

(1) United states critical domains for economic security

The term “United States critical domains for economic security” means the critical infrastructure and other associated industries, technologies, and intellectual property, or any combination thereof, that are essential to the economic security of the United States.

(2) Economic security

The term “economic security” means the condition of having secure and resilient domestic production capacity, combined with reliable access to the global resources necessary to maintain an acceptable standard of living and to protect core national values.

(d) Authorization of appropriations

There is authorized to be appropriated \$1,000,000 for each of fiscal years 2022 through 2026 to carry out this section.

(Pub. L. 107-296, title VIII, §890B, as added Pub. L. 117-81, div. F, title LXIV, §6409(a), Dec. 27, 2021, 135 Stat. 2406.)

§ 475. Transnational Criminal Investigative Units

(a) In general

The Secretary, with the concurrence of the Secretary of State, shall operate Transnational Criminal Investigative Units within Homeland Security Investigations.

(b) Composition

Each Transnational Criminal Investigative Unit shall be composed of trained foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

(c) Vetting requirement

(1) In general

Before entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Secretary determines to be appropriate.

(2) Leahy vetting required

No member of a foreign law enforcement unit may join a Transnational Criminal Investigative Unit if the Secretary, in coordination with the Secretary of State, has credible information that such foreign law enforcement unit has committed a gross violation of human rights, consistent with the limitations set forth in section 2378d of title 22.

(3) Approval and concurrence

The establishment and continued support of the Transnational Criminal Investigative Units who are assigned under paragraph (1)—

(A) shall be performed with the approval of the chief of mission to the foreign country to which the personnel are assigned;

(B) shall be consistent with the duties and powers of the Secretary of State and the

chief of mission for a foreign country under section 4802 of title 22 and section 3927 of title 22, respectively; and

(C) shall not be established without the concurrence of the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs.

(4) Report

The Executive Associate Director of Homeland Security Investigations shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that describes—

(A) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under this subsection; and

(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

(d) Monetary stipend

The Executive Associate Director of Homeland Security Investigations is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

(e) Annual briefing

The Executive Associate Director of Homeland Security Investigations, during the 5-year period beginning on December 23, 2022, shall provide an annual unclassified briefing to the congressional committees referred to in subsection (c)(4), which may include a classified session, if necessary, that identifies—

(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;

(2) the amount paid in stipends to such members, disaggregated by country;

(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and

(4) whether any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or significant acts of corruption.

(Pub. L. 107-296, title VIII, §890C, as added Pub. L. 117-263, div. G, title LXXI, §7105(b)(1), Dec. 23, 2022, 136 Stat. 3623.)

§ 475a. Mentor-protégé program

(a) Establishment

There is established in the Department a mentor-protégé program (in this section referred to as the “Program”) under which a mentor firm enters into an agreement with a protégé firm for the purpose of assisting the protégé firm to compete for prime contracts and subcontracts of the Department.

(b) Eligibility

The Secretary shall establish criteria for mentor firms and protégé firms to be eligible to participate in the Program, including a requirement that a firm is not included on any list maintained by the Federal Government of contractors that have been suspended or debarred.

(c) Program application and approval**(1) Application**

The Secretary, acting through the Office of Small and Disadvantaged Business Utilization of the Department, shall establish a process for submission of an application jointly by a mentor firm and the protégé firm selected by the mentor firm. The application shall include each of the following:

(A) A description of the assistance to be provided by the mentor firm, including, to the extent available, the number and a brief description of each anticipated subcontract to be awarded to the protégé firm.

(B) A schedule with milestones for achieving the assistance to be provided over the period of participation in the Program.

(C) An estimate of the costs to be incurred by the mentor firm for providing assistance under the Program.

(D) Attestations that Program participants will submit to the Secretary reports at times specified by the Secretary to assist the Secretary in evaluating the protégé firm's developmental progress.

(E) Attestations that Program participants will inform the Secretary in the event of a change in eligibility or voluntary withdrawal from the Program.

(2) Approval

Not later than 60 days after receipt of an application pursuant to paragraph (1), the head of the Office of Small and Disadvantaged Business Utilization shall notify applicants of approval or, in the case of disapproval, the process for resubmitting an application for reconsideration.

(3) Rescission

The head of the Office of Small and Disadvantaged Business Utilization may rescind the approval of an application under this subsection if it determines that such action is in the best interest of the Department.

(d) Program duration

A mentor firm and protégé firm approved under subsection (c) shall enter into an agreement to participate in the Program for a period of not less than 36 months.

(e) Program benefits

A mentor firm and protégé firm that enter into an agreement under subsection (d) may receive the following Program benefits:

(1) With respect to an award of a contract that requires a subcontracting plan, a mentor firm may receive evaluation credit for participating in the Program.

(2) With respect to an award of a contract that requires a subcontracting plan, a mentor firm may receive credit for a protégé firm performing as a first tier subcontractor or a sub-

contractor at any tier in an amount equal to the total dollar value of any subcontracts awarded to such protégé firm.

(3) A protégé firm may receive technical, managerial, financial, or any other mutually agreed upon benefit from a mentor firm, including a subcontract award.

