

107TH CONGRESS
1ST SESSION

H. R. 1158

To establish the National Homeland Security Agency.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2001

Mr. THORNBERRY introduced the following bill; which was referred to the
Committee on Government Reform

A BILL

To establish the National Homeland Security Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Homeland
5 Security Agency Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The security of the United States homeland
9 from nontraditional and emerging threats must be a
10 primary national security mission of the United
11 States Government. Attacks against United States
12 citizens on United States soil, possibly causing heavy

1 casualties, are likely during the next quarter cen-
2 tury, as both the technical means for carrying out
3 such attacks, and the array of actors who might use
4 such means, are proliferating despite the best efforts
5 of United States diplomacy.

6 (2) Attacks on United States soil may involve
7 weapons of mass destruction and weapons of mass
8 disruption. As porous as United States physical bor-
9 ders are in an age of burgeoning trade and travel,
10 its cyber borders are even more vulnerable, and the
11 critical infrastructure upon which so much of the
12 United States economy depends can now be targeted
13 by governments as well as individuals. The pre-
14 eminence of the United States makes it more appeal-
15 ing as a target, while its openness and freedoms
16 make it more vulnerable.

17 (3) Despite the serious threat to homeland se-
18 curity, the United States Government has not yet
19 adopted homeland security as a primary national se-
20 curity mission. Its structures and strategies are
21 fragmented and inadequate. The assets and organi-
22 zations that now exist for homeland security are
23 scattered across more than two dozen departments
24 and agencies, and all 50 States.

1 (4) Guaranteeing that homeland security is
2 achieved within a framework of law that protects the
3 civil liberties and privacy of United States citizens is
4 essential. The United States Government must im-
5 prove national security without compromising estab-
6 lished constitutional principles.

7 (5) A comprehensive strategy and new organi-
8 zational structures to prevent and protect against
9 attacks on the United States homeland, and to re-
10 spond to such attacks if prevention and protection
11 should fail, are urgently needed.

12 (6) Through the National Homeland Security
13 Agency, the United States Government will improve
14 the planning and coordination of Federal support to
15 State and local agencies to rationalize the allocation
16 of resources, enhance readiness in order to prevent
17 attacks, and facilitate recovery if prevention fails.

18 **SEC. 3. ESTABLISHMENT OF NATIONAL HOMELAND SECU-**
19 **RITY AGENCY.**

20 (a) **ESTABLISHMENT.**—There is established a Na-
21 tional Homeland Security Agency (hereinafter in this Act
22 referred to as the “Agency”).

23 (b) **DIRECTOR.**—There shall be at the head of the
24 Agency a Director, who shall be appointed by the Presi-
25 dent by and with the advice and consent of the Senate.

1 The Director shall be compensated at the rate provided
2 for level I of the Executive Schedule under section 5312
3 of title 5, United States Code. The Director shall serve
4 as an advisor to the National Security Council.

5 (c) DUTIES.—The duties of the Director shall be the
6 following:

7 (1) To plan, coordinate, and integrate those
8 United States Government activities relating to
9 homeland security, including border security and
10 emergency preparedness, and to act as a focal point
11 regarding natural and manmade crises and emer-
12 gency planning.

13 (2) To work with State and local governments
14 and executive agencies in protecting United States
15 homeland security, and to support State officials
16 through the use of regional offices around the coun-
17 try.

18 (3) To provide overall planning guidance to ex-
19 ecutive agencies regarding United States homeland
20 security.

21 (4) To conduct exercise and training programs
22 for employees of the Agency and establish effective
23 command and control procedures for the full range
24 of potential contingencies regarding United States

1 homeland security, including contingencies that re-
2 quire the substantial support of military assets.

3 (5) To annually develop a Federal response
4 plan for homeland security and emergency prepared-
5 ness.

