

109TH CONGRESS
2^D SESSION

H. R. 5814

To authorize appropriations for the Department of Homeland Security, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. KING of New York (for himself, Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, and Mr. MEEK of Florida) introduced the following bill;
which was referred to the Committee on Homeland Security

A BILL

To authorize appropriations for the Department of Homeland
Security, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Department of Homeland Security Authorization Act for
6 Fiscal Year 2007”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 101. Department of Homeland Security.

TITLE II—IMPROVING MANAGEMENT, INTEGRATION, AND
OVERSIGHT

Subtitle A—Management Reform

- Sec. 201. Abolishment of Under Secretary for Management.
- Sec. 202. Providing direct line authority for chief operating officers.
- Sec. 203. Emergency planning and response for individuals with disabilities.
- Sec. 204. Government Accountability Office study on accessibility of emergency shelters.
- Sec. 205. Homeland Security Education Program.

Subtitle B—Integration and Organizational Improvements

- Sec. 221. Establishment of Directorate for Policy, Planning, and International Affairs.
- Sec. 222. Consolidation of the efforts of the Center for Domestic Preparedness and the Noble Training Center.
- Sec. 223. Government Accountability Office study of integration and adequacy of training programs related to asylum at ports of entry.

Subtitle C—Strengthening Oversight

- Sec. 231. Congressional notification requirement.
- Sec. 232. Authorization Liaison Officer.
- Sec. 233. Required budget line item for Office of Counternarcotics Enforcement.
- Sec. 234. Secure border initiative financial accountability.

TITLE III—PROCUREMENT REFORM

- Sec. 301. Homeland security procurement training.
- Sec. 302. Additional requirements to review past performance of contractors.
- Sec. 303. Streamlining of SAFETY Act and procurement processes.

TITLE IV—PERSONNEL AUTHORITIES

Subtitle A—Workforce Enhancements

- Sec. 401. Cost-effective training for border patrol agents.
- Sec. 402. Continuation of Federal law enforcement training center authority to appoint and maintain a cadre of Federal annuitants to support training.
- Sec. 403. Canine detection team coordination and certification.
- Sec. 404. Authority for Customs and Border Protection to appoint and maintain a cadre of Federal annuitants.
- Sec. 405. Strengthening border patrol recruitment and retention.

Subtitle B—Improving Security Clearance Process

- Sec. 411. Increased security screening of Homeland Security Officials.
- Sec. 412. Authorities of Chief Security Officer.

TITLE V—INTELLIGENCE AND INFORMATION SHARING

- Sec. 501. Departmental reorganization.
- Sec. 502. Intelligence components of Department of Homeland Security.

- Sec. 503. Homeland Security Advisory System.
- Sec. 504. Homeland security information sharing.
- Sec. 505. State, Local, Tribal, and Regional Information Fusion Center Initiative.
- Sec. 506. Homeland Security Information Sharing Fellows Program.
- Sec. 507. Full and efficient use of open source intelligence.
- Sec. 508. Strengthening the capabilities of the Human Smuggling and Trafficking Center.

TITLE VI—PREVENTION OF NUCLEAR AND BIOLOGICAL TERRORISM

- Sec. 601. Establishment of Office of Domestic Nuclear Detection.
- Sec. 602. Chief Medical Officer.
- Sec. 603. National Biosurveillance Integration System.
- Sec. 604. Material threats.
- Sec. 605. Study on national biodefense training.
- Sec. 606. Homeland Security Science and Technology Advisory Committee.

TITLE VII—HOMELAND SECURITY INFRASTRUCTURE PROTECTION AND CYBERSECURITY ENHANCEMENT

- Sec. 701. Infrastructure Protection and Cybersecurity.
- Sec. 702. Cybersecurity Training Program and Equipment.

TITLE VIII—GRANTS ADMINISTRATION

- Sec. 801. Faster and smarter funding for first responders.
- Sec. 802. Authorization of appropriations.

TITLE IX—TRANSPORTATION SECURITY

Subtitle A—Rail and Public Transportation Security

- Sec. 901. Transportation security.
- Sec. 902. Rulemaking requirements.
- Sec. 903. Rail and public transportation security training program.
- Sec. 904. Interagency cooperation.
- Sec. 905. Rail and public transportation security grant program.
- Sec. 906. Rail and public transportation security exercise program.
- Sec. 907. Authorization of Appropriations.

Subtitle B—Transportation Security Operations Enhancements

- Sec. 911. Aviation security funding.
- Sec. 912. Research and development of transportation security technology.
- Sec. 913. Enforcement authority in nonaviation transportation.
- Sec. 914. Liability for security screening inspections.
- Sec. 915. Temporary private screener assistance.
- Sec. 916. Recurrent training to operate certain aircraft.
- Sec. 917. Annual report on unclaimed money recovered.

Subtitle C—Passenger Screening

- Sec. 921. Passenger identification documents.
- Sec. 922. International passenger prescreening.
- Sec. 923. International cooperative efforts.
- Sec. 924. Computer assisted passenger prescreening system.

Sec. 925. Federal flight deck officers.

Subtitle D—Technical Amendments

Sec. 931. Reporting requirements repealed.

Sec. 932. Consolidation of reports.

Sec. 933. Aircraft charter customer and lessee prescreening.

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Protection of Department of Homeland Security name, initials, insignia, and seal.

Sec. 1002. Authorized use of surplus military vehicles.

Sec. 1003. Encouraging use of computerized training aids.

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

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

4 There is authorized to be appropriated to the Sec-
 5 retary of Homeland Security for the necessary expenses
 6 of the Department of Homeland Security for fiscal year
 7 2007, \$34,698,270,000.

8 **TITLE II—IMPROVING MANAGE-**
 9 **MENT, INTEGRATION, AND**
 10 **OVERSIGHT**

11 **Subtitle A—Management Reform**

12 **SEC. 201. ABOLISHMENT OF UNDER SECRETARY FOR MAN-**
 13 **AGEMENT.**

14 (a) **ABOLISHMENT.**—Section 701 and section 702 of
 15 the Homeland Security Act of 2002 (6 U.S.C. 341) is
 16 amended by striking “Under Secretary for Management”
 17 wherever it appears and inserting “Deputy Secretary” .

18 (b) **CONFORMING AMENDMENT.**—Section 103(a) of
 19 the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is

1 amended by striking paragraph (7) and redesignating
2 paragraphs (8) through (10) as paragraphs (7) through
3 (9) respectively.

4 **SEC. 202. PROVIDING DIRECT LINE AUTHORITY FOR CHIEF**
5 **OPERATING OFFICERS.**

6 (a) IN GENERAL.—The Department’s Chief Oper-
7 ating Officers shall include the following:

- 8 (1) the Chief Financial Officer;
- 9 (2) the Chief Procurement Officer;
- 10 (3) the Chief Information Officer;
- 11 (4) the Chief Human Resources Officer;
- 12 (5) the Chief Administrative Officer; and
- 13 (6) the Chief Security Officer.

14 (b) DELEGATION.—The Secretary shall delegate to
15 the Chief Operating Officers direct authority over their re-
16 spective counterparts in component agencies to ensure
17 that the component agencies adhere to the laws, rules, reg-
18 ulations, and departmental policies for which the Chief
19 Operating Officers are responsible for implementing. In
20 coordination with the head of the relevant component
21 agency, such authorities shall include, with respect to the
22 Officer’s counterparts within component agencies of the
23 Department, the following:

- 24 (1) the ability to direct the activities of per-
25 sonnel;

1 (2) the ability to direct planning, operations,
2 and training; and

3 (3) the ability to direct the budget and other fi-
4 nancial resources.

5 (c) COORDINATION WITH HEADS OF COMPONENT
6 AGENCIES.—The Chief Operating Officers in component
7 agencies shall coordinate with the heads of their respective
8 agencies while fulfilling their responsibilities under sub-
9 section (b) to report directly to the Chief Operating Offi-
10 cers referred to in subsection (a).

11 **SEC. 203. EMERGENCY PLANNING AND RESPONSE FOR IN-**
12 **DIVIDUALS WITH DISABILITIES.**

13 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-
14 ERTIES AS COORDINATOR FOR THE SECRETARY.—Section
15 705(a) of the Homeland Security Act of 2002 (6 U.S.C.
16 345(a)) is amended by striking “and” after the semicolon
17 at the end of paragraph (5), by striking the period at the
18 end of paragraph (6) and inserting “; and”, and by adding
19 at the end the following:

20 “(7) serve as the Secretary’s coordinator for
21 issues relating to individuals with disabilities and
22 mitigation, preparedness, response, and recovery, by
23 assisting the Secretary and directorates and offices
24 of the Department to develop, implement, and peri-
25 odically review relevant policies and procedures.”.

1 (b) COORDINATOR FOR DIRECTOR OF FEMA.—Sec-
2 tion 507 of the Homeland Security Act of 2002 (6 U.S.C.
3 317) is amended by adding at the end the following:

4 “(c) COORDINATOR FOR ISSUES RELATING TO INDI-
5 VIDUALS WITH DISABILITIES.—The Director of the Fed-
6 eral Emergency Management Agency shall appoint an in-
7 dividual to serve as the Director’s coordinator for issues
8 relating to individuals with disabilities. Such individual
9 shall report to the Director and to the Officer for Civil
10 Rights and Civil Liberties.”.

11 (c) COORDINATOR FOR UNDER SECRETARY FOR
12 PREPAREDNESS.—Section 502 of the Homeland Security
13 Act of 2002 (6 U.S.C. 312) is amended by inserting “(a)
14 IN GENERAL.—” before “The Secretary”, and by adding
15 at the end the following:

16 “(b) COORDINATOR FOR ISSUES RELATING TO INDI-
17 VIDUALS WITH DISABILITIES.—The Under Secretary for
18 Preparedness shall appoint a coordinator for issues relat-
19 ing to individuals with disabilities. Such individual shall
20 report to the Under Secretary and to the Officer for Civil
21 Rights and Civil Liberties.”.

1 **SEC. 204. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
2 **ON ACCESSIBILITY OF EMERGENCY SHEL-**
3 **TERS.**

4 (a) **IN GENERAL.**—The Comptroller General of the
5 United States shall conduct a national study regarding
6 whether, and, if so, to what extent, emergency shelters for
7 use in response to a major disaster, as that term is defined
8 in section 102(2) of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5122(2)), are
10 accessible to, and usable by, individuals with disabilities.

11 (b) **REPORT.**—Not later than 12 months after the
12 date of enactment of this Act, the Comptroller General
13 shall submit to Congress a report summarizing the results
14 of the study under subsection (a).

15 **SEC. 205. HOMELAND SECURITY EDUCATION PROGRAM.**

16 (a) **ESTABLISHMENT.**—The Secretary, acting
17 through the Department official with primary responsi-
18 bility for grants and training, shall establish a graduate-
19 level Homeland Security Education Program in the Na-
20 tional Capital Region to provide educational opportunities
21 to senior Federal officials and selected State and local offi-
22 cials with homeland security and emergency management
23 responsibilities.

