

109TH CONGRESS
2D SESSION

H. R. 5004

To amend the Homeland Security Act of 2002 to provide for an Office of Intelligence and Analysis and an Office of Infrastructure Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. SIMMONS (for himself and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Select Committee on 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 amend the Homeland Security Act of 2002 to provide for an Office of Intelligence and Analysis and an Office of Infrastructure Protection, 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. DEPARTMENTAL REORGANIZATION.**

4 (a) REDESIGNATION OF DIRECTORATE FOR INFOR-
5 MATION ANALYSIS AND INFRASTRUCTURE PROTEC-
6 TION.—Section 201 of the Homeland Security Act of 2002
7 is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “a Directorate for Informa-
3 tion Analysis and Infrastructure Protection”
4 and inserting “an Office of Intelligence and
5 Analysis”; and

6 (B) by striking “an Under Secretary for
7 Information Analysis and Infrastructure Pro-
8 tection” and inserting “an Under Secretary for
9 Intelligence and Analysis”;

10 (2) by striking subsection (b) and redesignating
11 subsections (c) through (g) as subsections (b)
12 through (f), respectively;

13 (3) in subsection (b), as so redesignated—

14 (A) by striking “and infrastructure protec-
15 tion” before “are carried out” and inserting
16 “and intelligence”; and

17 (B) by striking “the Under Secretary for
18 Information Analysis and Infrastructure Pro-
19 tection” and inserting “the Under Secretary for
20 Intelligence and Analysis”;

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

22 (A) by striking “the Under Secretary for
23 Information Analysis and Infrastructure Pro-
24 tection” and inserting “the Under Secretary for
25 Intelligence and Analysis”;

1 (B) by striking paragraphs (2), (5), and
2 (6), and redesignating paragraphs (3) through
3 (17) as paragraphs (2) through (14), respec-
4 tively;

5 (C) by redesignating paragraphs (18) and
6 (19) as paragraphs (20) and (21), respectively;

7 (D) in paragraph (2), as so redesignated,
8 by striking “To integrate” and inserting “To
9 participate in the integration of”;

10 (E) in paragraph (14), as so redesignated,
11 by inserting “the Assistant Secretary for Infra-
12 structure Protection and” after “coordinate
13 with”; and

14 (F) by inserting after paragraph (14), as
15 redesignated by subparagraph (B), the fol-
16 lowing new paragraphs:

17 “(15) To coordinate and enhance integration
18 among intelligence components of the Department.

19 “(16) To establish intelligence priorities, poli-
20 cies, processes, standards, guidelines, and procedures
21 for the Department.

22 “(17) To establish a structure and process to
23 support the missions and goals of the intelligence
24 components of the Department.

25 “(18) To ensure that, whenever possible—

1 “(A) the Under Secretary for Intelligence
2 and Analysis produces and disseminates reports
3 and analytic products based on open-source in-
4 formation that do not require a national secu-
5 rity classification under applicable law; and

6 “(B) such unclassified open source reports
7 are produced and disseminated contempora-
8 neously with reports or analytic products con-
9 cerning the same or similar information that
10 the Under Secretary for Intelligence and Anal-
11 ysis produces and disseminates in a classified
12 format.

13 “(19) To establish within the Office of Intel-
14 ligence Analysis an Internal Continuity of Oper-
15 ations (COOP) Plan that—

16 “(A) assures that the capability exists to
17 continue uninterrupted operations during a
18 wide range of potential emergencies, including
19 localized acts of nature, accidents, and techno-
20 logical or attack-related emergencies, that is
21 maintained at a high level of readiness and is
22 capable of implementation with and without
23 warning; and

“(B) includes plans and procedures governing succession to office within the Office of Intelligence and Analysis, including—

“(i) emergency delegations of authority (where permissible, and in accordance with applicable law);

“(ii) the safekeeping of vital resources, facilities, and records;

“(iii) the improvisation or emergency acquisition of vital resources necessary for the performance of operations of the Office; and

“(iv) the capability to relocate essential personnel and functions to and to sustain the performance of the operations of the Office at an alternate work site until normal operations can be resumed.”;

(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking “Directorate” each place it appears and inserting “Office”; and

(6) in subsection (f), as redesignated by subsection (a)(2)—

(A) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for

Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”; and

(B) by inserting “and section 203” after “under this section”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 103(2), by striking “Information Analysis and Infrastructure Protection” and inserting “Intelligence and Analysis”;

(B) in section 223, by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection”;

(C) in section 224, by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Assistant Secretary for Infrastructure Protection”;

(D) in section 302(3), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis and the

1 Assistant Secretary for Infrastructure Protec-
 2 tion”;

3 (E) in the first section 510(d)—

4 (i) in paragraph (1), by striking “Di-
 5 rectorate for Information Analysis and In-
 6 frastructure Protection” and inserting
 7 “Office of Intelligence and Analysis”; and

8 (ii) in paragraph (2), by striking
 9 “Under Secretary for Information Analysis
 10 and Infrastructure Protection” and insert-
 11 ing “Under Secretary for Intelligence and
 12 Analysis”; and

13 (F) by redesignating the second section
 14 510 as section 511.