6 **SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PER-**
7 **SONNEL, AND ASSETS TO AGENCY.**

8 The authorities, functions, personnel, and assets of
9 the following entities are hereby transferred to the Agency:

10 (1) The Federal Emergency Management Agen-
11 cy, the ten regional offices of which shall be main-
12 tained and strengthened by the Agency.

13 (2) The United States Customs Service, which
14 shall be maintained as a distinct entity within the
15 Agency.

16 (3) The Border Patrol of the Immigration and
17 Naturalization Service, which shall be maintained as
18 a distinct entity within the Agency.

19 (4) The United States Coast Guard, which shall
20 be maintained as a distinct entity within the Agency.

21 (5) The Critical Infrastructure Assurance Of-
22 fice and the Institute of Information Infrastructure
23 Protection of the Department of Commerce.

1 (6) The National Infrastructure Protection
2 Center and the National Domestic Preparedness Of-
3 fice of the Federal Bureau of Investigation.

4 **SEC. 5. ESTABLISHMENT OF DIRECTORATES AND OFFICE.**

5 (a) ESTABLISHMENT OF DIRECTORATES.—The fol-
6 lowing staff directorates are hereby established within the
7 Agency:

8 (1) DIRECTORATE OF PREVENTION.—The Di-
9 rectorate of Prevention, which shall be responsible
10 for the following:

11 (A) Overseeing and coordinating all United
12 States border security activities.

13 (B) Developing border and maritime secu-
14 rity policy for the United States.

15 (C) Developing and implementing inter-
16 national standards for enhanced security in
17 transportation nodes.

18 (2) DIRECTORATE OF CRITICAL INFRASTRUC-
19 TURE PROTECTION.—The Directorate of Critical In-
20 frastructure Protection, which shall be responsible
21 for the following:

22 (A) Acting as the Critical Information
23 Technology, Assurance, and Security Officer of
24 the Agency to coordinate efforts to address the
25 vulnerability of the United States to electronic

1 or physical attacks on critical infrastructure of
2 the United States, including utilities, transpor-
3 tation nodes, and energy resources.

4 (B) Overseeing the protection of such in-
5 frastructure and the physical assets and infor-
6 mation networks that make up such infrastruc-
7 ture.

8 (C) Ensuring the maintenance of a nucleus
9 of cyber security experts within the United
10 States Government.

11 (D) Enhancing sharing of information re-
12 garding cyber security and physical security of
13 the United States, tracking vulnerabilities and
14 proposing improved risk management policies,
15 and delineating the roles of various government
16 agencies in preventing, defending, and recov-
17 ering from attacks.

18 (E) Coordinating with the Federal Com-
19 munications Commission in helping to establish
20 cyber security policy, standards, and enforce-
21 ment mechanisms, and working closely with the
22 Federal Communications Commission on cyber
23 security issues with respect to international
24 bodies.

1 (F) Coordinating the activities of Informa-
2 tion Sharing and Analysis Centers to share in-
3 formation on threats, vulnerabilities, individual
4 incidents, and privacy issues regarding United
5 States homeland security.

6 (G) Assuming the responsibilities carried
7 out by the Critical Infrastructure Assurance Of-
8 fice before the date of the enactment of this
9 Act.

10 (H) Assuming the responsibilities carried
11 out by the National Infrastructure Protection
12 Center before the date of the enactment of this
13 Act.

14 (I) Supporting and overseeing the manage-
15 ment of the Institute for Information Infra-
16 structure Protection.

17 (3) DIRECTORATE FOR EMERGENCY PREPARED-
18 NESS AND RESPONSE.—The Directorate for Emer-
19 gency Preparedness and Response, which shall be re-
20 sponsible for the following:

21 (A) Carrying out all emergency prepared-
22 ness and response activities carried out by the
23 Federal Emergency Management Agency before
24 the date of the enactment of this Act.

1 (B) Assuming the responsibilities carried
2 out by the National Domestic Preparedness Of-
3 fice before the date of the enactment of this
4 Act.