(f) Reporting

Not later than one year after December 23, 2022, and annually thereafter, the head of the Office of Small and Disadvantaged Business Utilization shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Homeland Security and the Committee on Small Business of the House of Representatives a report that—

(1) identifies each agreement between a mentor firm and a protégé firm entered into under this section, including the number of protégé firm participants that are—

(A) small business concerns;

(B) small business concerns owned and controlled by veterans;

(C) small business concerns owned and controlled by service-disabled veterans;

(D) qualified HUBZone small business concerns;

(E) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) small business concerns owned and controlled by women;

(G) historically Black colleges and universities; and

(H) minority-serving institutions;

(2) describes the type of assistance provided by mentor firms to protégé firms;

(3) identifies contracts within the Department in which a mentor firm serving as the prime contractor provided subcontracts to a protégé firm under the Program; and

(4) assesses the degree to which there has been—

(A) an increase in the technical capabilities of protégé firms; and

(B) an increase in the quantity and estimated value of prime contract and subcontract awards to protégé firms for the period covered by the report.

(g) Rule of construction

Nothing in this section may be construed to limit, diminish, impair, or otherwise affect the authority of the Department to participate in any program carried out by or requiring approval of the Small Business Administration or adopt or follow any regulation or policy that the Administrator of the Small Business Administration may promulgate, except that, to the extent that any provision of this section (including subsection (h)) conflicts with any other provision of law, regulation, or policy, this section shall control.

(h) Definitions

In this section:

(1) Historically Black college or university

The term “historically Black college or university” has the meaning given the term “part B institution” in section 1061 of title 20.

(2) Mentor firm

The term “mentor firm” means a for-profit business concern that is not a small business concern that—

(A) has the ability to assist and commits to assisting a protégé to compete for Federal prime contracts and subcontracts; and

(B) satisfies any other requirements imposed by the Secretary.

(3) Minority-serving institution

The term “minority-serving institution” means an institution of higher education described in section 1067q(a) of title 20.¹

(4) Protégé firm

The term “protégé firm” means a small business concern, a historically Black college or university, or a minority-serving institution that—

(A) is eligible to enter into a prime contract or subcontract with the Department; and

(B) satisfies any other requirements imposed by the Secretary.

(5) Small Business Act definitions

The terms “small business concern”, “small business concern owned and controlled by veterans”, “small business concern owned and controlled by service-disabled veterans”, “qualified HUBZone small business concern”, “and small² business concern owned and controlled by women” have the meanings given such terms, respectively, under section 632 of title 15. The term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given such term in section 637(d)(3)(C) of title 15.

(Pub. L. 107–296, title VIII, §890D, as added Pub. L. 117–263, div. G, title LXXI, §7115(a), Dec. 23, 2022, 136 Stat. 3634.)

Editorial Notes

REFERENCES IN TEXT

Section 1067q(a) of title 20, referred to in subsec. (h)(3), was in the original “section 317 of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))” and was translated as reading “section 371(a) of the Higher Education Act of 1965”, to reflect the probable intent of Congress.

PART I—INFORMATION SHARING

§ 481. Short title; findings; and sense of Congress**(a) Short title**

This part may be cited as the “Homeland Security Information Sharing Act”.

(b) Findings

Congress finds the following:

(1) The Federal Government is required by the Constitution to provide for the common defense, which includes terrorist attack.

(2) The Federal Government relies on State and local personnel to protect against terrorist attack.

¹ See References in Text note below.

² So in original. The opening quotation marks preceding “and” probably should precede “small”.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

(4) Some homeland security information is needed by the State and local personnel to prevent and prepare for terrorist attack.

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information.

(6) Granting security clearances to certain State and local personnel is one way to facilitate the sharing of information regarding specific terrorist threats among Federal, State, and local levels of government.

(7) Methods exist to declassify, redact, or otherwise adapt classified information so it may be shared with State and local personnel without the need for granting additional security clearances.

(8) State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by Federal agencies.

(9) The Federal Government and State and local governments and agencies in other jurisdictions may benefit from such information.

(10) Federal, State, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks.

(11) Information systems, including the National Law Enforcement Telecommunications System and the Terrorist Threat Warning System, have been established for rapid sharing of classified and sensitive but unclassified information among Federal, State, and local entities.

(12) Increased efforts to share homeland security information should avoid duplicating existing information systems.

(c) Sense of Congress

It is the sense of Congress that Federal, State, and local entities should share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

(Pub. L. 107–296, title VIII, §891, Nov. 25, 2002, 116 Stat. 2252.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsec. (a), was in the original “This subtitle”, meaning subtitle I (§§891–899) of title VIII of Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2252, which enacted this part, amended section 2517 of Title 18, Crimes and Criminal Procedure, Rule 6 of the Federal Rules of Criminal Procedure, set out in the Appendix to Title 18, and sections 1806, 1825, and 3365 of Title 50, War and National Defense, and amended provisions set out as a note under section 2517 of Title 18. For complete classification of subtitle I to the Code, see Tables.