many charitable contributions of its members to communities around the world; and

(3) encourages the people of the United States to observe the 85th anniversary of the founding of AHEPA and celebrate its many accomplishments.

Ms. SNOWE. Mr. President, this year marks the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, AHEPA. I rise today to submit with my colleague, Senator MENENDEZ, a concurrent resolution honoring AHEPA's history of service, not only to Americans of Greek descent, but to Americans of all backgrounds and to the United States itself.

AHEPA was founded in 1922 to combat the bigotry encountered by Greek immigrants to this country, and to assist these new Americans with building and protecting their livelihoods in our great Nation. Eighty-five years later—decades in which generations of Greek-Americans worked tirelessly in commerce and fought patriotically on the battlefield to make the United States the prosperous and peaceful land it is today—AHEPA continues its mission to promote the shared Hellenic and American values of education, philanthropy, civic responsibility, and family and individual excellence.

This is more than a mission statement, it is a commitment to action that has been fulfilled time and again. AHEPA today awards more than half a million dollars in academic scholarships annually. Its philanthropic efforts have contributed to the restoration of the Statue of Liberty and Ellis Island. It has enhanced the civic participation of its members and other U.S. citizens through seminars and conferences on key domestic and international policy issues. And, together with three affiliated organizations—the Daughters of Penelope, the Sons of Pericles and the Maids of Athena—AHEPA has contributed to over a billion dollars in funding for youth- and family-focused projects across the country.

As the first Greek-American woman elected to both the House and Senate, I am often reminded that the connection between the U.S. Congress and the Greek people is not limited to the Greek Americans who have served as members, or the foreign policy issues debated in its halls. Rather, the very inspiration for the Congress as a legislative body are the democratic chambers of ancient Greece.

The myriad ties between our two countries—be they cultural, economic or geopolitical—comprise a bond that can and should only strengthen. AHEPA's long record of service to Greek-Americans and their countrymen are both a testament and critical component of that historical bond. It is accordingly an honor and a pleasure to submit this concurrent resolution recognizing the accomplishments of AHEPA's first 85 years. May there be many, many more.

AMENDMENTS SUBMITTED AND PROPOSED

SA 271. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

SA 272. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 273. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 274. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 275. Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to the bill S. 4, supra.

SA 276. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 277. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, Ms. MIKULSKI, Mr. CHAMBLISS, and Ms. MURKOWSKI) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 278. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 279. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 280. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 281. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 282. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 283. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 284. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 285. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 286. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 287. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 271. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike subsection (c) of section 401 and insert the following:

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country—

''(i) if the country meets all security requirements of this section;

''(ii) if the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) if there has been a sustained reduction in the rate of refusals for nonimmigrant visitor visas for nationals of the country and conditions exist to continue such reduction;

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue; and

''(v)(I) if the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than 10 percent; or

''(II) if the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once it is established under subparagraph (C).

''(C) MAXIMUM VISA OVERSTAY RATE.—

''(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security and the Secretary of State jointly

shall use information from the air exit system referred to in subparagraph (A) to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B).

''(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

''(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during a fiscal year and who remained in the United States unlawfully beyond the such period of stay; to

''(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during such fiscal year.

''(iii) REPORT AND PUBLICATION.—Secretary of Homeland Security shall submit to Congress and publish in the Federal Register a notice of the maximum visa overstay rate proposed to be established under clause (i). Not less than 60 days after the date such notice is submitted and published, the Secretary shall issue a final maximum visa overstay rate.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(A) airport security standards in the country;

''(B) whether the country assists in the operation of an effective air marshal program;

''(C) the standards of passports and travel documents issued by the country; and

''(D) other security-related factors.''.

SA 272. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

''(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require an individual to provide the individual's social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.''.

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

''(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for each individual who used that social security account number.

''(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

''(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

''(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

''(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, a search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security account numbers, who are sharing a single valid name and social security account number among multiple individuals, who are using the social security account number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

''(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).''.

(c) FALSE CLAIMS OF CITIZENSHIP BY NATIONALS OF THE UNITED STATES.—Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)) is amended by inserting ''or national'' after ''citizen''.

SA 273. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SA 274. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CABLE CARRIAGE OF TELEVISON BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 342. CARRIAGE OF SIGNALS TO CERTAIN TELEVISION MARKET AREAS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, each cable operator providing service in an eligible area may elect to carry the primary signal of any network station located in the capital of the State in which such area is located.

''(b) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE AREA.—The term 'eligible area' means 1 of 2 counties that—

''(A) are all in a single State;

''(B) on the date of enactment of this section, were each located in—

''(i) the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(ii) a designated market area comprised principally of counties located in another State; and

''(C) as a group had a total number of television households that when combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.

''(2) NETWORK STATION.—The term 'network station' has the same meaning as in section 119(d) of title 17, United States Code.''.

SEC. ___. SATELLITE CARRIAGE OF TELEVISION BROADCAST SIGNALS.

Section 119(a)(2)(C) of title 17, United States Code, is amended—

(1) by redesignating clause (v) as clause (vi);

(2) by inserting after clause (v) the following:

''(v) FURTHER ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory

license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(I) the 2 counties are located in the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(II) the total number of television households in the 2 counties combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.''; and

(3) in clause (vi) as redesignated, by striking ''and (iv)'' and inserting ''(iv), and (v)''.

SA 275. Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving America's Security Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.
Sec. 112. Information sharing.
Sec. 113. Intelligence training development for State and local government officials.
Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.
Sec. 122. Homeland Security Information Sharing Fellows Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.
Sec. 202. Homeland Security Grant Program.
Sec. 203. Technical and conforming amendments.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.
Sec. 302. Border Interoperability Demonstration Project.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 401. Modernization of the visa waiver program.
Sec. 402. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 403. Enhancements to the Terrorist Travel Program.
Sec. 404. Enhanced driver's license.
Sec. 405. Western Hemisphere Travel Initiative.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

Sec. 501. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 502. Privacy and civil liberties officers.
Sec. 503. Department Privacy Officer.
Sec. 504. Federal Agency Data Mining Reporting Act of 2007.

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 601. National Biosurveillance Integration Center.
Sec. 602. Biosurveillance efforts.
Sec. 603. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

Sec. 701. Definitions.
Sec. 702. Responsibilities of the private sector office of the Department.
Sec. 703. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 704. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 705. Report to Congress.
Sec. 706. Rule of construction.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 801. Transportation security strategic planning.
Sec. 802. Transportation security information sharing.
Sec. 803. Transportation Security Administration personnel management.

TITLE IX—INCIDENT COMMAND SYSTEM

Sec. 901. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 902. Credentialing and typing to strengthen incident command.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Sec. 1001. Critical infrastructure protection.
Sec. 1002. Risk assessment and report.
Sec. 1003. Use of existing capabilities.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 1101. Availability to public of certain intelligence funding information.
Sec. 1102. Response of intelligence community to requests from Congress.
Sec. 1103. Public Interest Declassification Board.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

Sec. 1201. Promoting antiterrorism capabilities through international cooperation.
Sec. 1202. Transparency of funds.

TITLE XIII—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

Sec. 1301. Short title.

Subtitle A—Surface Transportation and Rail Security

Sec. 1311. Definition.

PART I—IMPROVED RAIL SECURITY

Sec. 1321. Rail transportation security risk assessment.
Sec. 1322. Systemwide Amtrak security upgrades.
Sec. 1323. Fire and life-safety improvements.
Sec. 1324. Freight and passenger rail security upgrades.
Sec. 1325. Rail security research and development.
Sec. 1326. Oversight and grant procedures.
Sec. 1327. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 1328. Northern border rail passenger report.
Sec. 1329. Rail worker security training program.
Sec. 1330. Whistleblower protection program.
Sec. 1331. High hazard material security risk mitigation plans.
Sec. 1332. Enforcement authority.
Sec. 1333. Rail security enhancements.
Sec. 1334. Public awareness.
Sec. 1335. Railroad high hazard material tracking.
Sec. 1336. Authorization of appropriations.

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

Sec. 1341. Hazardous materials highway routing.
Sec. 1342. Motor carrier high hazard material tracking.
Sec. 1343. Memorandum of agreement.
Sec. 1344. Hazardous materials security inspections and enforcement.
Sec. 1345. Truck security assessment.
Sec. 1346. National public sector response system.
Sec. 1347. Over-the-road bus security assistance.
Sec. 1348. Pipeline security and incident recovery plan.
Sec. 1349. Pipeline security inspections and enforcement.
Sec. 1350. Technical corrections.
Sec. 1351. Certain personnel limitations not to apply.
Sec. 1352. Maritime and surface transportation security user fee study.

Subtitle B—Aviation Security Improvement

Sec. 1361. Extension of authorization for aviation security funding.
Sec. 1362. Passenger aircraft cargo screening.
Sec. 1363. Blast-resistant cargo containers.
Sec. 1364. Protection of air cargo on passenger planes from explosives.
Sec. 1365. In-line baggage screening.
Sec. 1366. Enhancement of in-line baggage system deployment.
Sec. 1367. Research and development of aviation transportation security technology.
Sec. 1368. Certain TSA personnel limitations not to apply.
Sec. 1369. Specialized training.
Sec. 1370. Explosive detection at passenger screening checkpoints.
Sec. 1371. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 1372. Strategic plan to test and implement advanced passenger prescreening system.
Sec. 1373. Repair station security.
Sec. 1374. General aviation security.

Sec. 1375. Security credentials for airline crews.
Sec. 1376. National explosives detection canine team training center.
Subtitle C—Interoperable Emergency Communications
Sec. 1381. Interoperable emergency communications.
Sec. 1382. Rule of construction.
Sec. 1383. Cross border interoperability reports.
Sec. 1384. Extension of short quorum.
TITLE XIV—PUBLIC TRANSPORTATION TERRORISM PREVENTION
Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Security assessments.
Sec. 1404. Security assistance grants.
Sec. 1405. Public transportation security training program.
Sec. 1406. Intelligence sharing.
Sec. 1407. Research, development, and demonstration grants and contracts.
Sec. 1408. Reporting requirements.
Sec. 1409. Authorization of appropriations.
Sec. 1410. Sunset provision.
TITLE XV—MISCELLANEOUS PROVISIONS
Sec. 1501. Deputy Secretary of Homeland Secretary for Management.
Sec. 1502. Sense of the Senate regarding combating domestic radicalization.
Sec. 1503. Report regarding border security.
TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS
Subtitle A—Homeland Security Information Sharing Enhancement
SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

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

''SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

''(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide warnings regarding the risk of terrorist attacks on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such warnings.

''(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

''(1) establish criteria for the issuance and revocation of such warnings;

''(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such warnings;

''(3) provide, in each such warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to that risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately; and

''(4) whenever possible, limit the scope of each such warning to a specific region, locality, or economic sector believed to be at risk.

''SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

''(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary shall integrate and standardize the information of the intelligence components of the Department, except for any internal protocols of such intelligence components, to be administered by the Chief Intelligence Officer.

''(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Chief Intelligence Officer regarding coordinating the different systems used in the Department to gather and disseminate homeland security information.

''(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

''(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Chief Intelligence Officer shall—

''(A) establish Department-wide procedures for the review and analysis of information gathered from sources in State, local, and tribal government and the private sector;

''(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

''(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

''(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that gathers information and provides such information to the Department.

''(d) TRAINING AND EVALUATION OF EMPLOYEES.—

''(1) TRAINING.—The Chief Intelligence Officer shall provide to employees of the Department opportunities for training and education to develop an understanding of—

''(A) the definition of homeland security information; and

''(B) how information available to such employees as part of their duties—

''(i) might qualify as homeland security information; and

''(ii) might be relevant to the intelligence components of the Department.

''(2) EVALUATIONS.—The Chief Intelligence Officer shall—

''(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information, sharing information within the Department, as described in this subtitle, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) provide a report regarding any evaluation under subparagraph (A) to the appropriate component heads.

''SEC. 205. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

''All activities to comply with sections 203 and 204 shall be—

''(1) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(2) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

''Sec. 203. Homeland Security Advisory System.
''Sec. 204. Homeland Security Information Sharing.
''Sec. 205. Coordination with information sharing environment.''.

(b) INTELLIGENCE COMPONENT DEFINED.—

(1) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(A) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(B) by inserting after paragraph (8) the following:

''(9) The term 'intelligence component of the Department' means any directorate, agency, or other element or entity of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 501(11) of the Homeland Security Act of 2002 (6 U.S.C. 311(11)) is amended by striking ''section 2(10)(B)'' and inserting ''section 2(11)(B)''.

(B) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking ''section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))'' and inserting ''section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))''.

(c) RESPONSIBILITIES OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting '', in support of the mission responsibilities of the Department and consistent with the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 50 U.S.C. 404o),'' after ''and to integrate such information''; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A) of this section, and inserting the following:

''(7) To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and among the Federal Government and State, local, and tribal government agencies and authorities, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.''.

SEC. 112. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).'';

(C) in paragraph (5), as so redesignated—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(ii) by striking '' 'terrorism information' means'' and inserting the following: '' 'terrorism information'—

''(A) means'';

(iii) in subparagraph (A)(iv), as so redesignated, by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) includes homeland security information and weapons of mass destruction information.''; and

(D) by adding at the end the following:

''(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including chemical, biological, radiological, and nuclear weapons) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.'';

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

''(K) integrates technologies, including all legacy technologies, through Internet-based services;

''(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

''(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;

''(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

''(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.'';

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner'' and inserting ''until''; and

(ii) by striking ''The program manager shall have and exercise governmentwide authority.'' and inserting ''Except as otherwise expressly provided by law, the program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located.''; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

''(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

''(iii) issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

''(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner'' and inserting ''until'';

(B) in paragraph (2)—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

''(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

''(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and'';

(C) in paragraph (4), by inserting ''(including any subsidiary group of the Information Sharing Council)'' before ''shall not be subject''; and

(D) by adding at the end the following:

''(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).'';

(5) in subsection (h)(1), by striking ''and annually thereafter'' and inserting ''and not later than June 30 of each year thereafter''; and

(6) by striking subsection (j) and inserting the following:

''(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

''(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, unless the President has—

''(i) specifically exempted categories of information from such elimination; and

''(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

''(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment relating to citizens and lawful permanent residents;

''(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment for a particular purpose that the Federal Government, through an appropriate process, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

''(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, in any cases in which—

''(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

''(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

''(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

''(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

''(1) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv); and

''(2) other activities associated with the implementation of the information sharing environment, including—

''(A) implementing the requirements under subsection (b)(2); and

''(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 113. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material.

(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct the training.

(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Chief Intelligence Officer shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the

Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 114. INFORMATION SHARING INCENTIVES.

(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in sharing information within the scope of the information sharing environment established under that section in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to engage in the information sharing environment, including—

(1) promotions and other nonmonetary awards; and

(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department;

''(2) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

''(3) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(4) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

''(5) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

''(6) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485).

