

110TH CONGRESS
1ST SESSION

H. R. 1684

IN THE SENATE OF THE UNITED STATES

MAY 11, 2007

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To authorize appropriations for the Department of Homeland
Security for fiscal year 2008, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-
3 land Security Authorization Act for Fiscal Year 2008”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

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- Sec. 101. Department of Homeland Security.

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- Sec. 202. Direct line authority for Chief Operating Officers.
- Sec. 203. Comprehensive Homeland Security Review.
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procurement offices.
- Sec. 403. Additional requirement to review past performance of contractors.
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- Sec. 406. Small business utilization report.
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- Sec. 408. Department of Homeland Security Mentor-Protégé Program.
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- Sec. 508. Authorities of Chief Security Officer.
- Sec. 509. Departmental culture improvement.
- Sec. 510. Homeland security education program enhancements.
- Sec. 511. Repeal of chapter 97 of title 5, United States Code.
- Sec. 512. Utilization of non-law enforcement Federal employees as instructors for non-law enforcement classes at the Border Patrol Training Academy.
- Sec. 513. Termination of Employment of Volunteer Firefighters and Emergency Medical Personnel Prohibited.

TITLE VI—BIOPREPAREDNESS IMPROVEMENTS

- Sec. 601. Chief Medical Officer and Office of Health Affairs.
- Sec. 602. Improving the material threats process.
- Sec. 603. Study on national biodefense training.
- Sec. 604. National Biosurveillance Integration Center.
- Sec. 605. Risk analysis process and integrated CBRN risk assessment.

TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

- Sec. 701. Cybersecurity and Communications.
- Sec. 702. Cybersecurity research and development.
- Sec. 703. Collaboration.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

- Sec. 801. Report to Congress on strategic plan.
- Sec. 802. Centers of Excellence Program.
- Sec. 803. National research council study of university programs.
- Sec. 804. Streamlining of SAFETY Act and antiterrorism technology procurement processes.
- Sec. 805. Promoting antiterrorism through International Cooperation Act.
- Sec. 806. Availability of testing facilities and equipment.

TITLE IX—BORDER SECURITY IMPROVEMENTS

- Sec. 901. US-VISIT.
- Sec. 902. Shadow Wolves program.
- Sec. 903. Cost-effective training for border patrol agents.
- Sec. 904. Report on implementation of the student and exchange visitor program.
- Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.
- Sec. 906. Report by Government Accountability Office regarding policies and procedures of the Border Patrol.
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 Sec. 1113. Report regarding levee system.
 Sec. 1114. Report on Force Multiplier Program.
 Sec. 1115. Eligibility of State judicial facilities for State homeland security grants.
 Sec. 1116. Data sharing.
 Sec. 1117. Cooperative agreement with National Organization on Disability to carry out Emergency Preparedness Initiative.
 Sec. 1118. Consideration of tourism in awarding Urban Area Security Initiative grants.
 Sec. 1119. Study of foreign rail security practices.
 Sec. 1120. FEMA recovery office in Florida.
 Sec. 1121. Requirement to consult States regarding grant awards.
 Sec. 1122. Comptroller General report on critical infrastructure.
 Sec. 1123. Improving the nexus and fast registered traveler programs.
 Sec. 1124. Travel documents.
 Sec. 1125. Sense of the Congress on Interoperability.
 Sec. 1126. Travelers Redress Inquiry Program.
 Sec. 1127. Transportation Worker Identification Credential program.
 Sec. 1128. Automated targeting system for persons entering or departing the United States.

1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS**

3 **SEC. 101. DEPARTMENT OF HOMELAND SECURITY.**

4 There is authorized to be appropriated to the Sec-
 5 retary of Homeland Security for the necessary expenses

1 of the Department of Homeland Security for fiscal year
2 2008, \$39,863,000,000.

3 **TITLE II—POLICY AND**
4 **MANAGEMENT IMPROVEMENTS**

5 **SEC. 201. ESTABLISHMENT OF DIRECTORATE FOR POLICY.**

6 (a) IN GENERAL.—The Homeland Security Act of
7 2002 (6 U.S.C. 101 et seq.) is amended by striking sec-
8 tions 401 through 403 and inserting the following:

9 **“SEC. 401. DIRECTORATE FOR POLICY.**

10 “(a) ESTABLISHMENT.—There is in the Department
11 a Directorate for Policy. The Directorate for Policy shall
12 contain each of the following:

13 “(1) The Office of the Private Sector, which
14 shall be administered by an Assistant Secretary for
15 the Private Sector.

16 “(2) The Victim Assistance Officer.

17 “(3) The Tribal Security Officer.

18 “(4) The Border Community Liaison Officer.

19 “(5) Such other offices as considered necessary
20 by the Under Secretary for Policy.

21 “(b) UNDER SECRETARY FOR POLICY.—

22 “(1) IN GENERAL.—The head of the Direc-
23 torate is the Under Secretary for Policy, who shall
24 be appointed by the President, with the advice and
25 consent of the Senate.

1 “(2) QUALIFICATIONS.—No individual shall be
2 appointed to the position of Under Secretary for
3 Policy under paragraph (1) unless the individual
4 has, by education and experience, demonstrated
5 knowledge, ability, and skill in the fields of policy
6 and strategic planning.

7 “(3) RESPONSIBILITIES.—Subject to the direc-
8 tion and control of the Secretary, the responsibilities
9 of the Under Secretary for Policy shall be as follows:

10 “(A) To serve as the principal policy advi-
11 sor to the Secretary.

12 “(B) To provide overall direction and su-
13 pervision of policy development for the pro-
14 grams, offices, and activities of the Depart-
15 ment, excluding each agency that is a distinct
16 entity within the Department.

17 “(C) To ensure that the budget of the De-
18 partment (including the development of future
19 year budgets and interaction with the Office of
20 Management and Budget and with Congress) is
21 compatible with the statutory and regulatory re-
22 sponsibilities of the Department and with the
23 Secretary’s priorities, strategic plans, and poli-
24 cies.

1 “(D) To conduct long-range, strategic
2 planning for the Department, including over-
3 seeing the Comprehensive Homeland Security
4 Review established in section 203.

5 “(E) To carry out such other responsibil-
6 ities as the Secretary may determine are appro-
7 priate, consistent with this section.”.

8 (b) ENSURING CONSIDERATION OF THE NEEDS OF
9 CHILDREN.—

10 (1) IN GENERAL.—The Under Secretary for
11 Policy of the Department of Homeland Security, act-
12 ing through the Assistant Secretary for the Office of
13 Policy and Development, shall ensure that all de-
14 partmental policies, programs, and activities appro-
15 priately consider the needs of and impact upon chil-
16 dren.

17 (2) SPECIFIC FUNCTIONS.—The Under Sec-
18 retary for Policy shall—

19 (A) coordinate with other Federal Depart-
20 ments and agencies to ensure that the needs of
21 children, schools, and other child-centered facili-
22 ties are sufficiently understood and incor-
23 porated into Federal, State, local, and tribal
24 preparedness, response, and recovery plans and
25 activities for terrorist attacks, major disasters,

1 and other emergencies (including those involv-
2 ing chemical, biological, radiological, nuclear, or
3 other explosive weapons), or other manmade
4 disasters;

5 (B) coordinate with the Office of Grants
6 within the Federal Emergency Management
7 Agency to monitor the use of homeland security
8 grants by State, local, or tribal agencies to sup-
9 port emergency preparedness activities for chil-
10 dren, schools, and other child-centered facilities,
11 and make recommendations to improve the ef-
12 fectiveness of such funding;

13 (C) review public awareness programs and
14 screening policies by departmental entities, in-
15 cluding security screening at airports, and en-
16 sure that such policies consider the needs and
17 well-being of children; and

18 (D) ensure that all other departmental ac-
19 tivities that affect children include consideration
20 of the needs of children and that relevant agen-
21 cies of the Department coordinate on this mat-
22 ter where appropriate.

23 (3) REPORT TO CONGRESS.—One year after the
24 date of the enactment of this subsection and on an
25 annual basis thereafter, the Under Secretary for

1 Policy shall report to the Committee on Homeland
2 Security of the House of Representatives and to the
3 Committee on Homeland Security and Governmental
4 Affairs of the Senate on activities undertaken pursu-
5 ant to this subsection and the resulting improvement
6 in security for children, schools, and other child-cen-
7 tered facilities.

8 (c) CONFORMING AMENDMENTS.—Such Act is fur-
9 ther amended—

10 (1) by striking the heading for title IV and in-
11 serting the following:

12 **“TITLE IV—DIRECTORATE FOR**
13 **POLICY”;**

14 (2) by striking the heading for subtitle A of
15 title IV and inserting the following:

16 **“Subtitle A—Under Secretary for**
17 **Policy”;**

18 (3) in section 103(a)(3), by striking “for Bor-
19 der and Transportation Security” and inserting “for
20 Policy”;

21 (4) in section 102(f)(9), by striking “the Direc-
22 torate of Border and Transportation Security” and
23 inserting “United States Customs and Border Pro-
24 tection”;

1 (5) in section 411(a), by striking “under the
2 authority of the Under Secretary for Border and
3 Transportation Security,”;

4 (6) in section 430—

5 (A) in subsection (a)—

6 (i) by striking “The” and inserting
7 “There is in the Department an”; and

8 (ii) by striking “shall be” and all that
9 follows through “Security”;

10 (B) in subsection (b), by striking the sec-
11 ond sentence; and

12 (C) by striking subsection (d).

13 (7) in section 441, by striking “Under Sec-
14 retary for Border and Transportation Security” and
15 inserting “Secretary”;

16 (8) in section 442(a)—

17 (A) “who—”in paragraph (2), by striking
18 and all that follows through “(B) shall” and in-
19 serting “who shall”; and

20 (B) in paragraph (3)—

21 (i) in subparagraph (A), by striking
22 “Under Secretary for Border and Trans-
23 portation Security” each place it appears
24 and inserting “Secretary”; and

1 (ii) in subparagraph (C), by striking
2 “Border and Transportation Security” and
3 inserting “Policy”;

4 (9) in section 443, by striking “The Under Sec-
5 retary for Border and Transportation Security” and
6 inserting “Subject to the direction and control of the
7 Secretary, the Deputy Secretary”;

8 (10) in section 444, by striking “The Under
9 Secretary for Border and Transportation Security”
10 and inserting “Subject to the direction and control
11 of the Secretary, the Deputy Secretary”;

12 (11) in section 472(e), by striking “or the
13 Under Secretary for Border and Transportation Se-
14 curity”; and

15 (12) in section 878(e), by striking “the Direc-
16 torate of Border and Transportation Security” and
17 inserting “United States Customs and Border Pro-
18 tection, Immigration and Customs Enforcement”.

19 (d) CLERICAL AMENDMENTS.—The table of contents
20 in section 1(b) of such Act is amended—

21 (1) by striking the item relating to title IV and
22 inserting the following:

“TITLE IV—DIRECTORATE FOR POLICY”;

23 and

24 (2) by striking the items relating to subtitle A
25 of title IV and inserting the following:

“Subtitle A—Under Secretary for Policy

“Sec. 401. Directorate for Policy.”.

1 **SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**
2 **OFFICERS.**

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

6 **“SEC. 707. CHIEF OPERATING OFFICERS.**

7 “(a) IN GENERAL.—The Chief Operating Officers of
8 the Department include the following officials of the De-
9 partment:

10 “(1) The Chief Financial Officer.

11 “(2) The Chief Procurement Officer.

12 “(3) The Chief Information Officer.

13 “(4) The Chief Human Capital Officer.

14 “(5) The Chief Administrative Officer.

15 “(6) The Chief Security Officer.

16 “(b) COORDINATION.—The Secretary shall direct the
17 Chief Operating Officer of each component agency to co-
18 ordinate with that Officer’s respective Chief Operating Of-
19 ficer of the Department to ensure that the component
20 agency adheres to Government-wide laws, rules, regula-
21 tions, and policies to which the Department is subject and
22 which the Chief Operating Officer is responsible for imple-
23 menting.

1 “(c) COORDINATION WITH HEADS OF COMPONENT
2 AGENCIES.—In coordinating with a Chief Operating Offi-
3 cer of the Department as required under subsection (b),
4 a Chief Operating Officer of a component agency shall co-
5 ordinate with the head of that component agency.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 in section 1(b) of such Act is amended by inserting after
8 the item relating to section 706 the following:

“Sec. 707. Chief Operating Officers.”.

9 **SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.**

10 (a) COMPREHENSIVE HOMELAND SECURITY RE-
11 VIEW.—Subtitle A of title IV of the Homeland Security
12 Act of 2002 is further amended by adding at the end the
13 following:

14 **“SEC. 402. COMPREHENSIVE HOMELAND SECURITY RE-
15 VIEW.**

16 “(a) REQUIREMENT TO CONDUCT REVIEWS.—The
17 Secretary, acting through the Under Secretary for Policy,
18 shall conduct a comprehensive examination of the Depart-
19 ment, to be known as the Comprehensive Homeland Secu-
20 rity Review. The Secretary shall conduct the first such re-
21 view in fiscal year 2009, and shall conduct a subsequent
22 review in the first fiscal year in which there begins the
23 first presidential term of a new presidential administra-
24 tion.

1 “(b) PURPOSE OF REVIEW.—In each Comprehensive
2 Homeland Security Review, the Secretary shall—

3 “(1) include a Department of Homeland Secu-
4 rity Strategy that is consistent with the most recent
5 National Strategy for Homeland Security prescribed
6 by the President;

7 “(2) define sufficient personnel and appropriate
8 organizational structure and other requirements nec-
9 essary for the successful execution of the full range
10 of missions called for in the Department of Home-
11 land Security Strategy; and

12 “(3) identify a budget plan, acquisition strat-
13 egy, procurement process, and any other resources,
14 that are necessary to provide sufficient resources for
15 the successful execution of the full range of missions
16 called for in the Department of Homeland Security
17 Strategy.

18 “(c) CONDUCT OF REVIEW.—

19 “(1) CONSULTATION REQUIRED.—The Sec-
20 retary shall conduct each review required under sub-
21 section (a) in consultation with key officials of the
22 Department, including the Assistant Secretary of the
23 Transportation Security Administration, the Com-
24 missioner of United States Customs and Border
25 Protection, the Director of United States Citizenship

1 and Immigration Services, the Assistant Secretary
2 for Immigration and Customs Enforcement, the Di-
3 rector of the United States Secret Service, the Ad-
4 ministrator of the Federal Emergency Management
5 Agency, the Director of the Federal Law Enforce-
6 ment Training Center, and the Commandant of the
7 Coast Guard.

8 “(2) RELATIONSHIP WITH FUTURE YEARS
9 HOMELAND SECURITY PROGRAM.—The Secretary
10 shall ensure that each review conducted under this
11 section is consistent with the Future Years Home-
12 land Security Program required under section 874.

13 “(d) REPORT TO CONGRESS AND THE PRESIDENT.—

14 “(1) REPORT.—The Secretary shall submit to
15 the Committee on Homeland Security and the Com-
16 mittee on Transportation and Infrastructure of the
17 House of Representatives, to the Committee on
18 Homeland Security and Governmental Affairs of the
19 Senate, and to the President a report on each Com-
20 prehensive Homeland Security Review. Each such
21 report shall be submitted during the fiscal year fol-
22 lowing the fiscal year in which the review is con-
23 ducted, but not later than the date on which the
24 President submits to Congress the budget under sec-
25 tion 1105(a) of title 31, United States Code, for the

1 fiscal year following the fiscal year in which the re-
2 port is to be submitted.

3 “(2) CONTENTS.—Each such report shall in-
4 clude the following, with a focus on reducing and
5 managing risk and in preparing for, mitigating
6 against, responding to, and recovering from terrorist
7 attacks, major disasters, and other emergencies:

8 “(A) A comprehensive assessment of the
9 level of alignment between the Department of
10 Homeland Security Strategy and the human re-
11 sources, infrastructure, assets, and organiza-
12 tional structure of the Department.

13 “(B) An explanation of any and all under-
14 lying assumptions used in conducting the Re-
15 view.

16 “(C) The human resources requirements
17 and response capabilities of the Department as
18 they relate to the risks of terrorist attacks,
19 major disasters, and other emergencies.

20 “(D) The strategic and tactical air, border
21 sea, and land capabilities and requirements to
22 support the Department of Homeland Security
23 Strategy.

24 “(E) The nature and appropriateness of
25 homeland security operational capabilities, in-

1 including operational scientific and technical re-
2 sources and capabilities and the anticipated ef-
3 fects on the human resources capabilities, costs,
4 efficiencies, resources, and planning of the De-
5 partment of any technology or operational capa-
6 bilities anticipated to be available during the
7 years subsequent to the Review.

8 “(F) Any other matter the Secretary con-
9 siders appropriate to include in the Review.

10 “(3) DEADLINE FOR INITIAL REPORT.—Not-
11 withstanding paragraph (1), the Secretary shall sub-
12 mit the first Report required under subsection (a)
13 not later than September 30, 2010.

14 “(e) PREPARATIONS FOR FISCAL YEAR 2008 RE-
15 VIEW.—In fiscal year 2008, the Under Secretary for Pol-
16 icy shall make all preparations for the conduct of the first
17 Comprehensive Homeland Security Review in fiscal year
18 2009, including—

19 “(1) determining the tasks to be performed;

20 “(2) estimating the human, financial, and other
21 resources required to perform each task;

22 “(3) establishing the schedule for the execution
23 of all project tasks;

24 “(4) ensuring that these resources will be avail-
25 able as needed; and

1 “(5) all other preparations considered necessary
2 by the Under Secretary.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of such Act is amended by inserting after
5 the item relating to section 401 the following:

“Sec. 402. Comprehensive Homeland Security Review.”.

6 **SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY**
7 **FOR MANAGEMENT.**

8 (a) QUALIFICATIONS.—Section 701 of the Homeland
9 Security Act of 2002 (6 U.S.C. 341) is amended by adding
10 at the end the following:

11 “(c) QUALIFICATIONS.—The Under Secretary for
12 Management shall have all of the following qualifications:

13 “(1) Extensive executive level leadership and
14 management experience in the public or private sec-
15 tor.

16 “(2) Strong leadership skills.

17 “(3) A demonstrated ability to manage large
18 and complex organizations.

19 “(4) A proven record of achieving positive oper-
20 ational results.”.

21 (b) DEADLINE FOR APPOINTMENT; INCUMBENT.—
22 Not later than 90 days after the date of the enactment
23 of this Act, the Secretary of Homeland Security shall
24 name an individual who meets the qualifications of section
25 701 of the Homeland Security Act (6 U.S.C. 341), as

1 amended by subsection (a), to serve as the Under Sec-
2 retary for Management. The Secretary may submit the
3 name of the individual who serves in the position of Under
4 Secretary for Management of the Department of Home-
5 land Security on the date of enactment of this Act to-
6 gether with a statement that informs the Congress that the
7 individual meets the qualifications of such section as so
8 amended.

9 **SEC. 205. SENSE OF CONGRESS REGARDING CONSOLIDA-**
10 **TION OF DEPARTMENT HEADQUARTERS.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the Department of Homeland Security and
13 its component headquarters facilities are currently
14 scattered widely throughout the National Capital
15 Region (NCR);

16 (2) this geographic dispersal disrupts the De-
17 partment’s ability to operate in an efficient manner,
18 and could impair its ability to prevent, deter, pre-
19 pare for, and respond to a terrorist attack, major
20 disaster, or other emergencies;

21 (3) the Government Accountability Office con-
22 tinues to list “Implementing and Transforming the
23 Department of Homeland Security” on its “High
24 Risk list”;

1 (4) consolidating the Department's head-
2 quarters and component facilities, to the greatest ex-
3 tent practicable, would be an important step in fa-
4 cilitating the transformation and integration of the
5 Department; and

6 (5) the President has provided funding for De-
7 partment consolidation in the fiscal year 2008 budg-
8 et, and has determined that the only site under the
9 control of the Federal Government and in the NCR
10 with the size, capacity, and security features to meet
11 the Department of Homeland Security's minimum
12 consolidation needs as identified in the Department
13 of Homeland Security NCR Housing Master Plan
14 submitted to Congress on October 24, 2006, is the
15 West Campus of St. Elizabeths Hospital in the Dis-
16 trict of Columbia.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the consolidation of the Department and its key
19 component headquarters on the West Campus of St. Eliza-
20 beths Hospital, to the maximum extent practicable con-
21 sistent with the Department's Housing Plan as submitted
22 to Congress in October 2006, should move forward as ex-
23 peditiously as possible with all the agencies involved in this
24 effort bearing those costs for which they are responsible.

1 **SEC. 206. REQUIRED BUDGET LINE ITEM FOR OFFICE OF**
2 **COUNTERNARCOTICS ENFORCEMENT.**

3 In each fiscal year budget request for the Department
4 of Homeland Security, the Secretary of Homeland Secu-
5 rity shall include a separate line item for the fiscal year
6 for expenditures by the Office of Counternarcotics En-
7 forcement of the Department of Homeland Security.

8 **SEC. 207. DESIGNATION OF OFFICE OF COUNTER-**
9 **NARCOTICS ENFORCEMENT AS PRIMARY DE-**
10 **PARTMENT COUNTERNARCOTICS ENFORCE-**
11 **MENT REPRESENTATIVE.**

12 Section 878(d)(5) of the Homeland Security Act of
13 2002 (6 U.S.C. 458(d)(5)) is amended by striking “to be
14 a representative” and inserting “to be the primary rep-
15 resentative”.

16 **SEC. 208. GRANTING LINE AUTHORITY TO THE ASSISTANT**
17 **SECRETARY FOR LEGISLATIVE AFFAIRS.**

18 Section 701 of the Homeland Security Act of 2002
19 (6 U.S.C. 341) is further amended by adding at the end
20 the following:

21 “(d) AUTHORITY OF ASSISTANT SECRETARY FOR
22 LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTER-
23 PARTS.—The Secretary for the Department shall ensure
24 that the Assistant Secretary for Legislative Affairs has
25 adequate authority or the Assistant Secretary’s respective
26 counterparts in component agencies of the Department to

1 ensure that such component agencies adhere to the laws,
2 rules, and regulations to which the Department is subject
3 and the departmental policies that the Assistant Secretary
4 for Legislative Affairs is responsible for implementing.”.

5 **TITLE III—OVERSIGHT** 6 **IMPROVEMENTS**

7 **SEC. 301. SECURE BORDER INITIATIVE FINANCIAL AC-** 8 **COUNTABILITY.**

9 (a) **IN GENERAL.**—The Inspector General of the De-
10 partment of Homeland Security shall review each contract
11 action related to the Department’s Secure Border Initia-
12 tive having a value greater than \$20,000,000, to deter-
13 mine whether each such action fully complies with applica-
14 ble cost requirements, performance objectives, program
15 milestones, inclusion of small, minority, and women-owned
16 business, and timelines. The Inspector General shall com-
17 plete a review under this subsection with respect to a con-
18 tract action—

19 (1) not later than 60 days after the date of the
20 initiation of the action; and

21 (2) upon the conclusion of the performance of
22 the contract.