24 (b) **LEVERAGING OF EXISTING RESOURCES.**—To
25 maximize efficiency and effectiveness in carrying out the
26 Program, the Secretary shall use existing Department-re-

1 viewed Master's Degree curricula in homeland security, in-
2 cluding curricula pending accreditation, together with as-
3 sociated learning materials, quality assessment tools, dig-
4 ital libraries, exercise systems and other curriculum com-
5 ponents already being delivered by Federal, State, and pri-
6 vate universities and educational facilities, including the
7 National Domestic Preparedness Consortium, the Na-
8 tional Fire Academy, and the Emergency Management In-
9 stitute.

10 (c) STUDENT ENROLLMENT.—

11 (1) SOURCES.—The student body of the Pro-
12 gram shall include officials from Federal, State, trib-
13 al, and local governments, and from other sources
14 designated by the Secretary.

15 (2) ENROLLMENT PRIORITIES AND SELECTION
16 CRITERIA.—The Secretary shall establish policies
17 governing student enrollment priorities and selection
18 criteria that are consistent with the mission of the
19 Program.

20 (3) DIVERSITY.—The Secretary shall take rea-
21 sonable steps to ensure that the student body rep-
22 resents racial, gender, and ethnic diversity.

23 (d) SERVICE COMMITMENT.—

1 (1) IN GENERAL.—Before any employee se-
2 lected for the Program may be assigned to such edu-
3 cation, the employee shall agree in writing to—

4 (A) continue in the service of the agency
5 sponsoring the employee during the two-year
6 period beginning on the date on which the em-
7 ployee completes the program, unless the em-
8 ployee is involuntarily separated from the serv-
9 ice of that agency for reasons other than reduc-
10 tion in force; and

11 (B) pay to the Government the amount of
12 the additional expenses incurred by the Govern-
13 ment in connection with the employee’s edu-
14 cation if the employee is voluntarily separated
15 from the service to the agency before the end
16 of the period described in subparagraph (A).

17 (2) PAYMENT OF EXPENSES.—

18 (A) EXEMPTION.—An employee who leaves
19 the service of the sponsoring agency to enter
20 into the service of another agency in any branch
21 of the Government shall not be required to
22 make a payment under paragraph (1)(B), un-
23 less the head of the agency that sponsored the
24 education of the employee notifies the employee
25 before the date on which the employee enters

1 the service of the other agency that payment is
2 required under that paragraph.

3 (B) AMOUNT OF PAYMENT.—If an em-
4 ployee is required to make a payment under
5 paragraph (1)(B), the agency that sponsored
6 the education of the employee shall determine
7 the amount of the payment, except that such
8 amount may not exceed the pro rata share of
9 the expenses incurred for the time remaining in
10 the two-year period.

11 (3) RECOVERY OF PAYMENT.—If an employee
12 who is required to make a payment under this sub-
13 section does not make the payment, a sum equal to
14 the amount of the expenses incurred by the Govern-
15 ment for the education of that employee is recover-
16 able by the Government from the employee or his es-
17 tate by—

18 (A) setoff against accrued pay, compensa-
19 tion, amount of retirement credit, or other
20 amount due to the employee from the Govern-
21 ment; or

22 (B) such other method as is provided by
23 law for the recovery of amounts owing to the
24 Government.

1 **Subtitle B—Integration and**
 2 **Organizational Improvements**

3 **SEC. 221. ESTABLISHMENT OF DIRECTORATE FOR POLICY,**
 4 **PLANNING, AND INTERNATIONAL AFFAIRS.**

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

7 (1) by redesignating title VI as subtitle B of
 8 title XVIII, and moving such title so as to appear
 9 after subtitle A of title XVIII, as added by section
 10 403;

11 (2) by striking the heading for such title and
 12 inserting the following:

13 **“Subtitle B—Treatment of Certain**
 14 **Charitable Trusts”.**

15 (3) by redesignating section 601 as section
 16 1811; and

17 (4) by inserting after title V the following new
 18 title:

19 **“TITLE VI—POLICY, PLANNING,**
 20 **AND INTERNATIONAL AFFAIRS**

21 **“SEC. 601. DIRECTORATE FOR POLICY, PLANNING, AND**
 22 **INTERNATIONAL AFFAIRS.**

23 “(a) ESTABLISHMENT.—There is in the Department
 24 a Directorate for Policy, Planning, and International Af-
 25 fairs.

1 “(b) UNDER SECRETARY FOR POLICY.—

2 “(1) IN GENERAL.—The head of the Direc-
3 torate is the Under Secretary for Policy, who shall
4 be appointed by the President.

5 “(2) QUALIFICATIONS.—No individual shall be
6 appointed Under Secretary for Policy under para-
7 graph (1) unless the individual has, by education
8 and experience, demonstrated knowledge, ability,
9 and skill in the fields of policy and strategic plan-
10 ning.

11 “(c) RESPONSIBILITIES OF UNDER SECRETARY.—

12 “(1) POLICY RESPONSIBILITIES.—Subject to
13 the direction and control of the Secretary, the policy
14 responsibilities of the Under Secretary for Policy
15 shall be as follows:

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

18 “(B) To provide overall direction and su-
19 pervision of policy development for the pro-
20 grams, offices, and activities of the Depart-
21 ment.

22 “(C) To establish and implement a formal
23 policymaking process for the Department.

24 “(D) To analyze, evaluate, and review the
25 completed, ongoing, and proposed programs of

1 the Department to ensure they are compatible
2 with the statutory and regulatory responsibil-
3 ities of the Department and with the Sec-
4 retary’s priorities, strategic plans, and policies.

5 “(E) To ensure that the budget of the De-
6 partment (including the development of future
7 year budgets and interaction with the Office of
8 Management and Budget and with Congress) is
9 compatible with the statutory and regulatory re-
10 sponsibilities of the Department and with the
11 Secretary’s priorities, strategic plans, and poli-
12 cies.

13 “(F) To represent the Department in any
14 development of policy that requires the Depart-
15 ment to consult with another Federal agency,
16 the Office of the President, a foreign govern-
17 ment, or any other governmental or private sec-
18 tor entity.

19 “(G) To supervise and oversee policy devel-
20 opment undertaken by the component agencies
21 and offices of the Department.

22 “(H) To provide for the coordination and
23 maintenance of the trade and customs revenue
24 functions of the Department.

1 “(2) STRATEGIC PLANNING RESPONSIBIL-
2 ITIES.—Subject to the direction and control of the
3 Secretary, the strategic planning responsibilities of
4 the Under Secretary for Policy shall be as follows:

5 “(A) To conduct long-range, strategic
6 planning for the Department.

7 “(B) To prepare national and Department
8 strategies, as appropriate.

9 “(C) To conduct net assessments of issues
10 facing the Department.

11 “(3) INTERNATIONAL RESPONSIBILITIES.—Sub-
12 ject to the direction and control of the Secretary, the
13 international responsibilities of the Under Secretary
14 for Policy shall be as follows:

15 “(A) To promote the exchange of informa-
16 tion and the sharing of best practices and tech-
17 nology relating to homeland security with na-
18 tions friendly to the United States, including—

19 “(i) the exchange of information on
20 research and development on homeland se-
21 curity technologies in coordination with the
22 Under Secretary for Science and Tech-
23 nology;

24 “(ii) joint training exercises of first
25 responders in coordination with the De-

1 department official with primary responsi-
2 bility for grants and training; and

3 “(iii) exchanging expertise and infor-
4 mation on terrorism prevention, response,
5 and crisis management in coordination
6 with the Director of the Federal Emer-
7 gency Management Agency.

8 “(B) To identify any homeland security-re-
9 lated area in which the United States and other
10 nations and appropriate international organiza-
11 tions could collaborate to improve capabilities
12 and to encourage the exchange of information
13 or sharing of best practices and technology re-
14 lating to that area.

15 “(C) To plan and participate in inter-
16 national conferences, exchange programs (in-
17 cluding the exchange of scientists, engineers,
18 and other experts), and other training activities
19 with friendly nations in coordination with the
20 Under Secretary for Science and Technology.

21 “(D) To manage international activities
22 within the Department in coordination with
23 other Federal officials with responsibility for
24 counterterrorism matters.

1 “(E) To oversee the activities of Depart-
2 ment personnel operating in other countries or
3 traveling to other countries.

4 “(F) To represent the Department in
5 international negotiations and working groups.

6 “(4) PRIVATE SECTOR.—

7 “(A) To create and foster strategic com-
8 munications with the private sector to enhance
9 the primary mission of the Department to pro-
10 tect the United States.

11 “(B) To advise the Secretary on the im-
12 pact on the private sector of the policies, regu-
13 lations, processes, and actions of the Depart-
14 ment.

15 “(C) To create and manage private sector
16 advisory councils composed of representatives of
17 industries and associations designated by the
18 Secretary—

19 “(i) to advise the Secretary on private
20 sector products, applications, and solutions
21 as they relate to homeland security chal-
22 lenges; and

23 “(ii) to advise the Secretary on home-
24 land security policies, regulations, proc-

1 esses, and actions that affect the partici-
2 pating industries and associations.

3 “(D) To promote existing public-private
4 partnerships and develop new public-private
5 partnerships to provide for collaboration and
6 mutual support to address homeland security
7 challenges.

8 “(E) To identify private sector resources
9 and capabilities that could be effective in
10 supplementing functions of the Department and
11 State and local governments to prevent or re-
12 spond to acts of terrorism.

13 “(F) To coordinate among the Depart-
14 ment’s operating entities and with the Assistant
15 Secretary for Trade Development of the De-
16 partment of Commerce on issues related to the
17 travel and tourism industries.

18 “(5) TRADE AND CUSTOMS REVENUE FUNC-
19 TIONS.—The Under Secretary for Policy shall—

20 “(A) ensure that the trade and customs
21 revenue functions of the Department are coordi-
22 nated within the Department and with other
23 Federal departments and agencies, and that the
24 impact on legitimate trade is taken into account
25 in any action impacting these functions; and

1 “(B) monitor and report to Congress on
2 the Department’s mandate to ensure that the
3 trade and customs revenue functions of the De-
4 partment are not diminished, including how
5 spending, operations, and personnel related to
6 these functions have kept pace with the level of
7 trade entering the United States.

8 **“SEC. 602. OFFICE OF INTERNATIONAL AFFAIRS.**

9 “(a) ESTABLISHMENT.—There is established within
10 the Directorate of Policy, Planning, and International Af-
11 fairs an Office of International Affairs. The Office shall
12 be headed by an Assistant Secretary, who shall be ap-
13 pointed by the Secretary.

14 “(b) DUTIES OF THE ASSISTANT SECRETARY.—The
15 Assistant Secretary for International Affairs, in coordina-
16 tion with the Under Secretary for Science and Technology,
17 the Director of the Federal Emergency Management
18 Agency, the Department official with primary responsi-
19 bility for grants and training, and other officials of the
20 Department, as appropriate, shall have the following du-
21 ties:

22 “(1) To promote information and education ex-
23 change with nations friendly to the United States in
24 order to promote sharing of best practices and tech-

1 nologies relating to homeland security. Such ex-
2 change shall include the following:

3 “(A) Exchange of information on research
4 and development on homeland security tech-
5 nologies.