''(b) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

''(c) DEPARTMENT SUPPORT AND COORDINATION.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

''(1) coordinate with the principal officer of each State, local, or regional fusion center and the officer designated as the Homeland Security Advisor of the State;

''(2) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

''(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

''(4) conduct exercises, including live training exercises, to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

''(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

''(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

''(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

''(8) provide management assistance to State, local, and regional fusion centers;

''(9) serve as a point of contact to ensure the dissemination of relevant homeland security information;

''(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

''(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

''(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

''(13) carry out such other duties as the Secretary determines are appropriate.

''(d) PERSONNEL ASSIGNMENT.—

''(1) IN GENERAL.—The Chief Intelligence Officer may, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to State, local, and regional fusion centers.

''(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to fusion centers under this subsection may be assigned from the following Department components, in consultation with the respective component head:

''(A) Office of Intelligence and Analysis, or its successor.

''(B) Office of Infrastructure Protection.

''(C) Transportation Security Administration.

''(D) United States Customs and Border Protection.

''(E) United States Immigration and Customs Enforcement.

''(F) United States Coast Guard.

''(G) Other intelligence components of the Department, as determined by the Secretary.

''(3) PARTICIPATION.—

''(A) IN GENERAL.—The Secretary may develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

''(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

''(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

''(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

''(iii) whether the fusion center has—

''(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

''(II) the ability to share and analytically exploit that data for authorized purposes;

''(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

''(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

''(4) PREREQUISITE.—

''(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

''(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

''(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

''(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar regulation or ruling);

''(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

''(iii) such other training prescribed by the Chief Intelligence Officer.

''(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Chief Intelligence Officer shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

''(i) has been previously assigned in the geographic area; or

''(ii) has previously worked with intelligence officials or emergency response providers from that State, locality, or region.

''(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Chief Intelligence Officer—

''(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate clearance to contribute effectively to the mission of the fusion center; and

''(B) may request that security clearance processing be expedited for each such officer or intelligence analyst.

''(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Chief Intelligence Officer may prescribe.

''(e) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

''(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using Federal homeland security information to develop a comprehensive and accurate threat picture;

''(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

''(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department;

''(4) assist in the dissemination of such products, under the coordination of the Chief Intelligence Officer, to law enforcement agencies and other emergency response providers of State, local, and tribal government; and

''(5) assist in the dissemination of such products to the Chief Intelligence Officer for collection and dissemination to other fusion centers.

''(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (e), each officer or intelligence analyst assigned to a fusion center under this section shall have direct access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

''(g) CONSUMER FEEDBACK.—

''(1) IN GENERAL.—The Secretary shall create a mechanism for any State, local, or tribal emergency response provider who is a consumer of the intelligence or other information products described under subsection (e) to voluntarily provide feedback to the Department on the quality and utility of such intelligence products.

''(2) RESULTS.—The results of the voluntary feedback under paragraph (1) shall be provided electronically to Congress and appropriate personnel of the Department.

''(h) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

''(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

''(i) GUIDELINES.—The Secretary, in consultation with the Attorney General of the United States, shall establish guidelines for fusion centers operated by State and local governments, to include standards that any such fusion center shall—

''(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

''(2) create a representative governance structure that includes emergency response providers and, as appropriate, the private sector;

''(3) create a collaborative environment for the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) among Federal, State, tribal, and local emergency response providers, the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

''(4) leverage the databases, systems, and networks available from public and private sector entities to maximize information sharing;

''(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

''(6) ensure appropriate security measures are in place for the facility, data, and personnel;

''(7) select and train personnel based on the needs, mission, goals, and functions of that fusion center; and

''(8) offer a variety of intelligence services and products to recipients of fusion center intelligence and information.

''(j) AUTHORIZATION OF APPROPRIATIONS.—Except for subsection (i), there are authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 205, as added by this Act, the following:

''Sec. 206. State, Local, and Regional Information Fusion Center Initiative.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 206 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''program'') has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date on which the program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the program.

SEC. 122. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 207. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Chief Intelligence Officer, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

''(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

''(i) the relevant missions and capabilities of the Department and other Federal agencies; and

''(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

''(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

''(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

''(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers, emergency response providers, and intelligence analysts; and

''(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal emergency response providers, law enforcement officers, and intelligence analysts and designed to prepare for and thwart terrorist attacks.

''(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

''(A) have homeland security-related responsibilities;

''(B) be eligible for an appropriate national security clearance;

''(C) possess a valid need for access to classified information, as determined by the Chief Intelligence Officer;

''(D) be an employee of an eligible entity; and

''(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note).

''(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a State, local, or regional fusion center;

''(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

''(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

''(D) a tribal law enforcement or other authority; or

''(E) such other entity as the Secretary determines is appropriate.

''(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

''(d) PROCEDURES FOR NOMINATION AND SELECTION.—

''(1) IN GENERAL.—The Chief Intelligence Officer shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

''(2) LIMITATIONS.—The Chief Intelligence Officer shall—

''(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

''(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department; and

''(2) the term 'Office of Intelligence and Analysis' means the office of the Chief Intelligence Officer.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 206, as added by this Act, the following:

''Sec. 207. Homeland Security Information Sharing Fellows Program.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 207 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''Program'') the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the Program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 131. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—As part of efforts to establish the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the program manager shall oversee and coordinate the creation and ongoing operation of an Interagency Threat Assessment and Coordination Group (in this section referred to as the ''ITACG'').

(b) RESPONSIBILITIES.—The ITACG shall facilitate the production of federally coordinated products derived from information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and intended for distribution to State, local, and tribal government officials and the private sector.

(c) OPERATIONS.—

(1) IN GENERAL.—The ITACG shall be located at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall assign a senior level officer to manage and direct the administration of the ITACG.

(B) DISTRIBUTION.—The Secretary, in consultation with the Attorney General and the heads of other agencies, as appropriate, shall determine how specific products shall be distributed to State, local, and tribal officials and private sector partners under this section.

(C) STANDARDS FOR ADMISSION.—The Secretary, acting through the Chief Intelligence Officer and in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall establish standards for the admission of law enforcement and intelligence officials from a State, local, or tribal government into the ITACG.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The ITACG shall include representatives of—

(A) the Department;

(B) the Federal Bureau of Investigation;

(C) the Department of Defense;

(D) the Department of Energy;

(E) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(F) other Federal entities as appropriate.

(2) CRITERIA.—The program manager for the information sharing environment, in consultation with the Secretary of Defense, the Secretary, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall develop qualifying criteria and establish procedures for selecting personnel assigned to the ITACG and for the proper handling and safeguarding of information related to terrorism.

(e) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The ITACG and any subsidiary groups thereof shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—HOMELAND SECURITY GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Homeland Security Grant Enhancement Act of 2007''.

SEC. 202. HOMELAND SECURITY GRANT PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''TITLE XX—HOMELAND SECURITY GRANTS

''SEC. 2001. DEFINITIONS.

''In this title, the following definitions shall apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) COMBINED STATISTICAL AREA.—The term 'combined statistical area' means a combined statistical area, as defined by the Office of Management and Budget.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

''(A) any Indian tribe that—

''(i) is located in the continental United States;

''(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

''(iii) is located—

''(I) on, or within 50 miles of, an international border or a coastline bordering an ocean or international waters;

''(II) within 10 miles of critical infrastructure or has critical infrastructure within its territory; or

''(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

''(iv) certifies to the Secretary that a State is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

''(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

''(4) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means the following:

''(A) IN GENERAL.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes that—

''(i) is within—

''(I) any of the 100 largest metropolitan statistical areas in the United States; or

''(II) any combined statistical area, of which any metropolitan statistical area described in subparagraph (A) is a part; and

''(ii) includes the city with the largest population in that metropolitan statistical area.

''(B) OTHER COMBINATIONS.—Any other combination of contiguous local or tribal governments that are formally certified by the Administrator as an eligible metropolitan area for purposes of this title with the consent of the State or States in which such local or tribal governments are located.

''(C) INCLUSION OF ADDITIONAL LOCAL GOVERNMENTS.—An eligible metropolitan area may include additional local or tribal governments outside the relevant metropolitan statistical area or combined statistical area that are likely to be affected by, or be called upon to respond to, a terrorist attack within the metropolitan statistical area.

''(5) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

''(6) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

''(7) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

''(8) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(9) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

''(10) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

''(11) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

''SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a Homeland Security Grant Program, which shall consist of—

''(1) the Urban Area Security Initiative established under section 2003, or any successor thereto;

''(2) the State Homeland Security Grant Program established under section 2004, or any successor thereto;

''(3) the Emergency Management Performance Grant Program established under section 2005 or any successor thereto; and

''(4) the Emergency Communications and Interoperability Grants Program established under section 1809, or any successor thereto.

''(b) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments under the Homeland Security Grant Program for the purposes of this title.

''(c) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

''(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(2) Except as provided in subsection (d), all grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the Urban Search and Rescue Grant Program.

''(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

''(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(5) Grant programs other than those administered by the Department.

''(d) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The Homeland Security Grant Program shall supercede—

''(A) all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714); and

''(B) the Emergency Management Performance Grant authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762).

''(2) PROGRAM INTEGRITY.—Each grant program described under paragraphs (1) through (4) of subsection (a) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

''(A) identifying activities funded under the Homeland Security Grant Program that are susceptible to significant improper payments; and

''(B) reporting the incidence of improper payments to the Department.

''(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

''(e) MINIMUM PERFORMANCE REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall—

''(A) establish minimum performance requirements for entities that receive homeland security grants;

''(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

''(i) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

''(ii) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

''(C) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under subparagraph (A) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

''(i) establishing a plan for the achievement of the minimum performance requirements under subparagraph (A), including—

''(I) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

''(II) conducting additional simulations and exercises; and

''(ii) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under subparagraph (A).

''(2) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under paragraph (1)(B).

''(3) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

''(A) the performance of grantees under paragraph (1)(A);

''(B) lessons learned through the simulations and exercises under paragraph (1)(B); and

''(C) efforts being made to remedy failed performance under paragraph (1)(C).

''SEC. 2003. URBAN AREA SECURITY INITIATIVE.

''(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk metropolitan areas in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible metropolitan area may apply for grants under this section.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(3) INFORMATION.—In an application for a grant under this section, an eligible metropolitan area shall submit—

''(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the eligible metropolitan area;

''(B) the name of an individual to serve as a metropolitan area liaison with the Department and among the various jurisdictions in the metropolitan area; and

''(C) such information in support of the application as the Administrator may reasonably require.

''(c) STATE REVIEW AND TRANSMISSION.—

''(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan area applying for a grant under this section shall submit its application to each State within which any part of the eligible metropolitan area is located for review before submission of such application to the Department.

''(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan area under paragraph (1), each such State shall transmit the application to the Department.

''(3) STATE DISAGREEMENT.—If the Governor of any such State determines that an application of an eligible metropolitan area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(A) notify the Administrator, in writing, of that fact; and

''(B) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(d) PRIORITIZATION.—In allocating funds among metropolitan areas applying for grants under this section, the Administrator shall consider—

''(1) the relative threat, vulnerability, and consequences faced by the eligible metropolitan area from a terrorist attack, including consideration of—

''(A) the population of the eligible metropolitan area, including appropriate consideration of military, tourist, and commuter populations;

''(B) the population density of the eligible metropolitan area;

''(C) the history of threats faced by the eligible metropolitan area, including—

''(i) whether there has been a prior terrorist attack in the eligible metropolitan area; and

''(ii) whether any part of the eligible metropolitan area, or any critical infrastructure or key resource within the eligible metropolitan area, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

''(D) the degree of threat, vulnerability, and consequences to the eligible metropolitan area related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

''(E) whether the eligible metropolitan area is located at or near an international border;

''(F) whether the eligible metropolitan area has a coastline bordering ocean or international waters;

''(G) threats, vulnerabilities, and consequences faced by the eligible metropolitan area related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

''(H) the most current threat assessments available to the Department;

''(I) the extent to which the eligible metropolitan area has unmet target capabilities;

''(J) the extent to which the eligible metropolitan area includes—

''(i) all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan statistical area or combined statistical area; and

''(ii) other local governments and tribes that are likely to be called upon to respond to a terrorist attack within the eligible metropolitan area; and

''(K) such other factors as are specified in writing by the Administrator; and

''(2) the anticipated effectiveness of the proposed spending plan for the eligible metropolitan area in increasing the ability of that eligible metropolitan area to prevent, prepare for, protect against, respond to, and recover from terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the metropolitan area, the State, and the Nation.

''(e) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(f) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan and relevant local and regional homeland security plans, through—

''(1) developing and enhancing State, local, or regional plans, risk assessments, or mutual aid agreements;

''(2) purchasing, upgrading, storing, or maintaining equipment;

''(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

''(4) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event, including payment of overtime and backfill costs;

''(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

''(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

''(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

''(8) any other activity relating to achieving target capabilities approved by the Administrator.

''(g) DISTRIBUTION OF AWARDS TO METROPOLITAN AREAS.—

''(1) IN GENERAL.—If the Administrator approves the application of an eligible metropolitan area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which the eligible metropolitan area is located.

''(2) STATE DISTRIBUTION OF FUNDS.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

''(3) MULTISTATE REGIONS.—If parts of an eligible metropolitan area awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State—

''(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

''(B) if no agreement on distribution has been reached, a portion of the grant funds in proportion to each State's share of the population of the eligible metropolitan area.

''SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(c) PRIORITIZATION.—In allocating funds among States applying for grants under this section, the Administrator shall consider—

''(1) the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

''(A) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(B) the population density of the State;

''(C) the history of threats faced by the State, including—

''(i) whether there has been a prior terrorist attack in an urban area that is wholly or partly in the State, or in the State itself; and

''(ii) whether any part of the State, or any critical infrastructure or key resource within the State, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

''(D) the degree of threat, vulnerability, and consequences related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan;

''(E) whether the State has an international border;

''(F) whether the State has a coastline bordering ocean or international waters;

''(G) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the State's need to respond to terrorist attacks arising in adjacent States;

''(H) the most current threat assessments available to the Department;

''(I) the extent to which the State has unmet target capabilities; and

''(J) such other factors as are specified in writing by the Administrator;

''(2) the anticipated effectiveness of the proposed spending plan of the State in increasing the ability of the State to—

''(A) prevent, prepare for, protect against, respond to, and recover from terrorism;

''(B) meet the target capabilities of the State; and

''(C) otherwise reduce the overall risk to the State and the Nation; and

''(3) the need to balance the goal of ensuring the target capabilities of the highest risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

''(d) MINIMUM ALLOCATION.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

''(1) except as provided for in paragraph (2), no State receives less than an amount equal to 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program; and

''(2) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than 0.08 percent of the amounts appropriated for the State Homeland Security Grant Program.