23 (b) **REPORT BY INSPECTOR GENERAL.**—Upon com-
24 pletion of each review required under subsection (a), the
25 Inspector General shall submit to the Secretary of Home-

1 land Security a report containing the findings of the re-
2 view, including findings regarding any cost overruns, sig-
3 nificant delays in contract execution, lack of rigorous de-
4 partmental contract management, insufficient depart-
5 mental financial oversight, bundling that limits the ability
6 of small business to compete, or other high risk business
7 practices.

8 (c) REPORT BY SECRETARY.—Not later than 30 days
9 after the receipt of each report required under subsection
10 (b), the Secretary of Homeland Security shall submit to
11 the Committee on Homeland Security and the Committee
12 on Oversight and Government Reform of the House of
13 Representatives and the Committee on Homeland Security
14 and Governmental Affairs of the Senate a report on the
15 findings of the report by the Inspector General and the
16 steps the Secretary has taken, or plans to take, to address
17 the findings in such report.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated for the Office of the In-
20 spector General of the Department of Homeland Security
21 to carry out enhanced oversight of the Secure Border Ini-
22 tiative—

23 (1) for fiscal year 2008, of the amount author-
24 ized by section 101 and in addition to the amount
25 authorized by section 303, \$5,500,000;

1 (2) for fiscal year 2009, at least 6 percent of
2 the overall budget of the Office for that fiscal year;
3 and

4 (3) for fiscal year 2010, at least 7 percent of
5 the overall budget of the Office for that fiscal year.

6 (e) ACTION BY INSPECTOR GENERAL.—In the event
7 the Inspector General becomes aware of any improper con-
8 duct or wrongdoing in accordance with the contract review
9 required under subsection (a), the Inspector General shall,
10 as expeditiously as practicable, refer to the Secretary of
11 Homeland Security or other appropriate official in the De-
12 partment of Homeland Security information related to
13 such improper conduct or wrongdoing for purposes of eval-
14 uating whether to suspend or debar the contractor.

15 **SEC. 302. AUTHORIZATION LIAISON OFFICER.**

16 Section 702 of the Homeland Security Act of 2002
17 (6 U.S.C. 342) is amended by adding at the end the fol-
18 lowing:

19 “(d) AUTHORIZATION LIAISON OFFICER.—

20 “(1) IN GENERAL.—The Chief Financial Officer
21 shall establish the position of Authorization Liaison
22 Officer to provide timely budget and other financial
23 information to the Committee on Homeland Security
24 of the House of Representatives, the Committee on
25 Homeland Security and Governmental Affairs of the

1 Senate, and other appropriate congressional commit-
2 tees. The Authorization Liaison Officer shall report
3 directly to the Chief Financial Officer.

4 “(2) SUBMISSION OF REPORTS TO CONGRESS.—
5 The Authorization Liaison Officer shall coordinate
6 with the Appropriations Liaison Officer within the
7 Office of the Chief Financial Officer to ensure, to
8 the greatest extent possible, that all reports pre-
9 pared for the Committees on Appropriations of the
10 House of Representatives and the Senate are sub-
11 mitted concurrently to the Committee on Homeland
12 Security of the House of Representatives, the Com-
13 mittee on Homeland Security and Governmental Af-
14 fairs of the Senate, and other appropriate congres-
15 sional committees.”.

16 **SEC. 303. OFFICE OF THE INSPECTOR GENERAL.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Of the
18 amount authorized by section 101, there is authorized to
19 be appropriated to the Secretary of Homeland Security
20 \$108,500,000 for fiscal year 2008 for operations of the
21 Office of the Inspector General of the Department of
22 Homeland Security.

23 (b) ASSISTING THE NATIONAL CENTER FOR MISSING
24 AND EXPLOITED CHILDREN.—

1 (1) IN GENERAL.—An Inspector General of the
2 Department of Homeland Security appointed under
3 section 3 or 8G of the Inspector General Act of
4 1978 (5 U.S.C. App.) may authorize staff to use
5 funds authorized under subsection (a) to assist the
6 National Center for Missing and Exploited Children,
7 upon request by the Center—

8 (A) by conducting reviews of inactive case
9 files that the Inspector General has reason to
10 believe involve a child or possible offender lo-
11 cated outside the United States, and to develop
12 recommendations for further investigations; and

13 (B) by engaging in similar activities.

14 (2) LIMITATIONS.—

15 (A) PRIORITY.—An Inspector General may
16 not permit staff to engage in activities de-
17 scribed in paragraph (1) if such activities will
18 interfere with the duties of the Inspector Gen-
19 eral under the Inspector General Act of 1978 (5
20 U.S.C. App.).

21 (B) FUNDING.—No additional funds are
22 authorized to be appropriated to carry out this
23 paragraph.

1 **SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.**

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

5 **“SEC. 104. CONGRESSIONAL NOTIFICATION.**

6 “(a) IN GENERAL.—The Secretary shall actively con-
7 sult with the congressional homeland security committees
8 and other appropriate congressional committees, and shall
9 keep such committees fully and currently informed with
10 respect to all activities and responsibilities within the ju-
11 risdictions of these committees.

12 “(b) RELATIONSHIP TO OTHER LAW.—Nothing in
13 this section affects the requirements of section 872. The
14 requirements of this section supplement, and do not re-
15 place, the requirements of that section.

16 “(c) CLASSIFIED NOTIFICATION.—The Secretary
17 may submit any information required by this section in
18 classified form if the information is classified pursuant to
19 applicable national security standards.

20 “(d) SAVINGS CLAUSE.—This section shall not be
21 construed to limit or otherwise affect the congressional no-
22 tification requirements of title V of the National Security
23 Act of 1947 (50 U.S.C. 413 et seq.), insofar as they apply
24 to the Department.

25 “(e) DEFINITION.—As used in this section, the term
26 ‘congressional homeland security committees’ means the

1 Committee on Homeland Security and the Committee on
2 Appropriations of the House of Representatives and the
3 Committee on Homeland Security and Governmental Af-
4 fairs and the Committee on Appropriations of the Sen-
5 ate.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents in section 1(b) of such Act is amended by adding
8 at the end of the items relating to such title the following:

“Sec. 104. Congressional notification.”.

9 (c) COAST GUARD MISSION REVIEW REPORT.—Sec-
10 tion 888(f)(2) of the Homeland Security Act of 2002 (6
11 U.S.C. 468(f)(2)) is amended—

12 (1) by redesignating subparagraphs (B)
13 through (E) as subparagraphs (C) through (F) re-
14 spectively; and

15 (2) by striking subparagraph (A) and inserting
16 the following:

17 “(A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 “(B) the Committee on Homeland Security
20 of the House of Representatives;”.

1 **TITLE IV—PROCUREMENT POL-**
2 **ICY AND RESOURCES IM-**
3 **PROVEMENTS**

4 **SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.**

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

8 **“SEC. 836. HOMELAND SECURITY PROCUREMENT TRAIN-**
9 **ING.**

10 “(a) PROVISION OF TRAINING.—The Chief Procure-
11 ment Officer shall provide homeland security procurement
12 training to acquisition employees.

13 “(b) RESPONSIBILITIES OF CHIEF PROCUREMENT
14 OFFICER.—The Chief Procurement Officer shall carry out
15 the following responsibilities:

16 “(1) Establish objectives to achieve the efficient
17 and effective use of available acquisition resources
18 by coordinating the acquisition education and train-
19 ing programs of the Department and tailoring them
20 to support the careers of acquisition employees.

21 “(2) Develop, in consultation with the Council
22 on Procurement Training established under sub-
23 section (d), the curriculum of the homeland security
24 procurement training to be provided.

1 “(3) Establish, in consultation with the Council
2 on Procurement Training, training standards, re-
3 quirements, and courses to be required for acquisi-
4 tion employees.

5 “(4) Establish an appropriate centralized mech-
6 anism to control the allocation of resources for con-
7 ducting such required courses and other training
8 and education.

9 “(5) Select course providers and certify courses
10 to ensure that the procurement training curriculum
11 supports a coherent framework for the educational
12 development of acquisition employees, including the
13 provision of basic, intermediate, and advanced
14 courses.

15 “(6) Publish an annual catalog that includes a
16 list of the acquisition education and training
17 courses.

18 “(7) Develop a system of maintaining records
19 of student enrollment, and other data related to stu-
20 dents and courses conducted pursuant to this sec-
21 tion.

22 “(c) ELIGIBILITY FOR TRAINING.—An acquisition
23 employee of any entity under subsection (d)(3) may re-
24 ceive training provided under this section. The appropriate

1 member of the Council on Procurement Training may di-
2 rect such an employee to receive procurement training.

3 “(d) COUNCIL ON PROCUREMENT TRAINING.—

4 “(1) ESTABLISHMENT.—The Secretary shall es-
5 tablish a Council on Procurement Training to advise
6 and make policy and curriculum recommendations to
7 the Chief Procurement Officer.

8 “(2) CHAIR OF COUNCIL.—The chair of the
9 Council on Procurement Training shall be the Dep-
10 udy Chief Procurement Officer.

11 “(3) MEMBERS.—The members of the Council
12 on Procurement Training are the chief procurement
13 officers of each of the following:

14 “(A) United States Customs and Border
15 Protection.

16 “(B) The Transportation Security Admin-
17 istration.

18 “(C) The Office of Procurement Oper-
19 ations.

20 “(D) The Bureau of Immigration and Cus-
21 toms Enforcement.

22 “(E) The Federal Emergency Management
23 Agency.

24 “(F) The Coast Guard.

1 “(G) The Federal Law Enforcement
2 Training Center.

3 “(H) The United States Secret Service.

4 “(I) Such other entity as the Secretary de-
5 termines appropriate.

6 “(e) ACQUISITION EMPLOYEE DEFINED.—For pur-
7 poses of this section, the term ‘acquisition employee’
8 means an employee serving under a career or career-condi-
9 tional appointment in the competitive service or appoint-
10 ment of equivalent tenure in the excepted service of the
11 Federal Government, at least 50 percent of whose as-
12 signed duties include acquisitions, procurement-related
13 program management, or procurement-related oversight
14 functions.

15 “(f) REPORT REQUIRED.—Not later than March 1
16 of each year, the Chief Procurement Officer shall submit
17 to the Secretary a report on the procurement training pro-
18 vided under this section, which shall include information
19 about student enrollment, students who enroll but do not
20 attend courses, graduates, certifications, and other rel-
21 evant information.”.

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

“Sec. 836. Homeland security procurement training.”.

1 **SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**
2 **OF FEDERAL ANNUITANTS FOR PROCURE-**
3 **MENT OFFICES.**

4 (a) DEFINITIONS.—For purposes of this section—

5 (1) the term “procurement office” means the
6 Office of Procurement Operations and any other
7 procurement office within any agency or other com-
8 ponent of the Department;

9 (2) the term “annuitant” means an annuitant
10 under a Government retirement system;

11 (3) the term “Government retirement system”
12 has the meaning given such term by section 501(a);
13 and

14 (4) the term “employee” has the meaning given
15 such term by section 2105 of title 5, United States
16 Code.

17 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
18 ing through the Chief Procurement Officer) may, for the
19 purpose of supporting the Department’s acquisition capa-
20 bilities and enhancing contract management throughout
21 the Department, appoint annuitants to positions in pro-
22 curement offices in accordance with succeeding provisions
23 of this section, except that no authority under this sub-
24 section shall be available unless the Secretary provides to
25 Congress a certification that—

1 (1) the Secretary has submitted a request
2 under section 8344(i) or 8468(f) of title 5, United
3 States Code, on or after the date of the enactment
4 of this Act, with respect to positions in procurement
5 offices;

6 (2) the request described in paragraph (1) was
7 properly filed; and

8 (3) the Office of Personnel Management has
9 not responded to the request described in paragraph
10 (1), by either approving, denying, or seeking more
11 information regarding such request, within 90 days
12 after the date on which such request was filed.

13 (c) **NONCOMPETITIVE PROCEDURES; EXEMPTION**
14 **FROM OFFSET.**—An appointment made under subsection
15 (b) shall not be subject to the provisions of title 5, United
16 States Code, governing appointments in the competitive
17 service, and any annuitant serving pursuant to such an
18 appointment shall be exempt from sections 8344 and 8468
19 of such title 5 (relating to annuities and pay on reemploy-
20 ment) and any other similar provision of law under a Gov-
21 ernment retirement system.

22 (d) **LIMITATIONS.**—No appointment under subsection
23 (b) may be made if such appointment would result in the
24 displacement of any employee or would cause the total
25 number of positions filled by annuitants appointed under

1 such subsection to exceed 250 as of any time (determined
2 on a full-time equivalent basis).

3 (e) **RULE OF CONSTRUCTION.**—An annuitant as to
4 whom an exemption under subsection (c) is in effect shall
5 not be considered an employee for purposes of any Govern-
6 ment retirement system.

7 (f) **TERMINATION OF AUTHORITY.**—Effective 2 years
8 after the date of the enactment of this Act—

9 (1) all authority to make appointments under
10 subsection (b) shall cease to be available; and

11 (2) all exemptions under subsection (c) shall
12 cease to be effective.

13 **SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST**
14 **PERFORMANCE OF CONTRACTORS.**

15 (a) **IN GENERAL.**—Such subtitle is further amended
16 by adding at the end the following new section:

17 **“SEC. 837. REVIEW OF CONTRACTOR PAST PERFORMANCE.**

18 “(a) **CONSIDERATION OF CONTRACTOR PAST PER-**
19 **FORMANCE.**—In awarding a contract to a contractor, the
20 Secretary shall consider the past performance of that con-
21 tractor based on the review conducted under subsection
22 (b).

23 “(b) **REVIEW REQUIRED.**—Before awarding to a con-
24 tractor (including a contractor that has previously pro-
25 vided goods or services to the Department) a contract to

1 provide goods or services to the Department, the Sec-
2 retary, acting through the appropriate contracting officer
3 of the Department, shall require the contractor to submit
4 past performance information regarding the contractor's
5 performance of Federal, State, and local government and
6 private sector contracts.

7 “(c) CONTACT OF RELEVANT OFFICIALS.—As part
8 of any review of a contractor conducted under subsection
9 (b), the Secretary, acting through an appropriate con-
10 tracting officer of the Department, shall contact the rel-
11 evant official who administered or oversaw each contract
12 performed by that contractor during the five-year period
13 preceding the date on which the review begins.”.

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

“Sec. 837. Review of contractor past performance.”.

17 **SEC. 404. REQUIREMENT TO DISCLOSE FOREIGN OWNER-**
18 **SHIP OR CONTROL OF CONTRACTORS AND**
19 **SUBCONTRACTORS.**

20 (a) COMPLIANCE WITH BUY AMERICAN ACT.—With
21 respect to any procurement of goods or services by the
22 Department of Homeland Security, the Chief Procurement
23 Officer of the Department shall conduct an independent
24 review of the procurement to ensure that it complies with

1 all relevant provisions of the Buy American Act (41
2 U.S.C. 10a et seq.).

3 (b) FOREIGN OWNERSHIP OR CONTROL OF CON-
4 TRACTORS AND SUBCONTRACTORS.—

5 (1) DISCLOSURE OF INFORMATION.—With re-
6 spect to any procurement of goods or services by the
7 Department of Homeland Security, the Secretary of
8 Homeland Security shall require an offeror or pro-
9 spective offeror to disclose whether the offeror or
10 any prospective subcontractor (at any tier) is owned
11 or controlled by a foreign person. The Secretary
12 shall require all offerors, prospective offerors, and
13 contractors to update the disclosure at any time be-
14 fore award of the contract or during performance of
15 the contract, if the information provided becomes in-
16 correct because of a change of ownership, a change
17 in subcontractors, or for any other reason.

18 (2) FOREIGN OWNERSHIP OR CONTROL.—In
19 this subsection:

20 (A) The term “owned or controlled by a
21 foreign person”, with respect to an offeror, con-
22 tractor, or subcontractor, means that a foreign
23 person owns or controls, directly or indirectly,
24 50 percent or more of the voting stock or other

1 ownership interest in the offeror, contractor, or
2 subcontractor.

3 (B) The term “foreign person” means any
4 of the following:

5 (i) A foreign government.

6 (ii) A corporation organized under the
7 laws of a foreign country.

8 (iii) An individual who is not a citizen
9 of the United States.

10 (3) REGULATIONS.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Homeland Security shall promulgate regu-
13 lations to carry out this subsection.

14 **SEC. 405. INTEGRITY IN CONTRACTING.**

15 (a) IN GENERAL.—Subtitle D of title VIII of the
16 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
17 is further amended by adding at the end the following:

18 **“SEC. 838. INTEGRITY IN CONTRACTING.**

19 “(a) ATTESTATION REQUIRED.—The Secretary shall
20 require any offeror for any contract to provide goods or
21 services to the Department to submit as part of the
22 offeror’s bid for such contract an attestation that affirma-
23 tively discloses any substantial role the offeror, the em-
24 ployees of the offeror, or any corporate parent or sub-
25 sidiary of the offeror may have played in creating a solici-

1 tation, request for proposal, statement of work, or state-
2 ment of objectives (as those terms are defined in the Fed-
3 eral Acquisition Regulation) for the Department.

4 “(b) ADDITIONAL REQUIREMENTS FOR CERTAIN
5 OFFERORS.—If an offeror submits an attestation under
6 subsection (a) that discloses that the offeror, an employee
7 of the offeror, or any corporate parent or subsidiary of
8 the offeror played a substantial role in creating a solicita-
9 tion, request for proposal, statement of work, or statement
10 of objectives for the Department, the Secretary shall re-
11 quire the offeror to submit to the Secretary a description
12 of the safeguards used to ensure that precautions were
13 in place to prevent the offeror from receiving information
14 through such role that could be used to provide the offeror
15 an undue advantage in submitting an offer for a contract.

16 “(c) CERTIFICATION REQUIREMENTS.—

17 “(1) IN GENERAL.—The Secretary shall require
18 any offeror for any contract to provide goods or
19 services to the Department to submit to the Sec-
20 retary as part of the offeror’s bid for such contract
21 a certification in writing whether, as of the date on
22 which the certification is submitted, the offeror—

23 “(A) is in default on any payment of any
24 tax to the Federal Government; or

1 “(B) owes the Federal Government for any
2 payment of any delinquent tax.

3 “(2) FAILURE OF CERTIFICATION.—Nothing in
4 this section shall prevent the Department from
5 awarding a contract to an offeror based solely on the
6 offeror’s certification.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of such Act is further amended by adding
9 at the end of the items relating to such subtitle the fol-
10 lowing:

 “Sec. 838. Integrity in contracting.”.

11 **SEC. 406. SMALL BUSINESS UTILIZATION REPORT.**

12 (a) REPORT.—Not later than 360 days after the date
13 of the enactment of this Act, the Chief Procurement Offi-
14 cer of the Department of Homeland Security shall submit
15 to the Secretary of Homeland Security, the Committee on
16 Homeland Security of the House of Representatives, and
17 the Committee on Homeland Security and Governmental
18 Affairs of the Senate a report that—

19 (1) identifies each component of the Depart-
20 ment for which the aggregate value of contracts
21 awarded in fiscal year 2006 by the component to
22 qualified HUBZone small business concerns and
23 small business concerns owned and controlled by
24 service-disabled veterans was less than 3 percent of

1 the total value of all contracts awarded under the
2 component for that fiscal year; and

3 (2) identifies each component of the Depart-
4 ment for which the aggregate value of contracts
5 awarded in fiscal year 2006 by the component to so-
6 cially or economically disadvantaged small business
7 concerns, including 8(a) small business concerns,
8 and small business concerns owned and controlled by
9 women was less than 5 percent of the total value of
10 all contracts awarded by the component for that fis-
11 cal year.

12 (b) ACTION PLAN.—

13 (1) ACTION PLAN REQUIRED.—Not later than
14 90 days after the date of the submission of the re-
15 port required under subsection (a), the Chief Pro-
16 curement Officer, in consultation with Office of
17 Small and Disadvantaged Businesses Utilization of
18 the Department, shall for each component identified
19 under subsection (a)(1) and (a)(2), develop, submit
20 to the Committees referred to in subsection (a), and
21 begin implementing an action plan for achieving the
22 objective described in subsection (b)(2). An action
23 plan is not required if the component meets or ex-
24 ceeds the objective described in subsection (b)(2).

1 (2) IDENTIFICATION OF BARRIERS.—Each ac-
2 tion plan shall identify and describe any barriers to
3 achieving the objectives of awarding by the compo-
4 nent, for a fiscal year, contracts having an aggregate
5 value of at least 3 percent of the total value of all
6 contracts awarded by the component for the fiscal
7 year to small business concerns identified under sub-
8 section (a)(1) and 5 percent of the total value of all
9 contracts awarded by the component for the fiscal
10 year to small business concerns identified under sub-
11 section (a)(2).

12 (3) PERFORMANCE MEASURES AND TIME-
13 TABLE.—Each action plan submitted under para-
14 graph (1) shall include performance measures and a
15 timetable for compliance and achievement of the ob-
16 jectives described in paragraph (2).

17 (c) DEFINITIONS.—For purposes of this section, the
18 terms “small business concern”, “socially or economically
19 disadvantaged small business concern”, “women owned
20 small business concern”, “small business concern owned
21 and controlled by service-disabled veterans”, “8(a) small
22 business concerns”, and “qualified HUBZone small busi-
23 ness concern” have the meanings given such terms under
24 the Small Business Act (15 U.S.C. 631 et seq.).

1 **SEC. 407. REQUIREMENT THAT UNIFORMS, PROTECTIVE**
2 **GEAR, BADGES, AND IDENTIFICATION CARDS**
3 **OF HOMELAND SECURITY PERSONNEL BE**
4 **MANUFACTURED IN THE UNITED STATES.**

5 (a) IN GENERAL.—Subtitle D of title VIII of the
6 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
7 is further amended by adding at the end the following new
8 section:

9 **“SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PRO-**
10 **CURED FOR DEPARTMENT PERSONNEL BE**
11 **MANUFACTURED IN THE UNITED STATES.**

12 “(a) REQUIREMENT.—Except as provided in section
13 (c), funds appropriated or otherwise available to the De-
14 partment may not be used for the procurement of an arti-
15 cle described in section (b) if the item is not manufactured
16 in the United States.

17 “(b) COVERED ARTICLES.—An article referred to in
18 subsection (a) is any of the following articles procured for
19 personnel of the Department:

20 “(1) Uniforms.

21 “(2) Protective gear.

22 “(3) Badges or other insignia indicating the
23 rank, office, or position of personnel.