5 (C) Organizing and training local entities
6 to respond to emergencies and providing State
7 and local authorities with equipment for detec-
8 tion, protection, and decontamination in an
9 emergency involving weapons of mass destruc-
10 tion.

11 (D) Overseeing Federal, State, and local
12 emergency preparedness training and exercise
13 programs in keeping with current intelligence
14 estimates and providing a single staff for Fed-
15 eral assistance for any emergency (including
16 emergencies caused by flood, earthquake, hurri-
17 cane, disease, or terrorist bomb).

18 (E) Creating a National Crisis Action Cen-
19 ter to act as the focal point for monitoring
20 emergencies and for coordinating Federal sup-
21 port for State and local governments and the
22 private sector in crises.

23 (F) Establishing training and equipment
24 standards, providing resource grants, and en-
25 couraging intelligence and information sharing

1 among the Department of Defense, the Federal
2 Bureau of Investigation, the Central Intel-
3 ligence Agency, State emergency management
4 officials, and local first responders.

5 (G) Coordinating and integrating activities
6 of the Department of Defense, the National
7 Guard, and other Federal agencies into a Fed-
8 eral response plan.

9 (H) Coordinating activities among private
10 sector entities, including entities within the
11 medical community, with respect to recovery,
12 consequence management, and planning for
13 continuity of services.

14 (I) Developing and managing a single re-
15 sponse system for national incidents in coordi-
16 nation with the Department of Justice, the
17 Federal Bureau of Investigation, the Depart-
18 ment of Health and Human Services, and the
19 Centers for Disease Control.

20 (J) Maintaining Federal asset databases
21 and supporting up-to-date State and local data-
22 bases.

23 (b) ESTABLISHMENT OF OFFICE OF SCIENCE AND
24 TECHNOLOGY.—There is established in the Agency an Of-
25 fice of Science and Technology, the purpose of which shall

1 be to advise the Director regarding research and develop-
2 ment efforts and priorities for the directorates established
3 in subsection (a).

4 **SEC. 6. REPORTING REQUIREMENTS.**

5 (a) BIENNIAL REPORTS.—The Director shall submit
6 to Congress on a biennial basis—

7 (1) a report assessing the resources and re-
8 quirements of executive agencies relating to border
9 security and emergency preparedness issues; and

10 (2) a report certifying the preparedness of the
11 United States to prevent, protect against, and re-
12 spond to natural disasters, cyber attacks, and inci-
13 dents involving weapons of mass destruction.

14 (b) ADDITIONAL REPORT.—Not later than the date
15 that is one year after the date of the enactment of this
16 Act, the Director shall submit to Congress a report—

17 (1) assessing the progress of the Agency in—

18 (A) implementing the provisions of this
19 Act; and

20 (B) ensuring the core functions of each en-
21 tity transferred to the Agency are maintained
22 and strengthened; and

23 (2) recommending any conforming changes in
24 law necessary as a result of the enactment and im-
25 plementation of this Act.

1 **SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.**

2 The Director shall establish and maintain strong
3 mechanisms for the sharing of information and intel-
4 ligence with United States and international intelligence
5 entities.

6 **SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROC-**
7 **ESS.**

8 The Director shall establish procedures to ensure that
9 the planning, programming, budgeting, and financial ac-
10 tivities of the Agency comport with sound financial and
11 fiscal management principles. Those procedures shall, at
12 a minimum, provide for the planning, programming, and
13 budgeting of activities of the Agency using funds that are
14 available for obligation for a limited number of years.

15 **SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND**
16 **HEALTH REQUIREMENTS.**

17 The Director shall—

18 (1) ensure that the Agency complies with all ap-
19 plicable environmental, safety, and health statutes
20 and substantive requirements; and

21 (2) develop procedures for meeting such re-
22 quirements.

23 **SEC. 10. EFFECTIVE DATE.**

24 This Act shall take effect on the date that is 6
25 months after the date of the enactment of this Act.

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