''(e) MULTISTATE PARTNERSHIPS.—

''(1) IN GENERAL.—Instead of, or in addition to, any application for funds under subsection (b), 2 or more States may submit an application under this paragraph for multistate efforts to prevent, prepare for, protect against, respond to, or recover from acts of terrorism.

''(2) GRANTEES.—Multistate grants may be awarded to either—

''(A) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

''(B) a group of States applying as a consortium or partnership.

''(3) ADMINISTRATION OF GRANT.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

''(A) the division of responsibilities for administering the grant; and

''(B) the distribution of funding among the various States and entities that are party to the application.

''(f) FUNDING FOR LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—The Administrator shall require that, not later than 60 days after receiving grant funding, any State receiving a grant under this section shall make available to local and tribal governments and emergency response providers, consistent with the applicable State homeland security plan—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, the resources purchased with such grant funds having a value equal to not less than 80 percent of the amount of the grant; or

''(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request, and may extend such period for an additional period, if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments and emergency response providers is necessary to promote effective investments to prevent, prepare for, protect against, respond to, and recover from terrorism, or to meet the target capabilities of the State.

''(3) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities achieve target capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

''(g) GRANTS TO DIRECTLY ELIGIBLE TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may award grants to directly eligible tribes under this section.

''(2) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Administrator that includes the information required for an application by a State under subsection (b).

''(3) STATE REVIEW.—

''(A) IN GENERAL.—To ensure consistency with State homeland security plans, a directly eligible tribe applying for a grant under this section shall submit its application to each State within which any part of the tribe is located for review before submission of such application to the Department.

''(B) DEADLINE.—Not later than 30 days after receiving an application from a directly eligible tribe under subparagraph (A), each such State shall transmit the application to the Department.

''(C) STATE DISAGREEMENT.—If the Governor of any such State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(i) notify the Administrator, in writing, of that fact; and

''(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(4) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

''(5) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

''(A) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(B) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the access of such tribe to grants; and

''(C) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

''(6) TRIBES RECEIVING DIRECT GRANTS.—A directly eligible tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State.

''(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this section.

''(h) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(i) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan, through—

''(1) developing and enhancing State, local, tribal, or regional plans, risk assessments, or mutual aid agreements;

''(2) purchasing, upgrading, storing, or maintaining equipment;

''(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

''(4) responding to an increase in the threat level under the Homeland Security Advisory System, including payment of overtime and backfill costs;

''(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers, that comply with the guidelines established under section 206(i);

''(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

''(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

''(8) any other activity relating to achieving target capabilities approved by the Administrator.

''SEC. 2005. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) ESTABLISHMENT.—There is established an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, recovering from, and mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(c) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

''(1) BASELINE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

''(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

''(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

''(d) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan or a catastrophic incident annex developed under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) through—

''(1) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

''(2) any other activity approved by the Administrator that will improve the capability of a State, local, or tribal government in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(e) COST SHARING.—

''(1) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this section shall not exceed 75 percent.

''(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(f) LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

''(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''SEC. 2006. TERRORISM PREVENTION.

''(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

''(1) IN GENERAL.—The Administrator shall designate not less than 25 percent of the combined amount appropriated for grants under sections 2003 and 2004 to be used for law enforcement terrorism prevention activities.

''(2) USE OF FUNDS.—Grants awarded under this subsection may be used for—

''(A) information sharing to preempt terrorist attacks;

''(B) target hardening to reduce the vulnerability of selected high value targets;

''(C) threat recognition to recognize the potential or development of a threat;

''(D) intervention activities to interdict terrorists before they can execute a threat;

''(E) overtime expenses related to a State homeland security plan, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement;

''(F) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

''(G) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

''(H) any other terrorism prevention activity authorized by the Administrator.

''(b) OFFICE FOR THE PREVENTION OF TERRORISM.—

''(1) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

''(2) DIRECTOR.—

''(A) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

''(B) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—

''(A) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

''(B) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act as liaisons between that component and the Office for the Prevention of Terrorism.

''(4) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

''(A) coordinate policy and operations between the Department and State, local, and tribal government agencies relating to preventing acts of terrorism within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) in coordination with the Office of Intelligence and Analysis, develop better methods for the sharing of intelligence with State, local, and tribal law enforcement agencies;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under this title, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs are adequately focused on terrorism prevention activities; and

''(E) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(5) PILOT PROJECT.—

''(A) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Administrator, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

''(B) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this paragraph shall form the basis of a national network of standardized law enforcement resources to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disaster.

''(6) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

''SEC. 2007. RESTRICTIONS ON USE OF FUNDS.

''(a) LIMITATIONS ON USE.—

''(1) CONSTRUCTION.—

''(A) IN GENERAL.—Grants awarded under this title may not be used to acquire land or to construct buildings or other physical facilities.

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of grants awarded under this title to achieve target capabilities through—

''(I) the construction of facilities described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); or

''(II) the alteration or remodeling of existing buildings for the purpose of making such buildings secure against terrorist attacks or able to withstand or protect against chemical, radiological, or biological attacks.

''(ii) REQUIREMENTS FOR EXCEPTION.—No grant awards may be used for the purposes under clause (i) unless—

''(I) specifically approved by the Administrator;

''(II) the construction occurs under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)); and

''(III) the amount allocated for purposes under clause (i) does not exceed 20 percent of the grant award.

''(2) PERSONNEL.—

''(A) IN GENERAL.—For any grant awarded under section 2003 or 2004—

''(i) not more than 25 percent of the amount awarded to a grant recipient may be used to pay overtime and backfill costs; and

''(ii) not more than 25 percent of the amount awarded to the grant recipient may be used to pay personnel costs not described in clause (i).

''(B) WAIVER.—At the request of the recipient of a grant under section 2003 or section 2004, the Administrator may grant a waiver of any limitation under subparagraph (A).

''(3) RECREATION.—Grants awarded under this title may not be used for recreational or social purposes.

''(b) MULTIPLE-PURPOSE FUNDS.—Nothing in this title shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Administrator.

''(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(d) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this title shall be used to supplement and not supplant other State, local, and tribal government public funds obligated for the purposes provided under this title.

''SEC. 2008. ADMINISTRATION AND COORDINATION.

''(a) ADMINISTRATOR.—The Administrator shall, in consultation with other appropriate offices within the Department, have responsibility for administering all homeland security grant programs administered by the Department and for ensuring coordination among those programs and consistency in the guidance issued to recipients across those programs.

''(b) NATIONAL ADVISORY COUNCIL.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council established under section 508 on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies.

''(c) REGIONAL COORDINATION.—The Administrator shall ensure that—

''(1) all recipients of homeland security grants administered by the Department, as a condition of receiving those grants, coordinate their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments, as appropriate; and

''(2) all metropolitan areas and other recipients of homeland security grants administered by the Department that include or substantially affect parts or all of more than 1 State, coordinate across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans, as a condition of receiving Departmentally administered homeland security grants.

''(d) PLANNING COMMITTEES.—

''(1) IN GENERAL.—Any State or metropolitan area receiving grants under this title shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

''(i) local and tribal government officials; and

''(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

''(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or metropolitan areas, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

''(e) INTERAGENCY COORDINATION.—The Secretary, through the Administrator, in coordination with the Attorney General, the Secretary of Health and Human Services, and other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters, and not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, shall—

''(1) compile a comprehensive list of Federal programs that provide assistance to State, local, and tribal governments for preventing, preparing for, and responding to, natural disasters, acts of terrorism, and other man-made disasters;

''(2) develop a proposal to coordinate, to the greatest extent practicable, the planning, reporting, application, and other requirements and guidance for homeland security assistance programs to—

''(A) eliminate redundant and duplicative requirements, including onerous application and ongoing reporting requirements;

''(B) ensure accountability of the programs to the intended purposes of such programs;

''(C) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients; and

''(D) make the programs more accessible and user friendly to applicants; and

''(3) submit the information and proposals under paragraphs (1) and (2) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''SEC. 2009. ACCOUNTABILITY.

''(a) REPORTS TO CONGRESS.—

''(1) FUNDING EFFICACY.—The Administrator shall submit to Congress, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752), an evaluation of the extent to which grants Administered by the Department, including the grants established by this title—

''(A) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

''(B) have led to the reduction of risk nationally and in State, local, and tribal jurisdictions.

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed and comprehensive explanation of the methodology used to

calculate risk and compute the allocation of funds under sections 2003 and 2004 of this title, including—

''(i) all variables included in the risk assessment and the weights assigned to each;

''(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

''(iii) any change in the methodology from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

''(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

''(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

''(i) October 31; or

''(ii) 30 days before the issuance of any program guidance for grants under sections 2003 and 2004.

''(b) REVIEWS AND AUDITS.—

''(1) DEPARTMENT REVIEW.—The Administrator shall conduct periodic reviews of grants made under this title to ensure that recipients allocate funds consistent with the guidelines established by the Department.

''(2) GOVERNMENT ACCOUNTABILITY OFFICE.—

''(A) ACCESS TO INFORMATION.—Each recipient of a grant under this title and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this title.

''(B) AUDITS AND REPORTS.—

''(i) AUDIT.—Not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, and periodically thereafter, the Comptroller General of the United States shall conduct an audit of the Homeland Security Grant Program.

''(ii) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

''(I) the results of any audit conducted under clause (i), including an analysis of the purposes for which the grant funds authorized under this title are being spent; and

''(II) whether the grant recipients have allocated funding consistent with the State homeland security plan and the guidelines established by the Department.

''(3) AUDIT REQUIREMENT.—Grant recipients that expend $500,000 or more in grant funds received under this title during any fiscal year shall submit to the Administrator an organization-wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

''(4) RECOVERY AUDITS.—The Secretary shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of $1,000,000 or greater.

''(c) REMEDIES FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Administrator finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this title has failed to substantially comply with any provision of this title, or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

''(A) terminate any payment of grant funds to be made to the recipient under this title;

''(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this title; or

''(C) limit the use of grant funds received under this title to programs, projects, or activities not affected by the failure to comply.

''(2) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this title or with applicable guidelines or regulations of the Department.

''(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this title or with applicable guidelines or regulations of the Department, including failing to provide local or tribal governments with grant funds or resources purchased with grant funds in a timely fashion, a local or tribal government entitled to receive such grant funds or resources may petition the Administrator, at such time and in such manner as determined by the Administrator, to request that grant funds or resources be provided directly to the local or tribal government.

''SEC. 2010. AUDITING.

''(a) AUDIT OF GRANTS UNDER THIS TITLE.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use of funds under such grant program by such entity.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit;

''(B) whether funds under that grant program were used by that entity as required by law; and

''(C)(i) for each grant under the Urban Area Security Initiative or the State Homeland Security Grant Program, the extent to which funds under that grant were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

''(ii) for each grant under the Emergency Management Performance Grant Program, the extent to which funds under that grant were used to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law; and

''(iii)(I) for grants under the Urban Area Security Initiative or the State Homeland Security Grant Program audited, the extent to which, during the period described in clause (i) that is applicable to such report, funds under such grants were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

''(II) for grants under the Emergency Management Performance Grant Program audited, the extent to which funds under such grants were used during the period described in clause (i) applicable to such report to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

''(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

''(B) whether funds under each such grant program were used by that entity as required by law; and

''(C) the extent to which such funds were used to enhance preparedness.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited were used as required by law; and

''(iii) the extent to which funds under each grant audited were used to enhance preparedness.

''(c) FUNDING FOR AUDITS.—

''(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Emergency Management Performance Grant Program for audits under this section.

''(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

''(A) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

''(B) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

''(C) Amounts withheld from grants under the Emergency Management Performance Grant Program shall be made available for audits under this section of entities receiving grants under the Emergency Management Performance Grant Program.

''SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS.—

''(1) IN GENERAL.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title for each of fiscal years 2008, 2009, and 2010, $3,105,000,000, to be allocated as follows:

''(A) For grants under the Urban Area Security Initiative under section 2003, $1,278,639,000.

''(B) For grants under the State Homeland Security Grant Program established under section 2004, $913,180,500.

''(C) For grants under the Emergency Management Performance Grant Program established under section 2005, $913,180,500.

''(2) SUBSEQUENT YEARS.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

''(b) PROPORTIONATE ALLOCATION.—Regardless of the amount appropriated for the Homeland Security Grant Program in any fiscal year, the appropriated amount shall, in each fiscal year, be allocated among the grant programs under sections 2003, 2004, and 2005 in direct proportion to the amounts allocated under paragraph (a)(1) of this section.''.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking ''section 1802'' and inserting ''section 1902''; and

(4) in section 1906, as so redesignated, by striking ''section 1802(a)'' each place that term appears and inserting ''section 1902(a)''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), 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.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.
''Sec. 2002. Homeland Security Grant Program.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Emergency Management Performance Grants Program.
''Sec. 2006. Terrorism prevention.
''Sec. 2007. Restrictions on use of funds.
''Sec. 2008. Administration and coordination.
''Sec. 2009. Accountability.
''Sec. 2010. Auditing.
''Sec. 2011. Authorization of appropriations.''.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.

(a) EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) (relating to emergency communications) is amended by adding at the end the following:

''SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) EMERGENCY COMMUNICATIONS OPERABILITY.—The term 'emergency communications operability' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, agencies, and government officers from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, act of terrorism, or other man-made disaster, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

''(b) IN GENERAL.—The Administrator shall make grants to States for initiatives necessary to achieve, maintain, or enhance Statewide, regional, national and, as appropriate, international emergency communications operability and interoperable communications.

''(c) STATEWIDE INTEROPERABLE COMMUNICATIONS PLANS.—

''(1) SUBMISSION OF PLANS.—The Administrator shall require any State applying for a grant under this section to submit a Statewide Interoperable Communications Plan as described under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(2) COORDINATION AND CONSULTATION.—The Statewide plan submitted under paragraph (1) shall be developed—

''(A) in coordination with local and tribal governments, emergency response providers, and other relevant State officers; and

''(B) in consultation with and subject to appropriate comment by the applicable Regional Emergency Communications Coordination Working Group as described under section 1805.

''(3) APPROVAL.—The Administrator may not award a grant to a State unless the Administrator, in consultation with the Director for Emergency Communications, has approved the applicable Statewide plan.

''(4) REVISIONS.—A State may revise the applicable Statewide plan approved by the Administrator under this subsection, subject to approval of the revision by the Administrator.

''(d) CONSISTENCY.—The Administrator shall ensure that each grant is used to supplement and support, in a consistent and coordinated manner, any applicable State, regional, or urban area homeland security plan.

''(e) USE OF GRANT FUNDS.—Grants awarded under subsection (b) may be used for initiatives to achieve, maintain, or enhance emergency communications operability and interoperable communications, including—

''(1) Statewide or regional communications planning, including governance related activities;

''(2) system design and engineering;

''(3) system procurement and installation;

''(4) exercises;

''(5) modeling and simulation exercises for operational command and control functions;

''(6) technical assistance;

''(7) training; and

''(8) other appropriate activities determined by the Administrator to be integral to achieve, maintain, or enhance emergency communications operability and interoperable communications.