24 “(c) AVAILABILITY EXCEPTION.—Subsection (a)
25 does not apply to the extent that the Secretary determines
26 that satisfactory quality and sufficient quantity of the ar-

1 ticle cannot be procured as and when needed at United
2 States market prices. If such a determination is made with
3 respect to an article, the Secretary shall—

4 “(1) notify the Committee on Homeland Secu-
5 rity of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Af-
7 fairs of the Senate within 7 days after making the
8 determination; and

9 “(2) include in that notification a certification
10 that manufacturing the article outside the United
11 States does not pose a risk to the national security
12 of the United States, as well as a detailed expla-
13 nation of the steps any facility outside the United
14 States that is manufacturing the article will be re-
15 quired to take to ensure that the materials, patterns,
16 logos, designs, or any other element used in or for
17 the article are not misappropriated.

18 “(d) OTHER EXCEPTIONS.—Subsection (a) does not
19 apply—

20 “(1) to acquisitions at or below the simplified
21 acquisition threshold (as defined in section 4 of the
22 Office of Federal Procurement Policy Act (41 U.S.C.
23 403)); and

24 “(2) to acquisitions outside the United States
25 for use outside of the United States.

1 “(e) USE OF DOMESTIC TEXTILES.—For fiscal year
2 2008 and each subsequent fiscal year, the Secretary shall
3 take all available steps to ensure that, to the maximum
4 extent practicable, the items described in subsection (b)
5 procured by the Department are manufactured using do-
6 mestic textiles.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
8 tents in section 1(b) of the Homeland Security Act of
9 2002 is amended by adding at the end of the items relat-
10 ing to such subtitle the following new item:

“Sec. 839. Requirement that certain articles procured for Department per-
sonnel be manufactured in the United States.”.

11 (c) APPLICABILITY.—The amendments made by this
12 section take effect 120 days after the date of the enact-
13 ment of this Act and apply to any contract entered into
14 on or after that date for the procurement of items to which
15 such amendments apply.

16 **SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-**
17 **PROTÉGÉ PROGRAM.**

18 (a) ESTABLISHMENT.—The Secretary of Homeland
19 Security shall establish within the Department of Home-
20 land Security’s Office of Small and Disadvantaged Busi-
21 ness Utilization a Mentor-Protégé Program, which shall
22 motivate and encourage prime contractors that are large
23 businesses to provide developmental assistance to small
24 business concerns, small business concerns owned and con-

1 trolled by veterans, small business concerns owned and
2 controlled by service-disabled veterans, HUBZone small
3 business concerns, small business concerns owned by so-
4 cially and economically disadvantaged individuals, and
5 small business concerns owned and controlled by women.

6 (b) PARTICIPATION BY CONTRACTORS AND
7 OFFERORS.—The Secretary shall take affirmative steps to
8 publicize and to ensure that Department contractors and
9 offerors are fully aware of and are participating in the
10 Mentor-Protégé Program, including that their efforts to
11 seek and develop a formal Mentor-Protégé relationship will
12 be a factor in the evaluation of bids or offers for Depart-
13 ment contracts.

14 (c) FACTOR IN EVALUATION OF OFFERS.—When
15 evaluating the offer of a contractor, the Secretary of
16 Homeland Security shall consider, among the other factors
17 the Secretary deems relevant, that offeror’s efforts to seek
18 and develop a formal Mentor-Protégé relationship under
19 the Mentor-Protégé Program.

20 (d) REVIEW BY INSPECTOR GENERAL.—The Inspec-
21 tor General of the Department of Homeland Security shall
22 conduct a review of the Mentor-Protégé Program. Such
23 review shall include—

24 (1) an assessment of the program’s effective-
25 ness;

1 (2) identification of any barriers that restrict
2 contractors from participating in the program;

3 (3) a comparison of the program with the De-
4 partment of Defense Mentor-Protégé Program; and

5 (4) development of recommendations to
6 strengthen the program to include the maximum
7 number of contractors as possible.

8 **SEC. 409. REPORT ON SOURCE OF SHORTFALLS AT FED-**
9 **ERAL PROTECTIVE SERVICE.**

10 Consistent with any applicable law, the Secretary of
11 Homeland Security may not conduct a reduction in force
12 or furlough of the workforce of the Federal Protective
13 Service until—

14 (1) the Comptroller General of the United
15 States submits to the Committees on Homeland Se-
16 curity and Transportation and Infrastructure of the
17 House of Representatives and the Committee on
18 Homeland Security and Governmental Affairs of the
19 Senate the report on the source of shortfalls at the
20 Federal Protective Service that was requested by the
21 Committee on Homeland Security and Governmental
22 Affairs of the Senate; and

23 (2) the Committee on Homeland Security and
24 Governmental Affairs of the Senate and the Com-
25 mittees on Homeland Security and Transportation

1 and Infrastructure of the House of Representatives
2 have conducted hearings on such report.

3 **TITLE V—WORKFORCE AND**
4 **TRAINING IMPROVEMENTS**

5 **SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER**
6 **PAY EQUITY.**

7 (a) DEFINITIONS.—For purposes of this section:

8 (1) The term “Government retirement system”
9 means a retirement system established by law for
10 employees of the Government of the United States.

11 (2) The term “Customs and Border Protection
12 Officer position” refers to any Customs and Border
13 Protection Officer position—

14 (A) which is within the Department of
15 Homeland Security, and

16 (B) the primary duties of which consist of
17 enforcing the border, customs, or agriculture
18 laws of the United States;

19 such term includes a supervisory or administrative
20 position within the Department of Homeland Secu-
21 rity to which an individual transfers directly from a
22 position described in the preceding provisions of this
23 paragraph in which such individual served for at
24 least three years.

1 (3) The term “law enforcement officer” has the
2 meaning given such term under the Government re-
3 tirement system involved.

4 (4) The term “Executive agency” or “agency”
5 has the meaning given under section 105 of title 5,
6 United States Code.

7 (5) The term “prior qualified service” means
8 service as a Customs and Border Protection Officer
9 within the Department of Homeland Security, since
10 its establishment in March 2003.

11 (b) TREATMENT AS A LAW ENFORCEMENT OFFI-
12 CER.—In the administration of any Government retire-
13 ment system, service in a Customs and Border Protection
14 Officer position shall be treated in the same way as service
15 performed in a law enforcement officer position, subject
16 to succeeding provisions of this section.

17 (c) APPLICABILITY.—Subsection (b) shall apply in
18 the case of—

19 (1) any individual first appointed to a Customs
20 and Border Protection Officer position on or after
21 the date of the enactment of this Act; and

22 (2) any individual who—

23 (A) holds a Customs and Border Protec-
24 tion Officer position on the date of the enact-

1 ment of this Act pursuant to an appointment
2 made before such date; and

3 (B) who submits to the agency admin-
4 istering the retirement system involved an ap-
5 propriate election under this section, not later
6 than five years after the date of the enactment
7 of this Act or before separation from Govern-
8 ment service, whichever is earlier.

9 (d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALI-
10 FIED SERVICE.—

11 (1) IN GENERAL.—An individual described in
12 subsection (c)(2)(B) may, with respect to prior
13 qualified service performed by such individual, con-
14 tribute to the Government retirement system by
15 which such individual is covered (for deposit in the
16 appropriate fund within the Treasury) the difference
17 between the individual contributions that were actu-
18 ally made for such service and the individual con-
19 tributions that should have been made for such serv-
20 ice if subsection (b) had then been in effect (with in-
21 terest).

22 (2) EFFECT OF NOT CONTRIBUTING.—If less
23 than the full contribution under paragraph (1) is
24 made, all prior qualified service of the individual
25 shall remain fully creditable as law enforcement offi-

1 cer service, but the resulting annuity (before cost-of-
2 living adjustments) shall be reduced in a manner
3 such that, when combined with the unpaid amount,
4 would result in the present value of the total being
5 actuarially equivalent to the present value of the an-
6 nuity that would otherwise have been payable if the
7 full contribution had been made.

8 (e) GOVERNMENT CONTRIBUTIONS FOR PRIOR
9 QUALIFIED SERVICE.—

10 (1) IN GENERAL.—If an individual makes an
11 election under subsection (c)(2)(B), the Department
12 of Homeland Security shall remit, with respect to
13 any prior qualified service, the total amount of addi-
14 tional Government contributions that would have
15 been required for such service under the retirement
16 system involved if subsection (b) had then been in
17 effect (with interest).

18 (2) CONTRIBUTIONS TO BE MADE RATABLY.—
19 Government contributions under this subsection on
20 behalf of an individual shall be made ratably (on at
21 least an annual basis) over the ten-year period be-
22 ginning on the date an individual's retirement de-
23 ductions begin to be made.

24 (f) EXEMPTION FROM MANDATORY SEPARATION.—
25 Effective during the three-year period beginning on the

1 date of the enactment of this Act, nothing in this section
2 shall result in any individual being involuntarily separated
3 on account of the provisions of any retirement system re-
4 lating to the mandatory separation of a law enforcement
5 officer on account of age or age and service combined.

6 (g) COMPTROLLER GENERAL REPORT.—The Comp-
7 troller General shall conduct a comprehensive review of the
8 retirement system for law enforcement officers employed
9 by the Federal Government. The review shall include all
10 employees categorized as law enforcement officers for pur-
11 poses of retirement and any other Federal employee per-
12 forming law enforcement officer duties not so categorized.
13 In carrying out the review, the Comptroller General shall
14 review legislative proposals introduced over the 10 years
15 preceding the date of the enactment of this Act that are
16 relevant to the issue law enforcement retirement and con-
17 sult with law enforcement agencies and law enforcement
18 employee representatives. Not later than August 1, 2007,
19 the Comptroller General shall submit to Congress a report
20 on the findings of such review. The report shall include
21 each of the following:

22 (1) An assessment of the reasons and goals for
23 the establishment of the separate retirement system
24 for law enforcement officers, as defined in section
25 8331 of title 5, United States Code, including the

1 need for young and vigorous law enforcement offi-
2 cers, and whether such reasons and goals are cur-
3 rently appropriate.

4 (2) An assessment of the more recent reasons
5 given for including additional groups of employees in
6 such system, including recruitment and retention,
7 and whether such reasons and goals are currently
8 appropriate.

9 (3) A determination as to whether the system
10 is achieving the goals in (1) and (2).

11 (4) A summary of potential alternatives to the
12 system, including increased use of bonuses, in-
13 creased pay, and raising the mandatory retirement
14 age, and a recommendation as to which alternatives
15 would best meet each goal defined in (1) and (2), in-
16 cluding legislative recommendations if necessary.

17 (5) A recommendation for the definition of law
18 enforcement officer.

19 (6) An detailed review of the current system in-
20 cluding its mandatory retirement age and benefit ac-
21 crual.

22 (7) A recommendation as to whether the law
23 enforcement officer category should be made at the
24 employee, function and duty, job classification, agen-
25 cy or other level, and by whom.

1 (8) Any other relevant information.

2 (h) **RULE OF CONSTRUCTION.**—Nothing in this sec-
3 tion shall be considered to apply in the case of a reem-
4 ployed annuitant.

5 (i) **REGULATIONS.**—Any regulations necessary to
6 carry out this section shall be prescribed in consultation
7 with the Secretary of Homeland Security.

8 **SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORI-**
9 **TIES IN VARIOUS CATEGORIES OF EMPLOY-**
10 **MENT.**

11 (a) **PLAN FOR IMPROVING REPRESENTATION OF MI-**
12 **NORITIES.**—Not later than 90 days after the date of the
13 enactment of this Act, the Chief Human Capital Officer
14 of the Department of Homeland Security shall prepare
15 and transmit to the Committee on Homeland Security and
16 the Committee on Oversight and Government Reform of
17 the House of Representatives, the Committee on Home-
18 land Security and Governmental Affairs of the Senate,
19 and the Comptroller General of the United States a plan
20 to achieve the objective of addressing any under represen-
21 tation of minorities in the various categories of civil service
22 employment within such Department. Such plan shall
23 identify and describe any barriers to achieving the objec-
24 tive described in the preceding sentence and the strategies
25 and measures included in the plan to overcome them.

1 (b) ASSESSMENTS.—Not later than 1 year after re-
2 ceiving the plan, the Comptroller General of the United
3 States shall assess—

4 (1) any programs and other measures currently
5 being implemented to achieve the objective described
6 in the first sentence of subsection (a); and

7 (2) the likelihood that the plan will allow the
8 Department to achieve such objective.

9 (c) DEFINITIONS.—For purposes of this section—

10 (1) the term “under representation” means
11 when the members of a minority group within a cat-
12 egory of Federal civil service employment constitute
13 a lower percentage of the total number of employees
14 within the employment category than the percentage
15 that the minority constitutes within the labor force
16 of the Federal Government, according to statistics
17 issued by the Office of Personnel Management;

18 (2) the term “minority groups” or “minorities”
19 means—

20 (A) racial and ethnic minorities;

21 (B) women; and

22 (C) individuals with disabilities; and

23 (3) the term “category of civil service employ-
24 ment” means—

1 (A) each pay grade, pay band, or other
2 classification of every pay schedule and all other
3 levels of pay applicable to the Department of
4 Homeland Security; and

5 (B) such occupational, professional, or
6 other groupings (including occupational series)
7 as the Chief Human Capital Officer of the De-
8 partment of Homeland Security may specify, in
9 the plan described in subsection (a), in order to
10 carry out the purposes of this section.

11 **SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL**
12 **LAW ENFORCEMENT TRAINING CENTER TO**
13 **APPOINT AND MAINTAIN A CADRE OF FED-**
14 **ERAL ANNUITANTS.**

15 Section 1202(a) of the 2002 Supplemental Appro-
16 priations Act for Further Recovery From and Response
17 To Terrorist Attacks on the United States (42 U.S.C.
18 3771 note) is amended in the first sentence by striking
19 “December 31, 2007” and inserting “December 31,
20 2008”.

21 **SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**
22 **OF FEDERAL ANNUITANTS FOR CUSTOMS**
23 **AND BORDER PROTECTION.**

24 (a) DEFINITIONS.—For purposes of this section—

1 (1) the term “CBP” means the United States
2 Customs and Border Protection;

3 (2) the term “annuitant” means an annuitant
4 under a Government retirement system;

5 (3) the term “Government retirement system”
6 has the meaning given such term by section 501(a);
7 and

8 (4) the term “employee” has the meaning given
9 such term by section 2105 of title 5, United States
10 Code.

11 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
12 ing through the Commissioner of the United States Cus-
13 toms and Border Protection) may, for the purpose of ac-
14 celerating the ability of the CBP to secure the borders
15 of the United States, appoint annuitants to positions in
16 the CBP in accordance with succeeding provisions of this
17 section, except that no authority under this subsection
18 shall be available unless the Secretary provides to Con-
19 gress a certification that—

20 (1) the Secretary has submitted a request
21 under section 8344(i) or 8468(f) of title 5, United
22 States Code, on or after the date of the enactment
23 of this Act, with respect to positions in the CBP;

24 (2) the request described in paragraph (1) was
25 properly filed; and

1 (3) the Office of Personnel Management has
2 not responded to the request described in paragraph
3 (1), by either approving, denying, or seeking more
4 information regarding such request, within 90 days
5 after the date on which such request was filed.

6 (c) NONCOMPETITIVE PROCEDURES; EXEMPTION
7 FROM OFFSET.—An appointment made under subsection
8 (b) shall not be subject to the provisions of title 5, United
9 States Code, governing appointments in the competitive
10 service, and any annuitant serving pursuant to such an
11 appointment shall be exempt from sections 8344 and 8468
12 of such title 5 (relating to annuities and pay on reemploy-
13 ment) and any other similar provision of law under a Gov-
14 ernment retirement system.

15 (d) LIMITATIONS.—No appointment under subsection
16 (b) may be made if such appointment would result in the
17 displacement of any employee or would cause the total
18 number of positions filled by annuitants appointed under
19 such subsection to exceed 500 as of any time (determined
20 on a full-time equivalent basis).

21 (e) RULE OF CONSTRUCTION.—An annuitant as to
22 whom an exemption under subsection (c) is in effect shall
23 not be considered an employee for purposes of any Govern-
24 ment retirement system.

1 (f) TERMINATION OF AUTHORITY.—Effective 2 years
2 after the date of the enactment of this Act—

3 (1) all authority to make appointments under
4 subsection (b) shall cease to be available; and

5 (2) all exemptions under subsection (c) shall
6 cease to be effective.

7 **SEC. 505. STRENGTHENING BORDER PATROL RECRUIT-**
8 **MENT AND RETENTION.**

9 (a) IN GENERAL.—In order to address the recruit-
10 ment and retention challenges faced by United States Cus-
11 toms and Border Protection, the Secretary of Homeland
12 Security shall establish a plan, consistent with existing
13 Federal statutes and Office of Personnel Management
14 Regulations and Guidelines applicable to pay, recruitment,
15 relocation, and retention of Federal law enforcement offi-
16 cers. Such plan shall include the following components:

17 (1) The establishment of a recruitment incen-
18 tive for Border Patrol agents, including the estab-
19 lishment of a foreign language incentive award.

20 (2) The establishment of a retention plan, in-
21 cluding the payment of bonuses to Border Patrol
22 agents for every year of service after the first two
23 years of service.

24 (3) An increase in the pay percentage differen-
25 tials to Border Patrol agents in certain high-cost

1 areas, as determined by the Secretary, consistent
2 with entry-level pay to other Federal, State, and
3 local law enforcement agencies.

4 (4) The establishment of a mechanism whereby
5 Border Patrol agents can transfer from one location
6 to another after the first two years of service in
7 their initial duty location.

8 (5) The establishment of quarterly goals for the
9 recruitment of new Border Patrol agents, including
10 goals for the number of recruits entering Border Pa-
11 trol training, and the number of recruits who suc-
12 cessfully complete such training and become Border
13 Patrol agents.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than the first cal-
16 endar quarter after the date of the enactment of this
17 Act and every calendar quarter thereafter, the Sec-
18 retary of Homeland Security shall submit to the
19 Committee on Homeland Security of the House of
20 Representatives and the Committee on Homeland
21 Security and Governmental Affairs of the Senate a
22 report identifying whether the quarterly goals for
23 the recruitment of new Border Patrol agents estab-
24 lished under subsection (a)(5) were met, and an up-

1 date on the status of recruitment efforts and attri-
2 tion rates among Border Patrol agents.

3 (2) CONTENTS OF REPORT.—The report re-
4 quired under paragraph (1) shall contain, at a min-
5 imum, the following with respect to each calendar
6 quarter:

7 (A) The number of recruits who enter Bor-
8 der Patrol training.

9 (B) The number of recruits who success-
10 fully complete such training and become Border
11 Patrol agents.

12 (C) The number of Border Patrol agents
13 who are lost to attrition.

14 **SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO**
15 **CERTAIN DETAILEES.**

16 In the case of an individual assigned to the Depart-
17 ment of Homeland Security as a detailee under an ar-
18 rangement described in subchapter VI of chapter 33 of
19 title 5, United States Code, the maximum reimbursement
20 by the Department of Homeland Security which may be
21 made under section 3374(c) of such title with respect to
22 such individual for the period of the assignment (including
23 for any employee benefits) may not exceed the total
24 amount of basic pay that would have been payable for such
25 period if such individual had been paid, at the highest rate

1 allowable under section 5382 of such title, as a member
2 of the Senior Executive Service.

3 **SEC. 507. INCREASED SECURITY SCREENING OF HOME-**
4 **LAND SECURITY OFFICIALS.**

5 (a) REVIEW REQUIRED.—Not later than 90 days
6 after the date of enactment of this Act, the Secretary of
7 Homeland Security shall conduct a Department-wide re-
8 view of the Department of Homeland Security security
9 clearance and suitability review procedures for Depart-
10 ment employees and contractors, as well as individuals in
11 State and local government agencies and private sector en-
12 tities with a need to receive classified information.

13 (b) STRENGTHENING OF SECURITY SCREENING
14 POLICIES.—

15 (1) IN GENERAL.—Based on the findings of the
16 review conducted under subsection (a), the Secretary
17 shall, as appropriate, take all necessary steps to
18 strengthen the Department's security screening poli-
19 cies, including consolidating the security clearance
20 investigative authority at the headquarters of the
21 Department.

22 (2) ELEMENTS.—In strengthening security
23 screening policies under paragraph (1), the Sec-
24 retary shall consider whether and where appropriate
25 ensure that—

1 (A) all components of the Department of
2 Homeland Security meet or exceed Federal and
3 Departmental standards for security clearance
4 investigations, adjudications, and suitability re-
5 views;

6 (B) the Department has a cadre of well-
7 trained adjudicators and the Department has in
8 place a program to train and oversee adjudica-
9 tors; and

10 (C) suitability reviews are conducted for all
11 Department of Homeland Security employees
12 who transfer from a component of the Depart-
13 ment to the headquarters of the Departmental.

14 **SEC. 508. AUTHORITIES OF CHIEF SECURITY OFFICER.**

15 (a) ESTABLISHMENT.—Title VII of the Homeland
16 Security Act of 2002 (6 U.S.C. 341 et seq.) is further
17 amended by adding at the end the following:

18 **“SEC. 708. CHIEF SECURITY OFFICER.**

19 “(a) ESTABLISHMENT.—There is in the Department
20 a Chief Security Officer.

21 “(b) RESPONSIBILITIES.—The Chief Security Officer
22 shall—

23 “(1) have responsibility for overall Department-
24 wide security activities, including issuing and confis-
25 cating credentials, controlling access to and dis-

1 posing of classified and sensitive but unclassified
2 materials, controlling access to sensitive areas and
3 Secured Compartmentalized Intelligence Facilities,
4 and communicating with other government agencies
5 on the status of security clearances and security
6 clearance applications;

7 “(2) ensure that each component of the Depart-
8 ment complies with Federal standards for security
9 clearances and background investigations;

10 “(3) ensure, to the greatest extent practicable,
11 that individuals in State and local government agen-
12 cies and private sector entities with a need to receive
13 classified information, receive the appropriate clear-
14 ances in a timely fashion; and

15 “(4) perform all other functions as determined
16 by the Secretary.”.

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

“Sec. 708. Chief Security Officer.”.

20 **SEC. 509. DEPARTMENTAL CULTURE IMPROVEMENT.**

21 (a) CONSIDERATION REQUIRED.—The Secretary of
22 Homeland Security, acting through the Chief Human Cap-
23 ital Officer, shall consider implementing recommendations
24 set forth in the Homeland Security Advisory Council Cul-
25 ture Task Force Report of January 2007.

1 (b) IDENTIFICATION OF TERMS.—As part of this
2 consideration, the Secretary, acting through the Chief
3 Human Capital Officer, shall identify an appropriate term,
4 as among “workforce”, “personnel”, and “employee”, to
5 replace “human capital” and integrate its use throughout
6 the operations, policies, and programs of the Department
7 of Homeland Security.

