurity for the Nation.

5 “(b) GENERAL AUTHORITY.—The Assistant Sec-
6 retary, subject to the direction and control of the Sec-
7 retary, shall have primary authority within the Depart-
8 ment for all cybersecurity-related critical infrastructure
9 protection programs of the Department, including with re-
10 spect to policy formulation and program management.

11 “(c) RESPONSIBILITIES.—The responsibilities of the
12 Assistant Secretary shall include the following:

13 “(1) To establish and manage—

14 “(A) a national cybersecurity response sys-
15 tem that includes the ability to—

16 “(i) analyze the effect of cybersecurity
17 threat information on national critical in-
18 frastructure; and

19 “(ii) aid in the detection and warning
20 of attacks on, and in the restoration of,
21 cybersecurity infrastructure in the after-
22 math of such attacks;

23 “(B) a national cybersecurity threat and
24 vulnerability reduction program that identifies
25 cybersecurity vulnerabilities that would have a

1 national effect on critical infrastructure, per-
2 forms vulnerability assessments on information
3 technologies, and coordinates the mitigation of
4 such vulnerabilities;

5 “(C) a national cybersecurity awareness
6 and training program that promotes
7 cybersecurity awareness among the public and
8 the private sectors and promotes cybersecurity
9 training and education programs;

10 “(D) a government cybersecurity program
11 to coordinate and consult with Federal, State,
12 and local governments to enhance their
13 cybersecurity programs; and

14 “(E) a national security and international
15 cybersecurity cooperation program to help fos-
16 ter Federal efforts to enhance international
17 cybersecurity awareness and cooperation.

18 “(2) To coordinate with the private sector on
19 the program under paragraph (1) as appropriate,
20 and to promote cybersecurity information sharing,
21 vulnerability assessment, and threat warning regard-
22 ing critical infrastructure.

23 “(3) To coordinate with other directorates and
24 offices within the Department on the cybersecurity
25 aspects of their missions.

1 “(4) To coordinate with the Under Secretary
2 for Emergency Preparedness and Response to en-
3 sure that the National Response Plan developed pur-
4 suant to section 502(6) of the Homeland Security
5 Act of 2002 (6 U.S.C. 312(6)) includes appropriate
6 measures for the recovery of the cybersecurity ele-
7 ments of critical infrastructure.

8 “(5) To develop processes for information shar-
9 ing with the private sector, consistent with section
10 214, that—

11 “(A) promote voluntary cybersecurity best
12 practices, standards, and benchmarks that are
13 responsive to rapid technology changes and to
14 the security needs of critical infrastructure; and

15 “(B) consider roles of Federal, State, local,
16 and foreign governments and the private sector,
17 including the insurance industry and auditors.

18 “(6) To coordinate with the Chief Information
19 Officer of the Department in establishing a secure
20 information sharing architecture and information
21 sharing processes, including with respect to the De-
22 partment’s operation centers.

23 “(7) To consult with the Electronic Crimes
24 Task Force of the United States Secret Service on
25 private sector outreach and information activities.

1 “(8) To consult with the Office for Domestic
2 Preparedness to ensure that realistic cybersecurity
3 scenarios are incorporated into tabletop and recovery
4 exercises.

5 “(9) To consult and coordinate, as appropriate,
6 with other Federal agencies on cybersecurity-related
7 programs, policies, and operations.

8 “(10) To consult and coordinate within the De-
9 partment and, where appropriate, with other rel-
10 evant Federal agencies, on security of digital control
11 systems, such as Supervisory Control and Data Ac-
12 quisition (SCADA) systems.

13 “(d) AUTHORITY OVER THE NATIONAL COMMUNICA-
14 TIONS SYSTEM.—The Assistant Secretary shall have pri-
15 mary authority within the Department over the National
16 Communications System.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by adding at the
19 end of the items relating to subtitle A of title II the fol-
20 lowing:

“203. Assistant Secretary for Cybersecurity.”.

21 **TITLE III—SCIENCE AND** 22 **TECHNOLOGY**

23 **SEC. 301. HOMELAND SECURITY INSTITUTE EXTENSION.**

24 Section 312(g) of the Homeland Security Act of 2002
25 (6 U.S.C. 192(g)) is amended to read as follows:

1 “(g) TERMINATION.—The Homeland Security Insti-
2 tute shall terminate 10 years after its establishment.”.

3 **SEC. 302. SPECIAL ACCESS PROGRAMS.**

4 For the purposes of carrying out the responsibilities
5 of the Secretary under section 302 of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 182), the Secretary is author-
7 ized to establish and maintain special access programs as-
8 sociated with research, development, test and evaluation,
9 and acquisition of technology or systems. Access to knowl-
10 edge of such programs shall be strictly limited, and such
11 programs shall be subject to restricted reporting require-
12 ments in the manner described in section 119 of title 10,
13 United States Code. Nothing in this section shall be con-
14 strued to alter or diminish the effect of section 306(a) of
15 the Homeland Security Act of 2002 (6 U.S.C. 186(a)).

16 **SEC. 303. HOMELAND SECURITY SCIENCE AND TECH-**
17 **NOLOGY ADVISORY COMMITTEE.**

18 Section 311(c)(2) of the Homeland Security Act of
19 2002 (6 U.S.C. 191(c)(2)) is amended to read as follows:

20 “(2) ORIGINAL APPOINTMENTS.—The original
21 members of the Advisory Committee shall be ap-
22 pointed to three classes. One class of six shall have
23 a term of 1 year, one class of seven a term of 2
24 years, and one class of seven a term of 3 years.”.

1 **SEC. 304. ADDITIONAL BUDGET-RELATED SUBMISSIONS.**

2 (a) IN GENERAL.—Beginning in fiscal year 2006,
3 and annually thereafter, the Secretary of Homeland Secu-
4 rity shall submit to the Congress budget request informa-
5 tion for the Directorate of Science and Technology that
6 includes research portfolio-based budget submissions and
7 estimated funding summaries for each of—

8 (1) the Office of Research and Development;

9 (2) the Office of Homeland Security Advanced
10 Research Projects Agency;

11 (3) the Office of Systems Engineering Develop-
12 ment;

13 (4) the Office of Plans, Programs, and Budget;
14 and

15 (5) such other major Directorate components as
16 the Secretary may establish.

17 (b) SUBMISSION.—The Secretary shall submit the in-
18 formation required under subsection (a) at the same time
19 as the submission of the President’s annual budget re-
20 quest to the Congress.

21 **SEC. 305. TECHNOLOGY-RELATED SOLICITATIONS, CON-**
22 **TRACTS, AND GRANTS.**

23 Not later than 60 days after the end of each fiscal
24 year, the Under Secretary for Science and Technology
25 shall transmit to the Congress a summary of the solicita-
26 tions and resulting contracts and grants awarded by the

1 Directorate of Science and Technology in the past fiscal
2 year, including—

3 (1) a description of each solicitation offered, the
4 number of proposals received in response to each so-
5 licitation, and the number of proposals selected for
6 funding for each solicitation;

7 (2) a description of the process used for pro-
8 posal selection in each solicitation, including the role
9 of peer review;

10 (3) the status of contract funding with respect
11 to each selected proposal;

12 (4) a breakdown of the types of organizations
13 receiving funding, such as institutions of higher edu-
14 cation, small businesses, private industry, and non-
15 profit organizations; and

16 (5) the number of transactions entered into as
17 authorized under section 831(a)(1) of the Homeland
18 Security Act of 2002 (6 U.S.C. 391(a)(1)) and a de-
19 scription of the benefits of the use of this authority
20 by the Directorate of Science and Technology.