''(f) APPLICATION.—

''(1) IN GENERAL.—A State desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

''(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

''(B) describe how—

''(i) the proposed use of funds—

''(I) would be consistent with and address the goals in any applicable State, regional, or urban homeland security plan; and

''(II) unless the Administrator determines otherwise, are—

''(aa) consistent with the National Emergency Communications Plan under section 1802; and

''(bb) compatible with the national infrastructure and national voluntary consensus standards;

''(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among participating local and tribal governments and emergency response providers;

''(iii) the State plans to allocate the grant funds on the basis of risk and effectiveness to regions, local and tribal governments to promote meaningful investments for achieving, maintaining, or enhancing emergency communications operability and interoperable communications;

''(iv) the State intends to address the emergency communications operability and interoperable communications needs at the city, county, regional, State, and interstate level; and

''(v) the State plans to emphasize regional planning and cooperation, both within the jurisdictional borders of that State and with neighboring States;

''(C) be consistent with the Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

''(D) include a capital budget and timeline showing how the State intends to allocate and expend the grant funds.

''(g) AWARD OF GRANTS.—

''(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

''(A) the nature of the threat to the State from a natural disaster, act of terrorism, or other man-made disaster;

''(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of natural disasters, acts of terrorism, or other man-made disasters;

''(C) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(D) the population density of the State;

''(E) the extent to which grants will be utilized to implement emergency communications operability and interoperable communications solutions—

''(i) consistent with the National Emergency Communications Plan under section 1802 and compatible with the national infrastructure and national voluntary consensus standards; and

''(ii) more efficient and cost effective than current approaches;

''(F) the extent to which a grant would expedite the achievement, maintenance, or enhancement of emergency communications operability and interoperable communications in the State with Federal, State, local, and tribal governments;

''(G) the extent to which a State, given its financial capability, demonstrates its commitment to achieve, maintain, or enhance emergency communications operability and interoperable communications by supplementing Federal funds with non-Federal funds;

''(H) whether the State is on or near an international border;

''(I) whether the State encompasses an economically significant border crossing;

''(J) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters;

''(K) the extent to which geographic barriers pose unusual obstacles to achieving, maintaining, or enhancing emergency communications operability or interoperable communications;

''(L) the threats, vulnerabilities, and consequences faced by the State related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural disasters, acts of terrorism, and other man-made disasters arising in those jurisdictions;

''(M) the need to achieve, maintain, or enhance nationwide emergency communications operability and interoperable communications, consistent with the National Emergency Communications Plan under section 1802;

''(N) whether the activity for which a grant is requested is being funded under another Federal or State emergency communications grant program; and

''(O) such other factors as are specified by the Administrator in writing.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

''(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

''(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include—

''(i) individuals with technical expertise in emergency communications operability and interoperable communications;

''(ii) emergency response providers; and

''(iii) other relevant State and local officers.

''(3) MINIMUM GRANT AMOUNTS.—The Administrator shall ensure that for each fiscal year—

''(A) no State receives less than an amount equal to 0.75 percent of the total funds appropriated for grants under this section; and

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.25 percent of the amounts appropriated for grants under this section.

''(4) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications operability or interoperable communications shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

''(h) STATE RESPONSIBILITIES.—

''(1) PASS-THROUGH OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—The Administrator shall determine a date by which a State that receives a grant shall obligate or otherwise make available to local and tribal governments and emergency response providers—

''(A) not less than 80 percent of the funds of the amount of the grant;

''(B) resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant; or

''(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Any State that receives a grant shall certify to the Administrator, by not later than 30 days after the date described under paragraph (1) with respect to the grant, that the State has made available for expenditure by local or tribal governments and emergency response providers the required amount of grant funds under paragraph (1).

''(3) REPORT ON GRANT SPENDING.—

''(A) IN GENERAL.—Any State that receives a grant shall submit a spending report to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(B) MINIMUM CONTENTS.—At a minimum, each report under this paragraph shall include—

''(i) the amount, ultimate recipients, and dates of receipt of all funds received under the grant;

''(ii) the amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or under mutual aid agreements or other intrastate and interstate sharing arrangements, as applicable;

''(iii) how the funds were used by each ultimate recipient or beneficiary;

''(iv) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application have been achieved, maintained, or enhanced as the result of the expenditure of grant funds; and

''(v) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application remain unmet.

''(C) PUBLIC AVAILABILITY ON WEBSITE.—The Administrator shall make each report submitted under subparagraph (A) publicly available on the website of the Federal Emergency Management Agency. The Administrator may redact such information from the reports as the Administrator determines necessary to protect national security.

''(4) PENALTIES FOR REPORTING DELAY.—If a State fails to provide the information required by the Administrator under paragraph (3), the Administrator may—

''(A) reduce grant payments to the State from the portion of grant funds that are not required to be passed through under paragraph (1);

''(B) terminate payment of funds under the grant to the State, and transfer the appropriate portion of those funds directly to local and tribal governments and emergency response providers that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the use of funds by the State under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant-related expenses of the State; or

''(ii) requiring the State to distribute to local and tribal government and emergency response providers all or a portion of grant funds that are not required to be passed through under paragraph (1).

''(i) PROHIBITED USES.—Grants awarded under this section may not be used for recreational or social purposes.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $400,000,000 for fiscal year 2008;

''(2) $500,000,000 for fiscal year 2009;

''(3) $600,000,000 for fiscal year 2010;

''(4) $800,000,000 for fiscal year 2011;

''(5) $1,000,000,000 for fiscal year 2012; and

''(6) such sums as necessary for each fiscal year thereafter.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 1808 the following:

''Sec. 1809. Emergency communications operability and interoperable communications grants.''

(b) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) include information on the governance structure used to develop the plan, such as all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

''(7) describe the method by which multi-jurisdictional, multi-disciplinary input was provided from all regions of the jurisdiction and the process for continuing to incorporate such input.''; and

(2) in subsection (g)(1), by striking ''or video'' and inserting ''and video''.

(c) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector will achieve interoperable communications as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1).''.

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project (referred to in this section as ''demonstration project'').

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select no fewer than 6 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) PROGRAM REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of emergency response providers and the National Guard;

(2) foster interoperable emergency communications systems—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to a natural disaster, act of terrorism, or other manmade disaster; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international crossborder frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable emergency communications equipment;

(5) identify solutions that will facilitate interoperable communications across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State shall make the funds available to the local and tribal governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(d) REPORTING.—

(1) IN GENERAL.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(2) CONTENTS.—Each report under this subsection shall contain the following:

(A) The name and location of all communities involved in the demonstration project.

(B) The amount of funding provided to each State for the demonstration project.

(C) An evaluation of the usefulness of the demonstration project towards developing an effective interoperable communications system at the borders.

(D) The factors that were used in determining how to distribute the funds in a risk-based manner.

(E) The specific risks inherent to a border community that make interoperable communications more difficult than in non-border communities.

(F) The optimal ways to prioritize funding for interoperable communication systems based upon risk.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2007, 2008, and 2009 to carry out this section.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

SEC. 401. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Secure Travel and Counterterrorism Partnership Act''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should modernize the visa waiver program by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism; and

(2) the expansion described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

''(i) the country meets all security requirements of this section;

''(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) there has been a sustained reduction in visa refusal rates for aliens from the country and conditions exist to continue such reduction; and

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—

''(A) IN GENERAL.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(i) airport security standards in the country;

''(ii) whether the country assists in the operation of an effective air marshal program;

''(iii) the standards of passports and travel documents issued by the country; and

''(iv) other security-related factors.

''(B) OVERSTAY RATES.—In determining whether to permit a country to participate in the program, the Secretary of Homeland Security shall consider the estimated rate at which nationals of the country violate the terms of their visas by remaining in the United States after the expiration of such visas.''.

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a)—

(i) by striking ''Operators of aircraft'' and inserting the following:

''(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft''; and

(ii) by adding at the end the following:

''(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission, electronically provide basic biographical information to the system. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.'';

(B) in subsection (c), as amended by subsection (c) of this section—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

''(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement.''; and

(II) by adding at the end the following:

''(E) REPATRIATION OF ALIENS.—The government of a country accepts for repatriation any citizen, former citizen, or national against whom a final executable order of removal is issued not later than 3 weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

''(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or

welfare of the United States or its citizens.'';.

(ii) in paragraph (5)—

(I) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking ''and'' at the end;

(bb) in subclause (III), by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8).''; and

(iii) by adding at the end the following:

''(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section.'';

(C) in subsection (f)(5), by striking ''of blank'' and inserting ''or loss of''; and

(D) in subsection (h), by adding at the end the following:

''(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

''(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, is authorized to develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such basic biographical information as the Secretary of Homeland Security determines to be necessary to determine, in advance of travel, the eligibility of an alien to travel to the United States under the program.

''(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

''(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

''(ii) available to pay the costs incurred to administer the System.

''(C) VALIDITY.—

''(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State shall prescribe regulations that provide for a period, not to exceed 3 years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

''(ii) LIMITATION.—A determination that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

''(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the System to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(ii) the Committee on the Judiciary of the Senate;

''(iii) the Select Committee on Intelligence of the Senate;

''(iv) the Committee on Appropriations of the Senate;

''(v) the Committee on Homeland Security of the House of Representatives;

''(vi) the Committee on the Judiciary of the House of Representatives;

''(vii) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(viii) the Committee on Appropriations of the House of Representatives.''.

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii) shall take effect on the date which is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) EXIT SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

(A) match biometric information of the alien against relevant watch lists and immigration information; and

(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such individuals have departed the United States.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes—

(A) the progress made in developing and deploying the exit system established under this subsection; and

(B) the procedures by which the Secretary will improve the manner of calculating the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such visas.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 402. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking ''address'' and inserting ''integrate and disseminate intelligence and information related to'';

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

''(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

''(e) STAFFING OF THE CENTER.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

''(A) The Office of Intelligence and Analysis.

''(B) The Transportation Security Administration.

''(C) The United States Citizenship and Immigration Services.

''(D) The United States Customs and Border Protection.

''(E) The United States Coast Guard.

''(F) The United States Immigration and Customs Enforcement.

''(G) The Central Intelligence Agency.

''(H) The Department of Defense.

''(I) The Department of the Treasury.

''(J) The National Counterterrorism Center.

''(K) The National Security Agency.

''(L) The Department of Justice.

''(M) The Department of State.

''(N) Any other relevant agency or department.

''(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity set out under paragraph (1), shall ensure that the detailees provided to the Center under paragraph (1) include an adequate number of personnel with experience in the area of—

''(A) consular affairs;

''(B) counterterrorism;

''(C) criminal law enforcement;

''(D) intelligence analysis;

''(E) prevention and detection of document fraud;

''(F) border inspection; or

''(G) immigration enforcement.

''(3) REIMBURSEMENT FOR DETAILEES.—To the extent that funds are available for such purpose, the Secretary of Homeland Security shall provide reimbursement to each agency or department that provides a detailee to the Center, in such amount or proportion as is appropriate for costs associated with the provision of such detailee, including costs for travel by, and benefits provided to, such detailee.

''(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.''.

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as redesignated by subsection (a)(2), is amended—

(1) in the heading, by striking ''REPORT'' and inserting ''INITIAL REPORT'';

(2) by redesignating such subsection (g) as paragraph (1);

(3) by indenting such paragraph, as so designated, four ems from the left margin;

(4) by inserting before such paragraph, as so designated, the following:

''(g) REPORT.—''; and

(5) by inserting after such paragraph, as so designated, the following new paragraph:

''(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

''(A) the roles and responsibilities of each agency or department that is participating in the Center;

''(B) the mechanisms used to share information among each such agency or department;

''(C) the staff provided to the Center by each such agency or department;

''(D) the type of information and reports being disseminated by the Center; and

''(E) any efforts by the Center to create a centralized Federal Government database to store information related to illicit travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as amended by this section, $20,000,000 for fiscal year 2008.

SEC. 403. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

''SEC. 7215. TERRORIST TRAVEL PROGRAM.

''(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

''(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

''(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

''(2) an official appointed by the Secretary who reports directly to the Secretary.

''(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

''(1) developing relevant strategies and policies;

''(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

''(3) making recommendations on budget requests and on the allocation of funding and personnel;

''(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

''(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

''(i) the United States Customs and Border Protection;

''(ii) the United States Immigration and Customs Enforcement;

''(iii) the United States Citizenship and Immigration Services;

''(iv) the Transportation Security Administration; and

''(v) the United States Coast Guard; and

''(B) between the Department of Homeland Security and other appropriate Federal agencies; and

''(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

''(d) REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.''.

SEC. 404. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than 1 State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists; and

''(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.''.

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before publishing a final rule in the Federal Register, the Secretary shall conduct—

(1) a complete cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note); and

(2) a study of the mechanisms by which the execution fee for a PASS Card could be reduced, considering the potential increase in the number of applications.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

SEC. 501. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) MODIFICATION OF AUTHORITIES.—Section 1061 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 5 U.S.C. 601 note) is amended to read as follows:

''SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

''(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

''(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

''(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

''(c) PURPOSE.—The Board shall—

''(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

''(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

''(d) FUNCTIONS.—

''(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

''(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

''(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

''(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

''(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

''(iii) that there are adequate guidelines and oversight to properly confine its use.

''(2) OVERSIGHT.—The Board shall continually review—

''(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

''(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

''(C) other actions by the executive branch related to efforts to protect the Nation from terrorism to determine whether such actions—

''(i) appropriately protect privacy and civil liberties; and

''(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

''(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

''(A) review and assess reports and other information from privacy officers and civil liberties officers under section 1062;

''(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

''(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

''(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

''(e) REPORTS.—

''(1) IN GENERAL.—The Board shall—

''(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

''(B) periodically submit, not less than semiannually, reports—

''(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(II) to the President; and

''(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

''(A) a description of the major activities of the Board during the preceding period;

''(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(D) each proposal reviewed by the Board under subsection (d)(1) that—

''(i) the Board advised against implementation; and

''(ii) notwithstanding such advice, actions were taken to implement; and

''(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

''(f) INFORMING THE PUBLIC.—The Board shall—

''(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(g) ACCESS TO INFORMATION.—

''(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

''(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

''(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

''(C) request information or assistance from any State, tribal, or local government; and

''(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) REVIEW OF SUBPOENA REQUEST.—

''(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

''(i) issue the subpoena as requested; or

''(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

''(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

''(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

''(h) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members first appointed under this subsection after the date of enactment of the Improving America's Security Act of 2007 shall serve terms of two, three, four, five, and six years, respectively, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

''(i) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—

''(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

''(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(j) STAFF.—

''(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

''(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

''(k) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

''(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

''(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

''(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

''(1) For fiscal year 2008, $5,000,000.