8 **SEC. 510. HOMELAND SECURITY EDUCATION PROGRAM EN-**
9 **HANCEMENTS.**

10 Section 845(b) of the Homeland Security Act of 2002
11 (6 U.S.C. 415(b)) is amended to read as follows:

12 “(b) LEVERAGING OF EXISTING RESOURCES.—To
13 maximize efficiency and effectiveness in carrying out the
14 Program, the Administrator shall use curricula modeled
15 on existing Department-reviewed Master’s Degree cur-
16 ricula in homeland security, including curricula pending
17 accreditation, together with associated learning materials,
18 quality assessment tools, digital libraries, asynchronous
19 distance learning, video conferencing, exercise systems,
20 and other educational facilities, including the National Do-
21 mestic Preparedness Consortium, the National Fire Acad-
22 emy, and the Emergency Management Institute. The Ad-
23 ministrator may develop additional educational programs,
24 as appropriate.”.

1 **SEC. 511. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED**
2 **STATES CODE.**

3 (a) REPEAL.—

4 (1) IN GENERAL.—Effective as of the date
5 specified in section 4 of the Homeland Security Act
6 of 2002 (6 U.S.C. 101 note), chapter 97 of title 5,
7 United States Code (as added by section 841(a)(2)
8 of such Act), section 841(b)(3) of such Act, and sub-
9 sections (c) and (e) of section 842 of such Act are
10 repealed.

11 (2) REGULATIONS.—Any regulations prescribed
12 under authority of chapter 97 of title 5, United
13 States Code, are void ab initio.

14 (b) CLERICAL AMENDMENT.—The table of chapters
15 for part III of title 5, United States Code, is amended
16 by striking the item relating to chapter 97.

17 **SEC. 512. UTILIZATION OF NON-LAW ENFORCEMENT FED-**
18 **ERAL EMPLOYEES AS INSTRUCTORS FOR**
19 **NON-LAW ENFORCEMENT CLASSES AT THE**
20 **BORDER PATROL TRAINING ACADEMY.**

21 The Director of the Federal Law Enforcement Train-
22 ing Center (FLETC) of the Department of Homeland Se-
23 curity, in consultation with the Chief of the Border Patrol,
24 is authorized to select appropriate employees of the Fed-
25 eral Government other than law enforcement officers (as

1 defined in section 8401(17) of title 5, United States Code)
2 to serve as instructors of non-law enforcement classes.

3 **SEC. 513. TERMINATION OF EMPLOYMENT OF VOLUNTEER**
4 **FIREFIGHTERS AND EMERGENCY MEDICAL**
5 **PERSONNEL PROHIBITED.**

6 (a) TERMINATION PROHIBITED.—

7 (1) IN GENERAL.—No employee may be termi-
8 nated, demoted, or in any other manner discrimi-
9 nated against in the terms and conditions of employ-
10 ment because such employee is absent from or late
11 to the employee's employment for the purpose of
12 serving as a volunteer firefighter or providing volun-
13 teer emergency medical services as part of a re-
14 sponse to an emergency or major disaster.

15 (2) DEPLOYMENT.—The prohibition in para-
16 graph (1) shall apply to an employee serving as a
17 volunteer firefighter or providing volunteer emer-
18 gency medical services if such employee—

19 (A) is specifically deployed to respond to
20 the emergency or major disaster in accordance
21 with a coordinated national deployment system
22 such as the Emergency Management Assistance
23 Compact or a pre-existing mutual aid agree-
24 ment; or

25 (B) is a volunteer firefighter who—

1 (i) is a member of a qualified volun-
2 teer fire department that is located in the
3 State in which the emergency or major dis-
4 aster occurred;

5 (ii) is not a member of a qualified fire
6 department that has a mutual aid agree-
7 ment with a community affected by such
8 emergency or major disaster; and

9 (iii) has been deployed by the emer-
10 gency management agency of such State to
11 respond to such emergency or major dis-
12 aster.

13 (3) LIMITATIONS.—The prohibition in para-
14 graph (1) shall not apply to an employee who—

15 (A) is absent from the employee’s employ-
16 ment for the purpose described in paragraph
17 (1) for more than 14 days per calendar year;

18 (B) responds to the emergency or major
19 disaster without being officially deployed as de-
20 scribed in paragraph (2); or

21 (C) fails to provide the written verification
22 described in paragraph (5) within a reasonable
23 period of time.

24 (4) WITHHOLDING OF PAY.—An employer may
25 reduce an employee’s regular pay for any time that

1 the employee is absent from the employee's employ-
2 ment for the purpose described in paragraph (1).

3 (5) VERIFICATION.—An employer may require
4 an employee to provide a written verification from
5 the official of the Federal Emergency Management
6 Agency supervising the Federal response to the
7 emergency or major disaster or a local or State offi-
8 cial managing the local or State response to the
9 emergency or major disaster that states—

10 (A) the employee responded to the emer-
11 gency or major disaster in an official capacity;
12 and

13 (B) the schedule and dates of the employ-
14 ee's participation in such response.

15 (6) REASONABLE NOTICE REQUIRED.—An em-
16 ployee who may be absent from or late to the em-
17 ployee's employment for the purpose described in
18 paragraph (1) shall—

19 (A) make a reasonable effort to notify the
20 employee's employer of such absence; and

21 (B) continue to provide reasonable notifi-
22 cations over the course of such absence.

23 (b) RIGHT OF ACTION.—

24 (1) RIGHT OF ACTION.—An individual who has
25 been terminated, demoted, or in any other manner

1 discriminated against in the terms and conditions of
2 employment in violation of the prohibition described
3 in subsection (a) may bring, in a district court of
4 the United States of appropriate jurisdiction, a civil
5 action against individual's employer seeking—

6 (A) reinstatement of the individual's
7 former employment;

8 (B) payment of back wages;

9 (C) reinstatement of benefits; and

10 (D) if the employment granted seniority
11 rights, reinstatement of seniority rights.

12 (2) LIMITATION.—The individual shall com-
13 mence a civil action under this section not later than
14 1 year after the date of the violation of the prohibi-
15 tion described in subsection (a).

16 (c) STUDY AND REPORT.—

17 (1) STUDY.—The Secretary of Labor shall con-
18 duct a study on the impact that the requirements of
19 this section could have on the employers of volunteer
20 firefighters or individuals who provide volunteer
21 emergency medical services and who may be called
22 on to respond to an emergency or major disaster.

23 (2) REPORT.—Not later than 12 months after
24 the date of the enactment of this Act, the Secretary
25 of Labor shall submit a report of the study con-

1 ducted under paragraph (1) to the Committee on
2 Health, Education, Labor, and Pensions and the
3 Committee on Small Business and Entrepreneurship
4 of the Senate and the Committee on Education and
5 the Workforce and the Committee on Small Business
6 of the House of Representatives.

7 (d) DEFINITIONS.—In this section—

8 (1) the term “emergency” has the meaning
9 given such term in section 102 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5122);

12 (2) the term “major disaster” has the meanings
13 given such term in section 102 of the Robert T.
14 Stafford Disaster Relief and Emergency Assistance
15 Act (42 U.S.C. 5122);

16 (3) the term “qualified volunteer fire depart-
17 ment” has the meaning given such term in section
18 150(e) of the Internal Revenue Code of 1986;

19 (4) the term “volunteer emergency medical
20 services” means emergency medical services per-
21 formed on a voluntary basis for a fire department or
22 other emergency organization; and

23 (5) the term “volunteer firefighter” means an
24 individual who is a member in good standing of a
25 qualified volunteer fire department.

1 **TITLE VI—BIOPREPAREDNESS**
2 **IMPROVEMENTS**

3 **SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF**
4 **HEALTH AFFAIRS.**

5 Section 516 of the Homeland Security Act of 2002
6 (6 U.S.C. 321e) is amended to read as follows:

7 **“SEC. 516. CHIEF MEDICAL OFFICER.**

8 “(a) **IN GENERAL.**—There is in the Department a
9 Chief Medical Officer, who shall be appointed by the Presi-
10 dent, by and with the advice and consent of the Senate,
11 and shall have the rank and title of Assistant Secretary
12 for Health Affairs and Chief Medical Officer (in this sec-
13 tion referred to as the ‘Chief Medical Officer’).

14 “(b) **OFFICE OF HEALTH AFFAIRS.**—There is in the
15 Department an Office of Health Affairs, which shall be
16 headed by the Chief Medical Officer.

17 “(c) **QUALIFICATIONS.**—The individual appointed as
18 the Chief Medical Officer shall possess a demonstrated
19 ability in and knowledge of medicine, public health, and
20 the treatment of illnesses caused by chemical, biological,
21 nuclear, and radiological agents.

22 “(d) **RESPONSIBILITIES.**—The Chief Medical Officer
23 shall have the primary responsibility within the Depart-
24 ment for medical and health issues related to the general
25 roles, responsibilities, and operations of the Department,

1 and terrorist attacks, major disasters, and other emer-
2 gencies, including—

3 “(1) serving as the principal advisor to the Sec-
4 retary and leading the Department’s medical care,
5 public health, food, water, veterinary care, and agro-
6 security and defense responsibilities;

7 “(2) providing oversight for all medically-re-
8 lated actions and protocols of the Department’s
9 medical personnel;

10 “(3) administering the Department’s respon-
11 sibilities for medical readiness, including—

12 “(A) planning and guidance to support im-
13 provements in local training, equipment, and
14 exercises funded by the Department; and

15 “(B) consistent with the National Re-
16 sponse Plan established pursuant to Homeland
17 Security Presidential Directive 8, assisting in
18 fulfilling the Department’s roles in related
19 emergency support functions;

20 “(4) serving as the Department’s primary point
21 of contact with the Department of Agriculture, the
22 Department of Defense, the Department of Health
23 and Human Services, the Department of Transpor-
24 tation, the Department of Veterans Affairs, and
25 other Federal departments and agencies, on all mat-

1 ters of medical and public health to ensure coordina-
2 tion consistent with the National Response Plan;

3 “(5) serving as the Department’s primary point
4 of contact for State, local, tribal, and territorial gov-
5 ernments, the medical community, and the private
6 sector, to ensure that medical readiness and re-
7 sponse activities are coordinated and consistent with
8 the National Response Plan and the Secretary’s inci-
9 dent management requirements;

10 “(6) managing the Department’s biodefense
11 and biosurveillance activities including the National
12 Biosurveillance Integration System, and the Depart-
13 ments responsibilities under Project BioShield in co-
14 ordination with the Under Secretary of Science and
15 Technology as appropriate;

16 “(7) assuring that the Department’s workforce
17 has science-based policy, standards, requirements,
18 and metrics for occupational safety and health;

19 “(8) supporting the operational requirements of
20 the Department’s components with respect to protec-
21 tive medicine and tactical medical support;

22 “(9) developing, in coordination with appro-
23 priate Department entities and other appropriate
24 Federal agencies, end-to-end plans for prevention,
25 readiness, protection, response, and recovery from

1 catastrophic events with human, animal, agricul-
2 tural, or environmental health consequences;

3 “(10) integrating into the end-to-end plans de-
4 veloped under paragraph (9), Department of Health
5 and Human Services’ efforts to identify and deploy
6 medical assets (including human, fixed, and material
7 assets) used in preparation for or response to na-
8 tional disasters and catastrophes, and to enable ac-
9 cess to patient electronic medical records by medical
10 personnel to aid treatment of displaced persons in
11 such circumstance, in order to assure that actions of
12 both Departments are combined for maximum effec-
13 tiveness during an emergency consistent with the
14 National Response Plan and applicable emergency
15 support functions;

16 “(11) performing other duties relating to such
17 responsibilities as the Secretary may require; and

18 “(12) directing and maintaining a coordinated
19 system for medical support of the Department’s
20 operational activities.”.

21 **SEC. 602. IMPROVING THE MATERIAL THREATS PROCESS.**

22 (a) IN GENERAL.—Section 319F–2(c)(2)(A) of the
23 Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(A))
24 is amended—

1 (1) by redesignating clauses (i) and (ii) as sub-
2 clauses (I) and (II), respectively;

3 (2) by moving each of such subclauses two ems
4 to the right;

5 (3) by striking “(A) MATERIAL THREAT.—The
6 Homeland Security Secretary” and inserting the fol-
7 lowing:

8 “(A) MATERIAL THREAT.—

9 “(i) IN GENERAL.—The Secretary of
10 Homeland Security”; and

11 (4) by adding at the end the following clauses:

12 “(ii) USE OF EXISTING RISK ASSESS-
13 MENTS.—For the purpose of satisfying the
14 requirements of clause (i) as expeditiously
15 as possible, the Secretary of Homeland Se-
16 curity shall, as practicable, utilize existing
17 risk assessments that the Secretary of
18 Homeland Security, in consultation with
19 the Secretaries of Health and Human
20 Services, Defense, and Agriculture, and the
21 heads of other appropriate Federal agen-
22 cies, considers credible.

23 “(iii) ORDER OF ASSESSMENTS.—

24 “(I) GROUPINGS TO FACILITATE
25 ASSESSMENT OF COUNTER-

1 MEASURES.—In conducting threat as-
2 sements and determinations under
3 clause (i) of chemical, biological, radi-
4 ological, and nuclear agents, the Sec-
5 retary of Homeland Security shall, to
6 the extent practicable and appro-
7 priate, consider the completion of such
8 assessments and determinations for
9 groups of agents toward the goal of
10 facilitating the assessment of counter-
11 measures under paragraph (3) by the
12 Secretary of Health and Human Serv-
13 ices.

14 “(II) CATEGORIES OF COUNTER-
15 MEASURES.—The grouping of agents
16 under subclause (I) by the Secretary
17 of Homeland Security shall be de-
18 signed to facilitate assessments under
19 paragraph (3) by the Secretary of
20 Health and Human Services regarding
21 the following two categories of coun-
22 termeasures:

23 “(aa) Countermeasures that
24 may address more than one

1 agent identified under clause
2 (i)(II).

3 “(bb) Countermeasures that
4 may address adverse health con-
5 sequences that are common to
6 exposure to different agents.

7 “(III) RULE OF CONSTRUC-
8 TION.—A particular grouping of
9 agents pursuant to subclause (II) is
10 not required under such subclause to
11 facilitate assessments of both cat-
12 egories of countermeasures described
13 in such subclause. A grouping may
14 concern one category and not the
15 other.

16 “(iv) DEADLINE FOR COMPLETION OF
17 CERTAIN MATERIAL THREAT DETERMINA-
18 TIONS.—With respect to chemical, biologi-
19 cal, radiological, and nuclear agents known
20 to the Secretary of Homeland Security as
21 of the day before the date of the enactment
22 of this clause, and which such Secretary
23 considers to be capable of significantly af-
24 fecting national security, such Secretary
25 shall complete the determinations under

1 clause (i)(II) not later than December 31,
2 2007.

3 “(v) REPORT TO CONGRESS.—Not
4 later than 30 days after the date on which
5 the Secretary of Homeland Security com-
6 pletes a material threat assessment under
7 clause (i), the Secretary shall submit to
8 Congress a report containing the results of
9 such assessment.

10 “(vi) DEFINITION.—For purposes of
11 this subparagraph, the term ‘risk assess-
12 ment’ means a scientific, technically-based
13 analysis of agents that incorporates threat,
14 vulnerability, and consequence informa-
15 tion.”.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
17 521(d) of the Homeland Security Act of 2002 (6 U.S.C.
18 321j(d)) is amended—

19 (1) in paragraph (1), by striking “2006,” and
20 inserting “2009,”; and

21 (2) by adding at the end the following:

22 “(3) ADDITIONAL AUTHORIZATION OF APPRO-
23 PRIATIONS REGARDING CERTAIN THREAT ASSESS-
24 MENTS.—For the purpose of providing an additional
25 amount to the Secretary to assist the Secretary in

1 meeting the requirements of clause (iv) of section
2 319F–2(c)(2)(A) of the Public Health Service Act
3 (relating to time frames), there are authorized to be
4 appropriated such sums as may be necessary for fis-
5 cal year 2008, in addition to the authorization of ap-
6 propriations established in paragraph (1). The pur-
7 poses for which such additional amount may be ex-
8 pended include conducting risk assessments regard-
9 ing clause (i)(II) of such section when there are no
10 existing risk assessments that the Secretary con-
11 siders credible.”.

12 **SEC. 603. STUDY ON NATIONAL BIODEFENSE TRAINING.**

13 (a) **STUDY REQUIRED.**—The Secretary of Homeland
14 Security shall, in consultation with the Secretary of De-
15 fense and the Secretary for Health and Human Services,
16 conduct a joint study to determine the staffing and train-
17 ing requirements for pending capital programs to con-
18 struct biodefense laboratories (including agriculture and
19 animal laboratories) at Biosafety Level 3 and Biosafety
20 Level 4 or to expand current biodefense laboratories to
21 such biosafety levels.

22 (b) **ELEMENTS.**—In conducting the study, the Secre-
23 taries shall address the following:

24 (1) The number of trained personnel, by dis-
25 cipline and qualification level, required for existing

1 biodefense laboratories at Biosafety Level 3 and Bio-
2 safety Level 4, including the number trained in
3 Good Laboratory Practices (GLP).

4 (2) The number of research and support staff,
5 including researchers, laboratory technicians, animal
6 handlers, facility managers, facility or equipment
7 maintainers, safety and security personnel (including
8 biosafety, physical security, and cybersecurity per-
9 sonnel), and other safety personnel required to man-
10 age biodefense research efforts to combat bioter-
11 rorism at the planned biodefense laboratories de-
12 scribed in subsection (a).

13 (3) The training required to provide the per-
14 sonnel described by paragraphs (1) and (2), includ-
15 ing the type of training (whether classroom, labora-
16 tory, or field training) required, the length of train-
17 ing required by discipline, and the curriculum re-
18 quired to be developed for such training.

19 (4) Training schedules necessary to meet the
20 scheduled openings of the biodefense laboratories de-
21 scribed in subsection (a), including schedules for re-
22 fresher training and continuing education that may
23 be necessary for that purpose.

1 (c) REPORT.—Not later than December 31, 2007, the
2 Secretaries shall submit to Congress a report setting forth
3 the results of the study conducted under this section.

4 **SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION**
5 **CENTER.**

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

9 **“SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION**
10 **CENTER.**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-
12 lish a National Biosurveillance Integration Center (re-
13 ferred to in this section as the ‘NBIC’) to enhance the
14 capability of the Federal Government to rapidly identify,
15 characterize, and localize a biological event by integrating
16 and analyzing data related to human health, animals,
17 plants, food, and the environment. The NBIC shall be
18 headed by a Director.

19 “(b) INTEGRATED BIOSURVEILLANCE NETWORK.—
20 As part of the NBIC, the Director shall develop, operate,
21 and maintain an integrated network to detect, as early as
22 possible, a biological event that presents a risk to the
23 United States or the infrastructure or key assets of the
24 United States. The network shall—

1 “(1) consolidate data from all relevant surveil-
2 lance systems maintained by the Department and
3 other governmental and private sources, both foreign
4 and domestic, to the extent practicable; and

5 “(2) use an information technology system that
6 uses the best available statistical and other analyt-
7 ical tools to identify and characterize biological
8 events in as close to real-time as possible.

9 “(c) RESPONSIBILITIES.—

10 “(1) IN GENERAL.—The Director shall—

11 “(A) monitor on an ongoing basis the
12 availability and appropriateness of candidate
13 data feeds and solicit new surveillance systems
14 with data that would enhance biological situa-
15 tional awareness or overall performance of the
16 NBIC;

17 “(B) review and seek to improve on an on-
18 going basis the statistical and other analytical
19 methods used by the NBIC;

20 “(C) establish a procedure to enable Fed-
21 eral, State and local government, and private
22 sector entities to report suspicious events that
23 could warrant further assessments by the
24 NBIC;

1 “(D) receive and consider all relevant
2 homeland security information; and

3 “(E) provide technical assistance, as ap-
4 propriate, to all Federal, State, and local gov-
5 ernment entities and private sector entities that
6 contribute data relevant to the operation of the
7 NBIC.

8 “(2) ASSESSMENTS.—The Director shall—

9 “(A) continuously evaluate available data
10 for evidence of a biological event; and

11 “(B) integrate homeland security informa-
12 tion with NBIC data to provide overall biologi-
13 cal situational awareness and determine wheth-
14 er a biological event has occurred.

15 “(3) INFORMATION SHARING.—The Director
16 shall—

17 “(A) establish a mechanism for real-time
18 communication with the National Operations
19 Center;

20 “(B) provide integrated information to the
21 heads of the departments and agencies with
22 which the Director has entered into an agree-
23 ment under subsection (d);

24 “(C) notify the Secretary, the head of the
25 National Operations Center, and the heads of

1 appropriate Federal, State, tribal, and local en-
2 tities of any significant biological event identi-
3 fied by the NBIC;

4 “(D) provide reports on NBIC assessments
5 to Federal, State, and local government entities,
6 including departments and agencies with which
7 the Director has entered into an agreement
8 under subsection (d), and any private sector en-
9 tities, as considered appropriate by the Direc-
10 tor; and

11 “(E) use information sharing networks
12 available to the Department for distributing
13 NBIC incident or situational awareness reports.

14 “(d) INTERAGENCY AGREEMENTS.—

15 “(1) IN GENERAL.—The Secretary shall, where
16 feasible, enter into agreements with the heads of ap-
17 propriate Federal departments and agencies, includ-
18 ing the Department of Health and Human Services,
19 Department of Defense, the Department of Agri-
20 culture, the Department of State, the Department of
21 Interior, and the Intelligence Community.

22 “(2) CONTENT OF AGREEMENTS.—Under an
23 agreement entered into under paragraph (1), the
24 head of a Federal department or agency shall agree
25 to—

1 “(A) use the best efforts of the department
2 or agency to integrate biosurveillance informa-
3 tion capabilities through NBIC;

4 “(B) provide timely, evaluated information
5 to assist the NBIC in maintaining biological sit-
6 uational awareness for timely and accurate de-
7 tection and response purposes;

8 “(C) provide connectivity for the bio-
9 surveillance data systems of the department or
10 agency to the NBIC network under mutually
11 agreed protocols;

12 “(D) detail, if practicable, to the NBIC de-
13 partment or agency personnel with relevant ex-
14 pertise in human, animal, plant, food, or envi-
15 ronmental disease analysis and interpretation;

16 “(E) retain responsibility for the surveil-
17 lance and intelligence systems of that depart-
18 ment or agency, if applicable; and

19 “(F) participate in forming the strategy
20 and policy for the operation and information
21 sharing practices of the NBIC.

22 “(e) NOTIFICATION OF DIRECTOR.—The Secretary
23 shall ensure that the Director is notified of homeland secu-
24 rity information relating to any significant biological

1 threat and receives all classified and unclassified reports
2 related to such a threat in a timely manner.

3 “(f) ADMINISTRATIVE AUTHORITIES.—

4 “(1) PRIVACY.—The Secretary shall—

5 “(A) designate the NBIC as a public
6 health authority;

7 “(B) ensure that the NBIC complies with
8 any applicable requirements of the Health In-
9 surance Portability and Accountability Act of
10 1996; and

11 “(C) ensure that all applicable privacy reg-
12 ulations are strictly adhered to in the operation
13 of the NBIC and the sharing of any informa-
14 tion related to the NBIC.