6 “(B) Joint training exercises of first re-
7 sponders.

8 “(C) Exchange of expertise on terrorism
9 prevention, response, and crisis management.

10 “(2) To identify areas for homeland security in-
11 formation and training exchange where the United
12 States has a demonstrated weakness and another
13 friendly nation or nations have a demonstrated ex-
14 pertise.

15 “(3) To plan and undertake international con-
16 ferences, exchange programs, and training activities.

17 “(4) To manage international activities within
18 the Department in coordination with other Federal
19 officials with responsibility for counter-terrorism
20 matters.

21 **“SEC. 603. OTHER OFFICES AND OFFICIALS.**

22 “(a) IN GENERAL.—The Under Secretary for Policy
23 shall establish the following offices in the Directorate for
24 Policy, Planning, and International Affairs:

1 “(1) The Office of Policy, which shall be admin-
2 istered by an Assistant Secretary for Policy.

3 “(2) The Office of Strategic Plans, which shall
4 be administered by an Assistant Secretary for Stra-
5 tegic Plans and which shall include—

6 “(A) a Secure Border Initiative Program
7 Office; and

8 “(B) a Screening Coordination and Oper-
9 ations Office.

10 “(3) The Office of the Private Sector, which
11 shall be administered by an Assistant Secretary for
12 the Private Sector.

13 “(4) The Victim Assistance Officer.

14 “(5) The Tribal Security Officer.

15 “(6) Such other offices as considered necessary
16 by the Under Secretary for Policy.

17 “(b) DIRECTOR OF CARGO SECURITY POLICY.—

18 “(1) IN GENERAL.—There shall be in the Di-
19 rectorate for Policy, Planning, and International Af-
20 fairs a Director of Cargo Security Policy (herein-
21 after in this subsection referred to as the ‘Director’),
22 who shall be subject to the direction and control of
23 the Under Secretary for Policy.

24 “(2) RESPONSIBILITIES.—The Director shall—

1 “(A) advise the Assistant Secretary for
2 Policy regarding all aspects of Department pro-
3 grams relating to cargo security;

4 “(B) develop Department-wide policies re-
5 garding cargo security; and

6 “(C) coordinate the cargo security policies
7 and programs of the Department with other
8 Federal departments and agencies, including by
9 working with officials of the Department of En-
10 ergy and the Department of State, as appro-
11 priate, in negotiating international agreements
12 relating to cargo security.

13 “(c) DIRECTOR OF TRADE POLICY.—

14 “(1) IN GENERAL.—There shall be in the Di-
15 rectorate for Policy, Planning, and International Af-
16 fairs a Director of Trade Policy (hereinafter in this
17 subsection referred to as the ‘Director’), who shall
18 be subject to the direction and control of the Under
19 Secretary for Policy.

20 “(2) RESPONSIBILITIES.—The Director shall—

21 “(A) advise the Assistant Secretary for
22 Policy regarding all aspects of Department pro-
23 grams relating to the trade and customs rev-
24 enue functions of the Department;

1 “(2) EXCEPTION.—If the Secretary determines
2 that it is important to the national security interest
3 of the United States to finalize any proposed De-
4 partment policies, initiatives, actions, or organiza-
5 tional reforms prior to the provision of advice and
6 recommendations described in paragraph (1), the
7 Secretary shall—

8 “(A) seek the advice and recommendations
9 of COAC on the policies, initiatives, actions, or
10 organizational reforms not later than 30 days
11 after the date on which the policies, initiatives,
12 actions, or organizational reforms are finalized;
13 and

14 “(B) to the extent appropriate, modify the
15 policies, initiatives, actions, or organizational
16 reforms based upon the advice and rec-
17 ommendations of COAC.

18 “(c) CONGRESSIONAL CONSULTATION AND NOTIFI-
19 CATION.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 the Secretary shall consult with and provide any rec-
22 ommendations of COAC received under subsection
23 (b) to the appropriate congressional committees not
24 later than 30 days prior to the finalization of any
25 Department policies, initiatives, actions or organiza-

1 tional reforms that will have a major impact on
2 trade and customs revenue functions.

3 “(2) EXCEPTION.—If the Secretary determines
4 that it is important to the national security interest
5 of the United States to finalize any Department
6 policies, initiatives, actions, or organizational re-
7 forms prior to the consultation described in para-
8 graph (1), the Secretary shall—

9 “(A) consult with and provide any rec-
10 ommendations of COAC received under sub-
11 section (b) to the appropriate congressional
12 committees not later than 30 days after the
13 date on which the policies, initiative, actions, or
14 organizational reforms are finalized; and

15 “(B) to the extent appropriate, modify the
16 policies, initiatives, actions, or organizational
17 reforms based upon the consultations with the
18 appropriate congressional committees.”.

19 (b) CONFORMING AMENDMENT.—Section 879 of the
20 Homeland Security Act of 2002 (6 U.S.C. 459) is re-
21 pealed.

22 (c) CLERICAL AMENDMENTS.—The table of contents
23 in section 1(b) of such Act is amended—

24 (1) by striking the item relating to section 879;

1 (2) by striking the items relating to title VI and
2 inserting the following:

“TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

“Sec. 601. Directorate for Policy, Planning, and International Affairs.

“Sec. 602. Office of International Affairs.

“Sec. 603. Other offices and officials.”;

3 and

4 (3) by inserting after the items relating to sub-
5 title A of title XIX, as added by section 403, the fol-
6 lowing:

“Subtitle B—Treatment of Certain Charitable Trusts

“Sec. 1811. Treatment of charitable trusts for members of the armed forces of
the United States and other governmental organizations.”.

7 **SEC. 222. CONSOLIDATION OF THE EFFORTS OF THE CEN-**
8 **TER FOR DOMESTIC PREPAREDNESS AND**
9 **THE NOBLE TRAINING CENTER.**

10 (a) TRANSFER.—The Noble Training Center is trans-
11 ferred to the Center for Domestic Preparedness. The Cen-
12 ter for Domestic Preparedness shall integrate the Noble
13 Training Center into the program structure of the Center
14 for Domestic Preparedness.

15 (b) EXECUTIVE SERVICE DESIGNATION FOR DIREC-
16 TOR OF CENTER FOR DOMESTIC PREPAREDNESS.—The
17 Director of the Center for Domestic Preparedness of the
18 Department of Homeland Security shall be a career ap-
19 pointee in the Senior Executive Service.

20 (c) CENTER FOR DOMESTIC PREPAREDNESS FACIL-
21 ITY MANAGEMENT.—The Director of the Center for Do-

1 mestic Preparedness is authorized to obtain the transfer
2 of the United States Army In-Processing Center (com-
3 monly referred to as the 500 Area) and portions of the
4 former Noncommissioned Officer Housing Dormitories
5 (commonly referred to as the 900 Area) at the former
6 Fort McClellan, Alabama, for use by the Center for Do-
7 mestic Preparedness.

8 **SEC. 223. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
9 **OF INTEGRATION AND ADEQUACY OF TRAIN-**
10 **ING PROGRAMS RELATED TO ASYLUM AT**
11 **PORTS OF ENTRY.**

12 (a) IN GENERAL.—The Comptroller General shall
13 conduct a study of the integration and adequacy of train-
14 ing for Department of Homeland Security personnel who
15 interdict, interview, and process asylum seekers ports of
16 entry, including at airports, in the United States.

17 (b) CONTENTS OF STUDY.—The study shall in-
18 clude—

19 (1) an assessment of whether such training pro-
20 vides such personnel with adequate and clear guid-
21 ance on the standards for handling asylum seekers;

22 (2) an assessment of whether such personnel
23 coordinate appropriately to ensure that relevant
24 United States laws are fully enforced; and

1 (3) recommendations, as appropriate, for steps
2 that the Secretary of Homeland Security should take
3 to provide better integration and adequacy of such
4 training to such personnel in order to better secure
5 the borders of the United States while ensuring that
6 asylum seekers are properly processed and their
7 claims are fully evaluated.

8 (c) REPORT.—Not later than 12 months after the
9 date of the enactment of this Act, the Comptroller General
10 shall submit a report summarizing the results of the study
11 to the Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland Security
13 and Governmental Affairs of the Senate.

14 **Subtitle C—Strengthening**
15 **Oversight**

16 **SEC. 231. CONGRESSIONAL NOTIFICATION REQUIREMENT.**

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

20 **“SEC. 104. CONGRESSIONAL NOTIFICATION.**

21 “(a) IN GENERAL.—The Secretary shall actively con-
22 sult with the congressional homeland security committees,
23 and shall keep such committees fully and currently in-
24 formed with respect to all activities and responsibilities
25 within the jurisdictions of these committees.

1 “(b) RELATIONSHIP TO OTHER LAW.—Nothing in
2 this section affects the requirements of section 872. The
3 requirements of this section supplement, and do not re-
4 place, the requirements of that section.

5 “(c) INSPECTOR GENERAL.—The Inspector General
6 of the Department shall be responsible, independently of
7 the responsibility of the Secretary under subsection (a),
8 for keeping the congressional homeland security commit-
9 tees fully and currently informed of the Department’s ac-
10 tivities, including informing the congressional homeland
11 security committees of major audits, investigations, or
12 other activities of the Inspector General by no later than
13 72 hours prior to the release of, or at any time upon the
14 request by such a committee for, the findings of major
15 audits, investigations, or other activities. Additionally, the
16 Inspector General shall provide to such a committee a
17 written notification and summary of the contents of its
18 semiannual and annual reports by no later than 72 hours
19 prior to the release of such reports.

20 “(d) CLASSIFIED NOTIFICATION.—The Secretary
21 may submit any information required by this section in
22 classified form if the information is classified pursuant to
23 applicable national security standards.

24 “(e) SAVINGS CLAUSE.—This section shall not be
25 construed to limit or otherwise affect the congressional no-

1 tification requirements of title V of the National Security
2 Act of 1947 (50 U.S.C. 413 et seq.), insofar as they apply
3 to the Department.

4 “(f) DEFINITION.—As used in this section, the term
5 ‘congressional homeland security committees’ means the
6 Committee on Homeland Security and the Committee on
7 Appropriations of the House of Representatives and the
8 Committee on Homeland Security and Governmental Af-
9 fairs and the Committee on Appropriations of the Sen-
10 ate.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents in Section 1(a) of such Act is amended by inserting
13 after the item relating to section 103 the following:

“Sec. 104. Congressional notification.”.

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

17 (1) by redesignating subparagraphs (B)
18 through (E) as subparagraphs (C) through (F) re-
19 spectively; and

20 (2) by striking subparagraph (A) and inserting
21 the following:

22 “(A) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 “(B) the Committee on Homeland Security
25 of the House of Representatives;”.