''(2) For fiscal year 2009, $6,650,000.

''(3) For fiscal year 2010, $8,300,000.

''(4) For fiscal year 2011, $10,000,000.

''(5) For fiscal year 2012, and each fiscal year thereafter, such sums as may be necessary.''.

(b) CONTINUATION OF SERVICE OF CURRENT MEMBERS OF PRIVACY AND CIVIL LIBERTIES

BOARD.—The members of the Privacy and Civil Liberties Oversight Board as of the date of enactment of this Act may continue to serve as members of that Board after that date, and to carry out the functions and exercise the powers of that Board as specified in section 1061 of the National Security Intelligence Reform Act of 2004 (as amended by subsection (a)), until—

(1) in the case of any individual serving as a member of the Board under an appointment by the President, by and with the advice and consent of the Senate, the expiration of a term designated by the President under section 1061(h)(4)(C) of such Act (as so amended);

(2) in the case of any individual serving as a member of the Board other than under an appointment by the President, by and with the advice and consent of the Senate, the confirmation or rejection by the Senate of that member's nomination to the Board under such section 1061 (as so amended), except that no such individual may serve as a member under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination of that individual to be a member of the Board has been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted; or

(3) the appointment of members of the Board under such section 1061 (as so amended), except that no member may serve under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination to fill the position on the Board shall have been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

SEC. 502. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decision makers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

''Sec. 1062. Privacy and civil liberties officers.''.

SEC. 503. DEPARTMENT PRIVACY OFFICER.

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

(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

''(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed

under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) SUPERVISION AND COORDINATION.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) shall—

''(A) report to, and be under the general supervision of, the Secretary; and

''(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

''(2) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

''(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

''(B) include in any such notification the reasons for the removal or transfer.

''(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

''(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

''(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

''(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

''(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.''.

SEC. 504. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''Federal Agency Data Mining Reporting Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term ''data mining'' means a query, search, or other analysis of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the query, search, or other analysis to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals; and

(B) the query, search, or other analysis does not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(H) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 601. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

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

''SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

''(a) DEFINITIONS.—In this section—

''(1) the term 'biological event of national significance' means—

''(A) an act of terrorism that uses a biological agent, toxin, or other product derived from a biological agent; or

''(B) a naturally-occurring outbreak of an infectious disease that may result in a national epidemic;

''(2) the term 'Member Agencies' means the departments and agencies described in subsection (d)(1);

''(3) the term 'NBIC' means the National Biosurveillance Integration Center established under subsection (b);

''(4) the term 'NBIS' means the National Biosurveillance Integration System established under subsection (b); and

''(5) the term 'Privacy Officer' means the Privacy Officer appointed under section 222.

''(b) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center, headed by a Directing Officer, under an existing office or directorate of the Department, subject to the availability of appropriations, to oversee development and operation of the National Biosurveillance Integration System.

''(c) PRIMARY MISSION.—The primary mission of the NBIC is to enhance the capability of the Federal Government to—

''(1) rapidly identify, characterize, localize, and track a biological event of national significance by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international); and

''(2) disseminate alerts and other information regarding such data analysis to Member Agencies and, in consultation with relevant member agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national significance.

''(d) REQUIREMENTS.—The NBIC shall design the NBIS to detect, as early as possible, a biological event of national significance that presents a risk to the United States or the infrastructure or key assets of the United States, including—

''(1) if a Federal department or agency, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC, consolidating data from all relevant surveillance systems maintained by that department or agency to detect biological events of national significance across human, animal, and plant species;

''(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

''(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national significance in as close to real-time as is practicable;

''(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

''(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

''(6) alerting relevant Member Agencies and, in consultation with relevant Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national significance.

''(e) RESPONSIBILITIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall—

''(A) ensure that the NBIC is fully operational not later than September 30, 2008;

''(B) not later than 180 days after the date of enactment of this section and on the date that the NBIC is fully operational, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of

the House of Representatives on the progress of making the NBIC operational addressing the efforts of the NBIC to integrate surveillance efforts of Federal, State, local, and tribal governments.

''(f) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

''(1) IN GENERAL.—The Directing Officer of the NBIC shall—

''(A) establish an entity to perform all operations and assessments related to the NBIS;

''(B) on an ongoing basis, monitor the availability and appropriateness of contributing surveillance systems and solicit new surveillance systems that would enhance biological situational awareness or overall performance of the NBIS;

''(C) on an ongoing basis, review and seek to improve the statistical and other analytical methods utilized by the NBIS;

''(D) receive and consider other relevant homeland security information, as appropriate; and

''(E) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIS.

''(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

''(A) on an ongoing basis, evaluate available data for evidence of a biological event of national significance; and

''(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event of national significance has occurred.

''(3) INFORMATION SHARING.—

''(A) IN GENERAL.—The Directing Officer of the NBIC shall—

''(i) establish a method of real-time communication with the National Operations Center, to be known as the Biological Common Operating Picture;

''(ii) in the event that a biological event of national significance is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event of national significance to appropriate Federal response entities and, in consultation with relevant member agencies, regional, State, local, and tribal governmental response entities in a timely manner;

''(iii) provide any report on NBIS assessments to Member Agencies and, in consultation with relevant member agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national significance; and

''(iv) share NBIS incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(B) COORDINATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) in coordination with the program manager for the information sharing environment of the Office of the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

''(g) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

''(1) IN GENERAL.—Each Member Agency shall—

''(A) use its best efforts to integrate biosurveillance information into the NBIS, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national significance;

''(B) participate in the formation and maintenance of the Biological Common Operating Picture to facilitate timely and accurate detection and reporting;

''(C) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually-agreed protocols that maintain patient confidentiality and privacy;

''(D) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing; and

''(E) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC.

''(h) ADMINISTRATIVE AUTHORITIES.—

''(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIS.

''(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

''(i) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Directing Officer of the NBIC shall—

''(1) establish an interagency coordination council to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

''(2) invite Member Agencies to serve on such council.

''(j) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

''Sec. 316. National Biosurveillance Integration Center.''.

SEC. 602. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit a report to Congress describing—

(1) the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) the integration of biosurveillance systems to allow the maximizing of biosurveillance resources and the expertise of Federal, State, local, and tribal governments to benefit public health.

SEC. 603. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding after section 1906, as redesignated by section 203 of this Act, the following:

''SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

''(A) each relevant agency, office, or entity—

''(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture;

''(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) that are related to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats related to nuclear or radiological weapons of mass destruction; and

''(B) each agency, office, or entity deploying or operating any technology acquired by the Office—

''(i) evaluates the deployment and operation of that technology by that agency, office, or entity;

''(ii) identifies detection performance deficiencies and operational or technical deficiencies in that technology; and

''(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

''(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of technology by the Office.

''(b) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall submit a report regarding the compliance of such officials with this section and the results of the reviews required under subsection (a) to—

''(A) the President;

''(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

''(2) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

''(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 203 of this Act, the following:

''Sec. 1907. Joint annual review of global nuclear detection architecture.''.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

SEC. 701. DEFINITIONS.

(a) IN GENERAL.—In this title, the term ''voluntary national preparedness standards'' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

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

''(17) The term 'voluntary national preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).''.

SEC. 702. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

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

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) providing information to the private sector regarding voluntary national preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary national preparedness standards;''.

(b) PRIVATE SECTOR ADVISORY COUNCILS.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(C) advise the Secretary on private sector preparedness issues, including effective methods for—

''(i) promoting voluntary national preparedness standards to the private sector;

''(ii) assisting the private sector in adopting voluntary national preparedness standards; and

''(iii) developing and implementing the accreditation and certification program under section 522;''.

SEC. 703. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

''(a) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 120 days after the date of enactment of this section, the Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall—

''(1) support the development, promulgating, and updating, as necessary, of voluntary national preparedness standards; and

''(2) develop, implement, and promote a program to certify the preparedness of private sector entities.

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—

''(A) PROGRAM.—The program developed and implemented under this section shall assess whether a private sector entity complies with voluntary national preparedness standards.

''(B) GUIDELINES.—In developing the program under this section, the Secretary shall develop guidelines for the accreditation and certification processes established under this section.

''(2) STANDARDS.—The Secretary, in consultation with the American National Standards Institute and representatives of appropriate voluntary consensus standards development organizations and each private sector advisory council created under section 102(f)(4)—

''(A) shall adopt appropriate voluntary national preparedness standards that promote preparedness, which shall be used in the accreditation and certification program under this section; and

''(B) after the adoption of standards under subparagraph (A), may adopt additional voluntary national preparedness standards or modify or discontinue the use of voluntary national preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

''(3) TIERING.—The certification program developed under this section may use a multiple-tiered system to rate the preparedness of a private sector entity.

''(4) SMALL BUSINESS CONCERNS.—The Secretary and any selected entity shall establish separate classifications and methods of certification for small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this section.

''(5) CONSIDERATIONS.—In developing and implementing the program under this section, the Secretary shall—

''(A) consider the needs of the insurance industry, the credit-ratings industry, and other industries that may consider preparedness of private sector entities, to assess the preparedness of private sector entities; and

''(B) ensure the program accommodates those needs where appropriate and feasible.

''(c) ACCREDITATION AND CERTIFICATION PROCESSES.—

''(1) AGREEMENT.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

''(B) CONTENTS.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

''(2) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

''(A) IN GENERAL.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

''(B) CONTENTS AND USE.—The procedures and requirements developed under subparagraph (A) shall—

''(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

''(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

''(C) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

''(3) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

''(4) THIRD PARTIES.—To be accredited under paragraph (3), a third party shall—

''(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

''(B) agree to perform certifications in accordance with such procedures and requirements;

''(C) agree not to have any beneficial interest in or any direct or indirect control over—

''(i) a private sector entity for which that third party conducts a certification under this section; or

''(ii) any organization that provides preparedness consulting services to private sector entities;

''(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

''(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

''(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

''(5) MONITORING.—

''(A) IN GENERAL.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

''(B) REVOCATION.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

''(i) revoke the accreditation of that third party to conduct certifications under this section; and

''(ii) review any certification conducted by that third party, as necessary and appropriate.

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

''(2) REVIEW OF STANDARDS.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

''(e) VOLUNTARY PARTICIPATION.—Certification under this section shall be voluntary for any private sector entity.

''(f) PUBLIC LISTING.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

''(g) DEFINITION.—In this section, the term 'selected entity' means any entity entering

an agreement with the Secretary under subsection (c)(1)(A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.''.

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards or requirements established under any other provision of Federal law.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted by the Secretary of Homeland Security,'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting '', local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities and nonprofit employee labor organizations'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects initiated by the Secretary of Homeland Security shall be based on such prioritization.''; and

(5) by adding at the end the following:

''(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

''(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected transportation system to its normal performance level preceding a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting '', including the transportation modal security plans'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

''(bb) personnel working on transportation security issues, including the number of contractors.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity.''; and

(2) in subparagraph (E), by striking ''Select''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.''.

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan.

''(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(3) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments;

''(B) an assignment of a single point of contact for and within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders;

''(C) a demonstration of input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(D) a reasonable deadline by which the Plan will be implemented; and

''(E) a description of resource needs for fulfilling the Plan.

''(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

''(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(5) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

''(6) SURVEY.—

''(A) IN GENERAL.—The Secretary shall conduct an annual survey of the satisfaction of

each of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

''(B) INFORMATION SOUGHT.—The annual survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

''(7) SECURITY CLEARANCES.—The Secretary, to the greatest extent practicable, shall facilitate the security clearances needed for public and private stakeholders to receive and obtain access to classified information as appropriate.

''(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

''(9) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the threats to and vulnerabilities and consequences of transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 803. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) TSA EMPLOYEE DEFINED.—In this section, the term ''TSA employee'' means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department the duties and responsibilities of which include carrying out 1 or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(b) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified under such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in paragraph (1) or (2) of subsection (e).

(c) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(2).—Section 9701(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) provide for the uniform treatment of all TSA employees (as that term is defined in section 803 of the Improving America's Security Act of 2007).''.

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect on the later of 90 days after the date of enactment of this Act and the commencement date of the system involved.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees under section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

TITLE IX—INCIDENT COMMAND SYSTEM

SEC. 901. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

''(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, or other man-made disasters;

''(J) assisting State, local, or tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system can be quickly established and operated from, if the need for such a system arises; and''.

SEC. 902. CREDENTIALING AND TYPING TO STRENGTHEN INCIDENT COMMAND.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by striking section 510 and inserting the following:

''SEC. 510. CREDENTIALING AND TYPING.

''(a) CREDENTIALING.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel, including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

''(B) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created under this subsection and assigning such individual a qualification under the standards developed under this subsection; and

''(C) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this subsection.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, to collaborate on establishing nationwide standards for credentialing all personnel who are likely to

respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) CONTENTS.—The standards developed under subparagraph (A) shall—

''(i) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State, local, and tribal government;

''(ii) be compatible with the National Incident Management System; and

''(iii) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d–7b).

''(C) TIMEFRAME.—The Administrator shall develop standards under subparagraph (A) not later than 6 months after the date of enactment of the Improving America's Security Act of 2007.

''(3) CREDENTIALING OF DEPARTMENT PERSONNEL.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel and individuals in the Surge Capacity Force established under section 624 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 711)) who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed.

''(B) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 90 days after completion of the credentialing under subparagraph (A), the Administrator shall evaluate whether the workforce of the Agency complies with the strategic human capital plan of the Agency developed under section 10102 of title 5, United States Code, and is sufficient to respond to a catastrophic incident.

''(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

''(B) CREDENTIALING OF AGENCIES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

''(i) ensure that all employees or volunteers of that agency who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed; and

''(ii) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

''(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the credentialing process of that agency.

''(5) DOCUMENTATION AND DATABASE SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

''(C) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a natural disaster, act of terrorism, or other man-made disaster.

''(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall—

''(A) in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the credentialing of State, local, and tribal emergency response providers commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) in coordination with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers (and the organizations that represent such providers), and appropriate national professional organizations, assist State, local, and tribal governments with credentialing the personnel of the State, local, or tribal government under the guidance provided under subparagraph (A).

''(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and level of qualification of Federal personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(b) TYPING OF RESOURCES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'typed' means an asset or resource that has been evaluated for a specific function under the guidelines created under this section; and

''(B) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and organizations that represent such providers, to collaborate on establishing nationwide standards for typing of resources commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster.

''(B) CONTENTS.—The standards developed under subparagraph (A) shall—

''(i) be applicable to Federal, State, local, and tribal government; and

''(ii) be compatible with the National Incident Management System.

''(3) TYPING OF DEPARTMENT RESOURCES AND ASSETS.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall ensure that all resources and assets of the Department that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed.