15 “(2) COLLECTION OF INFORMATION.—The
16 NBIC, as a public health authority with a public
17 health mission, is authorized to collect or receive
18 health information, including such information pro-
19 tected under the Health Insurance Portability and
20 Accountability Act of 1996, for the purpose of pre-
21 venting or controlling disease, injury, or disability.

22 “(g) NBIC INTERAGENCY WORKING GROUP.—The
23 Director shall—

24 “(1) establish an interagency working group to
25 facilitate interagency cooperation to advise the Di-

1 rector on recommendations to enhance the bio-
2 surveillance capabilities of the Department; and

3 “(2) invite officials of Federal agencies that
4 conduct biosurveillance programs, including officials
5 of the departments and agencies with which the Sec-
6 retary has entered into an agreement under sub-
7 section (d), to participate in the working group.

8 “(h) ANNUAL REPORT REQUIRED.—Not later than
9 December 31 of each year, the Secretary shall submit to
10 Congress a report that contains each of the following:

11 “(1) A list of departments, agencies, and pri-
12 vate or nonprofit entities participating in the NBIC
13 and a description of the data that each entity has
14 contributed to the NBIC during the preceding fiscal
15 year.

16 “(2) The schedule for obtaining access to any
17 relevant biosurveillance information not received by
18 the NBIC as of the date on which the report is sub-
19 mitted.

20 “(3) A list of Federal, State, and local govern-
21 ment entities and private sector entities that have
22 direct or indirect access to the information that is
23 integrated by the NBIC.

24 “(4) For any year before the NBIC is fully im-
25 plemented or any year in which any major structural

1 or institutional change is made to the NBIC, an im-
2 plementation plan for the NBIC that includes cost,
3 schedule, key milestones, and the status of such
4 milestones.

5 “(i) RELATIONSHIP TO OTHER DEPARTMENTS AND
6 AGENCIES.—The authority of the Secretary under this
7 section shall not affect an authority or responsibility of
8 any other Federal department or agency with respect to
9 biosurveillance activities under any program administered
10 by that department or agency.

11 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 such sums as may be necessary for each fiscal year.

14 “(k) BIOLOGICAL EVENT.—For purposes of this sec-
15 tion, the term ‘biological event’ means—

16 “(1) an act of terrorism involving biological
17 agents or toxins of known or unknown origin; or

18 “(2) a naturally occurring outbreak of an infec-
19 tious disease that may be of potential national sig-
20 nificance.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of such Act is amended by inserting after
23 the items relating to such title the following:

“Sec. 316. National Biosurveillance Integration Center.”.

24 (c) DEADLINE FOR IMPLEMENTATION.—The Na-
25 tional Biosurveillance Integration Center required under

1 section 316 of the Homeland Security Act of 2002, as
2 added by subsection (a), shall be fully operational by not
3 later than September 30, 2008.

4 **SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN**
5 **RISK ASSESSMENT.**

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

9 **“SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED**
10 **CBRN RISK ASSESSMENT.**

11 “(a) RISK ANALYSIS PROCESS.—The Secretary shall
12 develop a risk analysis process that utilizes a scientific,
13 quantitative methodology to assess and manage risks
14 posed by chemical, biological, radiological, and nuclear
15 (CBRN) agents.

16 “(b) INTEGRATED CBRN RISK ASSESSMENT.—The
17 Secretary shall use the process developed under subsection
18 (a) to conduct a risk assessment that shall support the
19 integration of chemical, biological, radiological, and nu-
20 clear agents.

21 “(c) PURPOSE.—The purpose of the risk analysis
22 process developed under subsection (a) and the integrated
23 risk assessment conducted under subsection (b) shall be
24 to identify high risk agents, determine how best to miti-

1 gate those risks, and guide resource allocation. Such risk
2 analysis shall—

3 “(1) facilitate satisfaction of the requirements
4 of section 602;

5 “(2) guide research, development, acquisition,
6 and deployment of applicable countermeasures, in-
7 cluding detection systems;

8 “(3) identify key knowledge gaps or
9 vulnerabilities in the CBRN defense posture of the
10 Department;

11 “(4) enable rebalancing and refining of invest-
12 ments within individual classes of threat agents as
13 well as across such classes; and

14 “(5) support end-to-end assessments of the
15 overall CBRN defense policy of the Department,
16 taking into account the full spectrum of counter-
17 measures available, including prevention, prepared-
18 ness, planning, response and recovery activities, to
19 better steer investments to strategies with the great-
20 est potential for mitigating identified risks.

21 “(d) RISK INFORMATION.—

22 “(1) CLASSES OF THREAT AGENTS.—In devel-
23 oping the risk analysis process under subsection (a)
24 and conducting the risk assessment under subsection

1 (b), the Secretary shall consider risks posed by the
2 following classes of threats:

3 “(A) Chemical threats, including—

4 “(i) toxic industrial materials and
5 chemicals;

6 “(ii) traditional chemical warfare
7 agents; and

8 “(iii) non-traditional agents, which
9 are defined as novel chemical threat agents
10 or toxicants requiring adapted counter-
11 measures.

12 “(B) Biological threats, including—

13 “(i) traditional agents listed by the
14 Centers of Disease Control and Prevention
15 as Category A, B, and C pathogens and
16 toxins;

17 “(ii) enhanced agents, which are de-
18 fined as traditional agents that have been
19 modified or selected to enhance their abil-
20 ity to harm human populations or cir-
21 cumvent current countermeasures;

22 “(iii) emerging agents, which are de-
23 fined as previously unrecognized pathogens
24 that may be naturally occurring and

1 present a serious risk to human popu-
2 lations; and

3 “(iv) advanced or engineered agents,
4 which are defined as novel pathogens or
5 other materials of biological nature that
6 have been artificially engineered in the lab-
7 oratory to bypass traditional counter-
8 measures or produce a more severe or oth-
9 erwise enhanced spectrum of disease.

10 “(C) Nuclear and radiological threats, in-
11 cluding fissile and other radiological material
12 that could be incorporated into an improvised
13 nuclear device or a radiological dispersal device
14 or released into a wide geographic area by dam-
15 age to a nuclear reactor.

16 “(D) Threats to the agriculture sector and
17 food and water supplies.

18 “(E) Other threat agents the Secretary de-
19 termines appropriate.

20 “(2) SOURCES.—The risk analysis process de-
21 veloped under subsection (a) shall be informed by
22 findings of the intelligence and law enforcement
23 communities and integrated with expert input from
24 the scientific, medical, and public health commu-

1 nities, including from relevant components of the
2 Department and other Federal agencies.

3 “(3) DATA QUALITY, SPECIFICITY, AND CON-
4 FIDENCE.—In developing the risk analysis process
5 under subsection (a), the Secretary shall consider
6 the degree of uncertainty and variability in the avail-
7 able scientific information and other information
8 about the classes of threat agents under paragraph
9 (1). An external review shall be conducted to assess
10 the ability of the risk analysis process developed by
11 the Secretary to address areas of large degrees of
12 uncertainty.

13 “(4) NEW INFORMATION.—The Secretary shall
14 frequently and systematically update the risk assess-
15 ment conducted under subsection (b), as needed, to
16 incorporate emerging intelligence information or
17 technological changes in order to keep pace with
18 evolving threats and rapid scientific advances.

19 “(e) METHODOLOGY.—The risk analysis process de-
20 veloped by the Secretary under subsection (a) shall—

21 “(1) consider, as variables—

22 “(A) threat, or the likelihood that a type
23 of attack that might be attempted;

24 “(B) vulnerability, or the likelihood that an
25 attacker would succeed; and

1 “(C) consequence, or the likely impact of
2 an attack;

3 “(2) evaluate the consequence component of
4 risk as it relates to mortality, morbidity, and eco-
5 nomic effects;

6 “(3) allow for changes in assumptions to evalu-
7 ate a full range of factors, including technological,
8 economic, and social trends, which may alter the fu-
9 ture security environment;

10 “(4) contain a well-designed sensitivity analysis
11 to address high degrees of uncertainty associated
12 with the risk analyses of certain CBRN agents;

13 “(5) utilize red teaming analysis to identify
14 vulnerabilities an adversary may discover and exploit
15 in technology, training, and operational procedures
16 and to identify open-source information that could
17 be used by those attempting to defeat the counter-
18 measures; and

19 “(6) incorporate an interactive interface that
20 makes results and limitations transparent and useful
21 to decision makers for identifying appropriate risk
22 management activities.

23 “(f) COORDINATION.—The Secretary shall ensure
24 that all risk analysis activities with respect to radiological

1 or nuclear materials shall be conducted in coordination
2 with the Domestic Nuclear Detection Office.

3 “(g) TIMEFRAME; REPORTS TO CONGRESS.—

4 “(1) INITIAL REPORT.—By not later than June
5 2008, the Secretary shall complete the first formal,
6 integrated, CBRN risk assessment required under
7 subsection (b) and shall submit to Congress a report
8 summarizing the findings of such assessment and
9 identifying improvements that could be made to en-
10 hance the transparency and usability of the risk
11 analysis process developed under subsection (a).

12 “(2) UPDATES TO REPORT.—The Secretary
13 shall submit to Congress updates to the findings and
14 report in paragraph (1), when appropriate, but by
15 not later than two years after the date on which the
16 initial report is submitted. Such updates shall reflect
17 improvements in the risk analysis process developed
18 under subsection (a).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of such Act is amended by inserting after
21 the items relating to such title the following:

“Sec. 317. Risk analysis process and integrated CBRN risk assessment.”.

1 **TITLE VII—HOMELAND SECU-**
2 **RITY CYBERSECURITY IM-**
3 **PROVEMENTS**

4 **SEC. 701. CYBERSECURITY AND COMMUNICATIONS.**

5 (a) IN GENERAL.—Subtitle C of title II of the Home-
6 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-
7 ed by adding at the end the following new section:

8 **“SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICA-**
9 **TIONS.**

10 “(a) IN GENERAL.—There shall be within the De-
11 partment of Homeland Security an Office of Cybersecurity
12 and Communications, which shall be headed by the Assist-
13 ant Secretary for Cybersecurity and Communications.

14 “(b) DUTY OF THE ASSISTANT SECRETARY.—The
15 Assistant Secretary shall assist the Secretary in carrying
16 out the responsibilities of the Department regarding
17 cybersecurity and communications.

18 “(c) RESPONSIBILITIES.—The Assistant Secretary
19 shall be responsible for overseeing preparation, situational
20 awareness, response, reconstitution, and mitigation nec-
21 essary for cybersecurity and to protect communications
22 from terrorist attacks, major disasters, and other emer-
23 gencies, including large-scale disruptions, and shall con-
24 duct the following activities to execute those responsibil-
25 ities:

1 “(1) PREPARATION AND SITUATIONAL AWARE-
2 NESS.—

3 “(A) Establish and maintain a capability
4 within the Department for ongoing activities to
5 identify threats to critical information infra-
6 structure to aid in detection of vulnerabilities
7 and warning of potential acts of terrorism and
8 other attacks.

9 “(B) Conduct risk assessments on critical
10 information infrastructure with respect to acts
11 of terrorism and other large-scale disruptions,
12 identify and prioritize vulnerabilities in critical
13 information infrastructure, and coordinate the
14 mitigation of such vulnerabilities.

15 “(C) Develop a plan for the continuation
16 of critical information operations in the event of
17 a cyber attack or other large-scale disruption of
18 the information infrastructure of the United
19 States.

20 “(D) Oversee an emergency communica-
21 tions system in the event of an act of terrorism
22 or other large-scale disruption of the informa-
23 tion infrastructure of the United States.

24 “(2) RESPONSE AND RECONSTITUTION.—

1 “(A) Define what qualifies as a cyber inci-
2 dent of national significance for purposes of the
3 National Response Plan.

4 “(B) Ensure that the Department’s prior-
5 ities, procedures, and resources are in place to
6 reconstitute critical information infrastructures
7 in the event of an act of terrorism or other
8 large-scale disruption.

9 “(3) MITIGATION.—

10 “(A) Develop a national cybersecurity
11 awareness, training, and education program
12 that promotes cybersecurity awareness within
13 the Federal Government and throughout the
14 Nation.

15 “(B) Consult and coordinate with the
16 Under Secretary for Science and Technology on
17 cybersecurity research and development to
18 strengthen critical information infrastructure
19 against acts of terrorism and other large-scale
20 disruptions.

21 “(d) DEFINITION.—In this section the term ‘critical
22 information infrastructure’ means systems and assets,
23 whether physical or virtual, used in processing, transfer-
24 ring, and storing information so vital to the United States
25 that the incapacity or destruction of such systems and as-

1 sets would have a debilitating impact on security, national
2 economic security, national public health or safety, or any
3 combination of those matters.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of such Act is amended by inserting at the
6 end of the items relating to subtitle C of title II the fol-
7 lowing:

“Sec. 226. Office of Cybersecurity and Communications.”.

8 **SEC. 702. CYBERSECURITY RESEARCH AND DEVELOPMENT.**

9 (a) IN GENERAL.—The Under Secretary for Science
10 and Technology shall support research, development, test-
11 ing, evaluation, and transition of cybersecurity technology,
12 including fundamental, long-term research to improve the
13 ability of the United States to prevent, protect against,
14 detect, respond to, and recover from acts of terrorism and
15 cyber attacks, with emphasis on research and development
16 relevant to large-scale, high-impact attacks.

17 (b) ACTIVITIES.—The research and development sup-
18 ported under subsection (a) shall include work to—

19 (1) advance the development and accelerate the
20 deployment of more secure versions of fundamental
21 Internet protocols and architectures, including for
22 the domain name system and routing protocols;

23 (2) improve and create technologies for detect-
24 ing attacks or intrusions, including monitoring tech-
25 nologies;

1 (3) improve and create mitigation and recovery
2 methodologies, including techniques for containment
3 of attacks and development of resilient networks and
4 systems that degrade gracefully;

5 (4) develop and support infrastructure and tools
6 to support cybersecurity research and development
7 efforts, including modeling, testbeds, and data sets
8 for assessment of new cybersecurity technologies;

9 (5) assist the development and support of tech-
10 nologies to reduce vulnerabilities in process control
11 systems (PCS); and

12 (6) test, evaluate, and facilitate the transfer of
13 technologies associated with the engineering of less
14 vulnerable software and securing the IT software de-
15 velopment lifecycle.

16 (c) COORDINATION.—In carrying out this section, the
17 Under Secretary for Science and Technology shall coordi-
18 nate activities with—

19 (1) the Assistant Secretary for Cybersecurity
20 and Communications; and

21 (2) other Federal agencies, including the Na-
22 tional Science Foundation, the Defense Advanced
23 Research Projects Agency, the Information Assur-
24 ance Directorate of the National Security Agency,
25 the National Institute of Standards and Technology,

1 the Department of Commerce, and other appropriate
2 working groups established by the President to iden-
3 tify unmet needs and cooperatively support activi-
4 ties, as appropriate.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
6 amount authorized by section 101, there is authorized to
7 be appropriated for the Department of Homeland Security
8 for fiscal year 2008, \$50,000,000, for the cybersecurity
9 research and development activities of the Directorate for
10 Science and Technology to prevent, detect, and respond
11 to acts of terrorism and other large-scale disruptions to
12 information infrastructure.

13 **SEC. 703. COLLABORATION.**

14 In carrying out this title, the Assistant Secretary of
15 Homeland Security for Cybersecurity and Communica-
16 tions shall collaborate with any Federal entity that, under
17 law, has authority over the activities set forth in this title.

18 **TITLE VIII—SCIENCE AND**
19 **TECHNOLOGY IMPROVEMENTS**

20 **SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.**

21 Not later than 120 days after the date of enactment
22 of this Act, the Under Secretary for Science and Tech-
23 nology shall transmit to Congress the strategic plan de-
24 scribed in section 302(2) of the Homeland Security Act
25 of 2002 (6 U.S.C. 182(2)). In addition to the require-

1 ments described in that section 302(2), the strategic plan
2 transmitted under this section shall include—

3 (1) a strategy to enhance the Directorate for
4 Science and Technology workforce, including edu-
5 cation and training programs, improving morale,
6 minimizing turnover, strengthening workforce re-
7 cruitment, and securing institutional knowledge;

8 (2) the Department policy describing the proce-
9 dures by which the Directorate for Science and
10 Technology hires and administers assignments to in-
11 dividuals assigned to the Department as detailees
12 under an arrangement described in subchapter VI of
13 chapter 33 of title 5, United States Code;

14 (3) the Department policy governing the re-
15 sponsibilities of the Under Secretary for Science and
16 Technology, the Under Secretary for Policy, and the
17 Under Secretary for Management, and the oper-
18 ational components of the Department regarding re-
19 search, development, testing, evaluation, and pro-
20 curement of homeland security technologies;

21 (4) a description of the methodology by which
22 research, development, testing, and evaluation is
23 prioritized and funded by the Directorate for Science
24 and Technology;

1 (5) a description of the performance measure-
2 ments to be used or a plan to develop performance
3 measurements that can be used to annually evaluate
4 the Directorate for Science and Technology’s activi-
5 ties, mission performance, and stewardship of re-
6 sources;

7 (6) a plan for domestic and international co-
8 ordination of all related programs and activities
9 within the Department and throughout Federal
10 agencies, State, local, and tribal governments, the
11 emergency responder community, industry, and aca-
12 demia;

13 (7) a plan for leveraging the expertise of the
14 National Laboratories, the process for allocating
15 funding to the National Laboratories, and a plan for
16 fulfilling existing National Laboratory infrastructure
17 commitments to maintain current capabilities and
18 meet mission needs; and

19 (8) a strategy for the Homeland Security Ad-
20 vanced Research Projects Agency that includes—

21 (A) a mission statement;

22 (B) a description of the Department’s high
23 risk and high payoff research, development,
24 test, and evaluation strategy; and

1 (C) internal policies designed to encourage
2 innovative solutions.

3 **SEC. 802. CENTERS OF EXCELLENCE PROGRAM.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Of the
5 amount authorized by section 101, there is authorized to
6 be appropriated to the Secretary of Homeland Security for
7 carrying out the Centers of Excellence Program
8 \$31,000,000 for fiscal year 2008 such that each center
9 that received funding in fiscal year 2007 shall receive, at
10 a minimum, the same amount it received in fiscal year
11 2007.

12 (b) MINORITY SERVING INSTITUTIONS PROGRAM.—
13 Of the amount authorized by section 101, there is author-
14 ized to be appropriated to the Secretary of Homeland Se-
15 curity for carrying out the Minority Serving Institutions
16 Program \$8,000,000 for fiscal year 2008.

17 (c) CENTERS OF EXCELLENCE PROGRAM PARTICIPA-
18 TION.—

19 (1) REQUIREMENT.—If, by the date of the en-
20 actment of this Act, the Secretary of Homeland Se-
21 curity has not selected a Minority Serving Institu-
22 tion to participate as a Center of Excellence under
23 the Department of Homeland Security Centers of
24 Excellence Program, at least one of the next four
25 Centers of Excellence selected after the date of en-

1 actment of this Act shall be an otherwise eligible ap-
2 plicant that is a Minority Serving Institution.

3 (2) MINORITY SERVING INSTITUTION DE-
4 FINED.—In this subsection the term “Minority Serv-
5 ing Institution” means—

6 (A) an historically black college or univer-
7 sity that receives assistance under part B of
8 title III of the Higher Education Act of 1965
9 (20 U.S.C. 106 et seq.);

10 (B) an Hispanic-serving institution (as
11 that term is defined in section 502 of the High-
12 er Education Act of 1965 (20 U.S.C. 1101a);
13 or

14 (C) a tribally controlled college or univer-
15 sity (as that term is defined in section 2 of the
16 Tribally Controlled College or University Assist-
17 ance Act of 1978 (25 U.S.C. 1801)).

18 **SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNI-**
19 **VERSITY PROGRAMS.**

20 (a) STUDY.—Not later than 3 months after the date
21 of enactment of this Act, the Under Secretary for Science
22 and Technology of the Department of Homeland Security
23 shall seek to enter into an agreement with the National
24 Research Council of the National Academy of Sciences to
25 conduct a study to assess the University Programs of the

1 Department, with an emphasis on the Centers of Excel-
2 lence Program and the future plans for these programs,
3 and make recommendations for appropriate improve-
4 ments.

5 (b) SUBJECTS.—The study shall include—

6 (1) a review of key areas of study needed to
7 support the homeland security mission, and criteria
8 that should be utilized to determine those key areas
9 for which the Department should maintain or estab-
10 lish Centers of Excellence;

11 (2) a review of selection criteria and weighting
12 of such criteria for Centers of Excellence;

13 (3) an examination of the optimal role of Cen-
14 ters of Excellence in supporting the mission of the
15 Directorate of Science and Technology and the most
16 advantageous relationship between the Centers of
17 Excellence and the Directorate and the Department
18 components the Directorate serves;

19 (4) an examination of the length of time the
20 Centers of Excellence should be awarded funding
21 and the frequency of the review cycle in order to
22 maintain such funding, particularly given their focus
23 on basic, long term research;

24 (5) identification of the most appropriate review
25 criteria and metrics to measure demonstrable

1 progress, and mechanisms for delivering and dis-
2 seminating the research results of established Cen-
3 ters of Excellence within the Department, and to
4 other Federal, State, and local agencies;

5 (6) an examination of the means by which aca-
6 demic institutions that are not designated or associ-
7 ated with Centers of Excellence can optimally con-
8 tribute to the research mission of the Directorate;

9 (7) an assessment of the interrelationship be-
10 tween the different University Programs; and

11 (8) a review of any other essential elements of
12 the University Programs to be determined in the
13 conduct of the study.

14 (c) REPORT.—The Under Secretary for Science and
15 Technology shall transmit a report containing the results
16 of the study and recommendations required by subsection
17 (a) and the Under Secretary's response to the rec-
18 ommendations, to the appropriate Congressional commit-
19 tees not later than 24 months after the date of enactment
20 of this Act.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
22 amount authorized in section 101, there is authorized to
23 be appropriated to carry out this section \$500,000.

1 **SEC. 804. STREAMLINING OF SAFETY ACT AND**
2 **ANTITERRORISM TECHNOLOGY PROCURE-**
3 **MENT PROCESSES.**

4 (a) **PERSONNEL.**—The Secretary of Homeland Secu-
5 rity shall ensure that, in addition to any personnel en-
6 gaged in technical evaluations that may be appropriate,
7 a sufficient number of full-time equivalent personnel, who
8 are properly trained and qualified to apply legal, economic,
9 and risk analyses, are involved in the review and
10 prioritization of antiterrorism technologies for the purpose
11 of determining whether such technologies may be des-
12 ignated by the Secretary as qualified antiterrorism tech-
13 nologies under section 862(b) of the SAFETY Act (6
14 U.S.C. 441(b)) or certified by the Secretary under section
15 863(d) of such Act (6 U.S.C. 442(d)).