21 **SEC. 306. HOMELAND SECURITY SCIENCE INVESTMENT.**

22 (a) ASSESSMENT.—The Secretary of Homeland Secu-
23 rity shall conduct an assessment of—

1 (1) the development of national capabilities in
2 homeland security science and technology to address
3 basic scientific research needs, which shall—

4 (A) identify the most important scientific
5 and technological challenges and priorities for
6 homeland security;

7 (B) assess the extent to which the Depart-
8 ment of Homeland Security research and devel-
9 opment agenda is addressing the challenges and
10 priorities identified under subparagraph (A);

11 (C) assess whether the Department is ef-
12 fectively coordinating Federal research and de-
13 velopment efforts in homeland security, particu-
14 larly in the areas identified under subparagraph
15 (A);

16 (D) assess the extent to which the agenda
17 of the Department for basic research ensures
18 that the Nation undertakes appropriate science
19 investments to meet the long-term homeland se-
20 curity needs of the Nation, and recommend the
21 extent to which such investments should be un-
22 dertaken; and

23 (E) identify the criteria used for setting
24 the optimal level of investment in basic re-
25 search; and

1 (2) the methods used by the Directorate of
2 Science and Technology for the prioritization of
3 science and technology projects among, and within,
4 research portfolios, including the selection and exe-
5 cution of such projects, which shall—

6 (A) evaluate the process by which the Di-
7 rectorate obtains classified and unclassified
8 threat and vulnerability information, and how
9 that information is used to inform decisions on
10 resource and funding allocations;

11 (B) evaluate the usefulness of following a
12 cost/benefit analysis to allocate funding among
13 those portfolios and Directorate components;
14 and

15 (C) evaluate the current methodology for
16 selecting, funding, and awarding homeland se-
17 curity science programs at the national labora-
18 tories and academic institutions, and whether
19 optimal use of such laboratories and institutions
20 is being made.

21 (b) DEADLINE.—Not later than one year after the
22 date of enactment of this Act, the Secretary shall transmit
23 to the Congress the findings of the Department’s assess-
24 ment under subsection (a), including recommendations for
25 improvements where necessary.

1 **SEC. 307. CYBERSECURITY TRAINING PROGRAMS AND**
2 **EQUIPMENT.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity, acting through the Assistant Secretary for
5 Cybersecurity, may establish, in conjunction with the Na-
6 tional Science Foundation, a program to award grants to
7 institutions of higher education (and consortia thereof)
8 for—

9 (1) the establishment or expansion of
10 cybersecurity professional development programs;

11 (2) the establishment or expansion of associate
12 degree programs in cybersecurity; and

13 (3) the purchase of equipment to provide train-
14 ing in cybersecurity for either professional develop-
15 ment programs or degree programs.

16 (b) ROLES.—

17 (1) DEPARTMENT OF HOMELAND SECURITY.—
18 The Secretary, acting through the Assistant Sec-
19 retary for Cybersecurity and in consultation with the
20 Director of the National Science Foundation, shall
21 establish the goals for the program established
22 under this section and the criteria for awarding
23 grants under the program.

24 (2) NATIONAL SCIENCE FOUNDATION.—The Di-
25 rector of the National Science Foundation shall op-
26 erate the program established under this section

1 consistent with the goals and criteria established
2 under paragraph (1), including soliciting applicants,
3 reviewing applications, and making and admin-
4 istering grant awards. The Director may consult
5 with the Assistant Secretary for Cybersecurity in se-
6 lecting awardees.

7 (3) FUNDING.—The Secretary shall transfer to
8 the National Science Foundation the funds nec-
9 essary to carry out this section.

10 (c) GRANT AWARDS.—

11 (1) PEER REVIEW.—All grant awards under
12 this section shall be made on a competitive, merit-
13 reviewed basis.

14 (2) FOCUS.—In making grant awards under
15 this section, the Director shall, to the extent prac-
16 ticable, ensure geographic diversity and the partici-
17 pation of women and underrepresented minorities.

18 (3) PREFERENCE.—In making grant awards
19 under this section, the Director shall give preference
20 to applications submitted by consortia of institutions
21 to encourage as many students and professionals as
22 possible to benefit from this program.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary for car-
25 rying out this section \$3,700,000 for fiscal year 2005.

1 (e) DEFINITIONS.—In this section, the term “institu-
2 tion of higher education” has the meaning given that term
3 in section 101(a) of the Higher Education Act of 1965
4 (20 U.S.C. 1001(a)).

5 **SEC. 308. JOINT DEVELOPMENT OF COUNTERTERRORISM**
6 **AND HOMELAND SECURITY TECHNOLOGIES,**
7 **PRODUCTS, AND SERVICES.**

8 (a) AUTHORIZATION.—For the purpose of jointly de-
9 veloping counterterrorism and homeland security tech-
10 nologies, products, and services, the Secretary of Home-
11 land Security may enter into agreements or partnerships
12 with foreign governments that are allies of the United
13 States in the war on terrorism and have extensive experi-
14 ence in counterterrorism activities, including the Govern-
15 ment of Israel and the Government of the United King-
16 dom.

17 (b) FUNDING.—Of the amounts appropriated for pro-
18 grams administered by the Directorate of Science and
19 Technology of the Department of Homeland Security for
20 fiscal year 2005, there is authorized up to \$20,000,000
21 to carry out this section.

22 **SEC. 309. GEOSPATIAL INFORMATION.**

23 (a) COORDINATION OF GEOSPATIAL INFORMATION.—
24 With respect to geospatial technology, and interoperability

1 of such technology, the Secretary of Homeland Security
2 shall—

3 (1) identify the homeland security-related
4 geospatial information needs of the Department of
5 Homeland Security;

6 (2) evaluate the geospatial information gath-
7 ering activities of the Directorates of the Depart-
8 ment, and take appropriate actions to enhance infor-
9 mation sharing, integration, or consolidation with re-
10 spect to such activities within the Department;

11 (3) evaluate geospatial technologies, including
12 information, data, systems, services, hardware, and
13 software, that are utilized by or available to the De-
14 partment;

15 (4) evaluate whether geospatial information col-
16 lected under projects for which the Department has
17 provided grant funds is available to the Department;

18 (5) ensure that the Department is participating
19 in and coordinating with the Federal Geographic
20 Data Committee and other similar entities;

21 (6) identify the homeland security-related
22 geospatial information that is being collected by
23 other Federal agencies, and evaluate its usefulness
24 to the Department;

1 (7) coordinate geospatial information sharing
2 processes between the Department and other Fed-
3 eral, State, and local agencies; and

4 (8) to the extent practicable, utilize commercial
5 geospatial data and services to meet the geospatial
6 information needs of the Department or to supple-
7 ment the geospatial activities of the Department and
8 its directorates.

9 (b) GEOSPATIAL MANAGEMENT OFFICE.—The Sec-
10 retary of Homeland Security shall establish a Geospatial
11 Management Office. The head of such office shall be the
12 Geospatial Information Officer, who shall be responsible
13 for coordinating the geospatial information activities of
14 the Department of Homeland Security, with support and
15 assistance from other Directorates and offices within the
16 Department.

17 (c) DEFINED TERMS.—As used in this subsection:

18 (1) GEOSPATIAL INFORMATION.—The term
19 “geospatial information” means graphical or digital
20 data depicting natural or manmade physical fea-
21 tures, phenomena, or boundaries of the earth and
22 any information related thereto, including surveys,
23 maps, charts, remote sensing data, and images.