15 (2) HEADINGS.—

16 (A) SECTION 201.—The heading for section
 17 121 of such Act is amended to read as follows:

18 **“SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.”.**

19 (B) SECTION 201(a).—The heading for
 20 subsection (a) of section 121 of such Act is
 21 amended to read as follows:

22 “(a) UNDER SECRETARY OF HOMELAND SECURITY
 23 FOR INTELLIGENCE AND ANALYSIS.—”.

24 (C) SECTION 201(b).—The heading for
 25 subsection (b) of section 121 of such Act, as re-

1 designated by subsection (a)(2), is amended to
 2 read as follows:

3 “(b) DISCHARGE OF INTELLIGENCE AND ANAL-
 4 YSIS.—”.

5 (3) NATIONAL SECURITY ACT OF 1947.—Section
 6 106(b)(2)(I) of the National Security Act of 1947
 7 (50 U.S.C. 403–6) is amended to read as follows:

8 “(I) The Under Secretary of Homeland Se-
 9 curity for Intelligence and Analysis.”.

10 (4) INTELLIGENCE REFORM AND TERRORISM
 11 PREVENTION ACT OF 2004.—Section 7306(a)(1) of
 12 the Intelligence Reform and Terrorism Prevention
 13 Act of 2004 (Public Law 108–458; 118 Stat. 3848)
 14 is amended by striking “Under Secretary for Infor-
 15 mation Analysis and Infrastructure Protection” and
 16 inserting “Under Secretary for Intelligence and
 17 Analysis”.

18 (c) CLERICAL AMENDMENT.—The table of contents
 19 in section 1(b) of the Homeland Security Act of 2002 is
 20 amended by adding after the items relating to section 509
 21 the following:

“Sec. 510. Procurement of security countermeasures for strategic national
 stockpile.

“Sec. 511. Urban and other high risk area communications capabilities.”.

1 **SEC. 2. INTELLIGENCE COMPONENTS OF DEPARTMENT OF**
2 **HOMELAND SECURITY.**

3 (a) RESPONSIBILITIES.—Subtitle A of title II of the
4 Homeland Security Act of 2002 6 U.S.C. 201 et seq.) is
5 amended by adding at the end the following new section:

6 **“SEC. 203. INTELLIGENCE COMPONENTS.**

7 “(a) RESPONSIBILITIES.—Subject to the direction
8 and control of the Secretary, the responsibilities of the
9 head of each intelligence component of the Department
10 are as follows:

11 “(1) To ensure that duties related to the acqui-
12 sition, analysis, and dissemination of homeland secu-
13 rity information are carried out effectively and effi-
14 ciently in support of the Under Secretary for Intel-
15 ligence and Analysis.

16 “(2) To support and implement the goals estab-
17 lished in cooperation with the Under Secretary for
18 Intelligence and Analysis.

19 “(3) To incorporate the input of the Under Sec-
20 retary for Intelligence and Analysis with respect to
21 performance appraisals, bonus or award rec-
22 ommendations, pay adjustments, and other forms of
23 commendation.

24 “(4) To coordinate with the Under Secretary
25 for Intelligence and Analysis in the recruitment and

1 selection of intelligence officials of the intelligence
2 component.

3 “(5) To advise and coordinate with the Under
4 Secretary for Intelligence and Analysis on any plan
5 to reorganize or restructure the intelligence compo-
6 nent that would, if implemented, result in realign-
7 ments of intelligence functions.

8 “(6) To ensure that employees of the intel-
9 ligence component have knowledge of and comply
10 with the programs and policies established by the
11 Under Secretary for Intelligence and Analysis and
12 other appropriate officials of the Department and
13 that such employees comply with all applicable laws
14 and regulations.

15 “(7) To perform such other duties relating to
16 such responsibilities as the Secretary may provide.

17 “(b) TRAINING OF EMPLOYEES.—The Secretary
18 shall provide training and guidance for employees, offi-
19 cials, and senior executives of the intelligence components
20 of the Department to develop knowledge of laws, regula-
21 tions, operations, policies, procedures, and programs that
22 are related to the functions of the Department relating
23 to the handling, analysis, dissemination, and acquisition
24 of homeland security information.”.