16 (b) **COORDINATION WITHIN DEPARTMENT OF HOME-**
17 **LAND SECURITY.**—The Secretary of Homeland Security
18 shall—

19 (1) establish a formal coordination process that
20 includes the official of the Department of Homeland
21 Security with primary responsibility for the imple-
22 mentation of the SAFETY Act, the Chief Procure-
23 ment Officer of the Department, the Under Sec-
24 retary for Science and Technology, the Under Sec-
25 retary for Policy, and the Department of Homeland
26 Security General Counsel to ensure the application

1 of the litigation and risk management provisions of
2 the SAFETY Act to antiterrorism technologies pro-
3 cured by the Department; and

4 (2) promote awareness and utilization of the
5 litigation and risk management provisions of the
6 SAFETY Act in the procurement of antiterrorism
7 technologies.

8 (c) ISSUANCE OF DEPARTMENTAL DIRECTIVE.—The
9 Secretary of Homeland Security shall, in accordance with
10 the final rule implementing the SAFETY Act, issue a De-
11 partmental management directive providing for coordina-
12 tion between Department procurement officials and any
13 other Department official responsible for implementing
14 the SAFETY Act in advance of any Department procure-
15 ment of an antiterrorism technology, as required under
16 subsection (b).

17 **SEC. 805. PROMOTING ANTITERRORISM THROUGH INTER-**
18 **NATIONAL COOPERATION ACT.**

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

22 **“SEC. 319. PROMOTING ANTITERRORISM THROUGH INTER-**
23 **NATIONAL COOPERATION PROGRAM.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) DIRECTOR.—The term ‘Director’ means
2 the Director selected under subsection (b)(2).

3 “(2) INTERNATIONAL COOPERATIVE ACTIV-
4 ITY.—The term ‘international cooperative activity’
5 includes—

6 “(A) coordinated research projects, joint
7 research projects, or joint ventures;

8 “(B) joint studies or technical demonstra-
9 tions;

10 “(C) coordinated field exercises, scientific
11 seminars, conferences, symposia, and work-
12 shops;

13 “(D) training of scientists and engineers;

14 “(E) visits and exchanges of scientists, en-
15 gineers, or other appropriate personnel;

16 “(F) exchanges or sharing of scientific and
17 technological information; and

18 “(G) joint use of laboratory facilities and
19 equipment.

20 “(b) SCIENCE AND TECHNOLOGY HOMELAND SECU-
21 RITY INTERNATIONAL COOPERATIVE PROGRAMS OF-
22 FICE.—

23 “(1) ESTABLISHMENT.—The Under Secretary
24 shall establish the Science and Technology Home-

1 land Security International Cooperative Programs
2 Office.

3 “(2) DIRECTOR.—The Office shall be headed by
4 a Director, who—

5 “(A) shall be selected by and shall report
6 to the Under Secretary; and

7 “(B) may be an officer of the Department
8 serving in another position.

9 “(3) RESPONSIBILITIES.—

10 “(A) DEVELOPMENT OF MECHANISMS.—
11 The Director shall be responsible for devel-
12 oping, in consultation with the Department of
13 State, understandings or agreements that allow
14 and support international cooperative activity in
15 support of homeland security research, develop-
16 ment, and comparative testing.

17 “(B) PRIORITIES.—The Director shall be
18 responsible for developing, in coordination with
19 the Directorate of Science and Technology, the
20 other components of the Department of Home-
21 land Security, and other Federal agencies, stra-
22 tegic priorities for international cooperative ac-
23 tivity in support of homeland security research,
24 development, and comparative testing.

1 “(C) ACTIVITIES.—The Director shall fa-
2 cilitate the planning, development, and imple-
3 mentation of international cooperative activity
4 to address the strategic priorities developed
5 under subparagraph (B) through mechanisms
6 the Under Secretary considers appropriate, in-
7 cluding grants, cooperative agreements, or con-
8 tracts to or with foreign public or private enti-
9 ties, governmental organizations, businesses,
10 federally funded research and development cen-
11 ters, and universities.

12 “(D) IDENTIFICATION OF PARTNERS.—
13 The Director shall facilitate the matching of
14 United States entities engaged in homeland se-
15 curity research with non-United States entities
16 engaged in homeland security research so that
17 they may partner in homeland security research
18 activities.

19 “(4) COORDINATION.—The Director shall en-
20 sure that the activities under this subsection are co-
21 ordinated with those of other relevant research agen-
22 cies, and may run projects jointly with other agen-
23 cies.

24 “(5) CONFERENCES AND WORKSHOPS.—The
25 Director may hold international homeland security

1 technology workshops and conferences to improve
2 contact among the international community of tech-
3 nology developers and to help establish direction for
4 future technology goals.

5 “(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—

6 “(1) AUTHORIZATION.—The Under Secretary is
7 authorized to carry out international cooperative ac-
8 tivities to support the responsibilities specified under
9 section 302.

10 “(2) MECHANISMS AND EQUITABILITY.—In car-
11 rying out this section, the Under Secretary may
12 award grants to and enter into cooperative agree-
13 ments or contracts with United States governmental
14 organizations, businesses (including small businesses
15 and small and disadvantaged businesses), federally
16 funded research and development centers, institu-
17 tions of higher education, and foreign public or pri-
18 vate entities. The Under Secretary shall ensure that
19 funding and resources expended in international co-
20 operative activities will be equitably matched by the
21 foreign partner organization through direct funding
22 or funding of complementary activities, or through
23 provision of staff, facilities, materials, or equipment.

24 “(3) LOANS OF EQUIPMENT.—The Under Sec-
25 retary may make or accept loans of equipment for

1 research and development and comparative testing
2 purposes.

3 “(4) COOPERATION.—The Under Secretary is
4 authorized to conduct international cooperative ac-
5 tivities jointly with other agencies.

6 “(5) FOREIGN PARTNERS.—Partners may in-
7 clude Israel, the United Kingdom, Canada, Aus-
8 tralia, Singapore, and other allies in the global war
9 on terrorism, as appropriate.

10 “(6) EXOTIC DISEASES.—As part of the inter-
11 national cooperative activities authorized in this sec-
12 tion, the Under Secretary, in coordination with the
13 Chief Medical Officer, may facilitate the develop-
14 ment of information sharing and other types of co-
15 operative mechanisms with foreign countries, includ-
16 ing nations in Africa, to strengthen American pre-
17 paredness against threats to the Nation’s agricul-
18 tural and public health sectors from exotic diseases.

19 “(d) BUDGET ALLOCATION.—There is authorized to
20 be appropriated to the Secretary, to be derived from
21 amounts otherwise authorized for the Directorate of
22 Science and Technology, \$25,000,000 for each of the fis-
23 cal years 2008 through 2011 for activities under this sec-
24 tion.

1 “(e) FOREIGN REIMBURSEMENTS.—Whenever the
2 Science and Technology Homeland Security International
3 Cooperative Programs Office participates in an inter-
4 national cooperative activity with a foreign country on a
5 cost-sharing basis, any reimbursements or contributions
6 received from that foreign country to meet its share of
7 the project may, subject to the availability of appropria-
8 tions for such purpose, be credited to appropriate current
9 appropriations accounts of the Directorate of Science and
10 Technology.

11 “(f) REPORT TO CONGRESS ON INTERNATIONAL CO-
12 OPERATIVE ACTIVITIES.—

13 “(1) INITIAL REPORT.—Not later than 180
14 days after the date of enactment of this section, the
15 Under Secretary, acting through the Director, shall
16 transmit to the Congress a report containing—

17 “(A) a brief description of each partner-
18 ship formed under subsection (b)(4), including
19 the participants, goals, and amount and sources
20 of funding; and

21 “(B) a list of international cooperative ac-
22 tivities underway, including the participants,
23 goals, expected duration, and amount and
24 sources of funding, including resources provided

1 to support the activities in lieu of direct fund-
2 ing.

3 “(2) UPDATES.—At the end of the fiscal year
4 that occurs 5 years after the transmittal of the re-
5 port under subsection (a), and every 5 years there-
6 after, the Under Secretary, acting through the Di-
7 rector, shall transmit to the Congress an update of
8 the report required under subsection (a).”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for the Homeland Security Act of 2002 is further amended
11 by adding at the end of the items relating to such title
12 the following new item:

“Sec. 319. Promoting antiterrorism through international cooperation pro-
gram.”.

13 **SEC. 806. AVAILABILITY OF TESTING FACILITIES AND**
14 **EQUIPMENT.**

15 (a) AUTHORITY.—The Under Secretary for Science
16 and Technology or his designee may make available to any
17 person or entity, for an appropriate fee, the services of
18 any Department of Homeland Security owned and oper-
19 ated center, or other testing facility for the testing of ma-
20 terials, equipment, models, computer software, and other
21 items designed to advance the homeland security mission.

22 (b) INTERFERENCE WITH FEDERAL PROGRAMS.—
23 The Under Secretary for Science and Technology shall en-
24 sure that the testing of materiel and other items not

1 owned by the Government shall not cause government per-
2 sonnel or other government resources to be diverted from
3 scheduled tests of Government materiel or otherwise inter-
4 fere with Government mission requirements.

5 (c) CONFIDENTIALITY OF TEST RESULTS.—The re-
6 sults of tests performed with services made available under
7 subsection (a) and any associated data provided by the
8 person or entity for the conduct of such tests are trade
9 secrets or commercial or financial information that is priv-
10 ileged or confidential within the meaning of section
11 552b(4) of title 5, United States Code, and may not be
12 disclosed outside the Federal Government without the con-
13 sent of the person or entity for whom the tests are per-
14 formed.

15 (d) FEES.—The fees for exercising the authorities
16 under subsection (a) may not exceed the amount necessary
17 to recoup the direct and indirect costs involved, such as
18 direct costs of utilities, contractor support, and salaries
19 of personnel that are incurred by the United States to pro-
20 vide for the testing.

21 (e) USE OF FEES.—The fees for exercising the au-
22 thorities under subsection (a) shall be credited to the ap-
23 propriations or other funds of the Directorate of Science
24 and Technology.

1 (f) OPERATIONAL PLAN.—Not later than 90 days
2 after the date of the enactment of this Act, the Under
3 Secretary for Science and Technology shall submit to Con-
4 gress a report detailing a plan for operating a program
5 that would allow any person or entity, for an appropriate
6 fee, to use any center or testing facility owned and oper-
7 ated by the Department of Homeland Security for testing
8 of materials, equipment, models, computer software, and
9 other items designed to advance the homeland security
10 mission. The plan shall include—

11 (1) a list of the facilities and equipment that
12 could be made available to such persons or entities;

13 (2) a five-year budget plan, including the costs
14 for facility construction, staff training, contract and
15 legal fees, equipment maintenance and operation,
16 and any incidental costs associated with the pro-
17 gram;

18 (3) A five-year estimate of the number of users
19 and fees to be collected;

20 (4) a list of criteria for selecting private-sector
21 users from a pool of applicants, including any spe-
22 cial requirements for foreign applicants; and

23 (5) an assessment of the effect the program
24 would have on the ability of a center or testing facil-

1 ity to meet its obligations under other Federal pro-
2 grams.

3 (g) REPORT TO CONGRESS.—The Under Secretary
4 for Science and Technology shall submit to Congress an
5 annual report containing a list of the centers and testing
6 facilities that have collected fees under this section, the
7 amount of fees collected, a brief description of each part-
8 nership formed under this section, and the purpose for
9 which the testing was conducted.

10 (h) GAO.—Not later than two years after the date
11 of the enactment of this Act, the Comptroller General shall
12 submit to Congress an assessment of the implementation
13 of this section.

14 **TITLE IX—BORDER SECURITY**
15 **IMPROVEMENTS**

16 **SEC. 901. US-VISIT.**

17 (a) IN GENERAL.—Not later than 7 days after the
18 date of the enactment of this Act, the Secretary of Home-
19 land Security shall submit to the Committee on Homeland
20 Security of the House of Representatives and the Com-
21 mittee on Homeland Security and Governmental Affairs
22 of the Senate, the comprehensive strategy required by sec-
23 tion 7208 of the Intelligence Reform and Terrorism Pre-
24 ventions Act of 2004 for the biometric entry and exit data
25 system (commonly referred to as the United States Visitor

1 and Immigrant Status Indicator Technology program or
2 US–VISIT) established under the section and other laws
3 described in subsection (b) of such section. The com-
4 prehensive strategy shall include an action plan for full
5 implementation of the biometric exit component of US–
6 VISIT, as required under subsection (d) of section 7208
7 of such Act.

8 (b) CONTENTS.—The comprehensive strategy and ac-
9 tion plan referred to in subsection (a) shall, at a minimum,
10 include the following:

11 (1) An explanation of how US–VISIT will allow
12 law enforcement officials to identify individuals who
13 overstay their visas.

14 (2) A description of biometric pilot projects, in-
15 cluding the schedule for testing, locations, cost esti-
16 mates, resources needed, and performance measures.

17 (3) An implementation schedule for deploying
18 future biometric exit capabilities at all air, land, and
19 sea ports of entry.

20 (4) The actions the Secretary plans to take to
21 accelerate the full implementation of the biometric
22 exit component of US–VISIT at all air, land, and
23 sea ports of entry.

24 (c) AIRPORT AND SEAPORT EXIT IMPLEMENTA-
25 TION.—Not later than December 31, 2008, the Secretary

1 of Homeland Security shall complete the exit portion of
2 the biometric entry and exit data system referred to in
3 subsection (a) for aliens arriving in or departing from the
4 United States at an airport or seaport.

5 (d) PROHIBITION ON TRANSFER.—The Secretary of
6 Homeland Security shall not transfer to the National Pro-
7 tection and Programs Directorate of the Department of
8 Homeland Security the office of the Department that car-
9 ries out the biometric entry and exit data system referred
10 to in subsection (a) until the Secretary submits to the
11 committees specified in such subsection the action plan re-
12 ferred to in such subsection for full implementation of the
13 biometric exit component of US-VISIT at all ports of
14 entry.

15 **SEC. 902. SHADOW WOLVES PROGRAM.**

16 Of the amount authorized by section 101, there is
17 authorized to be appropriated \$4,100,000 for fiscal year
18 2008 for the Shadow Wolves program.

19 **SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PA-**
20 **TROL AGENTS.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-
22 rity shall take such steps as may be necessary to control
23 the costs of hiring, training, and deploying new Border
24 Patrol agents, including—

1 (1) permitting individuals who are in training
2 to become Border Patrol agents to waive certain
3 course requirements of such training if such individ-
4 uals have earlier satisfied such requirements in a
5 similar or comparable manner as determined by the
6 Secretary; and

7 (2) directing the Office of Inspector General to
8 conduct a review of the costs and feasibility of train-
9 ing new Border Patrol agents at Federal training
10 centers, including the Federal Law Enforcement
11 Training Center facility in Charleston, South Caro-
12 lina, and the HAMMER facility in Hanford, Wash-
13 ington, and at training facilities operated by State
14 and local law enforcement academies, non-profit en-
15 tities, and private entities, including institutions in
16 the southwest border region, as well as the use of all
17 of the above to conduct portions of such training.

18 (b) LIMITATION ON PER-AGENT COST OF TRAIN-
19 ING.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the Secretary shall take such steps as
22 may be necessary to ensure that the fiscal year 2008
23 per-agent cost of hiring, training, and deploying
24 each new Border Patrol agent does not exceed
25 \$150,000.

1 (2) EXCEPTION AND CERTIFICATION.—If the
2 Secretary determines that the per-agent cost re-
3 ferred to in paragraph (1) exceeds \$150,000, the
4 Secretary shall promptly submit to the Committee
5 on Homeland Security of the House of Representa-
6 tives and the Committee on Homeland Security and
7 Governmental Affairs of the Senate a certification
8 explaining why such per-agent cost exceeds such
9 amount.

10 **SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT**
11 **AND EXCHANGE VISITOR PROGRAM.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Comptroller General shall submit
14 to the appropriate congressional committees a report to
15 update the Government Accountability Office report of
16 June 18, 2004, GAO-04-690, on the Student and Ex-
17 change Visitor Program (referred to in this section as
18 “SEVP”) and specifically the Student and Exchange Vis-
19 itor Information System (referred to in this section as
20 “SEVIS”). The report shall include the following informa-
21 tion:

22 (1) The rate of compliance with the current
23 SEVIS requirements by program sponsors and edu-
24 cational institutions, including non-academic institu-
25 tions authorized to admit students under SEVIS.

1 (2) Whether there are differences in compliance
2 rates among different types and sizes of institutions
3 participating in SEVIS.

4 (3) Whether SEVIS adequately ensures that
5 each covered foreign student or exchange visitor in
6 nonimmigrant status is, in fact, actively partici-
7 pating in the program for which admission to the
8 United States was granted.

9 (4) Whether SEVIS includes data fields to en-
10 sure that each covered foreign student or exchange
11 visitor in nonimmigrant status is meeting minimum
12 academic or program standards and that major
13 courses of study are recorded, especially those that
14 may be of national security concern.

15 (5) Whether the Secretary of Homeland Secu-
16 rity provides adequate access, training, and technical
17 support to authorized users from the sponsoring pro-
18 grams and educational institutions in which covered
19 foreign students and exchange visitors in a non-
20 immigrant status are enrolled.

21 (6) Whether each sponsoring program or edu-
22 cational institution participating in SEVP has des-
23 ignated enough authorized users to comply with
24 SEVIS requirements.

1 (7) Whether authorized users at program spon-
2 sors or educational institutions are adequately vetted
3 and trained.

4 (8) Whether the fees collected are adequate to
5 support SEVIS.

6 (9) Whether there any new authorities, capabili-
7 ties, or resources needed for SEVP and SEVIS to
8 fully perform.

9 **SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO RE-**
10 **DUCE CROSSING TIMES AT LAND PORTS OF**
11 **ENTRY.**

12 The Secretary of Homeland Security shall, not later
13 than 180 days after the date of the enactment of this Act,
14 conduct an assessment, and submit a report to the Con-
15 gress, on the personnel, infrastructure, and technology re-
16 quired to reduce border crossing wait times for pedestrian,
17 commercial, and non-commercial vehicular traffic at land
18 ports of entry into the United States to wait times less
19 than prior to September 11, 2001, while ensuring appro-
20 priate security checks continue to be conducted.

21 **SEC. 906. REPORT BY GOVERNMENT ACCOUNTABILITY OF-**
22 **FICE REGARDING POLICIES AND PROCE-**
23 **DURES OF THE BORDER PATROL.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Comptroller General

1 of the United States shall submit to the Committee on
2 Homeland Security of the House of Representatives and
3 the Committee on Homeland Security and Governmental
4 Affairs of the Senate a report regarding the policies and
5 procedures of the Border Patrol pertaining to the use of
6 lethal and non-lethal force and the pursuit of fleeing vehi-
7 cles, including data on the number of incidents in which
8 lethal or non-lethal force was used and any penalties that
9 were imposed on Border Patrol agents as a result of such
10 use.

11 (b) CONSULTATION.—

12 (1) REQUIREMENT.—In complying with this
13 section, the Comptroller General shall consult with
14 Customs and Border Protection and with represent-
15 atives of the following:

16 (A) State and local law enforcement agen-
17 cies located along the northern and southern
18 international borders of the United States.

19 (B) The National Border Patrol Council.

20 (C) The National Association of Former
21 Border Patrol Officers.

22 (D) Human rights groups with experience
23 regarding aliens who cross the international
24 land borders of the United States.

1 (E) Any other group that the Comptroller
2 General determines would be appropriate.

3 (2) INCLUSION OF OPINIONS.—The Comptroller
4 General shall attach written opinions provided by
5 groups referenced to in paragraph (1) as appendices
6 to the report.

7 **SEC. 907. REPORT ON INTEGRATED BORDER ENFORCE-**
8 **MENT TEAM INITIATIVE.**

9 Not later than 1 year after the date of the enactment
10 of this Act, the Secretary of Homeland Security shall sub-
11 mit a report to the Congress on the status of the Inte-
12 grated Border Enforcement Team (IBET) initiative. The
13 report should include an analysis of current resources allo-
14 cated to IBETs, an evaluation of progress made since the
15 inception of the program, and recommendations as to the
16 level of resources that would be required to improve the
17 program's effectiveness in the future.

18 **SEC. 908. STOLEN AND LOST TRAVEL DOCUMENT DATA-**
19 **BASE.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-
21 rity, acting through the Commissioner of United States
22 Customs and Border Protection, shall, as expeditiously as
23 possible, implement at primary inspection points at United
24 States ports of entry the Stolen and Lost Travel Docu-
25 ment database managed by Interpol.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the appropriate congressional committees (as defined
4 in section 2 of the Homeland Security Act of 2002 (6
5 U.S.C. 101)) a report on the implementation required
6 under subsection (a).

7 **TITLE X—INFORMATION**
8 **SHARING IMPROVEMENTS**

9 **SEC. 1001. STATE AND LOCAL FUSION CENTER PROGRAM.**

10 (a) IN GENERAL.—Subtitle I of title VIII of the
11 Homeland Security Act of 2002 (6 U.S.C. 481 et seq.)
12 is amended by striking sections 895 through 899 and in-
13 serting the following:

14 **“SEC. 895. STATE AND LOCAL FUSION CENTER PROGRAM.**

15 “(a) ESTABLISHMENT.—The Secretary shall estab-
16 lish within the Department a State and Local Fusion Cen-
17 ter Program. The program shall be overseen by the compo-
18 nent charged with overseeing information sharing of
19 homeland security information with State, local and tribal
20 law enforcement. The purpose of the State and Local Fu-
21 sion Center Program is to facilitate information sharing
22 between the Department and State, local, and tribal law
23 enforcement for homeland security and other purposes.

24 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Secretary such

1 sums as are necessary for the Secretary to carry out the
2 purpose of the State and Local Fusion Center Program,
3 including for—

4 “(1) deploying Department personnel with intel-
5 ligence and operational skills to State and local fu-
6 sion centers participating in the Program;

7 “(2) hiring and maintaining individuals with
8 substantial law enforcement experience who have re-
9 tired from public service and deploying such individ-
10 uals to State and local fusion centers participating
11 in the Program (with the consent of such centers);
12 and

13 “(3) maintaining an adequate number of staff
14 at the headquarters of the Department to sustain
15 and manage the portion of the Program carried out
16 at the headquarters and to otherwise fill positions
17 vacated by Department staff deployed to State and
18 local fusion centers participating in the Program.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of such Act is amended by striking the
21 items relating to sections 895 through 899 and inserting
22 the following:

“Sec. 895. State and Local Fusion Center Program.”.

23 (c) PRIOR AMENDMENTS NOT AFFECTED.—This sec-
24 tion shall not be construed to affect the application of sec-
25 tions 895 through 899 of the Homeland Security Act of

1 2002 (including provisions enacted by the amendments
2 made by those sections), as in effect before the effective
3 date of this section.