24 (2) GEOSPATIAL TECHNOLOGY.—The term
25 “geospatial technology” means any technology uti-

1 lized by analysts, specialists, surveyors,
2 photogrammetrists, hydrographers, geodesists, car-
3 tographers, architects, or engineers for the collec-
4 tion, storage, retrieval, or dissemination of
5 geospatial information, including global satellite sur-
6 veillance systems, global position systems (GPS), ge-
7 ographic information systems (GIS), mapping equip-
8 ment, geocoding technology, and remote sensing de-
9 vices.

10 **SEC. 310. INTEROPERABLE COMMUNICATIONS.**

11 (a) COORDINATION OF PUBLIC SAFETY INTEROPER-
12 ABLE COMMUNICATIONS PROGRAMS.—The Secretary of
13 Homeland Security shall establish a program to enhance
14 public safety interoperable communications at all levels of
15 government. Such program shall—

16 (1) establish a comprehensive national approach
17 to achieving public safety interoperable communica-
18 tions;

19 (2) coordinate with other Federal agencies in
20 carrying out paragraph (1);

21 (3) develop, in consultation with other appro-
22 priate Federal agencies and State and local authori-
23 ties, an appropriate baseline of communications
24 interoperability for Federal, State, and local public
25 safety agencies;

1 (4) accelerate, in consultation with other Fed-
2 eral agencies, including the National Institute of
3 Standards and Technology, the private sector, and
4 nationally recognized standards organizations as ap-
5 propriate, the development of national voluntary
6 consensus standards for public safety interoperable
7 communications;

8 (5) encourage the development of flexible and
9 open architectures, with appropriate levels of secu-
10 rity, for short-term and long-term solutions to public
11 safety communications interoperability;

12 (6) assist other Federal agencies in identifying
13 priorities for research, development, and testing and
14 evaluation with regard to public safety interoperable
15 communications;

16 (7) identify priorities within the Department for
17 research, development, and testing and evaluation
18 with regard to public safety interoperable commu-
19 nications;

20 (8) establish coordinated guidance for Federal
21 grant programs for public safety interoperable com-
22 munications;

23 (9) provide technical assistance to State and
24 local public safety agencies regarding planning, ac-
25 quisition strategies, interoperability architectures,

1 training, and other functions necessary to achieve
2 public safety communications interoperability;

3 (10) develop and disseminate best practices to
4 improve public safety communications interoper-
5 ability; and

6 (11) develop appropriate performance measures
7 and milestones to systematically measure the Na-
8 tion's progress towards achieving public safety com-
9 munications interoperability, including the develop-
10 ment of national voluntary consensus standards.

11 (b) OFFICE OF PUBLIC SAFETY INTEROPERABLE
12 COMMUNICATIONS.—

13 (1) ESTABLISHMENT.—The Secretary may es-
14 tablish an Office of Public Safety Interoperable
15 Communications to carry out this section.

16 (2) APPLICABILITY OF FEDERAL ADVISORY
17 COMMITTEE ACT.—The Federal Advisory Committee
18 Act (5 U.S.C. App.) shall not apply to advisory
19 groups established and maintained by the Office.

20 (c) REPORT.—Not later than 120 days after the date
21 of the enactment of this Act, the Secretary shall report
22 to the Congress on Department of Homeland Security
23 plans for accelerating the development of national vol-
24 untary consensus standards for public safety interoperable

1 communications, a schedule of milestones for such devel-
2 opment, and achievements of such development.

3 **SEC. 311. TECHNOLOGY DEVELOPMENT AND TRANSFER.**

4 (a) TRANSFER PROGRAM.—Section 313 of the Home-
5 land Security Act of 2002 (6 U.S.C. 193) is amended—

6 (1) by adding at the end of subsection (b) the
7 following new paragraph:

8 “(6) The establishment of a homeland security
9 technology and equipment transfer program to facili-
10 tate the identification, modification, and commer-
11 cialization of technology and equipment for use by
12 Federal, State, and local governmental agencies,
13 emergency response providers, and the private sec-
14 tor.”;

15 (2) by redesignating subsection (c) as sub-
16 section (d); and

17 (3) by inserting after subsection (b) the fol-
18 lowing new subsection:

19 “(c) TECHNOLOGY TRANSFER PROGRAM.—In devel-
20 oping the program described in subsection (b)(6), the Sec-
21 retary, acting through the Under Secretary for Science
22 and Technology, shall—

23 “(1) in consultation with the Under Secretary
24 for Emergency Preparedness and Response and the

1 Director of the Office for Domestic Preparedness, on
2 an ongoing basis—

3 “(A) conduct surveys and reviews of avail-
4 able appropriate technologies that have been de-
5 veloped, tested, evaluated, or demonstrated by
6 the Department, other Federal agencies, or the
7 private sector, and that may be useful in assist-
8 ing Federal, State, and local governmental
9 agencies, emergency response providers, or the
10 private sector to prevent, prepare for, or re-
11 spond to acts of terrorism;

12 “(B) conduct or support tests, evaluations,
13 or demonstrations as appropriate of tech-
14 nologies identified under subparagraph (A), in-
15 cluding any necessary modifications to such
16 technologies for counterterrorism use; and

17 “(C) communicate to Federal, State, and
18 local governmental agencies, emergency re-
19 sponse providers, or the private sector the avail-
20 ability of such technologies for counterterrorism
21 use; and

22 “(2) in support of the activities described in
23 paragraph (1)—

24 “(A) consult with Federal, State, and local
25 emergency response providers;

1 “(B) consult with government and nation-
2 ally recognized standards organizations as ap-
3 propriate;

4 “(C) enter into agreements and coordinate
5 with other Federal agencies as the Secretary
6 determines appropriate, in order to maximize
7 the effectiveness of such technologies or to fa-
8 cilitate commercialization of such technologies;
9 and

10 “(D) consult with existing technology
11 transfer programs and Federal and State train-
12 ing centers that test, evaluate, and transfer
13 military and other technologies for use by emer-
14 gency response providers.”.

15 (b) REPORT.—Not later than one year after the date
16 of enactment of this Act, the Under Secretary for Science
17 and Technology shall transmit to the Congress a descrip-
18 tion of the progress the Department has made in imple-
19 menting the provisions of section 313 of the Homeland
20 Security Act of 2002, as amended by this Act, including
21 a description of the process used to review unsolicited pro-
22 posals received as described in subsection (b)(3) of such
23 section.

24 (c) SAVINGS CLAUSE.—Nothing in this section (in-
25 cluding the amendments made by this section) shall be

1 construed to alter or diminish the effect of the limitation
 2 on the authority of the Secretary of Homeland Security
 3 under section 302(4) of the Homeland Security Act of
 4 2002 (6 U.S.C. 182(4)) with respect to human health-re-
 5 lated research and development activities.

6 **TITLE IV—CRITICAL** 7 **INFRASTRUCTURE PROTECTION**

8 **SEC. 401. LIBERTY SHIELD AWARD FOR INNOVATION AND** 9 **EXCELLENCE IN CRITICAL INFRASTRUCTURE** 10 **PROTECTION.**

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

14 **“Subtitle E—Miscellaneous** 15 **“SEC. 251. LIBERTY SHIELD AWARD FOR INNOVATION AND** 16 **EXCELLENCE IN CRITICAL INFRASTRUCTURE** 17 **PROTECTION.**

18 “(a) ESTABLISHMENT.—There is hereby established
 19 the Liberty Shield Award for Innovation and Excellence
 20 in Critical Infrastructure Protection, which shall be evi-
 21 denced by a medal of such design, materials, and inscrip-
 22 tions as the Secretary may prescribe.