1 **SEC. 232. AUTHORIZATION LIAISON OFFICER.**

2 Section 702 of the Homeland Security Act of 2002
3 (6 U.S.C. 342) is amended by adding at the end the fol-
4 lowing:

5 “(d) AUTHORIZATION LIAISON OFFICER.—

6 “(1) IN GENERAL.—The Chief Financial Officer
7 shall establish the position of Authorization Liaison
8 Officer to provide timely budget and other financial
9 information to the Committee on Homeland Security
10 of the House of Representatives and the Committee
11 on Homeland Security and Governmental Affairs of
12 the Senate. The Authorization Liaison Officer shall
13 report directly to the Chief Financial Officer.

14 “(2) SUBMISSION OF REPORTS TO CONGRESS.—

15 The Authorization Liaison Officer shall coordinate
16 with the Appropriations Liaison Officer within the
17 Office of the Chief Financial Officer to ensure, to
18 the greatest extent possible, that all reports pre-
19 pared for the Committees on Appropriations of the
20 House of Representatives and the Senate are sub-
21 mitted concurrently to the Committee on Homeland
22 Security of the House of Representatives and the
23 Committee on Homeland Security and Governmental
24 Affairs of the Senate.”.

1 **SEC. 233. REQUIRED BUDGET LINE ITEM FOR OFFICE OF**
2 **COUNTERNARCOTICS ENFORCEMENT.**

3 In each fiscal year budget request for the Department
4 of Homeland Security, the Secretary shall include a sepa-
5 rate line item for each such fiscal year for expenditures
6 by the Office of Counternarcotics Enforcement of the De-
7 partment of Homeland Security.

8 **SEC. 234. SECURE BORDER INITIATIVE FINANCIAL AC-**
9 **COUNTABILITY.**

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

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

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

24 (b) REPORT BY INSPECTOR GENERAL.—Upon com-
25 pletion of each review described in subsection (a), the In-
26 spector General shall submit to the Secretary of Homeland

1 Security a report containing the findings of the review,
2 including findings regarding any cost overruns, significant
3 delays in contract execution, lack of rigorous departmental
4 contract management, insufficient departmental financial
5 oversight, bundling that limits the ability of small business
6 to compete, or other high risk business practices.

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

16 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
17 tion to amounts that are otherwise authorized to be appro-
18 priated to the Office of the Inspector General, an addi-
19 tional amount equal to at least five percent for fiscal year
20 2007, at least six percent for fiscal year 2008, and at least
21 seven percent for fiscal year 2009 of the overall budget
22 of the Office for each such fiscal year is authorized to be
23 appropriated to the Office to enable the Office to carry
24 out this section.

1 (e) ACTION BY INSPECTOR GENERAL.—In the event
2 the Inspector General becomes aware of any improper con-
3 duct or wrongdoing in accordance with the contract review
4 required under subsection (a), the Inspector General shall,
5 as expeditiously as practicable, refer information related
6 to such improper conduct or wrongdoing to the Secretary
7 of Homeland Security or other appropriate official in the
8 Department of Homeland Security for purposes of evalu-
9 ating whether to suspend or debar the contractor.

10 **TITLE III—PROCUREMENT**
11 **REFORM**

12 **SEC. 301. HOMELAND SECURITY PROCUREMENT TRAINING.**

13 (a) IN GENERAL.—Subtitle H of title VIII of the
14 Homeland Security Act of 2002 is amended by adding at
15 the end the following new section:

16 **“SEC. 890A. HOMELAND SECURITY PROCUREMENT TRAIN-**
17 **ING.**

18 “(a) ESTABLISHMENT.—The Chief Procurement Of-
19 ficer shall provide homeland security procurement training
20 to acquisition employees.

21 “(b) RESPONSIBILITIES OF CHIEF PROCUREMENT
22 OFFICER.—The Chief Procurement Officer shall carry out
23 the following responsibilities:

24 “(1) Establish objectives to achieve the efficient
25 and effective use of available acquisition resources

1 by coordinating the acquisition education and train-
2 ing programs of the Department and tailoring them
3 to support the careers of acquisition employees.

4 “(2) Develop, in consultation with the Council
5 on Procurement Training established under sub-
6 section (d), the curriculum of the homeland security
7 procurement training to be provided.

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

12 “(4) Establish an appropriate centralized mech-
13 anism to control the allocation of resources for con-
14 ducting such required courses and other training
15 and education.

16 “(5) Select course providers and certify courses
17 to ensure that the procurement training curriculum
18 supports a coherent framework for the educational
19 development of acquisition employees, including the
20 provision of basic, intermediate, and advanced
21 courses.

22 “(6) Publish an annual catalog that includes a
23 list of the acquisition education and training
24 courses.

1 “(7) Develop a system of maintaining records
2 of student enrollment, and other data related to stu-
3 dents and courses conducted pursuant to this sec-
4 tion.

5 “(c) PROVISION OF INSTRUCTION.—The Chief Pro-
6 curement Officer shall provide procurement training to ac-
7 quisition employees of any office under subsection (d)(3).
8 The appropriate member of the Council on Procurement
9 Training may direct such an employee to receive procure-
10 ment training.

11 “(d) COUNCIL ON PROCUREMENT TRAINING.—

12 “(1) ESTABLISHMENT.—The Secretary shall es-
13 tablish a Council on Procurement Training to advise
14 and make policy and curriculum recommendations to
15 the Chief Procurement Officer

16 “(2) CHAIR OF COUNCIL.—The chair of the
17 Council on Procurement Training shall be the Dep-
18 uty Chief Procurement Officer.

19 “(3) MEMBERS.—The members of the Council
20 on Procurement Training are the chief procurement
21 officers of each of the following:

22 “(A) United States Customs and Border
23 Protection.

24 “(B) The Transportation Security Admin-
25 istration.

1 “(C) The Office of Procurement Oper-
2 ations.

3 “(D) The Bureau of Immigration and Cus-
4 toms Enforcement.

5 “(E) The Federal Emergency Management
6 Agency.

7 “(F) The Coast Guard.

8 “(G) The Federal Law Enforcement
9 Training Center.

10 “(H) The United States Secret Service.

11 “(I) Such other entity as the Secretary de-
12 termines is appropriate.

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

22 “(f) REPORT REQUIRED.—Not later than March 1
23 of each year, the Chief Procurement Officer shall submit
24 to the Secretary a report on the procurement training pro-
25 vided under this section, which shall include information

1 about student enrollment, students who enroll but do not
2 attend courses, graduates, certifications, and other rel-
3 evant information.”.

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

“Sec. 890A. Homeland security procurement training.”.

7 **SEC. 302. ADDITIONAL REQUIREMENTS TO REVIEW PAST**
8 **PERFORMANCE OF CONTRACTORS.**

9 (a) CONSIDERATION OF CONTRACTOR PAST PER-
10 FORMANCE.—In awarding a contract to a contractor, the
11 Secretary of Homeland Security shall consider the past
12 performance of that contractor based on the review con-
13 ducted under subsection (b).

14 (b) REVIEW REQUIRED.—Before awarding a contract
15 to any contractor, including a contract to be awarded to
16 a contractor that has previously provided or currently pro-
17 vides goods or services to the Department of Homeland
18 Security, the Secretary of Homeland Security, acting
19 through the appropriate contracting officer or officers of
20 the Department, shall require the contractor to submit in-
21 formation regarding the contractor’s past and current per-
22 formance of Federal, State, and local government and pri-
23 vate sector contracts.

24 (c) CONTACT OF RELEVANT OFFICIALS.—As part of
25 any review of a contractor’s past performance conducted

1 under subsection (b), the Secretary, acting through an ap-
2 propriate contracting officer of the Department, shall con-
3 tact the relevant official who administered or oversaw any
4 contract performed by that contractor during the five-year
5 period preceding the date on which the review begins.

6 **SEC. 303. STREAMLINING OF SAFETY ACT AND PROCURE-**
7 **MENT PROCESSES.**

8 (a) **PERSONNEL.**—The Secretary of Homeland Secu-
9 rity shall ensure that, in addition to any scientific evalua-
10 tion completed prior to the designation or certification of
11 qualified anti-terrorism technologies under the SAFETY
12 Act (6 U.S.C. 441), a sufficient number of full-time equiv-
13 alent personnel, who are properly trained and qualified to
14 apply legal, economic, and risk analyses, are involved in
15 the review and prioritization of anti-terrorism technologies
16 for the purpose of determining whether such technologies
17 may be designated by the Secretary as qualified anti-ter-
18 rorism technologies under section 862(b) of the SAFETY
19 Act (6 U.S.C. 441(b)) or certified by the Secretary under
20 section 863(d) of such Act (6 U.S.C. 442(d)).

21 (b) **COORDINATION WITHIN DEPARTMENT OF HOME-**
22 **LAND SECURITY.**—The Secretary shall—

23 (1) ensure coordination between the Depart-
24 ment official directly responsible for the implementa-
25 tion of the SAFETY Act, the Chief Procurement Of-

1 ficer of the Department, the Under Secretary for
2 Science and Technology, the Under Secretary for
3 Policy, and the Department of Homeland Security
4 General Counsel to maximize the application of the
5 litigation and risk management provisions of the
6 SAFETY Act to qualified anti-terrorism technologies
7 procured by the Department; and

8 (2) ensure coordination of the Department's ef-
9 forts to promote awareness and utilization of the liti-
10 gation and risk management provisions of the
11 SAFETY Act in the procurement of qualified anti-
12 terrorism technologies at the Federal, State, and
13 local levels.

14 (c) ISSUANCE OF DEPARTMENTAL DIRECTIVE.—The
15 Secretary of Homeland Security shall, in accordance with
16 the final rule implementing the SAFETY Act, issue a De-
17 partmental management directive requiring appropriate
18 coordination between Department procurement officials
19 and the Department officials responsible for implementing
20 the SAFETY Act in advance of any Department procure-
21 ment involving a qualified anti-terrorism technology.

22 (d) TRAINING.—As part of comprehensive procure-
23 ment training authorized under section 301 of this Act,
24 the Secretary of Homeland Security shall include SAFE-

1 TY Act instruction for all acquisition employees and their
2 representatives.

3 (e) REVIEW OF ANTI-TERRORISM ACQUISITIONS.—

4 (1) STUDY.—The Secretary of Homeland Secu-
5 rity shall conduct a study of all Department of
6 Homeland Security procurements, including ongoing
7 procurements and anticipated procurements, to—

8 (A) identify such procurements that involve
9 any product, equipment, service (including sup-
10 port and systems integration services), device,
11 or technology (including information tech-
12 nology) that is being designed, developed, modi-
13 fied, or procured for the specific purpose of pre-
14 venting, detecting, identifying, deterring, or re-
15 sponding to acts of terrorism or limiting the
16 harm such acts might otherwise cause; and

17 (B) assess whether any such product,
18 equipment, service (including support and sys-
19 tems integration services), device, or technology
20 (including information technology) is appro-
21 priate for the litigation and risk management
22 protections of the SAFETY Act.