''(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

''(B) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

''(i) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed; and

''(ii) submit to the Secretary a list of all types resources and assets.

''(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the typing process of that agency.

''(5) DOCUMENTATION AND DATABASE SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (A) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

''(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator, in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, shall—

''(A) provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the typing of the resources and assets of State, local, and tribal governments likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) assist State, local, and tribal governments with typing resources and assets of State, local, or tribal governments under the guidance provided under subparagraph (A).

''(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and type of Federal resources and assets ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''; and

(2) by adding after section 522, as added by section 703 of this Act, the following:

"SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRASTRUCTURE.

''Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall create model standards or guidelines that States may adopt in conjunction with critical infrastructure owners and operators and their employees to permit access to restricted areas in the event of a natural disaster, act of terrorism, or other manmade disaster.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 522, as added by section 703 of this Act, the following:

''Sec. 523. Providing secure access to critical infrastructure.''.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

SEC. 1001. CRITICAL INFRASTRUCTURE PROTECTION.

(a) CRITICAL INFRASTRUCTURE LIST.—Not later than 90 days after the date of enactment of this Act, and in coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary shall establish a risk-based prioritized list of critical infrastructure and key resources that—

(1) includes assets or systems that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts, including—

(A) significant loss of life;

(B) severe economic harm;

(C) mass evacuations; or

(D) loss of a city, region, or sector of the economy as a result of contamination, destruction, or disruption of vital public services; and

(2) reflects a cross-sector analysis of critical infrastructure to determine priorities for prevention, protection, recovery, and restoration.

(b) SECTOR LISTS.—In coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary may establish additional critical infrastructure and key resources priority lists by sector, including at a minimum the sectors named in Homeland Security Presidential Directive–7 as in effect on January 1, 2006.

(c) MAINTENANCE.—Each list created under this section shall be reviewed and updated on an ongoing basis, but at least annually.

(d) ANNUAL REPORT.—

(1) GENERALLY.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report summarizing—

(A) the criteria used to develop each list created under this section;

(B) the methodology used to solicit and verify submissions for each list;

(C) the name, location, and sector classification of assets in each list created under this section;

(D) a description of any additional lists or databases the Department has developed to prioritize critical infrastructure on the basis of risk; and

(E) how each list developed under this section will be used by the Secretary in program activities, including grant making.

(2) CLASSIFIED INFORMATION.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

SEC. 1002. RISK ASSESSMENT AND REPORT.

(a) RISK ASSESSMENT.—

(1) IN GENERAL.—The Secretary, pursuant to the responsibilities under section 202 of the Homeland Security Act (6 U.S.C. 122), for each fiscal year beginning with fiscal year 2007, shall prepare a risk assessment of the critical infrastructure and key resources of the Nation which shall—

(A) be organized by sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive–7, as in effect on January 1, 2006; and

(B) contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment.

(2) RELIANCE ON OTHER ASSESSMENTS.—In preparing the assessments and reports under this section, the Department may rely on a vulnerability assessment or risk assessment prepared by another Federal agency that the Department determines is prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection and partnerships between the government and private sector, if the Department certifies in the applicable report submitted under subsection (b) that the Department—

(A) reviewed the methodology and analysis of the assessment upon which the Department relied; and

(B) determined that assessment is reliable.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the last day of fiscal year 2007 and for each year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a summary and review of the risk assessments prepared by the Secretary under this section for that fiscal year, which shall be organized by sector and which shall include recommendations of the Secretary for mitigating risks identified by the assessments.

(2) CLASSIFIED ANNEX.—The report under this subsection may contain a classified annex.

SEC. 1003. USE OF EXISTING CAPABILITIES.

Where appropriate, the Secretary shall use the National Infrastructure Simulation and Analysis Center to carry out the actions required under this title.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 1101. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

(d) DEFINITIONS.—In this section—

(1) the term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term ''National Intelligence Program'' has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 1102. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS.

(a) RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the

other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

''(d) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

''(1) to receive permission to testify before Congress; or

''(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.''.

(b) DISCLOSURES OF CERTAIN INFORMATION TO CONGRESS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by subsection (a), is amended by adding at the end the following new section:

''DISCLOSURES TO CONGRESS

''SEC. 509. (a) AUTHORITY TO DISCLOSE CERTAIN INFORMATION.—An employee of a covered agency or an employee of a contractor carrying out activities pursuant to a contract with a covered agency may disclose covered information to an authorized individual without first reporting such information to the appropriate Inspector General.

''(b) AUTHORIZED INDIVIDUAL.—(1) In this section, the term 'authorized individual' means—

''(A) a Member of the Senate or the House of Representatives who is authorized to receive information of the type disclosed; or

''(B) an employee of the Senate or the House of Representatives who—

''(i) has an appropriate security clearance; and

''(ii) is authorized to receive information of the type disclosed.

''(2) An authorized individual described in paragraph (1) to whom covered information is disclosed under the authority in subsection (a) shall be presumed to have a need to know such covered information.

''(c) COVERED AGENCY AND COVERED INFORMATION DEFINED.—In this section:

''(1) The term 'covered agency' means—

''(A) any department, agency, or element of the intelligence community;

''(B) a national intelligence center; and

''(C) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

''(2) The term 'covered information'—

''(A) means information, including classified information, that an employee referred to in subsection (a) reasonably believes provides direct and specific evidence of a false or inaccurate statement—

''(i) made to Congress; or

''(ii) contained in any intelligence assessment, report, or estimate; and

''(B) does not include information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

''(d) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect—

''(1) any reporting requirement relating to intelligence activities that arises under this Act or any other provision of law; or

''(2) the right of any employee of the United States to disclose information to Congress, in accordance with applicable law, information other than covered information.''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new items:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.

''Sec. 509. Disclosures to Congress.''.

SEC. 1103. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking ''If requested'' and inserting the following:

''(1) IN GENERAL.—If requested''; and

(B) by adding at the end the following:

''(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

''(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations.''; and

(2) in section 710(b), by striking ''8 years after the date of the enactment of this Act'' and inserting ''on December 31, 2012''.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITER-RORISM TECHNOLOGIES

SEC. 1201. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, forprofit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 316, as added by section 601 of this Act, the following:

''SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

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

''(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

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

''(A) shall be selected (in consultation with the Assistant Secretary for International Affairs, Policy Directorate) by and shall report to the Under Secretary; and

''(B) may be an officer of the Department serving in another position.

''(3) RESPONSIBILITIES.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activity in support of homeland security research.

''(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department (including the Office of the Assistant Secretary for International Affairs, Policy Directorate), the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, strategic priorities for international cooperative activity.

''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers

appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

''(c) MATCHING FUNDING.—

''(1) IN GENERAL.—

''(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

''(B) GRANT MATCHING AND REPAYMENT.—

''(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

''(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

''(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

''(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

''(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

''(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

''(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 316, as added by section 601 of this Act, the following:

''Sec. 317. Promoting antiterrorism through international cooperation program.''.

SEC. 1202. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XIII—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Transportation Security and Interoperable Communication Capabilities Act''.

Subtitle A—Surface Transportation and Rail Security

SEC. 1311. DEFINITION.

In this title, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and other hazardous materials that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

PART I—IMPROVED RAIL SECURITY

SEC. 1321. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) RISK ASSESSMENT.—The Secretary shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities described in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of risks to those assets and infrastructures;

(D) identification of risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of risks to passenger and cargo security, transportation infrastructure (including rail tunnels used by passenger and freight railroads in high threat urban areas), protection systems, operations, communications systems, employee training, emergency response planning, and any other area identified by the assessment;

(F) an assessment of public and private operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected freight or passenger rail transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and

(G) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service or on operations served or otherwise affected by rail service;

(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, preparedness, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads regarding security;

(E) deploying surveillance equipment;

(F) identifying the immediate and long-term costs of measures that may be required to address those risks; and

(G) public and private sector sources to fund such measures.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal Government to provide adequate security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in coordination with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, offerers of hazardous materials, public safety officials, and other relevant parties. In developing the risk assessment required under this section, the Secretary shall utilize relevant existing risk assessments developed by the Department or other Federal agencies, and, as appropriate, assessments developed by other public and private stakeholders.

(c) REPORT.—

(1) CONTENTS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report containing—

(A) the assessment, prioritized recommendations, and plans required by subsection (a); and

(B) an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.

SEC. 1322. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—

(1) GRANTS.—Subject to subsection (c) the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high risk and high consequence assets identified through systemwide risk assessments;

(C) providing counter-terrorism training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watch list identification system approved by the Secretary;

(E) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(F) to hire additional police officers, special agents, security officers, including canine units, and to pay for other labor costs directly associated with security and terrorism prevention activities;

(G) to expand emergency preparedness efforts; and

(H) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary. Amtrak shall develop the security plan in consultation with constituent States and other relevant parties. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training and shall be consistent with State security plans to the maximum extent practicable.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1321, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(A) $63,500,000 for fiscal year 2008;

(B) $30,000,000 for fiscal year 2009; and

(C) $30,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1323. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New Jersey, Maryland, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 1336(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 1336(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review.

(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall—

(A) identify in writing to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

(C) obligate the funds associated with those other portions; and

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 1324. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies or officials, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials offerers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security risks identified under section 1321, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 1321, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the

purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk as determined under section 1321, and shall encourage non-Federal financial participation in projects funded by grants awarded under this section. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether stations or facilities are used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 1322(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 1321 the Secretary determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made cumulatively over the period authorized by this title—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009; and

(C) $100,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1325. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the risk of terrorist attacks on rail transportation, including risks posed by explosives and hazardous chemical, biological, and radioactive substances to intercity rail passengers, facilities, and equipment;

(2) test new emergency response techniques and technologies;

(3) develop improved freight rail security technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 1311 of this title); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address risks identified under section 1321.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 1324(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section—

(A) $33,000,000 for fiscal year 2008;

(B) $33,000,000 for fiscal year 2009; and

(C) $33,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1326. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary may award contracts to audit and review the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 180 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

(c) ADDITIONAL AUTHORITY.—The Secretary may issue nonbinding letters under similar terms to those issued pursuant to section 47110(e) of title 49, United States Code, to sponsors of rail projects funded under this title.

SEC. 1327. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Transportation Security and Interoperable Communication Capabilities Act, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor Amtrak may release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak under this section in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—Out of funds appropriated pursuant to section 1336(b) of the Transportation Security and Interoperable Communication Capabilities Act, there shall be

made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2008 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents''.

SEC. 1328. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 1329. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers and shippers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements appropriate to passenger and freight rail service that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology, behavior, and methods of terrorists.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 90 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 90 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 1330. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

''§ 20118. Whistleblower protection for rail Security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee because the employee, whether acting for the employee or as a representative, has—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

''20118. Whistleblower protection for rail security matters''.

SEC. 1331. HIGH HAZARD MATERIAL SECURITY RISK MITIGATION PLANS.

(a) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 1311 of this title, to develop a high hazard material security risk mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security risk mitigation plan shall be

put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security risk mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary that includes an operational recovery plan to expedite, to the maximum extent practicable, the return of an adversely affected rail system or facility to its normal performance level following a major terrorist attack or other security incident; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term ''high-consequence target'' means property, infrastructure, public space, or natural resource designated by the Secretary that is a viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

(2) The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 1332. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 1336 of this title, is further amended by adding at the end the following:

''(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY ISSUED UNDER THIS TITLE.—

''(1) APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title other than a provision of chapter 449.

''(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

''(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

''(i) Paragraphs (2) through (5) of this subsection do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

''(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

''(II) by a member of the armed forces of the United States when performing official duties; or

''(III) by a civilian employee of the Department of Defense when performing official duties.

''(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

''(2) CIVIL PENALTY.—

''(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under this title.

''(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

''(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under this title. The Secretary shall give written notice of the finding of a violation and the penalty.

''(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, the court may not re-examine issues of liability or the amount of the penalty.

''(C) JURISDICTION.—The district courts of the United States have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

''(i) the amount in controversy is more than—

''(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or

''(II) $50,000, if the violation was committed by an individual or small business concern;

''(ii) the action is in rem or another action in rem based on the same violation has been brought; or

''(iii) another action has been brought for an injunction based on the same violation.

''(D) MAXIMUM PENALTY.—The maximum penalty the Secretary may impose under this paragraph is—

''(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or

''(ii) $50,000, if the violation was committed by an individual or small business concern.

''(4) COMPROMISE AND SETOFF.—

''(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection. If the Secretary compromises the amount of a civil penalty under this subparagraph, the Secretary shall—

''(i) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security of the compromised penalty and explain the rationale therefor; and

''(ii) make the explanation available to the public to the extent feasible without compromising security.

''(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

''(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 of this title shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

''(6) DEFINITIONS.—In this subsection:

''(A) PERSON.—The term 'person' does not include—

''(i) the United States Postal Service; or

''(ii) the Department of Defense.

''(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).''.

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code is amended by striking ''or another requirement under this title administered by the Under Secretary of Transportation for Security''.

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. 1333. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by adding at the end the following:

''(b) ASSIGNMENT.—A rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second rail carrier in carrying out law enforcement duties upon the request of the second rail carrier, at which time the police officer shall be considered to be an employee of the second rail carrier and shall have authority to enforce the laws of any jurisdiction in which the second rail carrier owns property to the same extent as provided in subsection (a).''.

(b) MODEL STATE LEGISLATION.—By no later than September 7, 2007, the Secretary of Transportation shall develop model State legislation to address the problem of entities that claim to be rail carriers in order to establish and run a police force when the entities do not in fact provide rail transportation and shall make it available to State governments. In developing the model State legislation the Secretary shall solicit the input of the States, railroads companies, and railroad employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.

SEC. 1334. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 1335. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 1325 and consistent with

the results of research relating to wireless tracking technologies, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 1311 of this title) with technology that provides—

(A) car position location and tracking capabilities; and

(B) notification of rail car depressurization, breach, unsafe temperature, or release of hazardous materials.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1336. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $205,000,000 for fiscal year 2008;

''(2) $166,000,000 for fiscal year 2009; and

''(3) $166,000,000 for fiscal year 2010.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $121,000,000 for fiscal year 2008;

(2) $118,000,000 for fiscal year 2009;

(3) $118,000,000 for fiscal year 2010; and

(4) $118,000,000 for fiscal year 2011.

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 1341. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security risks associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 1342. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the tracking of motor carrier shipments of high hazard materials as defined in this title with communications technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1343. MEMORANDUM OF AGREEMENT.

Similar to the other security annexes between the 2 departments, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the memorandum of agreement between the 2 departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 1344. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the

date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by an offerer, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the offerer, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials offerers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions of the highest risk hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 1345. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security;

(4) an assessment of industry best practices to enhance security; and

(5) an assessment of the current status of secure motor carrier parking.