23 “(b) MAKING AND PRESENTATION OF AWARD.—

24 “(1) IN GENERAL.—The President (on the
 25 basis of recommendations received from the Sec-

1 retary), or the Secretary, shall periodically make the
2 award to companies and other organizations that in
3 the judgment of the President or the Secretary sig-
4 nificantly enhance the security of critical infrastruc-
5 ture through implementing innovative solutions, im-
6 provements, or practices, creating a competitive at-
7 mosphere for industry to adopt the most comprehen-
8 sive homeland security solutions and systems, and
9 that as a consequence are deserving of special rec-
10 ognition.

11 “(2) PRESENTATION.—The presentation of the
12 award shall be made by the President or the Sec-
13 retary with such ceremonies as the President or the
14 Secretary may consider proper.

15 “(3) PUBLICATION AND USE OF AWARD.—An
16 organization to which an award is made under this
17 section may publicize its receipt of such award and
18 use the award in its advertising.

19 “(4) LIMITATION ON ELIGIBILITY.—An organi-
20 zation to which an award is made under this section
21 shall be ineligible to receive another such award in
22 the same category for a period of 5 years.

23 “(c) CATEGORIES OF AWARDS.—

24 “(1) IN GENERAL.—Subject to paragraphs (2),
25 (3), and (4), separate awards shall be made to quali-

1 fying organizations in each of the following cat-
2 egories:

3 “(A) Cyber infrastructure.

4 “(B) Physical infrastructure.

5 “(C) Human capital.

6 “(D) Innovative approaches to infrastruc-
7 ture independency.

8 “(2) MODIFICATION OF CATEGORIES.—The
9 Secretary may at any time expand, subdivide, or
10 otherwise modify the list of categories under para-
11 graph (1), and may establish separate awards for
12 small businesses, units of government, or other orga-
13 nizations upon a determination that the objectives of
14 this section would be better served thereby.

15 “(3) LIMITATION ON NUMBER OF AWARDS IN
16 CATEGORY.—Not more than two awards may be
17 made within any category in any year, unless the
18 Secretary determines that a third award is merited
19 due to extraordinary circumstances.

20 “(d) CRITERIA FOR QUALIFICATION.—

21 “(1) IN GENERAL.—An organization may qual-
22 ify for an award under this section only if it—

23 “(A) applies to the Secretary, in writing,
24 for the award;

1 “(B) permits a rigorous evaluation of the
2 way in which its business and other operations
3 have implemented innovative solutions, improve-
4 ments, or practices to secure critical infrastruc-
5 ture;

6 “(C) agrees to share its experience to as-
7 sist other American organizations improve their
8 implementation of solutions, improvements, or
9 practices to secure critical infrastructure; and

10 “(D) meets such requirements and speci-
11 fications as the Secretary, after receiving rec-
12 ommendations from the board of examiners es-
13 tablished under paragraph (5), determines to be
14 appropriate to achieve the objectives of this sec-
15 tion.

16 “(2) EVALUATION BY BOARD OF EXAMINERS.—
17 In applying subparagraph (1)(B) with respect to any
18 organization, the Secretary shall rely upon an inten-
19 sive evaluation by a competent board of examiners
20 that reviews the evidence submitted by the organiza-
21 tion and, through a site visit, verifies the effective-
22 ness of and the accuracy of claims regarding the in-
23 novative solutions, improvements, or practices to se-
24 cure critical infrastructure.

25 “(3) USE OF NONPROFIT ENTITIES.—

1 “(A) IN GENERAL.—The Secretary may,
2 under appropriate contractual arrangements,
3 carry out the responsibilities under subpara-
4 graphs (A) and (B) of paragraph (1) through
5 one or more broad-based nonprofit entities that
6 are leaders in the field of critical infrastructure
7 and that have a history of public or government
8 service.

9 “(B) BOARD OF EXAMINERS.—The Sec-
10 retary shall appoint a board of examiners for
11 the award, consisting of at least 5 persons se-
12 lected for their preeminence in the field of in-
13 frastructure protection.

14 “(e) INFORMATION AND TECHNOLOGY TRANSFER
15 PROGRAM.—The Secretary shall ensure that all program
16 participants receive the complete results of their audits as
17 well as detailed explanations of all suggestions for im-
18 provements. The Secretary also shall provide information
19 about the awards and the successful infrastructure protec-
20 tion strategies and programs of the award-winning partici-
21 pants to all participants and other appropriate groups.

22 “(f) FUNDING.—The Secretary may seek and accept
23 gifts from public and private sources to carry out the pro-
24 gram under this section. If additional sums are needed
25 to cover the full cost of the program, the Secretary shall

1 impose fees upon the organizations applying for the award
 2 in amounts sufficient to provide such additional sums. The
 3 Secretary may use appropriated funds to carry out respon-
 4 sibilities under this Act.

5 “(g) SMALL BUSINESS DEFINED.—As used in this
 6 section the term ‘small business’ means a small business
 7 concern as defined in section 2 of Public Law 85–539 (15
 8 U.S.C. 632) and implementing regulations of the Adminis-
 9 trator of the Small Business Administration.”.

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

“Subtitle E—Miscellaneous

“251. Liberty Shield Award for Innovation and Excellence in Critical Infra-
 structure Protection.”.

13 **SEC. 402. SENSE OF CONGRESS REGARDING PRIVATE SEC-**
 14 **TOR PARTICIPATION IN THE HOMELAND SE-**
 15 **CURITY OPERATIONS CENTER.**

16 It is the sense of Congress that the Department of
 17 Homeland Security’s Homeland Security Operations Cen-
 18 ter should increase on-site participation of representatives
 19 from the private sector critical infrastructure sectors.

20 **SEC. 403. TREATMENT OF GLOBAL POSITIONING SYSTEM**
 21 **AS CRITICAL INFRASTRUCTURE.**

22 Section 201(d)(5) of the Homeland Security Act of
 23 2002 (6 U.S.C. 121(d)(5)) is amended by inserting “the

1 civilian Global Positioning System (GPS) infrastructure,”
2 after “communications systems,”.

3 **SEC. 404. COORDINATION OF CRITICAL INFRASTRUCTURE**
4 **GRANTS.**

5 The Under Secretary for Information Analysis and
6 Infrastructure Protection and the Director of the Office
7 for Domestic Preparedness shall coordinate their activities
8 and develop mechanisms to—

9 (1) ensure that grants related to critical infra-
10 structure protection are consistent with priorities,
11 recommendations, and activities of the Under Sec-
12 retary for Information Analysis and Infrastructure
13 Protection under section 201(d) of the Homeland
14 Security Act of 2002 (6 U.S.C. 121(d)); and

15 (2) track and provide reporting on such grants
16 by recipient, type of activity funded, and critical in-
17 frastructure sector addressed.

18 **SEC. 405. CRITICAL INFRASTRUCTURE PROTECTION**
19 **AWARENESS.**

20 Within 6 months after the date of the enactment of
21 this Act, the Secretary of Homeland Security shall develop
22 and distribute print, video, and interactive critical infra-
23 structure protection awareness and education materials
24 for emergency response providers (as that term is defined
25 in section 2 of the Homeland Security Act of 2002 (6

1 U.S.C. 101)) and owners and operators of such infrastruc-
2 ture, that describe critical infrastructure and its inter-
3 dependent nature, its implications for local communities,
4 and resources available for responding to critical infra-
5 structure catastrophic events.