23 (2) SUMMARY AND CLASSIFICATION REPORT.—

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Secretary of Homeland Secu-

1 rity shall submit to the appropriate congressional
2 committees a report containing the findings of the
3 study under paragraph (1). Such report shall pro-
4 vide for a plan for ensuring that any product, equip-
5 ment, service (including support and systems inte-
6 gration services), device, or technology (including in-
7 formation technology) that is assessed as appro-
8 priate for litigation and risk management protection
9 under the SAFETY Act shall be promptly consid-
10 ered for such protections.

11 **TITLE IV—PERSONNEL**

12 **AUTHORITIES**

13 **Subtitle A—Workforce**

14 **Enhancements**

15 **SEC. 401. COST-EFFECTIVE TRAINING FOR BORDER PA-** 16 **TROL AGENTS.**

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

21 (1) permitting individuals who are in training
22 to become Border Patrol agents to waive certain
23 course requirements of such training if such individ-
24 uals have earlier satisfied such requirements in a

1 similar or comparable manner as determined by the
2 Secretary; and

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

13 (b) LIMITATION ON PER-AGENT COST OF TRAIN-
14 ING.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the Secretary shall take such steps as
17 may be necessary to ensure that the fiscal year 2007
18 per-agent cost of hiring, training, and deploying
19 each new Border Patrol agent does not exceed
20 \$150,000.

21 (2) EXCEPTION AND CERTIFICATION.—

22 (A) IN GENERAL.—If the Secretary deter-
23 mines that the per-agent cost referred to in
24 paragraph (1) exceeds \$150,000, the Secretary
25 shall promptly submit to the Committee on

1 Homeland Security of the House of Representa-
2 tives and the Committee on Homeland Security
3 and Governmental Affairs of the Senate a cer-
4 tification explaining why such per-agent cost ex-
5 ceeds such amount.

6 (B) TEMPORARY SUSPENSION OF TRAIN-
7 ING.—Until the Secretary receives from the
8 committees specified in subparagraph (A) an
9 approval with respect to such increased per-
10 agent cost, the Secretary shall suspend any new
11 hiring, training, and deploying of Border Patrol
12 agents.

13 **SEC. 402. CONTINUATION OF FEDERAL LAW ENFORCEMENT**
14 **TRAINING CENTER AUTHORITY TO APPOINT**
15 **AND MAINTAIN A CADRE OF FEDERAL ANNU-**
16 **ITANTS TO SUPPORT TRAINING.**

17 Section 1202(a) of the 2002 Supplemental Appro-
18 priations Act for Further Recovery From and Response
19 To Terrorist Attacks on the United States (42 U.S.C.
20 3771 note) is amended in the first sentence—

21 (1) by striking “enactment of this Act” and in-
22 serting “enactment of the Department of Homeland
23 Security Authorization Act for Fiscal Year 2007”;
24 and

25 (2) by striking “250” and inserting “350”.

1 **SEC. 403. CANINE DETECTION TEAM COORDINATION AND**
2 **CERTIFICATION.**

3 (a) IN GENERAL.—The Homeland Security Act of
4 2002 is amended by adding at the end the following:

5 **“TITLE XVIII—MISCELLANEOUS**
6 **PROVISIONS**

7 **“Subtitle A—Canine Detection**
8 **Teams**

9 **“SEC. 1801. COORDINATION AND ENHANCEMENT OF CA-**
10 **NINE DETECTION TEAM TRAINING.**

11 “The Secretary shall—

12 “(1) fully coordinate the canine training pro-
13 grams of the Department that support the Depart-
14 ment’s counter-terrorism, counter-smuggling, trans-
15 portation security, and border security missions and
16 other missions of the Department, including, with
17 respect to the research and development of new ca-
18 nine training methods, the optimum number and
19 type of training aids, and measurements for effi-
20 ciency and effectiveness;

21 “(2) ensure that the Department is maximizing
22 its use of existing training facilities and resources to
23 train canines throughout the year; and

24 “(3) coordinate the use of detection canines
25 trained by other Federal agencies, nonprofit organi-
26 zations, universities, and private training facilities in

1 order to increase the number of trained detection ca-
2 nines available to Federal, State, and local law en-
3 forcement agencies.

4 **“SEC. 1802. CANINE PROCUREMENT.**

5 “The Secretary shall—

6 “(1) make it a priority to increase the number
7 of domestically bred canines used by the Department
8 to assist in its counter-terrorism mission, including
9 the protection of ports of entry and along the United
10 States border;

11 “(2) increase the utilization of domestically
12 bred canines from universities and private and non-
13 profit sources in the United States; and

14 “(3) consult with other Federal, State, and
15 local agencies, nonprofit organizations, universities,
16 and private entities that use detection canines, such
17 as those participating in the Scientific Working
18 Group on Dog and Orthogonal Detectors (popularly
19 known as ‘SWGDOG’), as well as the Office of Man-
20 agement and Budget, to encourage domestic breed-
21 ing of canines and consolidate canine procurement,
22 where possible, across the Federal Government to
23 reduce the cost of purchasing canines.

1 **“SEC. 1803. DOMESTIC CANINE BREEDING GRANT PRO-**
2 **GRAM.**

3 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
4 shall establish a competitive grant program for domestic
5 breeders of canines. The purpose of the grant program
6 shall be to encourage the development and growth of ca-
7 nine breeds that are best suited for detection training pur-
8 poses within the United States and to encourage the devel-
9 opment of applied research into enhancement of working
10 dog performance and health traits.

11 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out this section
13 \$3,000,000 for each of fiscal years 2007 through 2011.

14 **“SEC. 1804. HOMELAND SECURITY CANINE DETECTION AC-**
15 **CREDITATION BOARD.**

16 “(a) ESTABLISHMENT OF ACCREDITATION BOARD.—

17 “(1) IN GENERAL.—Not later than 180 days
18 after the date on which the national voluntary con-
19 sensus standards referred to in subsection (b)(1) are
20 issued, the Secretary, in consultation with the Sec-
21 retary of Defense, the Secretary of State, and the
22 Attorney General, shall establish a Homeland Secu-
23 rity Canine Detection Accreditation Board to de-
24 velop and implement a process for certifying compli-
25 ance with such standards.

1 “(2) MEMBERSHIP.—The membership of the
2 Accreditation Board shall consist of experts in the
3 fields of canine training and explosives detection
4 from Federal and State agencies, universities, other
5 research institutions, and the private sector, such as
6 those represented on the Executive Board of
7 SWGDOG.

8 “(b) ACCREDITATION PROCESS.—The Accreditation
9 Board shall establish and implement a voluntary accredi-
10 tation process to—

11 “(1) certify that persons conducting certifi-
12 cation of canine detection teams appropriately en-
13 sure that the canine detection teams meet the na-
14 tional voluntary consensus standards developed by
15 SWGDOG;

16 “(2) ensure that canine detection teams do not
17 put public safety and the safety of law enforcement
18 personnel at risk due to fraud or weaknesses in the
19 initial or maintenance training curriculum; and

20 “(3) maintain and update a public list of enti-
21 ties accredited by the Department to certify canine
22 detection teams.

23 “(c) COMPLIANCE WITH STANDARDS.—Beginning
24 not later than the date that is 180 days after the date
25 on which the standards referred to in subsection (b)(1)

1 are issued, the Secretary shall require that grant funds
2 administered by the Department may not be used to ac-
3 quire a canine detection team unless—

4 “(1) the canine detection team is certified
5 under the process established under subsection (b);
6 or

7 “(2) the Secretary determines that the appli-
8 cant has shown special circumstances that justify
9 the acquisition of canines that are not certified
10 under the process established under subsection (b).

11 **“SEC. 1805. DEFINITIONS.**

12 “In this subtitle:

13 “(1) CANINE DETECTION TEAM.—The term ‘ca-
14 nine detection team’ means a canine and a canine
15 handler.

16 “(2) CERTIFYING ENTITY.—The term ‘certi-
17 fying entity’ means an entity that oversees the proc-
18 esses and procedures used to train and test canine
19 detection teams.

20 “(3) SWGDOG.—The term ‘SWGDOG’ means
21 the Scientific Working Group of Dog and Orthog-
22 onal Detectors.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 in section 1(b) of such Act is amended by adding at the
25 end the following:

“TITLE XVIII—MISCELLANEOUS PROVISIONS

“Subtitle A—Canine Detection Teams

“Sec. 1801. Coordination and enhancement of canine protection team training.

“Sec. 1802. Canine procurement.

“Sec. 1803. Domestic canine breeding grant program.

“Sec. 1804. Homeland Security Canine Detection Accreditation Board.

“Sec. 1805. Definitions.”.

1 (c) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Secretary of Homeland
3 Security shall report to the Committee on Homeland Secu-
4 rity of the House of Representatives and the Committee
5 on Homeland Security and Governmental Affairs of the
6 Senate on the plan of the Secretary to coordinate and con-
7 solidate the canine training programs of the Department
8 of Homeland Security in accordance with section 1801 of
9 the Homeland Security Act of 2002, as added by sub-
10 section (b).

11 **SEC. 404. AUTHORITY FOR CUSTOMS AND BORDER PRO-**
12 **TECTION TO APPOINT AND MAINTAIN A**
13 **CADRE OF FEDERAL ANNUITANTS.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law, the Commissioner of United States Customs
16 and Border Protection (CBP) may, for a period ending
17 not later than five years after the date of the enactment
18 of this Act, appoint and employ up to 500 Federal annu-
19 itants to any position in CBP that supports the accelera-
20 tion of the ability of CBP to secure the international land
21 and maritime borders of the United States—

1 (1) without regard to any provision of title 5,
2 United States Code, which might otherwise require
3 the application of competitive hiring procedures; and

4 (2) who shall not be subject to any reduction in
5 pay (for annuity allocable to the period of actual em-
6 ployment) under the provisions of section 8344 or
7 8468 of such title or similar provision of any other
8 retirement system for employees.

9 (b) UTILIZATION.—The authority granted to the
10 Commissioner of United States Customs and Border Pro-
11 tection under subsection (a) shall cease 5 years after the
12 date of enactment of this Act, at which point, the employ-
13 ment of annuitants under this authority shall cease.

14 (c) RULE OF CONSTRUCTION.—A reemployed Fed-
15 eral annuitant as to whom a waiver of reduction under
16 subsection (a)(2) applies shall not, for any period during
17 which such waiver is in effect, be considered an employee
18 for purposes of subchapter III of chapter 83 or chapter
19 84 of title 5, United States Code, or such other retirement
20 system (referred to in such subsection) as may apply.

21 (d) NO DISPLACEMENT.—No appointment under this
22 section may be made if such appointment would result in
23 the displacement of any employee.

24 (e) COUNTING.—The counting of Federal annuitants
25 shall be done on a full-time equivalent basis.