SEC. 1346. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009; and

(3) $1,000,000 for fiscal year 2010.

SEC. 1347. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk/high consequence assets identified through system-wide risk assessment, counter-terrorism training, visible/unpredictable deterrence, public awareness and preparedness campaigns, and including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading emergency communications tracking and control systems; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security risks to bus passengers and the ability of the funded project to reduce, or respond to, that risk.

(c) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(d) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has reviewed or approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(e) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(f) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report in accordance with the requirements of this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver;

(F) an assessment of industry best practices to enhance security; and

(G) an assessment of school bus security, if the Secretary deems it appropriate.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(g) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $12,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009; and

(C) $25,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1348. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed on August 9, 2006, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1349—

(A) at severe security threat levels of alert; or

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers, State pipeline safety agencies, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 1349. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the memorandum of understanding annex signed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008; and

(2) $2,000,000 for fiscal year 2009.

SEC. 1350. TECHNICAL CORRECTIONS.

Section 5103a of title 49, United States Code, is amended—

(1) by inserting ''of Homeland Security'' after ''Secretary'' each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i), and inserting the following after subsection (g):

''(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.''.

SEC. 1351. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 1352. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and

(B) an assessment of the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroads, motor carriers, pipelines, other transportation modes, and shippers;

(4) an assessment of private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and

(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term by section 2(1) of the SAFE Port Act (6 U.S.C. 901(1)).

(2) PORT OF ENTRY.—The term ''port of entry'' means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.

(3) MARITIME AND SURFACE TRANSPORTATION.—The term ''maritime and surface transportation'' includes oceanborne, rail, and vehicular transportation.

Subtitle B—Aviation Security Improvement

SEC. 1361. EXTENSION OF AUTHORIZATION FOR AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking ''and 2006'' and inserting ''2006, 2007, 2008, and 2009''.

SEC. 1362. PASSENGER AIRCRAFT CARGO SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) AIR CARGO ON PASSENGER AIRCRAFT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a system to screen all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

''(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that the equipment, technology, procedures, personnel, or other methods determined by the Administrator of the Transportation Security Administration, provide a level of security comparable to the level of security in effect for passenger checked baggage.

''(3) REGULATIONS.—

''(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

''(B) FINAL RULE.—

''(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than 1 year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

''(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the Secretary shall submit a report to the Congress explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Congress containing updated information every 60 days thereafter until the final rule is issued.

''(iii) SUPERSEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

''(4) REPORT.—Not later than 1 year after the date on which the system required by paragraph (1) is established, the Secretary shall transmit a report to Congress that details and explains the system.''.

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Transportation Security Administration, shall submit a report to Congress and to the Comptroller General containing an assessment of each exemption granted under section 44901(i) of title 49, United States Code, for the screening required by section 44901(g)(1) of that title for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(B) CONTENTS.—The report shall include—

(i) the rationale for each exemption;

(ii) a statement of the percentage of cargo that is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating such exemption; and

(v) a statement of any plans, and the rationale, for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology used for determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 1363. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1362, is amended by adding at the end the following:

''(j) BLAST-RESISTANT CARGO CONTAINERS.—

''(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

''(A) evaluate the results of the blast-resistant cargo container pilot program instituted before the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act;

''(B) based on that evaluation, begin the acquisition of a sufficient number of blast-resistant cargo containers to meet the requirements of the Transportation Security Administration's cargo security program under paragraph (2); and

''(C) develop a system under which the Administrator—

''(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation on a random or risk-assessment basis as determined by the Administrator, in sufficient number to enable the carriers to meet the requirements of the Administration's cargo security system; and

''(ii) provide for the storage, maintenance, and distribution of such containers.

''(2) DISTRIBUTION TO AIR CARRIERS.—Within 90 days after the date on which the Administrator completes development of the system required by paragraph (1)(C), the Administrator of the Transportation Security Administration shall implement that system and begin making blast-resistant cargo containers available to such carriers as necessary.''.

SEC. 1364. PROTECTION OF AIR CARGO ON PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security shall expedite research and development for technology that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall include blast resistant cargo containers and other promising technology and will be used in concert with implementation of section 1363 of this title.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technology to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section, such funds to remain available until expended.

SEC. 1365. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking ''2007.'' and inserting ''2007, and $450,000,000 for each of fiscal years 2008 and 2009.''.

(b) REPORT.—Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit the report the Secretary was required by section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note) to have submitted in conjunction with the submission of the budget for fiscal year 2006.

SEC. 1366. ENHANCEMENT OF IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) by striking ''may'' in subsection (a) and inserting ''shall'';

(2) by striking ''may'' in subsection (d)(1) and inserting ''shall'';

(3) by striking ''2007'' in subsection (h)(1) and inserting ''2028'';

(4) by striking paragraphs (2) and (3) of subsection (h) and inserting the following:

''(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, with priority given to small hub airports and non-hub airports.''; and

(5) by redesignating subsection (i) as subsection (j), and inserting after subsection (h) the following:

''(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.''.

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator shall create a prioritization schedule for airport

security improvement projects described in section 44923(b) of title 49, United States Code, based on risk and other relevant factors, to be funded under the grant program provided by that section. The schedule shall include both hub airports (as defined in section 41731(a)(3) of title 49, United States Code) and nonhub airports (as defined in section 41731(a)4) of title 49, United States Code).

(2) AIRPORTS THAT HAVE COMMENCED PROJECTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SEC. 1367. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is amended—

(1) by striking ''2002 through 2006,'' and inserting ''2006 through 2009,'';

(2) by striking ''aviation'' and inserting ''transportation''; and

(3) by striking ''2002 and 2003'' and inserting ''2006 through 2009''.

SEC. 1368. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1369. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 1370. EXPLOSIVE DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue the strategic plan the Secretary was required by section 44925(a) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) FULL DEPLOYMENT.—The Secretary shall fully implement the strategic plan within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act.''.

SEC. 1371. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

''(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

''(b) OFFICE OF APPEALS AND REDRESS.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

''(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office of Appeals and Redress shall—

''(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

''(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 431 the following:

''Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight''.

SEC. 1372. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Congress a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator of the Transportation Security Administration, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

(b) GAO ASSESSMENT.—No later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Homeland Security that—

(1) describes the progress made by the Transportation Security Administration in implementing the Secure Flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by the Bureau of Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1373. REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such 90th day unless the station was previously certified by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking ''18 months'' and inserting ''6 months''.

SEC. 1374. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by section 1363, is amended by adding at the end the following:

''(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

''(1) IN GENERAL.—Within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator of the Transportation Security Administration shall—

''(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47135(m)); and

''(B) implement a program to perform such assessments on a risk-assessment basis at general aviation airports.

''(2) GRANT PROGRAM.—Within 6 months after date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to general aviation airport operators for projects to upgrade security at general aviation airports (as defined in section 47135(m)). If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

''(3) APPLICATION TO FOREIGN-REGISTERED GENERAL AVIATION AIRCRAFT.—Within 180 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall develop a risk-based system under which—

''(A) foreign-registered general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information to the Transportation Security Administration before entering United States airspace; and

''(B) such information is checked against appropriate databases maintained by the Transportation Security Administration.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out any program established under paragraph (2).''.

SEC. 1375. SECURITY CREDENTIALS FOR AIRLINE CREWS.

Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall, after consultation with airline, airport, and flight crew representatives, transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of its efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted. The Administrator shall begin full implementation of the system or method not later than 1 year after the date on which the Administrator transmits the report.

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Homeland Security shall enhance and maximize the Department of Homeland Security's National Explosives Detection Canine Team Program by doubling its existing capacity so that up to 100 additional canine teams can be brought on each year, a certain number of which shall be dedicated to high risk areas, as determined by the Secretary.

(b) DEPLOYMENT.—The Secretary shall use the canine teams as part of the Department's layers of defense across all modes of the transportation network and in other areas, as deemed appropriate by the Secretary.

(c) CANINE PROCUREMENT.—The Secretary of Homeland Security is encouraged to consider the potential benefits of establishing new canine procurement partnerships throughout the United States in order to provide a reliable and consistent source of dogs for the Department's national explosive detection canine team program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 and 2009.

Subtitle C—Interoperable Emergency Communications

SEC. 1381. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

''(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

''(B) in supporting the design and engineering of interoperable emergency communications systems;

''(C) in supporting the acquisition or deployment of interoperable communications equipment, software, or systems that improve or advance the interoperability with public safety communications systems;

''(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

''(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122)); and

''(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).'';

(2) by redesignating subsections (b), (c), and (d) as subsections (l), (m), and (n), respectively, and inserting after subsection (a) the following:

''(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

''(c) ALLOCATION OF FUNDS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

''(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

''(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness and that takes into account the risks associated with, and the likelihood of the occurrence of, terrorist attacks or natural catastrophes (including, but not limited to, hurricanes, tornados, storms, high water, winddriven water, tidal waves, tsunami, earthquakes, volcanic eruptions, landslides, mudslides, snow and ice storms, forest fires, or droughts) in a State.

''(d) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

''(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

''(2) assurance that the equipment and system would—

''(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

''(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D)) to the extent that such standards exist for a given category of equipment; and

''(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

''(e) CRITERIA FOR CERTAIN GRANTS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

''(f) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite-enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) CONSULTATION.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

''(5) ALLOCATION AND USE OF FUNDS.—The Assistant Secretary shall allocate—

''(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

''(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

''(g) VOLUNTARY CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

''(h) USE OF ECONOMY ACT.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

''(i) INSPECTOR GENERAL REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(j) DEADLINE FOR IMPLEMENTATION PROGRAM RULES.—Within 90 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate final program rules for the implementation of this section.

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''; and

(3) by striking paragraph (3) of subsection (n), as so redesignated.

(b) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(c) JOINT ADVISORY COMMITTEE ON COMMUNICATIONS CAPABILITIES OF EMERGENCY MEDICAL CARE FACILITIES.—

(1) ESTABLISHMENT.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) DUTIES.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical care facilities;

(C) assess options to improve integration of communications systems used by emergency medical care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) AUTHORIZATION OF EMERGENCY MEDICAL COMMUNICATIONS PILOT PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) MAXIMUM AMOUNT.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) COST SHARING.—The Assistant Secretary may not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) MAXIMUM PERIOD OF GRANTS.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

(5) DEPLOYMENT AND DISTRIBUTION.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(6) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

SEC. 1382. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of the Post-Katrina emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end the following:

''SEC. 699B. RULE OF CONSTRUCTION.

''Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

SEC. 1383. CROSS BORDER INTEROPERABILITY REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the ''Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding'' (WT Docket No. 02–55; ET Docket No. 00–258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168,) including the status of any outstanding issues in the negotiations between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and

(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

(b) UPDATED REPORTS TO BE FILED ON THE STATUS OF TREATY OF NEGOTIATIONS.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

(1) Canada; and

(2) Mexico.

SEC. 1384. EXTENSION OF SHORT QUORUM.

Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a

quorum for the 6-month period beginning on the date of enactment of this Act.

TITLE XIV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2007''.

SEC. 1402. FINDINGS.

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary target of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $84,800,000,000 since 1992 for construction and improvements;

(5) the Federal Government appropriately invested nearly $24,000,000,000 in fiscal years 2002 through 2006 to protect our Nation's aviation system;

(6) the Federal Government has allocated $386,000,000 in fiscal years 2003 through 2006 to protect public transportation systems in the United States; and

(7) the Federal Government has invested $7.53 in aviation security improvements per passenger boarding, but only $0.008 in public transportation security improvements per passenger boarding.

SEC. 1403. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) REVIEW.—Not later than July 31, 2007, the Secretary shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 1404, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 1404.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 1404. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 1403(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 1403(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 1403(a)(4); and

(F) other appropriate security improvements identified under section 1403(a)(4), excluding routine, ongoing personnel costs.

(c) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 1403(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary shall ensure that the actions of the Secretary are consistent with relevant State homeland security plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1403(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Secretary on the use of grant funds received under this section.

(g) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 1405. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of public transportation owners and operators, and nonprofit employee organizations that represent public transportation workers, shall develop and issue detailed regulations for a public transportation worker security training program to prepare public transportation workers, including front-line transit employees such as bus and rail operators, mechanics, customer service employees, maintenance employees, transit police, and security personnel, for potential threat conditions.

(b) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require such a program to include, at a minimum, elements that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself.

(4) Use of protective devices.

(5) Evacuation procedures (including passengers, workers, and those with disabilities).

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(8) Any other subject the Secretary considers appropriate.

(c) REQUIRED PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary issues regulations under subsection (a) in final form, each public transportation system that receives a grant under this title shall develop a public transportation worker security training program in accordance with those regulations and submit it to the Secretary for approval.

(2) APPROVAL.—Not later than 30 days after receiving a public transportation system's program under paragraph (1), the Secretary shall review the program and approve it or require the public transportation system to make any revisions the Secretary considers necessary for the program to meet the regulations requirements. A public transit agency shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—

(1) IN GENERAL.—Not later than 1 year after the Secretary approves the training program developed by a public transportation system under subsection (c), the public transportation system owner or operator shall complete the training of all public transportation workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of public transportation systems and report to the Senate Committee on Banking, Housing and Urban Affairs, House of Representatives Committee on Transportation and Infrastructure, the Senate Homeland Security and Government Affairs Committee and the House of Representatives Committee on Homeland Security, on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—

(1) IN GENERAL.—The Secretary shall update the training regulations issued under subsection (a) from time to time to reflect new or different security threats, and require public transportation systems to revise their programs accordingly and provide additional training to their workers.

(2) PROGRAM REVISIONS.—Each public transit operator shall revise their program in accordance with any regulations under paragraph (1) and provide additional training to their front-line workers within a reasonable time after the regulations are updated.

SEC. 1406. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 1407. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 1408. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 1403 through 1406;

(B) the amount of funds appropriated to carry out the provisions of each of sections 1403 through 1406 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 1409. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 1404(a) and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $536,000,000 for fiscal year 2008;

(3) $772,000,000 for fiscal year 2009; and

(4) $1,062,000,000 for fiscal year 2010.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 1404(b)—

(1) such sums as are necessary in fiscal year 2007;

(2) $534,000,000 for fiscal year 2008;

(3) $333,000,000 for fiscal year 2009; and

(4) $133,000,000 for fiscal year 2010.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 1405.

(d) RESEARCH.—There are authorized to be appropriated to carry out the provisions of section 1407 and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $30,000,000 for fiscal year 2008;

(3) $45,000,000 for fiscal year 2009; and

(4) $55,000,000 for fiscal year 2010.

SEC. 1410. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2011.

TITLE XV—MISCELLANEOUS PROVISIONS

SEC. 1501. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''DEPUTY SECRETARY'' and inserting ''DEPUTY SECRETARIES'';

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

''(1) A Deputy Secretary of Homeland Security.