6 **TITLE V—EMERGENCY** 7 **PREPAREDNESS AND RESPONSE**

8 **SEC. 501. TERRORISM EXERCISE PROGRAM REQUIRE-** 9 **MENTS.**

10 The Secretary of Homeland Security shall ensure
11 that terrorism preparedness exercises conducted by the
12 Department of Homeland Security and related informa-
13 tion and training—

14 (1) enhance coordination and preparedness for
15 acts of terrorism at all levels of Federal, State, and
16 local governments and the private sector;

17 (2) are—

18 (A) multidisciplinary in nature, including,
19 as appropriate, cybersecurity components;

20 (B) as realistic as practicable and risk-
21 based;

22 (C) evaluated against performance meas-
23 ures and followed by corrective action to solve
24 identified deficiencies; and

1 (D) assessed to learn best practices, which
2 shall be shared with appropriate Federal, State,
3 and local personnel and authorities; and

4 (3) assist State and local governments with the
5 implementation of exercises that—

6 (A) conform to the requirements of para-
7 graph (2); and

8 (B) are consistent with any applicable
9 State homeland security strategy or plan.

10 **SEC. 502. GRANT AWARD NOTIFICATION AND DISTRIBUTION.**
11

12 (a) NOTIFICATION.—With respect to any grant
13 awarded by the Department of Homeland Security to any
14 local government (as that term is defined in section 2 of
15 the Homeland Security Act of 2002 (6 U.S.C. 101)), the
16 Secretary of Homeland Security shall promptly provide
17 notice of the award of such grant, including the name of
18 the recipient and the amount of the award, to the appro-
19 priate State government official.

20 (b) DISTRIBUTION.—In making any grant targeted
21 to a high-threat, high-density urban area, the Secretary
22 shall ensure, to the maximum extent practicable, that such
23 grants are distributed among the jurisdictions that could
24 reasonably be expected to provide support to the high-

1 threat, high-density urban area following an act of ter-
2 rorism, including interstate jurisdictions.

3 **SEC. 503. MUTUAL AID PROGRAM.**

4 The Secretary of Homeland Security shall establish
5 a program supporting the development of mutual aid sys-
6 tems for preparedness for and response to acts of ter-
7 rorism and other emergencies throughout the Nation,
8 by—

9 (1) identifying and cataloging existing mutual
10 aid agreements related to preparedness for and re-
11 sponse to acts of terrorism and other emergencies at
12 the State and local levels of government;

13 (2) disseminating to State and local govern-
14 ments examples of best practices in the development
15 of mutual aid agreements and models of existing
16 mutual aid agreements, including agreements involv-
17 ing interstate jurisdictions; and

18 (3) completing an inventory of Federal response
19 capabilities for acts of terrorism and other emer-
20 gencies, making such inventory available to appro-
21 priate Federal, State, and local government officials,
22 and ensuring that such inventory is as current and
23 accurate as practicable.

1 **SEC. 504. NATIONAL PREPAREDNESS GOAL.**

2 (a) DEADLINE.—No later than 120 days after the
3 date of the enactment of this Act, and consistent with the
4 provisions of section 505 of the Homeland Security Act
5 of 2002 (6 U.S.C. 315), the Secretary of Homeland Secu-
6 rity shall develop and publish a domestic emergency na-
7 tional preparedness goal, with a particular emphasis on
8 preparedness for acts of terrorism.

9 (b) PREPAREDNESS GOAL DEFINED.—The national
10 preparedness goal shall—

11 (1) establish measurable readiness priorities;

12 (2) balance the potential threat and magnitude
13 of acts of terrorism, major disasters, and other
14 emergencies with the resources required to prevent,
15 respond to, and recover from them;

16 (3) include readiness metrics and elements to
17 measure achievement of the national preparedness
18 goal;

19 (4) include standards for preparedness assess-
20 ments and strategies; and

21 (5) establish a system for assessing the Na-
22 tion's overall preparedness to respond to major
23 events, especially those involving acts of terrorism.

24 (c) COORDINATION AND CONSULTATION.—In devel-
25 oping the national preparedness goal, the Secretary
26 shall—

1 (1) coordinate with the heads of other appro-
2 priate Federal departments and agencies;

3 (2) consult with State and local governments,
4 including representatives of a cross section of emer-
5 gency response provider disciplines; and

6 (3) consult with national voluntary consensus
7 standards development organizations.

8 (d) SUBMISSION.—Upon completion of the national
9 preparedness goal, the Secretary shall submit to the Con-
10 gress a description of such goal and the coordination and
11 consultation process used to develop it under subsection
12 (c).

13 **SEC. 505. CLARIFICATION OF RESPONSIBILITY FOR INTER-**
14 **OPERATIVE COMMUNICATIONS.**

15 (a) UNDER SECRETARY FOR EMERGENCY PRE-
16 PAREDNESS AND RESPONSE.—Section 502(7) of the
17 Homeland Security Act of 2002 (6 U.S.C. 312(7)) is
18 amended—

19 (1) by striking “developing comprehensive pro-
20 grams for developing interoperative communications
21 technology, and”; and

22 (2) by striking “such” and inserting “inter-
23 operative communications”.

1 (b) OFFICE FOR DOMESTIC PREPAREDNESS.—Sec-
2 tion 430(c) of such Act (6 U.S.C. 238(c)) is amended to
3 read as follows:

4 (1) in paragraph (7) by striking “and” after
5 the semicolon;

6 (2) in paragraph (8) by striking the period and
7 inserting “; and”; and

8 (3) by adding at the end the following:

9 “(9) helping to ensure the acquisition of inter-
10 operative communication technology by State and
11 local governments and emergency response pro-
12 viders.”.

13 **SEC. 506. NATIONAL BIODEFENSE STRATEGY.**

14 (a) STRATEGY.—

15 (1) IN GENERAL.—Consistent with the provi-
16 sions of section 505 of the Homeland Security Act
17 of 2002 (6 U.S.C. 315) and subsections (a) and (b)
18 of section 304 of such Act (6 U.S.C. 184), the Sec-
19 retary of Homeland Security, in consultation with
20 the heads of other appropriate Federal agencies,
21 shall develop a comprehensive national biodefense
22 strategy (in this section referred to as the “bio-
23 defense strategy”) for meeting the requirements, re-
24 sponsibilities, and authorities of the Homeland Secu-
25 rity Act of 2002 (6 U.S.C. 101 et seq.), including

1 sections 201(d)(1), 302(2), and 502(3) of such Act,
2 with respect to the biodefense mission of the Depart-
3 ment.

4 (2) DEADLINES.—The Secretary shall—

5 (A) develop the biodefense strategy not
6 later than one year after the date of the enact-
7 ment of this Act; and

8 (B) regularly update such strategy as nec-
9 essary, but not less than every four years.

10 (b) CONTENTS.—The biodefense strategy shall set
11 forth the following:

12 (1) The objectives, missions, and priorities, in-
13 cluding how such objectives, missions, and priorities
14 were established and will be updated.

15 (2) A description of the biological threats to
16 and vulnerabilities of the Nation, including a
17 prioritization of such threats in terms of risk.

18 (3) A specification of each Federal agency with
19 research and development responsibilities regarding
20 such objectives, missions, and priorities, and a de-
21 scription of such responsibilities.

22 (4) A specification of each Federal agency with
23 other responsibilities regarding such objectives, mis-
24 sions, and priorities (including surveillance, threat

1 and risk analysis, and incident response), and a de-
2 scription of such responsibilities.

3 (5) The mechanisms by which coordination
4 among the Federal agencies described in paragraphs
5 (3) and (4) will be achieved.