1 (f) DEFINITIONS.—For purposes of this section:

2 (1) FEDERAL ANNUITANT.—The term “Federal
3 annuitant” means an employee who has retired
4 under the Civil Service Retirement System, the Fed-
5 eral Employees’ Retirement System, or any other re-
6 tirement system for Federal employees.

7 (2) EMPLOYEE.—The term “employee” has the
8 meaning given such term in section 2105 of title 5,
9 United States Code.

10 **SEC. 405. STRENGTHENING BORDER PATROL RECRUIT-**
11 **MENT AND RETENTION.**

12 In order to address the recruitment and retention
13 challenges faced by United States Customs and Border
14 Protection, the Secretary of Homeland Security shall es-
15 tablish a plan, consistent with existing Federal statutes
16 applicable to pay, recruitment, relocation, and retention
17 of Federal law enforcement officers. Such plan shall in-
18 clude the following components:

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

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

1 (3) An increase in the pay percentage differen-
2 tials to Border Patrol agents in certain high-cost
3 areas, as determined by the Secretary, consistent
4 with entry-level pay to other Federal, State, and
5 local law enforcement agencies.

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

10 **Subtitle B—Improving Security** 11 **Clearance Process**

12 **SEC. 411. INCREASED SECURITY SCREENING OF HOME-** 13 **LAND SECURITY OFFICIALS.**

14 (a) REVIEW REQUIRED.—Not later than 90 days
15 after the date of enactment of this Act, the Secretary of
16 Homeland Security shall conduct a Department-wide re-
17 view of Department of Homeland Security security clear-
18 ance and suitability review procedures for Department em-
19 ployees and contractors, as well as individuals in state and
20 local government agencies and private sector entities with
21 a need to receive classified information.

22 (b) STRENGTHENING OF SECURITY SCREENING
23 POLICIES.—

24 (1) IN GENERAL.—Based on the findings of the
25 review conducted under subsection (a), the Secretary

1 shall, as appropriate, take all necessary steps to
2 strengthen the Department's security screening poli-
3 cies, including consolidating the security clearance
4 investigative authority at the Departmental Head-
5 quarters.

6 (2) ELEMENTS.—In strengthening security
7 screening policies under paragraph (1), the Sec-
8 retary shall consider whether and where appropriate
9 ensure that—

10 (A) all components of the Department of
11 Homeland Security meet or exceed Federal and
12 Departmental standards for security clearance
13 investigations, adjudications, and suitability re-
14 views;

15 (B) the Department has a cadre of well-
16 trained adjudicators; and that the Department
17 has in place a program to train and oversee ad-
18 judicators; and

19 (C) suitability reviews are conducted for all
20 Department of Homeland Security employees
21 who transfer from a component of the Depart-
22 ment to Departmental Headquarters.

1 **SEC. 412. AUTHORITIES OF CHIEF SECURITY OFFICER.**

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

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

6 “(a) ESTABLISHMENT.—There is in the Department
7 a Chief Security Officer.

8 “(b) RESPONSIBILITIES.—The Chief Security Officer
9 shall—

10 “(1) have responsibility for personnel security,
11 facility access, security awareness, and related train-
12 ing;

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

16 “(3) ensure, to the greatest extent practicable,
17 that individuals in state and local government agen-
18 cies and private sector entities with a need to receive
19 classified information, receive the appropriate clear-
20 ances in a timely fashion; and

21 “(4) perform all other functions as determined
22 by the Secretary.”.

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

“Sec. 708. Chief Security Officer.”.

1 **TITLE V—INTELLIGENCE AND**
2 **INFORMATION SHARING**

3 **SEC. 501. DEPARTMENTAL REORGANIZATION.**

4 (a) REDESIGNATION OF DIRECTORATE FOR INFOR-
5 MATION ANALYSIS AND INFRASTRUCTURE PROTECTION
6 AS OFFICE OF INTELLIGENCE AND ANALYSIS.—Section
7 201 of the Homeland Security Act of 2002 (6 U.S.C. 121)
8 is amended—

9 (1) in subsection (a)(1)—

10 (A) by striking “a Directorate for Informa-
11 tion Analysis and Infrastructure Protection”
12 and inserting “an Office of Intelligence and
13 Analysis”; and

14 (B) by striking “an Under Secretary for
15 Information Analysis and Infrastructure Pro-
16 tection” and inserting “an Under Secretary for
17 Intelligence and Analysis”;

18 (2) by striking subsection (b) and redesignating
19 subsections (c) through (g) as subsections (b)
20 through (f), respectively;

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

22 (A) by striking “and infrastructure protec-
23 tion” before “are carried out” and inserting
24 “and intelligence”; and

1 (B) by striking “the Under Secretary for
2 Information Analysis and Infrastructure Pro-
3 tection” and inserting “the Under Secretary for
4 Intelligence and Analysis”;

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

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

10 (B) by striking paragraphs (2), (5), and
11 (6), and redesignating paragraphs (3) through
12 (17) as paragraphs (2) through (14), respec-
13 tively;

14 (C) by redesignating paragraphs (18) and
15 (19) as paragraphs (20) and (21), respectively;

16 (D) in paragraph (2), as so redesignated,
17 by striking “To integrate” and inserting “To
18 participate in the integration of”;

19 (E) in paragraph (14), as so redesignated,
20 by inserting “the Assistant Secretary for Infra-
21 structure Protection and” after “coordinate
22 with”; and

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

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

3 “(16) To establish intelligence priorities, poli-
4 cies, processes, standards, guidelines, and procedures
5 for the Department.

6 “(17) To establish a structure and process to
7 support the missions and goals of the intelligence
8 components of the Department.

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

10 “(A) the Under Secretary for Intelligence
11 and Analysis produces and disseminates reports
12 and analytic products based on open-source in-
13 formation that do not require a national secu-
14 rity classification under applicable law; and

15 “(B) such unclassified open source reports
16 are produced and disseminated contempora-
17 neously with reports or analytic products con-
18 cerning the same or similar information that
19 the Under Secretary for Intelligence and Anal-
20 ysis produces and disseminates in a classified
21 format.

22 “(19) To establish within the Office of Intel-
23 ligence and Analysis an Internal Continuity of Oper-
24 ations (COOP) Plan that—

1 “(A) assures that the capability exists to
2 continue uninterrupted operations during a
3 wide range of potential emergencies, including
4 localized acts of nature, accidents, and techno-
5 logical or attack-related emergencies, that is
6 maintained at a high level of readiness and is
7 capable of implementation with and without
8 warning; and

9 “(B) includes plans and procedures gov-
10 erning succession to office within the Office of
11 Intelligence and Analysis, including—

12 “(i) emergency delegations of author-
13 ity (where permissible, and in accordance
14 with applicable law);

15 “(ii) the safekeeping of vital re-
16 sources, facilities, and records;

17 “(iii) the improvisation or emergency
18 acquisition of vital resources necessary for
19 the performance of operations of the Of-
20 fice; and

21 “(iv) the capability to relocate essen-
22 tial personnel and functions to and to sus-
23 tain the performance of the operations of
24 the Office at an alternate work site until
25 normal operations can be resumed.”;

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

4 (6) in subsection (f), as redesignated by sub-
5 section (a)(2)—

6 (A) by striking “the Under Secretary for
7 Information Analysis and Infrastructure Pro-
8 tection” and inserting “the Under Secretary for
9 Intelligence and Analysis and the Assistant Sec-
10 retary for Infrastructure Protection”; and

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

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) HOMELAND SECURITY ACT.—The Home-
15 land Security Act of 2002 (6 U.S.C. 101 et seq.) is
16 amended—

17 (A) in section 103(2), by striking “Infor-
18 mation Analysis and Infrastructure Protection”
19 and inserting “Intelligence and Analysis”;

20 (B) in section 223, by striking “Under
21 Secretary for Information Analysis and Infra-
22 structure Protection” and inserting “Under
23 Secretary for Intelligence and Analysis, in co-
24 operation with the Assistant Secretary for In-
25 frastructure Protection”;

1 (C) in section 224, by striking “Under
2 Secretary for Information Analysis and Infra-
3 structure Protection” and inserting “Assistant
4 Secretary for Infrastructure Protection”;

5 (D) in section 302(3), by striking “Under
6 Secretary for Information Analysis and Infra-
7 structure Protection” and inserting “Under
8 Secretary for Intelligence and Analysis and the
9 Assistant Secretary for Infrastructure Protec-
10 tion”;

11 (E) in subsection (d) of the second section
12 510—

13 (i) in paragraph (1), by striking “Di-
14 rectorate for Information Analysis and In-
15 frastructure Protection” and inserting
16 “Office of Intelligence and Analysis”; and

17 (ii) in paragraph (2), by striking
18 “Under Secretary for Information Analysis
19 and Infrastructure Protection” and insert-
20 ing “Under Secretary for Intelligence and
21 Analysis”; and

22 (F) by redesignating the second section
23 510 as section 511.

24 (2) HEADINGS.—

1 (A) SECTION 201.—The heading for section
2 201 of such Act is amended to read as follows:

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

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

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

9 (C) SECTION 201(b).—The heading for
10 subsection (b) of section 121 of such Act, as re-
11 designated by subsection (a)(2), is amended to
12 read as follows:

13 “(b) DISCHARGE OF INTELLIGENCE AND ANAL-
14 YSIS.—”.

15 (3) NATIONAL SECURITY ACT OF 1947.—Section
16 106(b)(2)(I) of the National Security Act of 1947
17 (50 U.S.C. 403–6) is amended to read as follows:

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

20 (4) INTELLIGENCE REFORM AND TERRORISM
21 PREVENTION ACT OF 2004.—Section 7306(a)(1) of
22 the Intelligence Reform and Terrorism Prevention
23 Act of 2004 (Public Law 108–458; 118 Stat. 3848)
24 is amended by striking “Under Secretary for Infor-
25 mation Analysis and Infrastructure Protection” and

1 inserting “Under Secretary for Intelligence and
2 Analysis”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by adding after the items relating to section 509
6 the following:

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

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

7 **SEC. 502. INTELLIGENCE COMPONENTS OF DEPARTMENT**
8 **OF HOMELAND SECURITY.**

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

12 **“SEC. 203. INTELLIGENCE COMPONENTS.**

13 “(a) RESPONSIBILITIES.—Subject to the direction
14 and control of the Secretary, the responsibilities of the
15 head of each intelligence component of the Department
16 are as follows:

17 “(1) To ensure that duties related to the acqui-
18 sition, analysis, and dissemination of homeland secu-
19 rity information are carried out effectively and effi-
20 ciently in support of the Under Secretary for Intel-
21 ligence and Analysis.

22 “(2) To support and implement the goals estab-
23 lished in cooperation with the Under Secretary for
24 Intelligence and Analysis.

1 “(3) To incorporate the input of the Under Sec-
2 retary for Intelligence and Analysis with respect to
3 performance appraisals, bonus or award rec-
4 ommendations, pay adjustments, and other forms of
5 commendation.