''(2) A Deputy Secretary of Homeland Security for Management.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) VACANCY IN OFFICE OF SECRETARY.—

''(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

''(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

''(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

''(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.''.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking ''**UNDER SECRETARY**'' and inserting ''**DEPUTY SECRETARY OF HOMELAND SECURITY**'';

(2) in subsection (a)—

(A) by inserting ''The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(B) by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management'';

(C) by striking paragraph (7) and inserting the following:

''(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(D) by striking paragraph (9), and inserting the following:

''(9) The integration and transformation process, to ensure an efficient and orderly

consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''; and

(B) in paragraph (2), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

''(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

''(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results;

''(2) shall—

''(A) serve for a term of 5 years; and

''(B) be subject to removal by the President if the President—

''(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

''(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

''(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

''(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

''(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).''.

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

''Sec. 701. Deputy Secretary of Homeland Security for Management.''.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

''Deputy Secretary of Homeland Security for Management.''.

SEC. 1502. SENSE OF THE SENATE REGARDING COMBATING DOMESTIC RADICALIZATION.

(a) FINDINGS.—The Senate finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists seeking to exploit the religion of Islam through violent means to achieve ideological ends.

(2) The radical jihadist movement transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the war on terror.

(5) United States law enforcement agencies have identified radicalization as an emerging threat and have in recent years identified cases of ''homegrown'' extremists operating inside the United States with the intent to provide support for, or directly commit, a terrorist attack.

(6) The alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization.

(7) Radicalization cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization and extremism by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending the American Muslim community;

(4) developing and implementing, in concert with the Attorney General and State and local corrections officials, a program to address prisoner radicalization and post-sentence reintegration;

(5) pursuing broader avenues of dialogue with the Muslim community to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate these leaders on the threat of radicalization and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to the American Muslim community and develop partnerships between all faiths, including Islam.

SEC. 1503. SENSE OF THE SENATE REGARDING OVERSIGHT OF HOMELAND SECURITY.

(a) FINDINGS.—The Senate finds the following:

(1) The Senate recognizes the importance and need to implement the recommendations offered by the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the ''Commission'').

(2) Congress considered and passed the National Security Intelligence Reform Act of 2004 (Public Law 108-458; 118 Stat. 3643) to implement the recommendations of the Commission.

(3) Representatives of the Department testified at 165 Congressional hearings in calendar year 2004, and 166 Congressional hearings in calendar year 2005.

(4) The Department had 268 representatives testify before 15 committees and 35 subcommittees of the House of Representatives and 9 committees and 12 subcommittees of the Senate at 206 congressional hearings in calendar year 2006.

(5) The Senate has been unwilling to reform itself in accordance with the recommendation of the Commission to provide better and more streamlined oversight of the Department.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Senate should implement the recommendation of the Commission to ''create a single, principal point of oversight and review for homeland security.''.

SEC. 1504. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress regarding ongoing initiatives of the Department to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit a report to Congress that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

SA 276. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

''TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

''SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

''(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

''(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

''(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.''.

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

''SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—

''(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

''(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) OTHER GRANT APPLICANTS.—

''(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

''(B) CONSIDERATION.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

''(3) CERTIFICATION OF REGIONS.—

''(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

''(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

''(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

''(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America's Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

''(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

''(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(D) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

''(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

''(iii) a designation of a specific individual to serve as regional liaison; and

''(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(f) HOMELAND SECURITY GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

''(A) the Secretary;

''(B) the Deputy Secretary of Homeland Security;

''(C) the Under Secretary for Emergency Preparedness and Response;

''(D) the Under Secretary for Border and Transportation Security;

''(E) the Under Secretary for Information Analysis and Infrastructure Protection;

''(F) the Under Secretary for Science and Technology; and

''(G) the Director of the Office of State and Local Government Coordination.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

''(A) PRIORITIZATION OF GRANTS.—The Board—

''(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

''(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

''(B) MINIMUM AMOUNTS.—

''(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.''.

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

''SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

''(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

''(1) IN GENERAL.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

''(A) the Task Force on Essential Capabilities established under section 2004;

''(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

''(C) the Secretary of Health and Human Services;

''(D) other appropriate Federal agencies;

''(E) State and local first responder agencies and officials; and

''(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

''(2) DEADLINES.—The Secretary shall—

''(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

''(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

''(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

''(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

''(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

''(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

''(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

''(C) the principles of regional coordination and mutual aid among State and local governments.

''(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

''(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

''(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

''(c) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

''(A) Agriculture.
''(B) Banking and finance.
''(C) Chemical industries.
''(D) The defense industrial base.
''(E) Emergency services.
''(F) Energy.
''(G) Food.
''(H) Government.
''(I) Postal and shipping.
''(J) Public health.
''(K) Information and telecommunications networks.
''(L) Transportation.
''(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

''(A) Biological threats.
''(B) Nuclear threats.
''(C) Radiological threats.
''(D) Incendiary threats.
''(E) Chemical threats.
''(F) Explosives.
''(G) Suicide bombers.
''(H) Cyber threats.
''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

''SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

''(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

''(b) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

''(2) CONTENTS.—The report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment

for purposes of section 2002(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program;

''(13) the National Domestic Preparedness Consortium; and

''(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

SEC. 203. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

''SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

''(2) exercises to strengthen terrorism preparedness and response;

''(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating response plans;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

''(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

''(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

''(2) to construct buildings or other physical facilities, except for—

''(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

''(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

''(3) to acquire land; or

''(4) for any State or local government cost-sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

''(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in

training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

''(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraph (B).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).''.

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) REQUIRED COORDINATION.—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts

of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.''.

(e) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of ''National Capital Region'' applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.''.

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase ''by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,''.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, and 203 is amended by adding at the end the following:

''SEC. 2007. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 2002(f).

''(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

''(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2001(b).

''(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

''(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

''(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(10) REGION.—The term 'region' means any geographic area—

''(A) certified by the Secretary under section 2002(a)(3);

''(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

''(C) that, for purposes of an application for a covered grant—

''(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

''(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

''(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

''(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 2004.

''(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

''(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.''.

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

''TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

''Sec. 2001. Risk-Based funding for homeland security.
''Sec. 2002. Covered grant eligibility and criteria.
''Sec. 2003. Essential capabilities for homeland security.
''Sec. 2004. Task Force on Essential Capabilities.
''Sec. 2005. National standards for first responder equipment and training.
''Sec. 2006. Use of funds and accountability requirements.
''Sec. 2007. Definitions.''.

On page 116, line 8, strike ''0.75 percent'' and insert ''0.25 percent''.

On page 116, line 13, strike ''0.25 percent'' and insert ''0.08 percent''.

On page 347, strike lines 19 through 22, and insert the following:

''(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

''(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

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SA 277. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, Ms. MIKULSKI, Mr. CHAMBLISS, and Ms. MURKOWSKI) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 145, strike line 21 and insert the following:

SEC. 404. IDENTIFICATION DOCUMENTS.

(a) MINIMUM DOCUMENT REQUIREMENTS.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking ''3 years after the date of the enactment of this division'' and inserting ''2 years after the promulgation of final regulations to implement this section''.

(b) AUTHORITY TO EXTEND COMPLIANCE DEADLINES.—Section 205(b) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) LACK OF VALIDATION SYSTEMS.—If the Secretary determines that the Federal or State electronic systems required to verify the validity and completeness of documents under section 202(c)(3) are not available to any State on the date described in section 202(a)(1), the requirements under section 202(c)(1) shall not apply to any State until adequate electronic validation systems are available to all States.''.

(c) NEGOTIATED RULEMAKING.—

(1) NEGOTIATED RULEMAKING COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall reconvene the committee originally established pursuant to section 7212(b)(4) of the 9/11 Commission Implementation Act of 2004 (49 U.S.C. 30301 note), with the addition of any new interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law, to—

(A) review the regulations proposed by the Secretary to implement section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

(B) review the provisions of the REAL ID Act of 2005;

(C) submit recommendations to the Secretary regarding appropriate modifications to such regulations; and

(D) submit recommendations to the Secretary and Congress regarding appropriate modifications to the REAL ID Act of 2005.

(2) CRITERIA.—In conducting the review under paragraph (1)(A), the committee shall consider, in addition to other factors at the discretion of the committee, modifications to the regulations to—

(A) minimize conflicts between State laws regarding driver's license eligibility;

(B) include procedures and requirements to protect the Federal and State constitutional rights, civil liberties, and privacy rights of individuals who apply for and hold driver's licenses and personal identification cards;

(C) protect the security of all personal information maintained in electronic form;

(D) provide individuals with procedural and substantive due process, including rules and right of appeal, to challenge errors in data records contained within the databases created to implement section 202 of the REAL ID Act of 2005;

(E) ensure that private entities are not permitted to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share, or trade such information with third parties;

(F) provide a fair system of funding to limit the costs of meeting the requirements of section 202 of the REAL ID Act of 2005;

(G) facilitate the management of vital identity-proving records; and

(H) improve the effectiveness and security of Federal documents used to validate identification.

(3) RULEMAKING.—To the extent that the final regulations to implement section 202 of the REAL ID Act of 2005 do not reflect the modifications recommended by the committee pursuant to paragraph (1)(C), the Secretary shall include, with such regulations in the Federal Register, the reasons for rejecting such modifications.

(4) REPORTS.—Not later than 120 days after reconvening under paragraph (1), the committee shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

(A) the list of recommended modifications to the regulations that were submitted to the Secretary under paragraph (1)(C); and

(B) a list of recommended amendments to the Real ID Act of 2005 that would address any concerns that could not be resolved by regulation.

(d) ENHANCED DRIVER'S LICENSE.—

SA 278. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HEALTH CARE SCREENING, MONITORING, AND TREATMENT FOR EMERGENCY SERVICES PERSONNEL.

Of the unexpended balances made available for the ''Department of Labor, Employment Training Administration Training and Employment Services'' by the President on September 21, 2001, under the authority of the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38; 115 Stat. 220), $3,600,000 shall be transferred to the Centers for Disease Control and Prevention and made available to provide health care screening, monitoring, and treatment for emergency services, rescue and recovery personnel responding to the attacks of September 11, 2001, under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109-148; 119 Stat. 2814).

SA 279. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric

transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

SA 280. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

SA 281. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to

improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Border Law Enforcement Relief Act of 2007''.

SEC. ____02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ____03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. ____04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 282. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 22 through 25 and insert the following:

''(I) the extent to which the State has unmet target capabilities;

''(J) the presence or transportation in the State of special nuclear material or transuranic waste (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) or waste derived from special nuclear material or transuranic waste; and

''(K) such other factors as are specified in writing by the Administrator;

SA 283. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 151, line 16, strike ''information'' and insert ''information use, collection, storage, disclosure, and''.

SA 284. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1505. HOMELAND SECURITY TRUST FUND.

(a) DEFINITIONS.—In this section:

(1) TRUST FUND.—The term ''Trust Fund'' means the Homeland Security and Neighborhood Safety Trust Fund established under subsection (b).

(2) COMMISSION.—The term ''Commission'' means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 6 U.S.C. 101 note).

(b) HOMELAND SECURITY AND NEIGHBORHOOD SAFETY TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Homeland Security and Neighborhood Safety Trust Fund'', consisting of such amounts as may be appropriated or credited to the Trust Fund.

(2) RULES REGARDING TRANSFERS TO AND MANAGEMENT OF TRUST FUND.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(3) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2008 through 2012 to meet those obligations of the United States incurred which are authorized under subsection (d) for such fiscal years.

(4) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(A) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2008 through 2012 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

(B) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

(c) PREVENTING TERROR ATTACKS ON THE HOMELAND.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTING LAW ENFORCEMENT.—There are authorized to be appropriated from the Trust Fund—

(A) $1,150,000,000 for each of the fiscal years 2008 through 2012 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counterterrorism units;

(B) $900,000,000 for each of the fiscal years 2008 through 2012 for the Justice Assistance Grant; and

(C) $500,000,000 for each of the fiscal years 2008 through 2012 for the Law Enforcement Terrorism Prevention Grant Program.

(2) AUTHORIZATION OF APPROPRIATIONS FOR RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—There are authorized to be appropriated from the Trust Fund—

(A) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for Fire Act Grants; and

(B) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for SAFER Grants.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ACTIVITIES FOR HOMELAND SECURITY.—There are authorized to be appropriated from the Trust Fund such sums as necessary for—

(1) the implementation of all the recommendations of the Commission, including the provisions of this section;

(2) fully funding the grant programs authorized under this section and any grant program administered by the Department;

(3) improving airline passenger screening and cargo scanning;

(4) improving information sharing and communications interoperability;

(5) supporting State and local government law enforcement and first responders, including enhancing communications interoperability and information sharing;

(6) ensuring the inspection and scanning of 100 percent of cargo containers destined for ports in the United States and to ensure scanning of domestic air cargo;

(7) protecting critical infrastructure and other high threat targets such as passenger rail, freight rail, and transit systems, chemical and nuclear plants;

(8) enhancing the preparedness of the public health sector to prevent and respond to acts of biological and nuclear terrorism;

(9) the development of scanning technologies to detect dangerous substances at United States ports of entry; and

(10) other high risk targets of interest, including nonprofit organizations and in the private sector.

SA 285. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying

crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

''(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may by rulemaking, add or modify the offenses described in paragraph (1)(A) or (B).''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

SA 286. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

SA 287. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CABLE CARRIAGE OF TELEVISON BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 342. CARRIAGE OF SIGNALS TO CERTAIN TELEVISION MARKET AREAS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, each cable operator providing service in an eligible area may elect to carry the primary signal of any network station located in the capital of the State in which such area is located.

''(b) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE AREA.—The term 'eligible area' means 1 of 2 counties that—

''(A) are all in a single State;

''(B) on the date of enactment of this section, were each located in—

''(i) the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(ii) a designated market area comprised principally of counties located in another State; and

''(C) as a group had a total number of television households that when combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.

''(2) NETWORK STATION.—The term 'network station' has the same meaning as in section 119(d) of title 17, United States Code.''.

SEC. ___. SATELLITE CARRIAGE OF TELEVISION BROADCAST SIGNALS.

Section 119(a)(2)(C) of title 17, United States Code, is amended—

(1) by redesignating clause (v) as clause (vi);

(2) by inserting after clause (v) the following:

''(v) FURTHER ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(I) the 2 counties are located in the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

''(II) the total number of television households in the 2 counties combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.''; and

(3) in clause (vi) as redesignated, by striking ''and (iv)'' and inserting ''(iv), and (v)''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 7, 2007, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to investigate market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Michael Carr at 202–224–8164 or Rachel Pasternack at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 28, 2007, at 10:30 a.m. to conduct a hearing on ''Examining the Terrorism Risk Insurance Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Wednesday, February 28, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the