6 (6) The role of State and local governments and
7 private sector institutions in the biodefense strategy,
8 as identified by the Federal agencies described in
9 paragraphs (3) and (4) with the responsibility and
10 mission to coordinate and communicate with State
11 and local governments and private sector institu-
12 tions.

13 (7) The mechanisms by which the Federal
14 agencies referred to in paragraph (6) coordinate and
15 communicate with State and local governments and
16 private sector institutions.

17 (8) Performance benchmarks to measure
18 progress in achieving the objectives of the biodefense
19 strategy, including a specification of expected time-
20 frames for implementation.

21 (c) OTHER AGENCY RESPONSIBILITIES.—The Sec-
22 retary shall obtain the concurrence of the relevant Federal
23 agency head with respect to such other agency's respon-
24 sibilities or activities covered by this section.

1 (d) SUBMISSION.—Upon its completion, the Sec-
2 retary shall transmit a copy of the biodefense strategy to
3 the Congress in an unclassified form with a classified
4 annex as appropriate.

5 **SEC. 507. NATIONAL STRATEGY TO MITIGATE THE RADIO-**
6 **LOGICAL AND NUCLEAR THREAT.**

7 (a) STRATEGY.—

8 (1) IN GENERAL.—Consistent with the provi-
9 sions of section 505 of the Homeland Security Act
10 of 2002 (6 U.S.C. 315) and subsections (a) and (b)
11 of section 304 of such Act (6 U.S.C. 184), the Sec-
12 retary of Homeland Security, in consultation with
13 the heads of other appropriate Federal agencies,
14 shall develop a comprehensive national strategy (in
15 this section referred to as the “strategy”) for meet-
16 ing the requirements, responsibilities, and authori-
17 ties of the Department of Homeland Security under
18 the Homeland Security Act of 2002 (including sec-
19 tions 201(d)(1), 302(2), and 502(2) and (3) (6
20 U.S.C. 121(d)(1), 182(2), and 312(2) and (3))) with
21 respect to mitigating the radiological and nuclear
22 threat.

23 (2) DEADLINE.—The Secretary shall develop
24 the strategy not later than one year after the date
25 of enactment of this Act.

1 (b) CONTENTS.—The strategy shall include—

2 (1) radiological and nuclear mitigation objec-
3 tives, missions, and priorities, including a descrip-
4 tion of how they were established and will be up-
5 dated;

6 (2) a description of the radiological and nuclear
7 threats to and vulnerabilities of the Nation, includ-
8 ing a prioritization of such threats in terms of risk;

9 (3) a specification of each Federal agency with
10 research and development responsibilities regarding
11 such objectives, missions, and priorities, and a de-
12 scription of such responsibilities;

13 (4) a specification of each Federal agency with
14 other responsibilities regarding such objectives, mis-
15 sions, and priorities (including surveillance, threat
16 and risk analysis, and incident response), and a de-
17 scription of such responsibilities;

18 (5) the mechanisms by which coordination
19 among the Federal agencies specified in paragraphs
20 (3) and (4) will be achieved; and

21 (6) performance benchmarks to measure
22 progress in achieving the strategy, including a speci-
23 fication of expected timeframes for implementation.

24 (c) OTHER AGENCY RESPONSIBILITIES.—The Sec-
25 retary shall obtain the concurrence of the relevant Federal

1 agency head with respect to such other agency's respon-
2 sibilities or activities covered by this section.

3 (d) SUBMISSION.—Upon its completion, the Sec-
4 retary shall transmit a copy of the strategy to the Con-
5 gress in an unclassified form, with a classified annex as
6 appropriate.

7 **TITLE VI—SECURITY ENFORCE-** 8 **MENT AND INVESTIGATIONS**

9 **SEC. 601. PLAN FOR ENHANCED COORDINATION AND** 10 **INTEROPERABILITY OF MARITIME AND AIR-** 11 **BORNE HOMELAND SECURITY ASSETS.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the Secretary of Home-
14 land Security shall develop and submit to the appropriate
15 congressional committees (as that term is defined in sec-
16 tion 2 of the Homeland Security Act of 2002 (6 U.S.C.
17 101)) a plan to ensure—

18 (1) coordination of the operational planning and
19 deployment of the maritime and airborne assets of
20 the Directorate of Border and Transportation Secu-
21 rity that are used for homeland security purposes in
22 order to enhance mission capacity, improve efficiency
23 of operations, and reduce duplication of efforts;

24 (2) coordination of the modernization plans of
25 the assets described in paragraph (1) in order to en-

1 hance mission capacity, improve efficiency of oper-
2 ations, and reduce duplication of efforts;

3 (3) coordination of the maintenance and repair
4 capacity of the assets described in paragraph (1) in
5 order to enhance mission capacity, improve efficiency
6 of operations, and reduce duplication of efforts;

7 (4) interoperable communication systems
8 among the Department of Homeland Security's mar-
9 itime and airborne assets that are used for homeland
10 security purposes, to the extent practicable, in order
11 to enhance mission capacity, improve efficiency of
12 operations, and reduce duplication of efforts; and

13 (5) sharing of maritime information relating to
14 vessels, crew, passengers, cargo, and cargo shippers
15 among the appropriate elements of the Department
16 of Homeland Security.

17 (b) RELATIONSHIP WITH THE COAST GUARD.—To
18 the extent permitted by section 888 of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 468), the plan shall consider
20 whether there are additional opportunities for enhanced
21 coordination between the maritime and airborne assets
22 within the Directorate of Border and Transportation Se-
23 curity Directorate and those of the Coast Guard.

1 **SEC. 602. ACCESS TO BORDER AND TRANSPORTATION SE-**
2 **CURITY INFORMATION.**

3 The Secretary of Homeland Security shall take any
4 action necessary and appropriate to ensure—

5 (1) that all appropriate personnel of the Direc-
6 torate of Border and Transportation Security can
7 promptly access and receive law enforcement and in-
8 telligence information contained in all databases uti-
9 lized by the Directorate;

10 (2) the prompt transmittal of information be-
11 tween entities of the Directorate and the Directorate
12 for Information Analysis and Infrastructure Protec-
13 tion and any other entity of the Department pre-
14 scribed by the Secretary; and

15 (3) that all actions taken under this section are
16 consistent with the Secretary's Department-wide ef-
17 forts to ensure the compatibility of information sys-
18 tems and databases pursuant to section 102(b)(3) of
19 the Homeland Security Act of 2002 (6 U.S.C.
20 112(b)(3)).

21 **SEC. 603. COMBINED ENROLLMENT CENTERS FOR EXPE-**
22 **DITED INSPECTION PROGRAMS.**

23 (a) IN GENERAL.—Not later than 6 months after the
24 date of the enactment of this Act, the Secretary of Home-
25 land Security shall initiate a pilot program under which
26 the Department shall establish not less than 2 combined

1 enrollment centers at locations away from United States
2 ports of entry for programs that permit participants to
3 receive expedited inspection at designated ports of entry.

4 (b) ALLOCATION.—Of the combined enrollment cen-
5 ters established under subsection (a), at least 1 shall serve
6 the northern border of the United States and at least 1
7 shall serve the southern border of the United States.

8 **SEC. 604. EXPEDITED INSPECTION PROGRAM USE AT MUL-**
9 **TIPLE PORTS OF ENTRY.**

10 Not later than 18 months after the date of the enact-
11 ment of this Act, the Secretary of Homeland Security shall
12 permit individuals holding a valid identification card
13 issued under a program that permits participants to re-
14 ceive expedited inspection at designated ports of entry to
15 use such card at any port of entry at which such program
16 is operating.