6 “(4) To coordinate with the Under Secretary
7 for Intelligence and Analysis in the recruitment, es-
8 tablishment of core competency standards, and selec-
9 tion of intelligence officials of the intelligence compo-
10 nent.

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

16 “(6) To ensure that employees of the intel-
17 ligence component have knowledge of and comply
18 with the programs and policies established by the
19 Under Secretary for Intelligence and Analysis and
20 other appropriate officials of the Department and
21 that such employees comply with all applicable laws
22 and regulations.

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

1 “(b) TRAINING OF EMPLOYEES.—The Secretary
2 shall provide training and guidance for employees, offi-
3 cials, and senior executives of the intelligence components
4 of the Department to develop knowledge of laws, regula-
5 tions, operations, policies, procedures, and programs that
6 are related to the functions of the Department relating
7 to the handling, analysis, dissemination, and collection of
8 homeland security information.”.

9 (b) INTELLIGENCE COMPONENT DEFINED.—Section
10 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)
11 is amended by adding at the end the following new para-
12 graph:

13 “(17) The term ‘intelligence component of the
14 Department’ means any directorate, agency, or ele-
15 ment of the Department that gathers, receives, ana-
16 lyzes, produces, or disseminates homeland security
17 information except—

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

21 “(B) any personnel security, physical secu-
22 rity, document security, or communications se-
23 curity program within any directorate, agency,
24 or element of the Department.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of such Act is amended by adding at the
3 end of the items relating to such subtitle the following:
“Sec. 203. Intelligence components.”.

4 **SEC. 503. HOMELAND SECURITY ADVISORY SYSTEM.**

5 (a) IN GENERAL.—Subtitle A of title II of the Home-
6 land Security Act of 2002 is further amended—

7 (1) in section 201(c)(4), as redesignated by sec-
8 tion 501, by inserting “under section 204” after
9 “Homeland Security Advisory System”; and

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

11 **“SEC. 204. HOMELAND SECURITY ADVISORY SYSTEM.**

12 “(a) REQUIREMENT.—The Under Secretary for Intel-
13 ligence and Analysis shall implement a Homeland Security
14 Advisory System in accordance with this section to provide
15 public advisories and alerts regarding threats to homeland
16 security, including national, regional, local, and economic
17 sector advisories and alerts, as appropriate.

18 “(b) REQUIRED ELEMENTS.—The Under Secretary,
19 in each advisory or alert issued under the System, shall—

20 “(1) include information on appropriate protec-
21 tive measures and countermeasures that may be
22 taken in response to the threat;

23 “(2) whenever possible, limit the scope of the
24 advisory or alert to a specific region, locality, or eco-
25 nomic sector believed to be at risk; and

1 “(3) not use color designations as the exclusive
2 means of specifying the homeland security threat
3 conditions that are the subject of the advisory or
4 alert.”.

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

 “Sec. 204. Homeland Security Advisory System.”.

9 **SEC. 504. HOMELAND SECURITY INFORMATION SHARING.**

10 (a) IN GENERAL.—Subtitle A of title II of the Home-
11 land Security Act of 2002 (6 U.S.C. 121 et seq.) is further
12 amended by adding at the end the following:

13 **“SEC. 205. HOMELAND SECURITY INFORMATION SHARING.**

14 “(a) INFORMATION SHARING ENVIRONMENT.—Con-
15 sistent with section 1016 of the National Intelligence Re-
16 form and Terrorism Prevention Act of 2004 (6 U.S.C.
17 485), the Secretary shall integrate and standardize the in-
18 formation of the intelligence components of the Depart-
19 ment into a Department information sharing environment,
20 to be administered by the Under Secretary for Intelligence
21 and Analysis.

22 “(b) INFORMATION SHARING AND KNOWLEDGE
23 MANAGEMENT OFFICERS.—For each intelligence compo-
24 nent of the Department, the Secretary shall designate an
25 information sharing and knowledge management officer

1 who shall report to the Under Secretary for Intelligence
2 and Analysis with respect to coordinating the different
3 systems used in the Department to gather and disseminate
4 homeland security information.

5 “(c) STATE, LOCAL, TRIBAL, AND PRIVATE-SECTOR
6 SOURCES OF INFORMATION.—

7 “(1) ESTABLISHMENT OF BUSINESS PROC-
8 ESSES.—The Under Secretary for Intelligence and
9 Analysis shall establish Department-wide procedures
10 for the review and analysis of information gathered
11 from State, local, tribal, and private-sector sources
12 and, as appropriate, integrate such information into
13 the information gathered by the Department and
14 other departments and agencies of the Federal Gov-
15 ernment.

16 “(2) FEEDBACK.—The Secretary shall develop
17 mechanisms to provide analytical and operational
18 feedback to any State, local, tribal and private-sector
19 entities that gather information and provide such in-
20 formation to the Secretary.

21 “(d) TRAINING AND EVALUATION OF EMPLOYEES.—

22 “(1) TRAINING.—The Under Secretary shall
23 provide to employees of the Department opportuni-
24 ties for training and education to develop an under-
25 standing of the definition of homeland security infor-

1 mation, how information available to them as part of
2 their duties might qualify as homeland security in-
3 formation, and how information available to them is
4 relevant to the Office of Intelligence and Analysis.

5 “(2) EVALUATIONS.—The Under Secretary
6 shall, on an ongoing basis, evaluate how employees
7 of the Office of Intelligence and Analysis and the in-
8 telligence components of the Department are uti-
9 lizing homeland security information and partici-
10 pating in the Department information sharing envi-
11 ronment.”.

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

“Sec. 205. Homeland security information sharing.”.

16 (c) ESTABLISHMENT OF COMPREHENSIVE INFORMA-
17 TION TECHNOLOGY NETWORK ARCHITECTURE.—

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

22 **“SEC. 206. COMPREHENSIVE INFORMATION TECHNOLOGY**
23 **NETWORK ARCHITECTURE.**

24 “(a) ESTABLISHMENT.—The Secretary, acting
25 through the Under Secretary for Intelligence and Analysis,

1 shall establish a comprehensive information technology
2 network architecture for the Office of Intelligence and
3 Analysis.

4 “(b) NETWORK MODEL.—The comprehensive infor-
5 mation technology network architecture established under
6 subsection (a) shall, to the extent possible, incorporate the
7 approaches, features, and functions of on the network pro-
8 posed by the Markle Foundation in reports issued in Octo-
9 ber 2002 and December 2003, known as the System-wide
10 Homeland Security Analysis and Resource Exchange
11 (SHARE) Network.

12 “(c) COMPREHENSIVE INFORMATION TECHNOLOGY
13 NETWORK ARCHITECTURE DEFINED.—the term ‘com-
14 prehensive information technology network architecture’
15 means an integrated framework for evolving or maintain-
16 ing existing information technology and acquiring new in-
17 formation technology to achieve the strategic goals and in-
18 formation resources management goals of the Office of In-
19 telligence and Analysis.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents in section 1(b) of such Act is amended by add-
22 ing at the end of the items relating to such subtitle
23 the following:

“Sec. 206. Comprehensive information technology network architecture.”.

24 (3) REPORTS.—

1 (A) REPORT ON IMPLEMENTATION OF
2 PLAN.—Not later than 360 days after the date
3 of the enactment of this Act, the Secretary of
4 Homeland Security shall submit to the Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs of the Senate and the Committee
7 on Homeland Security of the House of Rep-
8 resentatives a report containing a plan to imple-
9 ment the comprehensive information technology
10 network architecture for the Office of Intel-
11 ligence and Analysis of the Department of
12 Homeland Security required under section 206
13 of the Homeland Security Act of 2002, as
14 added by paragraph (1). Such report shall in-
15 clude the following:

16 (i) Priorities for the development of
17 the comprehensive information technology
18 network architecture and a rationale for
19 such priorities.

20 (ii) An explanation of how the various
21 components of the comprehensive informa-
22 tion technology network architecture will
23 work together and interconnect.

24 (iii) A description of the technology
25 challenges that the Office of Intelligence

1 and Analysis will face in implementing the
2 comprehensive information technology net-
3 work architecture.

4 (iv) A description of technology op-
5 tions that are available or are in develop-
6 ment that may be incorporated into the
7 comprehensive technology network archi-
8 tecture, the feasibility of incorporating
9 such options, and the advantages and dis-
10 advantages of doing so.

11 (v) An explanation of any security
12 protections to be developed as part of the
13 comprehensive information technology net-
14 work architecture.

15 (vi) A description of any safeguards
16 for civil liberties and privacy to be built
17 into the comprehensive information tech-
18 nology network architecture.

19 (vii) An operational best practices
20 plan.

21 (B) PROGRESS REPORT.—Not later than
22 180 days after the date on which the report is
23 submitted under subparagraph (A), the Sec-
24 retary of Homeland Security shall submit to the
25 Committee on Homeland Security and Govern-

1 mental Affairs of the Senate and the Committee
2 on Homeland Security of the House of Rep-
3 resentatives a report on the progress of the Sec-
4 retary in developing the comprehensive informa-
5 tion technology network architecture required
6 under section 206 of the Homeland Security
7 Act of 2002, as added by paragraph (1).

8 **SEC. 505. STATE, LOCAL, TRIBAL, AND REGIONAL INFORMA-**
9 **TION FUSION CENTER INITIATIVE.**

10 (a) IN GENERAL.—Subtitle A of title II of the Home-
11 land Security Act of 2002 (6 U.S.C. 121 et seq.) is further
12 amended by adding at the end the following:

13 **“SEC. 207. STATE, LOCAL, TRIBAL, AND REGIONAL INFOR-**
14 **MATION FUSION CENTER INITIATIVE.**

15 “(a) ESTABLISHMENT.—The Secretary shall estab-
16 lish a State, Local, and Tribal Information Fusion Center
17 Initiative to establish partnerships with State, local, tribal,
18 and regional information fusion centers.

19 “(b) DUTIES.—Through the State, Local, Tribal, and
20 Regional Information Fusion Center Initiative, the Sec-
21 retary shall—

22 “(1) coordinate with the principal official of
23 each State, local, tribal, or regional information fu-
24 sion center and the official designated as the Home-
25 land Security Advisor of the State;

1 “(2) provide Department operational and intel-
2 ligence advice and assistance to State, local, tribal,
3 and regional information fusion centers;

4 “(3) support efforts to include State, local, trib-
5 al, and regional information fusion centers into ef-
6 forts to establish an information sharing environ-
7 ment (as defined under section 1016(2) of the Intel-
8 ligence Reform and Terrorism Prevention Act of
9 2004 (Public Law 108–458; 118 Stat. 3665));

10 “(4) conduct table-top and live training exer-
11 cises to regularly assess the capability of individual
12 and regional networks of State, local, tribal, and re-
13 gional information fusion centers to integrate the ef-
14 forts of such networks with the efforts of the De-
15 partment;

16 “(5) coordinate with other relevant Federal en-
17 tities engaged in homeland security-related activities;

18 “(6) provide analytic and reporting advice and
19 assistance to State, local, tribal, and regional infor-
20 mation fusion centers;

21 “(7) review homeland security information
22 gathered by State, local, tribal, and regional infor-
23 mation fusion centers and incorporate relevant infor-
24 mation with homeland security information of the
25 Department;

1 “(8) Provide management assistance to State,
2 local, tribal, and regional information fusion centers;

3 “(9) Serve as a point of contact to ensure the
4 dissemination of relevant homeland security informa-
5 tion.