4 **SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**
5 **TRAINING PROGRAM.**

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

9 **“SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**
10 **TRAINING PROGRAM.**

11 “(a) ESTABLISHMENT.—The Secretary, through the
12 Assistant Secretary for Information Analysis, the Privacy
13 Officer, and the Officer for Civil Rights and Civil Lib-
14 erties, shall establish a program within the Office of Civil
15 Rights and Civil Liberties to provide privacy, civil liberties,
16 and civil rights protection training for appropriate Depart-
17 ment employees and State, local, tribal employees serving
18 in State and local fusion centers participating in the State
19 and Local Fusion Center Program.

20 “(b) MANDATORY TRAINING.—

21 “(1) DEPARTMENT EMPLOYEES.—The Sec-
22 retary shall require each employee of the Depart-
23 ment who is embedded at a State or local fusion cen-
24 ter and has access to United States citizens and
25 legal permanent residents personally identifiable in-

1 formation to successfully complete training under
2 the program established under subsection (a).

3 “(2) FUSION CENTER REPRESENTATIVES.—As
4 a condition of receiving a grant from the Depart-
5 ment, a fusion center shall require each State, local,
6 tribal, or private sector representative of the fusion
7 center to successfully complete training under the
8 program established under subsection (a) not later
9 than six months after the date on which the State
10 or local fusion center at which the employee is em-
11 bedded receives a grant from the Department.

12 “(c) CONTENTS OF TRAINING.—Training provided
13 under the program established under subsection (a) shall
14 include training in Federal law in each of the following:

15 “(1) Privacy, civil liberties, and civil rights poli-
16 cies, procedures, and protocols that can provide or
17 control access to information at a State or local fu-
18 sion center.

19 “(2) Privacy awareness training based on sec-
20 tion 552a of title 5, United States Code, popularly
21 known as the Privacy Act of 1974.

22 “(3) The handling of personally identifiable in-
23 formation in a responsible and appropriate manner.

24 “(4) Appropriate procedures for the destruction
25 of information that is no longer needed.

1 “(5) The consequences of failing to provide ade-
2 quate privacy and civil liberties protections.

3 “(6) Compliance with Federal regulations set-
4 ting standards for multijurisdictional criminal intel-
5 ligence systems, including 28 CFR 23 (as in effect
6 on the date of the enactment of this section).

7 “(7) The use of immutable auditing mecha-
8 nisms designed to track access to information at a
9 State or local fusion center.

10 “(d) CERTIFICATION OF TRAINING.—The Secretary,
11 acting through the head of the Office of Civil Rights and
12 Civil Liberties, shall issue a certificate to each person who
13 completes the training under this section and performs
14 successfully in a written examination administered by the
15 Office of Civil Rights and Civil Liberties. A copy of each
16 such certificate issued to an individual working at a par-
17 ticipating fusion center shall be kept on file at that fusion
18 center.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—Of the
20 amounts authorized by section 101, there are authorized
21 to be appropriate to carry out this section—

22 “(1) \$3,000,000 for each of fiscal years 2008
23 through 2013; and

24 “(2) such sums as may be necessary for each
25 subsequent fiscal year.”.

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

“Sec. 203. Fusion center privacy and civil liberties training program.”.

4 **SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A**
5 **CADRE OF FEDERAL ANNUITANTS FOR THE**
6 **OFFICE OF INFORMATION ANALYSIS.**

7 (a) DEFINITIONS.—For purposes of this section—

8 (1) the term “IA” means the Office of Informa-
9 tion Analysis;

10 (2) the term “annuitant” means an annuitant
11 under a Government retirement system;

12 (3) the term “Government retirement system”
13 has the meaning given such term by section 501(a);
14 and

15 (4) the term “employee” has the meaning given
16 such term by section 2105 of title 5, United States
17 Code.

18 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
19 ing through the Assistant Secretary for Information Anal-
20 ysis) may, for the purpose of accelerating the ability of
21 the IA to perform its statutory duties under the Homeland
22 Security Act of 2002, appoint annuitants to positions in
23 the IA in accordance with succeeding provisions of this
24 section, except that no authority under this subsection

1 shall be available unless the Secretary provides to Con-
2 gress a certification that—

3 (1) the Secretary has submitted a request
4 under section 8344(i) or 8468(f) of title 5, United
5 States Code, on or after the date of the enactment
6 of this Act, with respect to positions in the IA;

7 (2) the request described in paragraph (1) was
8 properly filed; and

9 (3) the Office of Personnel Management has
10 not responded to the request described in paragraph
11 (1), by either approving, denying, or seeking more
12 information regarding such request, within 90 days
13 after the date on which such request was filed.

14 (c) **NONCOMPETITIVE PROCEDURES; EXEMPTION**
15 **FROM OFFSET.**—An appointment made under subsection
16 (b) shall not be subject to the provisions of title 5, United
17 States Code, governing appointments in the competitive
18 service, and any annuitant serving pursuant to such an
19 appointment shall be exempt from sections 8344 and 8468
20 of such title 5 (relating to annuities and pay on reemploy-
21 ment) and any other similar provision of law under a Gov-
22 ernment retirement system.

23 (d) **LIMITATIONS.**—No appointment under subsection
24 (b) may be made if such appointment would result in the
25 displacement of any employee or would cause the total

1 number of positions filled by annuitants appointed under
2 such subsection to exceed 100 as of any time (determined
3 on a full-time equivalent basis).

4 (e) **RULE OF CONSTRUCTION.**—An annuitant as to
5 whom an exemption under subsection (c) is in effect shall
6 not be considered an employee for purposes of any Govern-
7 ment retirement system.

8 (f) **TERMINATION OF AUTHORITY.**—Effective 2 years
9 after the date of the enactment of this Act—

10 (1) all authority to make appointments under
11 subsection (b) shall cease to be available; and

12 (2) all exemptions under subsection (c) shall
13 cease to be effective.

14 **TITLE XI—MISCELLANEOUS**
15 **PROVISIONS**

16 **SEC. 1101. RURAL HOMELAND SECURITY TRAINING INITIA-**
17 **TIVE.**

18 (a) **ESTABLISHMENT.**—The Secretary of Homeland
19 Security shall establish a program to be administered by
20 the Director of the Federal Law Enforcement Training
21 Center of the Department of Homeland Security to ex-
22 pand homeland security training to units of local and trib-
23 al governments located in rural areas. The Secretary shall
24 take the following actions:

1 (1) EVALUATION OF NEEDS OF RURAL
2 AREAS.—The Secretary shall evaluate the needs of
3 such areas.

4 (2) DEVELOPMENT OF TRAINING PROGRAMS.—
5 The Secretary shall develop expert training pro-
6 grams designed to respond to the needs of such
7 areas, including, but not limited to, those pertaining
8 to rural homeland security responses including pro-
9 tections for privacy, and civil rights and civil lib-
10 erties.

11 (3) PROVISION OF TRAINING PROGRAMS.—The
12 Secretary shall provide to such areas the training
13 programs developed under paragraph (2).

14 (4) OUTREACH EFFORTS.—The Secretary shall
15 conduct outreach efforts to ensure that such areas
16 are aware of the training programs developed under
17 paragraph (2) so that such programs are made
18 available to units of local government and tribal gov-
19 ernments located in rural areas.

20 (b) NO DUPLICATION OR DISPLACEMENT OF CUR-
21 RENT PROGRAMS.—Any training program developed
22 under paragraph (2) of subsection (a) and any training
23 provided by the program pursuant to such subsection shall
24 be developed or provided, respectively, in a manner so as

1 to not duplicate or displace any program in existence on
2 the date of the enactment of this section.

3 (c) **PRIORITIZED LOCATIONS FOR RURAL HOMELAND**
4 **SECURITY TRAINING.**—In designating sites for the provi-
5 sion of training under this section, the Secretary shall, to
6 the maximum extent possible and as appropriate, give pri-
7 ority to facilities of the Department of Homeland Security
8 in existence as of the date of the enactment of this Act
9 and to closed military installations, and to the extent pos-
10 sible, shall conduct training onsite, at facilities operated
11 by participants.

12 (d) **RURAL DEFINED.**—In this section, the term
13 “rural” means an area that is not located in a metropoli-
14 tan statistical area, as defined by the Office of Manage-
15 ment and Budget.

16 **SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.**

17 The Secretary of Homeland Security shall work with
18 the Center for Risk and Economic Analysis of Terrorism
19 Events (CREATE), led by the University of Southern
20 California, to evaluate the feasibility and practicality of
21 creating further incentives for private sector stakeholders
22 to share protected critical infrastructure information with
23 the Department for homeland security and other purposes.

1 **SEC. 1103. TERRORIST WATCH LIST AT HIGH-RISK CRIT-**
2 **ICAL INFRASTRUCTURE.**

3 From amounts authorized under section 101, there
4 may be appropriated such sums as are necessary for the
5 Secretary of Homeland Security to require each owner or
6 operator of a Tier I or Tier II critical infrastructure site
7 as selected for the Buffer Zone Protection Program, to
8 conduct checks of their employees against available ter-
9 rorist watch lists.

10 **SEC. 1104. AUTHORIZED USE OF SURPLUS MILITARY VEHI-**
11 **CLES.**

12 The Secretary of Homeland Security shall include
13 United States military surplus vehicles having dem-
14 onstrated utility for responding to terrorist attacks, major
15 disasters, and other emergencies on the Authorized Equip-
16 ment List in order to allow State, local, and tribal agencies
17 to purchase, modify, upgrade, and maintain such vehicles
18 using homeland security assistance administered by the
19 Department of Homeland Security.

20 **SEC. 1105. COMPUTER CAPABILITIES TO SUPPORT REAL-**
21 **TIME INCIDENT MANAGEMENT.**

22 From amounts authorized under section 101, there
23 are authorized such sums as may be necessary for the Sec-
24 retary of Homeland Security to encourage the develop-
25 ment and use of software- or Internet-based computer ca-
26 pabilities to support real-time incident management by

1 Federal, State, local, and tribal agencies. Such software-
2 based capabilities shall be scalable and not be based on
3 proprietary systems to ensure the compatibility of Federal,
4 State, local, and tribal first responder agency incident
5 management systems. In the development and implemen-
6 tation of such computer capabilities, the Secretary shall
7 consider the feasibility and desirability of including the fol-
8 lowing capabilities:

- 9 (1) Geographic information system data.
- 10 (2) Personnel, vehicle, and equipment tracking
11 and monitoring.
- 12 (3) Commodity tracking and other logistics
13 management.
- 14 (4) Evacuation center and shelter status track-
15 ing.
- 16 (5) Such other capabilities as determined ap-
17 propriate by the Secretary.

18 **SEC. 1106. EXPENDITURE REPORTS AS A CONDITION OF**

19 **HOMELAND SECURITY GRANTS.**

20 (a) IN GENERAL.—Subtitle H of title VIII of the
21 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
22 is amended by adding at the end the following new section:

1 **“SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF**
2 **HOMELAND SECURITY GRANTS.**

3 “(a) QUARTERLY REPORTS REQUIRED AS A CONDI-
4 TION OF HOMELAND SECURITY GRANTS.—

5 “(1) EXPENDITURE REPORTS REQUIRED.—As a
6 condition of receiving a grant administered by the
7 Secretary, the Secretary shall require the grant re-
8 cipient to submit quarterly reports to the Secretary
9 describing the nature and amount of each expendi-
10 ture made by the recipient using grant funds.

11 “(2) DEADLINE FOR REPORTS.—Each report
12 required under paragraph (1) shall be submitted not
13 later than 30 days after the last day of a fiscal quar-
14 ter and shall cover expenditures made during that
15 fiscal quarter.

16 “(3) EXCLUDED PROGRAMS.—This section shall
17 not apply to or otherwise affect any grant issued
18 under the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5121 et seq.)
20 or the Federal Fire Prevention and Control Act of
21 1974 (15 U.S.C. 2201 et seq.).

22 “(b) PUBLICATION OF EXPENDITURES.—Not later
23 than 30 days after receiving a report under subsection (a),
24 the Secretary shall publish and make publicly available on
25 the Internet website of the Department a description of

1 the nature and amount of each expenditure covered by the
2 report.

3 “(c) PROTECTION OF SENSITIVE INFORMATION.—In
4 meeting the requirements of this section, the Secretary
5 shall take appropriate action to ensure that sensitive infor-
6 mation is not disclosed.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of such Act is amended by adding at the
9 end of the items relating to such subtitle the following:
“Sec. 890A. Expenditure reports as a condition of homeland security grants.”.

10 **SEC. 1107. ENCOURAGING USE OF COMPUTERIZED TRAIN-**
11 **ING AIDS.**

12 The Under Secretary for Science and Technology of
13 the Department of Homeland Security shall use and make
14 available to State and local agencies computer simulations
15 to help strengthen the ability of municipalities to prepare
16 for and respond to a chemical, biological, or other terrorist
17 attack, and to standardize response training.

18 **SEC. 1108. METROPOLITAN MEDICAL RESPONSE SYSTEM**
19 **PROGRAM.**

20 (a) IN GENERAL.—Title V of the Homeland Security
21 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
22 at the end the following:

1 **“SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM**
2 **PROGRAM.**

3 “(a) IN GENERAL.—There is a Metropolitan Medical
4 Response System Program (in this section referred to as
5 the ‘program’).

6 “(b) PURPOSE.—The purpose of the program shall
7 be to support local jurisdictions in enhancing and main-
8 taining all-hazards response capabilities to manage mass
9 casualty incidents (including terrorist acts using chemical,
10 biological, radiological, nuclear agents, or explosives,
11 large-scale hazardous materials incidents, epidemic disease
12 outbreaks, and natural disasters) by systematically en-
13 hancing and integrating first responders, public health
14 personnel, emergency management personnel, business
15 representatives, and volunteers.

16 “(c) PROGRAM ADMINISTRATION.—The Assistant
17 Secretary for Health Affairs shall develop the pro-
18 grammatic and policy guidance for the program in coordi-
19 nation with the Administrator of the Federal Emergency
20 Management Agency.

21 “(d) PERSONNEL COSTS.—The program shall not be
22 subject to an administrative cap on the hiring of personnel
23 to conduct program activities.

24 “(e) FINANCIAL ASSISTANCE.—

25 “(1) ADMINISTRATION.—The Administrator of
26 the Federal Emergency Management Agency shall

1 administer financial assistance provided to State and
2 local jurisdictions under the program.

3 “(2) ASSISTANCE TO LOCAL JURISDICTIONS.—

4 In providing financial assistance to a State under
5 the program, the Administrator shall ensure that
6 100 percent of the amount of such assistance is allo-
7 cated by the State to local jurisdictions, except that
8 a State may retain up to 20 percent of the amount
9 of such assistance to facilitate integration between
10 the State and the local jurisdiction pursuant to a
11 written agreement between the State and the chair
12 of the Metropolitan Medical Response System steer-
13 ing committee.

14 “(3) MUTUAL AID.—

15 “(A) AGREEMENTS.—Local jurisdictions
16 receiving assistance under the program are en-
17 couraged to develop and maintain memoranda
18 of understanding and agreement with neigh-
19 boring jurisdictions to support a system of mu-
20 tual aid among the jurisdictions.

21 “(B) CONTENTS.—A memorandum re-
22 ferred to in subparagraph (A) shall include, at
23 a minimum, policies and procedures to—

24 “(i) enable the timely deployment of
25 program personnel and equipment across

1 jurisdictions and, if relevant, across State
2 boundaries;

3 “(ii) share information in a consistent
4 and timely manner; and

5 “(iii) notify State authorities of the
6 deployment of program resources in a
7 manner that ensures coordination with
8 State agencies without impeding the ability
9 of program personnel and equipment to re-
10 spond rapidly to emergencies in other ju-
11 risdictions.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
13 amounts authorized by section 101 there is authorized to
14 be appropriated to carry out the program \$63,000,000 for
15 each of the fiscal years 2008 through 2011.”.

16 (b) PROGRAM REVIEW.—

17 (1) IN GENERAL.—The Assistant Secretary for
18 Health Affairs shall conduct a review of the Metro-
19 politan Medical Response System Program.

20 (2) CONTENT OF REVIEW.—In conducting the
21 review of the program, the Assistant Secretary shall
22 examine—

23 (A) strategic goals;

24 (B) objectives;

25 (C) operational capabilities;

1 (D) resource requirements;

2 (E) performance metrics;

3 (F) administration;

4 (G) whether the program would be more
5 effective if it were managed as a contractual
6 agreement;

7 (H) the degree to which the program's
8 strategic goals, objectives, and capabilities are
9 incorporated in State and local homeland secu-
10 rity plans; and

11 (I) challenges in the coordination among
12 public health, public safety, and other stake-
13 holder groups to prepare for and respond to
14 mass casualty incidents.

15 (3) REPORT.—Not later than 9 months after
16 the date of enactment of this subsection, the Assist-
17 ant Secretary shall submit to the Committee on
18 Homeland Security of the House of Representatives
19 and the Committee on Homeland Security and Gov-
20 ernmental Affairs of the Senate a report on the re-
21 sults of the review.

22 (c) CONFORMING AMENDMENTS.—

23 (1) REPEAL.—Section 635 of the Post-Katrina
24 Management Reform Act of 2006 (6 U.S.C. 723) is
25 repealed.

1 (2) TABLE OF CONTENTS.—The table of con-
2 tents contained in section 1(b) of the Homeland Se-
3 curity Act of 2002 is amended by inserting after the
4 item relating to section 521 the following:

“Sec. 522. Metropolitan Medical Response System Program.”.

5 **SEC. 1109. IDENTITY FRAUD PREVENTION GRANT PRO-**
6 **GRAM.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The National Commission on Terrorist At-
9 tacks Upon the United States found that the 19 hi-
10 jackers had been issued 16 State driver’s licenses
11 (from Arizona, California, Florida, and Virginia)
12 and 14 State identification cards (from Florida,
13 Maryland and Virginia).

14 (2) The Commission concluded that “[s]ecure
15 identification should begin in the United States. The
16 Federal Government should set standards for the
17 issuance of birth certificates and sources of identi-
18 fication, such as driver’s licenses. Fraud in identi-
19 fication is no longer just a problem of theft. At
20 many entry points to vulnerable facilities, including
21 gates for boarding aircraft, sources of identification
22 are the last opportunity to ensure that people are
23 who they say they are and to check whether they are
24 terrorists.”.

1 (b) GRANT PROGRAM.—Subtitle D of title IV of the
2 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.)
3 is amended by adding at the end the following:

4 **“SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PRO-**
5 **GRAM.**

6 “(a) IN GENERAL.—The Secretary shall establish a
7 program to make grants available to States to be used
8 to prevent terrorists and other individuals from fraudu-
9 lently obtaining and using State-issued identification cards
10 and to develop more secure State-issued documents to be
11 used for official Federal purposes.

12 “(b) USE OF FUNDS.—A recipient of a grant under
13 this section may use the grant for any of the following
14 purposes:

15 “(1) To develop machine readable technology,
16 encryption methods, or other means of protecting
17 against unauthorized access of information appear-
18 ing on licenses or identification.

19 “(2) To establish a system for a State-to-State
20 data exchange that allows electronic access to States
21 to information contained in a State department of
22 motor vehicles database.

23 “(3) To develop or implement a security plan
24 designed to safeguard the privacy of personal infor-
25 mation collected, maintained, and used by State

1 motor vehicles offices from unauthorized access, mis-
2 use, fraud, and identity theft.

3 “(4) To develop a querying service that allows
4 access to Federal databases in a timely, secure, and
5 cost-effective manner, in order to verify the issuance,
6 validity, content, and completeness of source docu-
7 ments provided by applicants for identity documents
8 issued by State agencies, including departments of
9 motor vehicles.

10 “(5) To develop a system for States to capture
11 and store digital images of identity source docu-
12 ments and photographs of applicants in electronic
13 format.

14 “(6) To design systems or establish procedures
15 that would reduce the number of in-person visits re-
16 quired to State departments of motor vehicles to ob-
17 tain State-issued identity documents used for Fed-
18 eral official purposes.

19 “(c) PRIORITY IN AWARDING GRANTS.—In awarding
20 grants under this section the Secretary shall give priority
21 to a State that demonstrates that—

22 “(1) the grant will assist the State in complying
23 with any regulation issued by the Department to
24 prevent the fraudulent issuance of identification docu-
25 ments to be used for official Federal purposes; and

1 “(2) such compliance will facilitate the ability of
2 other States to comply with such regulations.

3 “(d) LIMITATION ON SOURCE OF FUNDING.—The
4 Secretary may not use amounts made available under this
5 section for any other grant program of the Department
6 to provide funding for expenses related to the REAL ID
7 Act of 2005 (Public Law 109–13).

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—Of the
9 amounts authorized by section 101 there are authorized
10 to be appropriated to the Secretary for making grants
11 under this section—

12 “(1) \$120,000,000 for fiscal year 2008;

13 “(2) \$100,000,000 for fiscal year 2009; and

14 “(3) \$80,000,000 for fiscal year 2010.”.

15 (c) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of such Act is amended by inserting after
17 the items relating to such subtitle the following:

 “Sec. 447. Document fraud prevention grant program.”.

18 **SEC. 1110. TECHNICAL CORRECTIONS.**

19 The Homeland Security Act of 2002 (Public Law
20 107–296; 6 U.S.C. 361 et seq.) is amended—

21 (1) in section 1(b) in the table of contents by
22 striking the items relating to the second title XVIII,
23 as added by section 501(b)(3) of Public Law 109–
24 347, and inserting the following:

 “TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1903. Hiring authority.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“Sec. 1906. Contracting and grant making authorities.”.

1 (2) by redesignating the second title XVIII, as
2 added by section 501(a) of Public Law 109–347, as
3 title XIX;

4 (3) in title XIX (as so redesignated)—

5 (A) by redesignating sections 1801
6 through 1806 as sections 1901 through 1906,
7 respectively;

8 (B) in section 1904(a) (6 U.S.C. 594(a)),
9 as so redesignated, by striking “section 1802”
10 and inserting “section 1902”; and

11 (C) in section 1906 (6 U.S.C. 596), as so
12 redesignated, by striking “section 1802(a)”
13 each place it appears and inserting “section
14 1902(a)”.

15 **SEC. 1111. CITIZEN CORPS.**

16 Of the amount authorized to be appropriated under
17 section 101, such sums as may be necessary shall be avail-
18 able to the Secretary of Homeland Security to encourage
19 the use of Citizen Corps funding and local Citizen Corps
20 Councils to provide education and training for populations
21 located around critical infrastructure on preparing for and

1 responding to terrorist attacks, major disasters, and other
2 emergencies.

3 **SEC. 1112. REPORT REGARDING DEPARTMENT OF HOME-**
4 **LAND SECURITY IMPLEMENTATION OF COMP-**
5 **TROLLER GENERAL AND INSPECTOR GEN-**
6 **ERAL RECOMMENDATIONS REGARDING PRO-**
7 **TECTION OF AGRICULTURE.**

8 (a) **REPORT REQUIRED.**—The Secretary of Home-
9 land Security shall prepare a report describing how the
10 Department of Homeland Security will implement the ap-
11 plicable recommendations of the following reports:

12 (1) Comptroller General report entitled “Home-
13 land Security: How Much is Being Done to Protect
14 Agriculture from a Terrorist Attack, but Important
15 Challenges Remain” (GAO–05–214).