1 (b) INTELLIGENCE COMPONENT DEFINED.—Section
 2 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)
 3 is amended by adding at the end the following new para-
 4 graph:

5 “(17) The term ‘intelligence component of the
 6 Department’ means any directorate, agency, or ele-
 7 ment of the Department that gathers, receives, ana-
 8 lyzes, produces, or disseminates homeland security
 9 information except—

10 “(A) a directorate, agency, or element of
 11 the Department that is required to be main-
 12 tained as a distinct entity under this Act; or

13 “(B) any personnel security, physical secu-
 14 rity, document security, or communications se-
 15 curity program within any directorate, agency,
 16 or element of the Department.”.

17 (c) 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 such subtitle the following the
 20 following:

“Sec. 203. Intelligence components.”.

21 **SEC. 3. OFFICE OF INFRASTRUCTURE PROTECTION.**

22 (a) ESTABLISHMENT.—Subtitle A of title II of the
 23 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.),
 24 as amended by section 2, is further amended by adding
 25 at the end the following new section:

1 **“SEC. 204. OFFICE OF INFRASTRUCTURE PROTECTION.**

2 “(a) ASSISTANT SECRETARY FOR INFRASTRUCTURE
3 PROTECTION.—

4 “(1) IN GENERAL.—There shall be in the De-
5 partment an Office of Infrastructure Protection
6 headed by an Assistant Secretary for Infrastructure
7 Protection.

8 “(2) RESPONSIBILITIES.—The Assistant Sec-
9 retary shall assist the Secretary in discharging the
10 responsibilities assigned by the Secretary.

11 “(b) DISCHARGE OF INFRASTRUCTURE PROTEC-
12 TION.—The Secretary shall ensure that the responsibilities
13 of the Department regarding infrastructure protection are
14 carried out through the Assistant Secretary for Infrastruc-
15 ture Protection.

16 “(c) RESPONSIBILITIES OF ASSISTANT SEC-
17 RETARY.—Subject to the direction and control of the Sec-
18 retary, the responsibilities of the Assistant Secretary for
19 Infrastructure Protection shall be as follows:

20 “(1) To carry out comprehensive assessments of
21 the vulnerabilities of the key resources and critical
22 infrastructure of the United States, including the
23 performance of risk assessments to determine the
24 risks posed by particular types of terrorist attacks
25 within the United States (including an assessment of
26 the probability of success of such attacks and the

1 feasibility and potential efficacy of various counter-
2 measures to such attacks).

3 “(2) To participate in the integration of rel-
4 evant information, analyses, and vulnerability assess-
5 ments (whether such information, analyses, or as-
6 sessments are provided or produced by the Depart-
7 ment or others) in order to identify priorities for
8 protective and support measures by the Department,
9 other agencies of the Federal Government, State and
10 local government agencies and authorities, the pri-
11 vate sector, and other entities.

12 “(3) To develop a comprehensive national plan
13 for securing the key resources and critical infra-
14 structure of the United States, including power pro-
15 duction, generation, and distribution systems, infor-
16 mation technology and telecommunications systems
17 (including satellites), electronic financial and prop-
18 erty record storage and transmission systems, emer-
19 gency preparedness communications systems, and
20 the physical and technological assets that support
21 such systems.

22 “(4) To recommend measures necessary to pro-
23 tect the key resources and critical infrastructure of
24 the United States in coordination with other agen-
25 cies of the Federal Government and in cooperation

1 with State and local government agencies and au-
2 thorities, the private sector, and other entities.

3 “(5) To coordinate with the Under Secretary
4 for Intelligence and Analysis and elements of the in-
5 telligence community and with Federal, State, and
6 local law enforcement agencies, and the private sec-
7 tor, as appropriate.

8 “(6) To perform such other duties relating to
9 such responsibilities as the Secretary may provide.

10 “(d) STAFF.—

11 “(1) IN GENERAL.—The Secretary shall provide
12 the Office with a staff having appropriate expertise
13 and experience to assist the Assistant Secretary in
14 discharging responsibilities under this section.

15 “(2) PRIVATE SECTOR STAFF.—Staff under
16 this subsection may include staff from the private
17 sector.

18 “(3) SECURITY CLEARANCES.—Staff under this
19 subsection shall possess security clearances appro-
20 priate for their work under this section.

21 “(e) DETAIL OF PERSONNEL.—

22 “(1) IN GENERAL.—In order to assist the Of-
23 fice in discharging responsibilities under this section,
24 personnel of other Federal agencies may be detailed

1 to the Department for the performance of analytic
2 functions and related duties.

3 “(2) COOPERATIVE AGREEMENTS.—The Sec-
4 retary and the head of the agency concerned may
5 enter into cooperative agreements for the purpose of
6 detailing personnel under this subsection.

7 “(3) BASIS.—The detail of personnel under this
8 subsection may be on a reimbursable or non-reim-
9 bursable basis.”.

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

“Sec. 204. Office of Infrastructure Protection.”.

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