17 **TITLE VII—DEPARTMENTAL**
18 **MANAGEMENT AND OPER-**
19 **ATIONS**

20 **SEC. 701. ASSIGNMENT OF MANAGEMENT RESPONSIBIL-**
21 **ITIES TO DEPUTY SECRETARY; ESTABLISH-**
22 **MENT OF ADDITIONAL OFFICER.**

23 (a) MANAGEMENT RESPONSIBILITIES.—Section 701
24 of the Homeland Security Act of 2002 (6 U.S.C. 341) is
25 amended as follows:

1 (1) by striking the heading and inserting the
2 following:

3 **“SEC. 701. MANAGEMENT RESPONSIBILITIES.”.**

4 (2) In subsection (a) by striking “Under Sec-
5 retary for Management” and inserting “Deputy Sec-
6 retary”.

7 (3) In subsection (a) by striking paragraph (7),
8 by redesignating paragraphs (1) through (11) in
9 order as paragraphs (6) through (14), and by insert-
10 ing before paragraph (4) (as so redesignated) the
11 following:

12 “(1) Oversight, integration, and coordination of
13 departmental operations, policies, programs, func-
14 tions, and systems to promote organizational effec-
15 tiveness, accountability and efficiency.

16 “(2) Strategic planning, development of meas-
17 urable implementation goals, and establishment of
18 resource allocation priorities, including preparation
19 of the annual Future Years Homeland Security Pro-
20 gram under section 874.

21 “(3) Development and tracking of performance
22 measures and metrics relating to the responsibilities
23 and missions of the Department.

24 “(4) Ensuring effective and timely information
25 sharing within the Department and between the De-

1 partment and other Federal agencies, State and
2 local governments, and the private sector.

3 “(5) Establishment of clearly defined roles and
4 responsibilities within the Department, and between
5 the Department and other Federal agencies, and en-
6 suring necessary cooperation between the Depart-
7 ment and other Federal agencies, State and local
8 governments, and the private sector.”.

9 (4) In subsection (b) by striking “Under Sec-
10 retary for Management” each place it appears and
11 inserting “Deputy Secretary”.

12 (b) REPORT.—For each of the first 3 fiscal years be-
13 ginning after the date of the enactment of this Act, the
14 Secretary of Homeland Security shall include as part of
15 the annual program performance report for the Depart-
16 ment of Homeland Security under section 1116 of title
17 31, United States Code, a separate, comprehensive review
18 setting forth the following:

19 (1) The significant management accomplish-
20 ments achieved by the Department with respect to
21 each of the management responsibilities set forth in
22 section 701 of the Homeland Security Act of 2002
23 (6 U.S.C. 341).

24 (2) The significant management challenges
25 identified by the Secretary with respect to each of

1 the management responsibilities set forth in section
2 701 of the Homeland Security Act of 2002 (6
3 U.S.C. 341).

4 (3) Plans and strategies, including the estab-
5 lishment of performance indicators or performance
6 goals, to address such significant management chal-
7 lenges identified by the Secretary.

8 (4) Plans and strategies, including the estab-
9 lishment of performance indicators or performance
10 goals, for achieving integration, consolidation, and
11 efficiencies in policies, programs, and functions
12 across the Department.

13 (c) CHIEF ACQUISITION OFFICER.—Section 103 of
14 the Homeland Security Act of 2002 (6 U.S.C. 113) is
15 amended by redesignating subsection (e) as subsection (f),
16 and by inserting after subsection (d) the following:

17 “(e) CHIEF ACQUISITION OFFICER.—There shall be
18 in the Department a Chief Acquisition Officer as provided
19 in section 16 of Office of Federal Procurement Policy Act
20 (41 U.S.C. 414).”.

21 (d) CHIEF HUMAN CAPITAL OFFICER.—Section 704
22 of the Homeland Security Act of 2002 (6 U.S.C. 344) is
23 amended to read as follows:

1 **“SEC. 704. CHIEF HUMAN CAPITAL OFFICER.**

2 “The Chief Human Capital Officer appointed under
3 section 103(d)(3) shall report to the Secretary, or to any
4 other official of the Department, as the Secretary may di-
5 rect. The Chief Human Capital Officer—

6 “(1) shall assess the ability of Department per-
7 sonnel to fulfill the Department’s missions, and
8 oversee the implementation of effective recruitment
9 and retention efforts across the Department;

10 “(2) shall ensure that all employees of the De-
11 partment are informed of their rights and remedies
12 under chapters 12 and 23 of title 5, United States
13 Code, by—

14 “(A) participating in the 2302(c) Certifi-
15 cation Program of the Office of Special Coun-
16 sel;

17 “(B) achieving certification from the Office
18 of Special Counsel of the Department’s compli-
19 ance with section 2302(c) of title 5, United
20 States Code; and

21 “(C) informing the Congress of such cer-
22 tification not later than 24 months after the
23 date of enactment of this paragraph; and

24 “(3) shall perform such other functions as may
25 be required by law or prescribed by the Secretary.”.

1 (e) ABOLISHMENT OF UNDER SECRETARY FOR MAN-
2 AGEMENT.—

3 (1) ABOLISHMENT.—Section 103(a) of the
4 Homeland Security Act of 2002 (6 U.S.C. 113(a))
5 is amended by striking paragraph (7), and by reded-
6 ignating paragraphs (8) and (9) as paragraph (7)
7 and (8), respectively.

8 (2) CONTINUED SERVICE.—Notwithstanding
9 the amendment made by subsection (a), an indi-
10 vidual serving as Under Secretary for Management
11 of the Department of Homeland Security imme-
12 diately before the enactment of this Act may con-
13 tinue to serve in such role at the discretion of the
14 Secretary of Homeland Security.

15 (f) BASIC PAY RATES.—Section 5315 of title 5,
16 United States Code, is amended by inserting after the
17 item relating to Chief Information Officer, Department of
18 Homeland Security, the following: “Chief Acquisition Offi-
19 cer, Department of Homeland Security.”.

20 **SEC. 702. ADDITIONAL BUDGET-RELATED SUBMISSION.**

21 (a) IN GENERAL.—Beginning in fiscal year 2006,
22 and annually thereafter, the Secretary of Homeland Secu-
23 rity shall submit to the Congress budget request informa-
24 tion for the Department of Homeland Security’s informa-
25 tion technology-related spending that is organized by di-

1 rectorate and by Department-wide critical mission area,
2 including the integration of information technology sys-
3 tems to improve departmental operations, management,
4 and information sharing.

5 (b) SUBMISSION.—The Secretary shall submit the in-
6 formation under subsection (a) at the same time as the
7 submission of the President’s annual budget request to the
8 Congress.

9 **SEC. 703. CONGRESSIONAL NOTIFICATION REQUIREMENTS.**

10 (a) IN GENERAL.—Title I of the Homeland Security
11 Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding
12 at the end the following:

13 **“SEC. 104. CONGRESSIONAL NOTIFICATION REQUIRE-**
14 **MENTS.**

15 “(a) IN GENERAL.—The Secretary shall keep each
16 appropriate congressional committee fully and currently
17 informed of the Department’s activities, including any sig-
18 nificant initiative of any directorate, office, or component
19 of the Department, and any significant failure or material
20 delay in implementing any initiative for which notification
21 is required by this subsection.

22 “(b) COPIES OF AGREEMENTS, MEMORANDA, AND
23 OTHER INSTRUMENTS.—The Secretary shall provide
24 promptly to each appropriate congressional committee a
25 copy of any agreement, memorandum, or other instrument

1 that creates or evidences any obligation that is binding
2 on the Department with respect to any other Federal,
3 State, or local department, agency, or other entity, or to
4 any private sector entity, excluding grants, contracts or
5 cooperative agreements.