16 (2) Department of Homeland Security Office of
17 Inspector General report entitled “The Department
18 of Homeland Security’s Role in Food Defense and
19 Critical Infrastructure Protection” (OIG–07–33).

20 (b) **SUBMISSION OF REPORT.**—Not later than 120
21 days after the date of the enactment of this Act, the Sec-
22 retary shall submit the report to the Committee on Home-
23 land Security of the House of Representatives and the
24 Committee on Homeland Security and Governmental Af-
25 fairs of the Senate. If the Secretary determines that a spe-

1 cific recommendation will not be implemented or will not
2 be fully implemented, the Secretary shall include in the
3 report a description of the reasoning or justification for
4 the determination.

5 **SEC. 1113. REPORT REGARDING LEVEE SYSTEM.**

6 (a) IN GENERAL.—Not later than 6 months after the
7 date of the enactment of this Act, the Secretary of Home-
8 land Security shall submit to the appropriate congres-
9 sional committees a report analyzing the threat, vulner-
10 ability, and consequence of a terrorist attack on the levee
11 system of the United States.

12 (b) EXISTING REPORTS.—In implementing this sec-
13 tion, the Secretary may build upon existing reports as nec-
14 essary.

15 **SEC. 1114. REPORT ON FORCE MULTIPLIER PROGRAM.**

16 Not later than 60 days after the date of the enact-
17 ment of this Act, the Secretary of Homeland Security shall
18 submit to the appropriate congressional committees a re-
19 port on the progress of the Secretary—

20 (1) in establishing procedures to ensure compli-
21 ance with section 44917(a)(7) of title 49, United
22 States Code; and

23 (2) in accomplishing the operational aspects of
24 the Force Multiplier Program, as required pursuant

1 to the Department of Homeland Security Appropria-
2 tions Act, 2007 (Public Law 109–295).

3 **SEC. 1115. ELIGIBILITY OF STATE JUDICIAL FACILITIES**
4 **FOR STATE HOMELAND SECURITY GRANTS.**

5 (a) IN GENERAL.—States may utilize covered grants
6 for the purpose of providing funds to State and local judi-
7 cial facilities for security at those facilities.

8 (b) COVERED GRANTS.—For the purposes of this sec-
9 tion, the term “covered grant” means a grant under any
10 of the following programs of the Department of Homeland
11 Security:

12 (1) The State Homeland Security Grant Pro-
13 gram.

14 (2) The Urban Area Security Initiative.

15 **SEC. 1116. DATA SHARING.**

16 The Secretary of Homeland Security shall provide in-
17 formation relating to assistance requested or provided in
18 response to a terrorist attack, major disaster, or other
19 emergency, to Federal, State, or local law enforcement en-
20 tities to assist in the location of a missing child or reg-
21 istered sex offender. In providing such information, the
22 Secretary shall take reasonable steps to protect the pri-
23 vacy of individuals.

1 **SEC. 1117. COOPERATIVE AGREEMENT WITH NATIONAL OR-**
2 **GANIZATION ON DISABILITY TO CARRY OUT**
3 **EMERGENCY PREPAREDNESS INITIATIVE.**

4 The Administrator of the Federal Emergency Man-
5 agement Agency, in coordination with the Disability Coor-
6 dinator of the Department of Homeland Security and the
7 Office for Civil Rights and Civil Liberties of the Depart-
8 ment, shall use amounts authorized under section 101 to
9 enter into a cooperative agreement with the National Or-
10 ganization on Disability to carry out the Emergency Pre-
11 paredness Initiative of such organization.

12 **SEC. 1118. CONSIDERATION OF TOURISM IN AWARDING**
13 **URBAN AREA SECURITY INITIATIVE GRANTS.**

14 In awarding grants under the Urban Area Security
15 Initiative, the Secretary of Homeland Security shall take
16 into consideration the number of tourists that have visited
17 an urban area in the two years preceding the year during
18 which the Secretary awards the grant.

19 **SEC. 1119. STUDY OF FOREIGN RAIL SECURITY PRACTICES.**

20 The Secretary shall—

21 (1) study select foreign rail security practices,
22 and the cost and feasibility of implementing selected
23 best practices that are not currently used in the
24 United States, including—

1 (A) implementing covert testing processes
2 to evaluate the effectiveness of rail system secu-
3 rity personnel;

4 (B) implementing practices used by foreign
5 rail operators that integrate security into infra-
6 structure design;

7 (C) implementing random searches or
8 screening of passengers and their baggage; and

9 (D) establishing and maintaining an infor-
10 mation clearinghouse on existing and emergency
11 security technologies and security best practices
12 used in the passenger rail industry both in the
13 United States and abroad; and

14 (2) report the results of the study, together
15 with any recommendations that the Secretary may
16 have for implementing covert testing, practices for
17 integrating security in infrastructure design, random
18 searches or screenings, and an information clearing-
19 house to the Committee on Homeland Security and
20 Governmental Affairs of the Senate, the Committee
21 on Homeland Security of the House of Representa-
22 tives, the Committee on Commerce, Science, and
23 Transportation of the Senate, and the Committee on
24 Transportation and Infrastructure of the House of

1 Representatives not later than 1 year after the date
2 of enactment of this Act.

3 **SEC. 1120. FEMA RECOVERY OFFICE IN FLORIDA.**

4 (a) ESTABLISHMENT.—To provide eligible Federal
5 assistance to individuals and State, local, and tribal gov-
6 ernments affected by Hurricanes Charley, Frances, Ivan,
7 Jeanne, Wilma, Tropical Storm Bonnie, and other future
8 declared emergencies and major disasters, in a customer-
9 focused, expeditious, effective, and consistent manner, the
10 Administrator of the Federal Emergency Management Ad-
11 ministration shall maintain a recovery office in the State
12 of Florida for a period of not less than three years after
13 the date of enactment of this Act.

14 (b) STRUCTURE.—The recovery office shall have an
15 executive director, appointed by the Administrator, who
16 possesses a demonstrated ability and knowledge of emer-
17 gency management and homeland security, and a senior
18 management team.

19 (c) RESPONSIBILITIES.—The executive director, in
20 coordination with State, local, and tribal governments,
21 non-profit organizations, including disaster relief organi-
22 zations, shall—

23 (1) work cooperatively with local governments
24 to mitigate the impact of a declared emergency or
25 major disaster; and

1 (2) provide assistance in a timely and effective
2 manner to residents of Florida and other States as
3 determined appropriate by the Administrator for re-
4 covery from previous and future declared emer-
5 gencies and major disasters.

6 (d) STAFFING.—Staffing levels of the recovery office
7 shall be commensurate with the current and projected
8 workload as determined by the Administrator.

9 (e) PERFORMANCE MEASURES.—To ensure that the
10 recovery office is meeting its objectives, the Administrator
11 shall identify performance measures that are specific,
12 measurable, achievable, relevant, and timed, including—

13 (1) public assistance program project worksheet
14 completion rates; and

15 (2) the length of time taken to reimburse recipi-
16 ents for public assistance.

17 (f) EVALUATION.—The Administrator shall evaluate
18 the effectiveness and efficiency of the recovery office in
19 the State of Florida in meeting the requirements of this
20 section. Not later than three years after the date of enact-
21 ment of this Act, the Administrator shall report to the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives on whether continuing to oper-
24 ate such office is necessary.

1 **SEC. 1121. REQUIREMENT TO CONSULT STATES REGARD-**
2 **ING GRANT AWARDS.**

3 Before the release by the Department of Homeland
4 Security of any information regarding the award of any
5 grant to a State with amounts authorized under section
6 101, including before submitting to Congress any list of
7 such grant awards, the Secretary of Homeland Security
8 shall consult with States.

9 **SEC. 1122. COMPTROLLER GENERAL REPORT ON CRITICAL**
10 **INFRASTRUCTURE.**

11 (a) **REQUIREMENT.**—The Comptroller General of the
12 United States shall conduct a study to—

13 (1) determine the extent to which architecture,
14 engineering, surveying, and mapping activities re-
15 lated to the critical infrastructure of the United
16 States are being sent to offshore locations;

17 (2) assess whether any vulnerabilities or threats
18 exist with respect to terrorism; and

19 (3) recommend policies, regulations, or legisla-
20 tion, as appropriate, that may be necessary to pro-
21 tect the national and homeland security interests of
22 the United States.

23 (b) **CONSULTATION.**—In carrying out the study au-
24 thorized by this section, the Comptroller General shall con-
25 sult with—

1 (1) such other agencies of the Government of
2 the United States as are appropriate; and

3 (2) national organizations representing the ar-
4 chitecture, engineering, surveying, and mapping pro-
5 fessions.

6 (c) REPORT.—The Comptroller General shall submit
7 to the Committees on Transportation and Infrastructure,
8 Energy and Commerce, and Homeland Security of the
9 House of Representatives, and to the Senate, by not later
10 than 6 months after the date of the enactment of this Act
11 a report on the findings, conclusions, and recommenda-
12 tions of the study under this section.

13 (d) DEFINITIONS.—As used in this section—

14 (1) each of the terms “architectural”, “engi-
15 neering”, “surveying”, and “mapping”—

16 (A) subject to subparagraph (B), has the
17 same meaning such term has under section
18 1102 of title 40, United States Code; and

19 (B) includes services performed by profes-
20 sionals such as surveyors, photogrammetrists,
21 hydrographers, geodesists, or cartographers in
22 the collection, storage, retrieval, or dissemina-
23 tion of graphical or digital data to depict nat-
24 ural or man-made physical features, phe-
25 nomena, or boundaries of the earth and any in-

1 formation related to such data, including any
2 such data that comprises the processing of a
3 survey, map, chart, geographic information sys-
4 tem, remotely sensed image or data, or aerial
5 photograph; and

6 (2) the term “critical infrastructure”—

7 (A) means systems and assets, whether
8 physical or virtual, so vital to the United States
9 that the incapacity or destruction of such sys-
10 tems and assets would have a debilitating im-
11 pact on security, national economic security, na-
12 tional public health or safety, or any combina-
13 tion of those matters; and

14 (B) includes the basic facilities, structures,
15 and installations needed for the functioning of
16 a community or society, including transpor-
17 tation and communications systems, water and
18 power lines, power plants, and the built envi-
19 ronment of private and public institutions of
20 the United States.

21 **SEC. 1123. IMPROVING THE NEXUS AND FAST REGISTERED**
22 **TRAVELER PROGRAMS.**

23 (a) MERGING REQUIREMENTS OF NEXUS AND
24 FAST.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security shall merge the procedures for the pro-
3 grams described in subsection (j) into a single proce-
4 dure, with common eligibility and security screening
5 requirements, enrollment processes, and sanctions
6 regimes.

7 (2) SPECIFIC REQUIREMENTS.—In carrying out
8 paragraph (1), the Secretary shall ensure that the
9 procedures for the programs known as “NEXUS
10 Highway”, “NEXUS Marine”, and “NEXUS Air”
11 are integrated into such a single procedure.

12 (b) INTEGRATING NEXUS AND FAST INFORMATION
13 SYSTEMS.—The Secretary of Homeland Security shall in-
14 tegrate all databases and information systems for the pro-
15 grams described in subsection (j) in a manner that will
16 permit any identification card issued to a participant to
17 operate in all locations where a program described in such
18 subsection is operating.

19 (c) CREATION OF NEXUS CONVERTIBLE LANES.—In
20 order to expand the NEXUS program described in sub-
21 section (j)(2) to major northern border crossings, the Sec-
22 retary of Homeland Security, in consultation with appro-
23 priate representatives of the Government of Canada, shall
24 equip not fewer than six new northern border crossings
25 with NEXUS technology.

1 (d) CREATION OF REMOTE ENROLLMENT CEN-
2 TERS.—The Secretary of Homeland Security, in consulta-
3 tion with appropriate representatives of the Government
4 of Canada, shall create a minimum of two remote enroll-
5 ment centers for the programs described in subsection (j).
6 Such a remote enrollment center shall be established at
7 each of the border crossings described in subsection (c).

8 (e) CREATION OF MOBILE ENROLLMENT CEN-
9 TERS.—The Secretary of Homeland Security, in consulta-
10 tion with appropriate representatives of the Government
11 of Canada, shall create a minimum of two mobile enroll-
12 ment centers for the programs described in subsection (j).
13 Such mobile enrollment centers shall be used to accept and
14 process applications in areas currently underserved by
15 such programs. The Secretary shall work with State and
16 local authorities in determining the locations of such mo-
17 bile enrollment centers.

18 (f) ON-LINE APPLICATION PROCESS.—The Secretary
19 of Homeland Security shall design an on-line application
20 process for the programs described in subsection (j). Such
21 process shall permit individuals to securely submit their
22 applications on-line and schedule a security interview at
23 the nearest enrollment center.

24 (g) PROMOTING ENROLLMENT.—

1 (1) CREATING INCENTIVES FOR ENROLL-
2 MENT.—In order to encourage applications for the
3 programs described in subsection (j), the Secretary
4 of Homeland Security shall develop a plan to admit
5 participants in an amount that is as inexpensive as
6 possible per card issued for each of such programs.

7 (2) CUSTOMER SERVICE PHONE NUMBER.—In
8 order to provide potential applicants with timely in-
9 formation for the programs described in subsection
10 (j), the Secretary of Homeland Security shall create
11 a customer service telephone number for such pro-
12 grams.

13 (3) PUBLICITY CAMPAIGN.—The Secretary shall
14 carry out a program to educate the public regarding
15 the benefits of the programs described in subsection
16 (j).

17 (h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
18 STATES.—For purposes of the plan required under section
19 7209(b) of the Intelligence Reform and Terrorism Preven-
20 tion Act of 2004, an identification card issued to a partici-
21 pant in a program described in subsection (j) shall be con-
22 sidered a document sufficient on its own when produced
23 to denote identity and citizenship for travel into the
24 United States by United States citizens and by categories
25 of individuals for whom documentation requirements have

1 previously been waived under section 212(d)(4)(B) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1182(d)(4)(B)).

4 (i) REPORT.—Not later than 120 days after the date
5 of the enactment of this Act, the Secretary of Homeland
6 Security shall submit to the appropriate congressional
7 committees (as defined in section 2 of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 101)) a report on the imple-
9 mentation of subsections (a) through (g).

10 (j) PROGRAMS.—The programs described in this sub-
11 section are the following:

12 (1) The FAST program authorized under sub-
13 part B of title IV of the Tariff Act of 1930 (19
14 U.S.C. 1411 et seq.).

15 (2) The NEXUS program authorized under sec-
16 tion 286(q) of the Immigration and Nationality Act
17 (U.S.C. 1356(q)).

18 **SEC. 1124. TRAVEL DOCUMENTS.**

19 (a) TRAVEL TO CANADA AND MEXICO.—Section
20 7209(b) of the Intelligence Reform and Terrorism Preven-
21 tion Act of 2004 is amended by adding at the end the
22 following new paragraphs:

23 “(3) PASS CARD INFRASTRUCTURE.—The Sec-
24 retary of Homeland Security shall conduct not less
25 than one trial on the usability, reliability, and effec-

1 tiveness of the technology that the Secretary deter-
2 mines appropriate to implement the documentary re-
3 quirements of this subsection. The Secretary may
4 not issue a final rule implementing the requirements
5 of this subsection until such time as the Secretary
6 has submitted to the appropriate congressional com-
7 mittees (as defined in section 2 of the Homeland Se-
8 curity Act of 2002 (6 U.S.C. 101)) a report on the
9 results and outcome of such trial or trials. The re-
10 port shall include data and evidence that dem-
11 onstrates that the technology utilized in such trial or
12 trials is operationally superior to other alternative
13 technology infrastructures.

14 “(4) FLEXIBLE IMPLEMENTATION PERIOD.—In
15 order to provide flexibility upon implementation of
16 the plan developed under paragraph (1), the Sec-
17 retary of Homeland Security shall establish a special
18 procedure to permit an individual who does not pos-
19 sess a passport or other document, or combination
20 of documents, as required under paragraph (1), but
21 who the Secretary determines to be a citizen of the
22 United States, to re-enter the United States at an
23 international land or maritime border of the United
24 States. The special procedure referred to in this
25 paragraph shall terminate on the date that is 180

1 days after the date of the implementation of the
2 plan described in paragraph (1)(A).

3 “(5) SPECIAL RULE FOR CERTAIN MINORS.—

4 Except as provided in paragraph (6), citizens of the
5 United States or Canada who are less than 16 years
6 of age shall not be required to present to an immi-
7 gration officer a passport or other document, or
8 combination of documents, as required under para-
9 graph (1), when returning or traveling to the United
10 States from Canada, Mexico, Bermuda, or the
11 Carribean at any port of entry along the inter-
12 national land or maritime border of the United
13 States.

14 “(6) SPECIAL RULE FOR CERTAIN STUDENT MI-

15 NORS TRAVELING AS PART OF AN AUTHORIZED AND
16 SUPERVISED SCHOOL TRIP.—Notwithstanding the
17 special rule described in paragraph (5), the Sec-
18 retary of Homeland Security is authorized to con-
19 sider expanding the special rule for certain minors
20 described in such paragraph to a citizen of the
21 United States or Canada who is less than 19 years
22 of age but is 16 years of age or older and who is
23 traveling between the United States and Canada at
24 any port of entry along the international or mari-
25 time border between the two countries if such citizen

1 is so traveling as a student as part of an authorized
2 and supervised school trip.

3 “(7) PUBLIC OUTREACH.—To promote travel
4 and trade across the United States border, the Sec-
5 retary of Homeland Security shall develop a public
6 communications plan to promote to United States
7 citizens, representatives of the travel and trade in-
8 dustries, and local government officials information
9 relating to the implementation of this subsection.
10 The Secretary of Homeland Security shall coordinate
11 with representatives of the travel and trade indus-
12 tries in the development of such public communica-
13 tions plan.

14 “(8) COST-BENEFIT ANALYSIS.—The Secretary
15 of Homeland Security shall prepare an extensive reg-
16 ulatory impact analysis that is fully compliant with
17 Executive Order No. 12866 and Office of Manage-
18 ment and Budget Circular A-4 for an economically
19 significant regulatory action before publishing a rule
20 with respect to the implementation of the require-
21 ments of this subsection.”.

22 (b) REPORT.—Not later than 120 days after the date
23 of the enactment of this Act and every 120 days there-
24 after, the Secretary of Homeland Security shall submit to
25 the appropriate congressional committees (as defined in

1 section 2 of the Homeland Security Act of 2002 (6 U.S.C.
2 101)) a report on the implementation of paragraphs (3)
3 through (8) of section 7209(b) of the Intelligence Reform
4 and Terrorism Prevention Act of 2004.

5 **SEC. 1125. SENSE OF THE CONGRESS ON INTEROPER-**
6 **ABILITY.**

7 It is the sense of the Congress that efforts to achieve
8 local, regional, and national interoperable emergency com-
9 munications in the near term should be supported and are
10 critical in assisting communities with their local and re-
11 gional efforts to properly coordinate and execute their
12 interoperability plans.

13 **SEC. 1126. TRAVELERS REDRESS INQUIRY PROGRAM.**

14 Of the amount authorized to be appropriated under
15 section 101, such sums as may be necessary shall be avail-
16 able to the Secretary of Homeland Security to take all nec-
17 essary actions to protect the security of personal informa-
18 tion submitted electronically to the Internet website of the
19 Department of Homeland Security established for the
20 Travelers Redress Inquiry Program and other websites of
21 the Department related to that program.

22 **SEC. 1127. TRANSPORTATION WORKER IDENTIFICATION**
23 **CREDENTIAL PROGRAM.**

24 The Secretary of Homeland Security shall work with
25 the State of Florida and other States, as appropriate, to

1 resolve the differences between the Transportation Worker
2 Identification Credential and existing access control cre-
3 dentials.

4 **SEC. 1128. AUTOMATED TARGETING SYSTEM FOR PERSONS**
5 **ENTERING OR DEPARTING THE UNITED**
6 **STATES.**

7 (a) FINDINGS OF THE 9/11 COMMISSION.—Congress
8 finds that the National Commission on Terrorist Attacks
9 Upon the United States (commonly referred to as the 9/
10 11 Commission) concluded that—

11 (1) “The small terrorist travel intelligence col-
12 lection and analysis program currently in place has
13 produced disproportionately useful results. It should
14 be expanded. Since officials at the border encounter
15 travelers and their documents first and investigate
16 travel facilitators, they must work closely with intel-
17 ligence officials.”;

18 (2) “Information systems able to authenticate
19 travel documents and detect potential terrorist indi-
20 cators should be used at consulates, at primary bor-
21 der inspection lines, in immigration service offices,
22 and intelligence and enforcement units.”;

23 (3) “The President should direct the Depart-
24 ment of Homeland Security to lead the effort to de-
25 sign a comprehensive screening system, addressing

1 common problems and setting common standards
2 with systemwide goals in mind.”;

3 (4) “A screening system looks for particular,
4 identifiable suspects or indicators of risk. It does not
5 involve guesswork about who might be dangerous. It
6 requires frontline border officials who have the tools
7 and resources to establish that people are who they
8 say they are, intercept identifiable suspects, and dis-
9 rupt terrorist operations.”; and

10 (5) “Inspectors adjudicating entries of the 9/11
11 hijackers lacked adequate information and knowl-
12 edge of the rules. A modern border and immigration
13 system should combine a biometric entry-exit system
14 with accessible files on visitors and immigrants,
15 along with intelligence on indicators of terrorist
16 travel.”.

17 (b) AUTOMATED TARGETING SYSTEM FOR PERSONS
18 ENTERING OR DEPARTING THE UNITED STATES.—The
19 Secretary of Homeland Security, acting through the Com-
20 missioner of Customs and Border Protection, may estab-
21 lish an automated system for the purpose of the enforce-
22 ment of United States law, including laws relating to anti-
23 terrorism and border security, to assist in the screening
24 of persons seeking to enter or depart the United States
25 (in this section referred to as the “system”).

1 (c) ADMINISTRATIVE PROCESS TO CORRECT INFOR-
2 MATION.—The Secretary, acting through the Commis-
3 sioner, shall ensure that an administrative process is es-
4 tablished, or application of an existing administrative
5 process is extended, pursuant to which any individual may
6 apply to correct any information retained by the system
7 established under subsection (b). Nothing in this section
8 shall be construed as creating a private right of action for
9 any case or claim arising from the application of the sys-
10 tem or the corrective administrative process established or
11 applied under this section.

12 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed as abrogating, diminishing, or
14 weakening the provisions of any Federal or State law that
15 prevents or protects against the unauthorized collection or
16 release of personal records.

Passed the House of Representatives May 9, 2007.

Attest: LORRAINE C. MILLER,
Clerk.