6 “(c) UNCLASSIFIED VERSIONS OF CLASSIFIED NOTI-
7 FICATIONS.—

8 “(1) IN GENERAL.—(A) The Secretary may
9 submit any notification required under this section
10 in classified form, if that is necessary in order to
11 provide the information required by this section.

12 “(B) In carrying out subparagraph (A), the
13 Secretary may submit any classified notification by
14 delivering it to the premises of any committee of the
15 House of Representatives or the Senate that the
16 Speaker of the House or President of the Senate,
17 has determined to have storage facilities appropriate
18 for classified material of such type.

19 “(2) UNCLASSIFIED NOTIFICATION.—When the
20 Secretary submits a classified notification pursuant
21 to paragraph (1), the Secretary shall provide to each
22 appropriate congressional committee, at the same
23 time the Secretary provides any classified notifica-
24 tion to such committees under this section, a notifi-
25 cation in an unclassified form containing as much of

1 the substance of such classified notification as can
2 be provided in an unclassified format.

3 “(3) PROMPT SUBMISSION.—If providing a no-
4 tification in an unclassified form under paragraph
5 (2) would delay the Secretary’s submission of the
6 notification, the Secretary shall submit the unclassi-
7 fied notification required by paragraph (2) as soon
8 as practicable after submission of the classified noti-
9 fication to which it relates.

10 “(d) SENSE OF CONGRESS.—Notwithstanding the re-
11 quirements of subsections (a) through (c), it is the sense
12 of the Congress that senior officials of the Department
13 should routinely consult with the appropriate congres-
14 sional committees prior to adopting any significant initia-
15 tive to implement the statutory responsibilities of the De-
16 partment.

17 “(e) SIGNIFICANT INITIATIVE DEFINED.—As used in
18 this section, the term ‘significant initiative’—

19 “(1) means any new or largely unprecedented
20 program, activity, or system of the Department or
21 any significant expansion of an existing program, ac-
22 tivity, or system, that implements any of the Depart-
23 ment’s responsibilities under this Act or any other
24 legally binding mandate; and

1 “(2) includes any agreement, joint venture, or
 2 cooperative arrangement the Department enters into
 3 in order to carry out any aspect of the statutory
 4 mission of the Department, or to provide material
 5 assistance to any other Federal, State, or local gov-
 6 ernment entity in discharging that entity’s homeland
 7 security-related responsibilities.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 in Section 1(a) of such Act is amended by inserting after
 10 the item relating to section 103 the following:

“104. Congressional notification requirements.”.

11 **TITLE VIII—TECHNICAL COR-**
 12 **RECTIONS AND MISCELLA-**
 13 **NEOUS PROVISIONS**

14 **SEC. 801. TECHNICAL CORRECTION RELATING TO DEFINI-**
 15 **TION OF CRITICAL INFRASTRUCTURE INFOR-**
 16 **MATION.**

17 Section 212(3) of the Homeland Security Act of 2002
 18 (6 U.S.C. 131(3)) is amended in the matter preceding sub-
 19 paragraph (A) by inserting “, including such information
 20 regarding” after “protected systems”.

21 **SEC. 802. CLARIFICATION OF PAY LEVEL FOR DIRECTOR**
 22 **OF BUREAU OF CITIZENSHIP AND IMMIGRA-**
 23 **TION SERVICES.**

24 Section 451(a)(2) of the Homeland Security Act of
 25 2002 (6 U.S.C. 271(a)(2)) is amended by—

1 (1) inserting “and” after the semicolon in sub-
2 paragraph (A);

3 (2) striking “; and” in subparagraph (B) and
4 inserting a period; and

5 (3) striking subparagraph (C).

6 **SEC. 803. DIRECTOR OF UNITED STATES SECRET SERVICE.**

7 (a) DIRECTOR OF THE SECRET SERVICE.—Section
8 103 of the Homeland Security Act of 2002 (6 U.S.C. 113)
9 is amended—

10 (1) by redesignating subsections (d) and (e) as
11 subsections (e) and (f), respectively; and

12 (2) by inserting after subsection (c) the fol-
13 lowing:

14 “(D) DIRECTOR OF THE SECRET SERV-
15 ICE.—To assist the Secretary in the perform-
16 ance of the Secretary’s functions, there is a Di-
17 rector of the Secret Service, who shall be ap-
18 pointed by the President, and who shall report
19 directly to the Secretary.”.

20 (b) CONFORMING AMENDMENT.—Subsection (e) of
21 section 103 of such Act (as redesignated by subsection
22 (a)(1) of this section) is amended—

23 (1) by striking paragraph (1); and

24 (2) by redesignating paragraphs (2) through
25 (5) as paragraphs (1) through (4), respectively.

1 **SEC. 804. TECHNICAL CORRECTION RENAMING THE NA-**
 2 **TIONAL IMAGERY AND MAPPING AGENCY.**

3 Section 201 of the Homeland Security Act of 2002
 4 (6 U.S.C. 121) is amended—

5 (1) in subsection (f)(2)(E), by striking “Na-
 6 tional Imagery and Mapping Agency” and inserting
 7 “National Geospatial-Intelligence Agency”; and

8 (2) in subsection (h), by striking “401(a)” and
 9 inserting “401a(4)”.

10 **SEC. 805. NO EFFECT ON AUTHORITY OF INSPECTOR GEN-**
 11 **ERAL.**

12 Nothing in this Act shall affect the authority of the
 13 Inspector General of the Department of Homeland Secu-
 14 rity under the Inspector General Act of 1978 (5 App.
 15 U.S.C.) to carry out the functions of the Inspector General
 16 under that Act.

17 **TITLE IX—AUTHORIZATION OF**
 18 **APPROPRIATIONS**

19 **SEC. 901. DEPARTMENT OF HOMELAND SECURITY.**

20 There is authorized to be appropriated for the De-
 21 partment of Homeland Security \$31,999,941,000 for fis-
 22 cal year 2005.

23 **SEC. 902. DEPARTMENTAL MANAGEMENT AND OPER-**
 24 **ATIONS.**

25 Of the amount authorized under section 901, there
 26 is authorized for departmental management and oper-

1 ations, including management and operations of the Office
2 for State and Local Government Coordination and Pre-
3 paredness, \$4,709,105,000, of which up to \$50,000,000
4 may be appropriated for the Office for Domestic Prepared-
5 ness for carrying out the purposes of the Metropolitan
6 Medical Response System.

7 **SEC. 903. INFORMATION ANALYSIS AND INFRASTRUCTURE**
8 **PROTECTION.**

9 Of the amount authorized under section 901, there
10 is authorized for information analysis and infrastructure
11 protection programs and activities \$854,576,000.

12 **SEC. 904. SCIENCE AND TECHNOLOGY.**

13 Of the amount authorized under section 901, there
14 is authorized for science and technology programs and ac-
15 tivities \$1,132,299,000.

16 **SEC. 905. SECURITY ENFORCEMENT AND INVESTIGATIONS.**

17 Of the amount authorized under section 901, there
18 is authorized for expenses related to border and transpor-
19 tation security, immigration, and other security and re-
20 lated functions, \$19,878,365,000.

21 **SEC. 906. EMERGENCY PREPAREDNESS AND RESPONSE.**

22 Of the amount authorized under section 901, there
23 is authorized for emergency preparedness and response
24 programs and activities, \$5,425,596,000.

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