6 “(10) facilitate close communication and coordi-
7 nation between State, local, tribal, and regional in-
8 formation fusion centers and the Department;

9 “(11) provide State, local, tribal, and regional
10 information fusion centers with expertise on Depart-
11 ment resources and operations;

12 “(12) provide training to State, local, tribal,
13 and regional information fusion centers and encour-
14 age such information fusion centers to participate in
15 terrorist threat-related exercises conducted by the
16 Department; and

17 “(13) carry out such other duties as the Sec-
18 retary determines are appropriate.

19 “(c) DEFINITION OF STATE, LOCAL, TRIBAL, OR RE-
20 GIONAL INFORMATION FUSION CENTER.—For purposes
21 of this section, the term ‘State, local, tribal, or regional
22 information fusion center’ means a local or regional center
23 comprised of State, local, or tribal governmental entities
24 that—

1 “(1) serves as a data analysis and dissemina-
2 tion center for potentially relevant homeland security
3 information;

4 “(2) is managed by a state, local, or tribal gov-
5 ernment entity; or

6 “(3) is designated as a State, local, tribal, or
7 regional information fusion center by the Sec-
8 retary.”.

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

 “Sec. 207. State, Local, Tribal, and Regional Information Fusion Center Initia-
 tive.”.

13 (c) REPORTS.—

14 (1) CONCEPT OF OPERATIONS.—Not later than
15 90 days after the date of the enactment of this Act
16 and before the State, Local, Tribal, and Regional In-
17 formation Fusion Center Initiative under section
18 207 of the Homeland Security Act of 2002, as
19 added by subsection (a), has been implemented, the
20 Secretary shall submit to the Committee on Home-
21 land Security and Governmental Affairs of the Sen-
22 ate and the Committee on Homeland Security of the
23 House of Representatives a report that contains a
24 concept of operations for the Initiative, which shall

1 include a privacy and civil liberties impact assess-
2 ment.

3 (2) PRIVACY AND CIVIL LIBERTIES.—

4 (A) REVIEW OF CONCEPT OF OPER-
5 ATIONS.—Not later than 180 days after the
6 date on which the report under paragraph (1)
7 is submitted, the Privacy Officer of the Depart-
8 ment of Homeland Security and the Officer for
9 Civil Rights and Civil Liberties of the Depart-
10 ment of Homeland Security shall review the pri-
11 vacy and civil liberties implications of the Ini-
12 tiative and the concept of operations and report
13 any concerns to the Secretary of Homeland Se-
14 curity and the Under Secretary of Homeland
15 Security for Intelligence and Analysis.

16 (B) REVIEW OF PRIVACY IMPACT.—Under
17 the authority of section 222(5) of the Home-
18 land Security Act of 2002 (6 U.S.C. 142(5)),
19 not later than one year after the date on which
20 the State, Local, Tribal, and Regional Informa-
21 tion Fusion Center Initiative is implemented,
22 the Privacy Officer of the Department of
23 Homeland Security, in consultation with the Of-
24 ficer for Civil Rights and Civil Liberties of the
25 Department of Homeland Security, shall submit

1 to Congress, the Secretary of Homeland Secu-
2 rity, and the Under Secretary of Homeland Se-
3 curity for Intelligence and Analysis a report on
4 the privacy and civil liberties impact of the Ini-
5 tiative.

6 **SEC. 506. HOMELAND SECURITY INFORMATION SHARING**
7 **FELLOWS PROGRAM.**

8 (a) ESTABLISHMENT OF PROGRAM.—Subtitle A of
9 title II of the Homeland Security Act of 2002 (6 U.S.C.
10 121 et seq.) is further amended by adding at the end the
11 following:

12 **“SEC. 208. HOMELAND SECURITY INFORMATION SHARING**
13 **FELLOWS PROGRAM.**

14 “(a) ESTABLISHMENT.—

15 “(1) IN GENERAL.—The Secretary, acting
16 through the Under Secretary for Intelligence and
17 Analysis, shall establish a fellowship program in ac-
18 cordance with this section for the purpose of—

19 “(A) detailing State, local, and tribal ana-
20 lysts and law enforcement officials and officers
21 to the Department to participate in the work of
22 the Office of Intelligence and Analysis in order
23 to become familiar with—

24 “(i) the mission and capabilities of the
25 Office of Intelligence and Analysis; and

1 “(ii) the role, programs, products, and
2 personnel of the Office of Intelligence and
3 Analysis; and

4 “(B) promoting information sharing be-
5 tween the Department and State, local, and
6 tribal analysts and law enforcement agencies by
7 stationing analysts and law enforcement officers
8 alongside Department intelligence analysts in
9 order to—

10 “(i) serve as a point of contact in the
11 Department to assist in the representation
12 of State, local, and tribal homeland secu-
13 rity information needs;

14 “(ii) identify homeland security infor-
15 mation of interest to State, local, and trib-
16 al analysts and law enforcement officers;
17 and

18 “(iii) assist Department analysts in
19 preparing and disseminating terrorism-re-
20 lated products that are tailored to State,
21 local, and tribal analysts and law enforce-
22 ment agencies and designed to help thwart
23 terrorist attacks.

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

3
4 “(b) ELIGIBILITY.—

5 “(1) IN GENERAL.—In order to be eligible for
6 selection as an Information Sharing Fellow under
7 the program, an individual must—

8 “(A) have homeland security-related re-
9 sponsibilities or law enforcement-related respon-
10 sibilities;

11 “(B) be eligible for an appropriate national
12 security clearance;

13 “(C) possess a valid need for access to
14 classified information, as determined by the
15 Under Secretary for Intelligence and Analysis;
16 and

17 “(D) be an employee of an eligible entity.

18 “(2) ELIGIBLE ENTITIES.—For purposes of this
19 subsection, the term ‘eligible entity’ means—

20 “(A) a State, local, tribal, or regional fu-
21 sion center;

22 “(B) a State or local law enforcement or
23 other government entity that serves a major
24 metropolitan area, as determined by the Sec-
25 retary;

1 “(C) a State or local law enforcement or
2 other government entity that serves a suburban
3 or rural area, as determined by the Secretary;

4 “(D) a State or local law enforcement or
5 other government entity with port responsibil-
6 ities, as determined by the Secretary;

7 “(E) a State or local law enforcement or
8 other government entity with border responsibil-
9 ities, as determined by the Secretary;

10 “(F) a State or local law enforcement or
11 other government entity with agricultural re-
12 sponsibilities, as determined by the Secretary;

13 “(G) a tribal law enforcement or other au-
14 thority; or

15 “(H) such other entity as the Secretary de-
16 termines is appropriate.

17 “(c) OPTIONAL PARTICIPATION.—No State, local, or
18 tribal law enforcement or other government entity shall
19 be required to participate in the Homeland Security Infor-
20 mation Sharing Fellows Program.

21 “(d) PROCEDURES FOR NOMINATION AND SELEC-
22 TION.—

23 “(1) IN GENERAL.—The Under Secretary shall
24 establish procedures to provide for the nomination
25 and selection of individuals to participate in the

1 Homeland Security Information Sharing Fellows
2 Program.

3 “(2) LIMITATIONS.—The Under Secretary
4 shall—

5 “(A) select analysts and law enforcement
6 officers representing a broad cross-section of
7 State, local, and tribal agencies;

8 “(B) ensure that the number of Informa-
9 tion Sharing Fellows selected does not impede
10 the activities of the Office of Intelligence and
11 Analysis; and

12 “(C) take reasonable steps to promote ra-
13 cial, ethnic, and gender diversity in the Infor-
14 mation Sharing Fellows Program.

15 “(e) LENGTH OF SERVICE.—Information Sharing
16 Fellows shall serve for a reasonable period of time, as de-
17 termined by the Under Secretary. Such period of time
18 shall be sufficient to advance the information-sharing
19 goals of the Under Secretary and encourage participation
20 by as many qualified nominees as possible.

21 “(f) CONDITION.—As a condition of selecting an indi-
22 vidual as an Information Sharing Fellow under the pro-
23 gram, the Under Secretary shall require that the individ-
24 ual’s employer agree to continue to pay the individual’s

1 salary and benefits during the period for which the indi-
2 vidual is detailed.

3 “(g) STIPEND.—During the period for which an indi-
4 vidual is detailed under the program, the Under Secretary
5 shall, subject to the availability of appropriations provide
6 to the individual a stipend to cover the individual’s reason-
7 able living expenses for that period.

8 “(h) SECURITY CLEARANCES.—If an individual se-
9 lected for a fellowship under the Information Sharing Fel-
10 lows Program does not possess the appropriate security
11 clearance, the Under Secretary shall ensure that security
12 clearance processing is expedited for such individual and
13 shall ensure that each such Information Sharing Fellow
14 has obtained the appropriate security clearance prior to
15 participation in the Program.”.

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

“Sec. 208. Homeland Security Information Sharing Fellows Program.”.

20 (c) REPORTS.—

21 (1) CONCEPT OF OPERATIONS.—Not later than
22 90 days after the date of the enactment of this Act
23 and before the Homeland Security Information
24 Sharing Fellows Program under section 208 of the
25 Homeland Security Act of 2002, as added by sub-

1 section (a), has been implemented, the Secretary
2 shall submit to the Committee on Homeland Security
3 and Governmental Affairs of the Senate and the
4 Committee on Homeland Security of the House of
5 Representatives a report that contains a concept of
6 operations for the Program, which shall include a
7 privacy and civil liberties impact assessment.

8 (2) PRIVACY AND CIVIL LIBERTIES.—

9 (A) REVIEW OF CONCEPT OF OPER-
10 ATIONS.—Not later than 180 days after the
11 date on which the report under paragraph (1)
12 is submitted, the Privacy Officer of the Depart-
13 ment of Homeland Security and the Officer for
14 Civil Rights and Civil Liberties of the Depart-
15 ment of Homeland Security shall review the pri-
16 vacy and civil liberties implications of the Pro-
17 gram and the concept of operations and report
18 any concerns to the Secretary of Homeland Se-
19 curity and the Under Secretary of Homeland
20 Security for Intelligence and Analysis. The Sec-
21 retary may not implement the Program until
22 the Privacy Officer and the Officer for Civil
23 Rights and Civil Liberties have certified that
24 any privacy or civil liberties concerns have been
25 addressed.

1 (B) REVIEW OF PRIVACY IMPACT.—Under
2 the authority of section 222(5) of the Home-
3 land Security Act of 2002 (6 U.S.C. 142(5)),
4 not later than one year after the date on which
5 the Homeland Security Information Sharing
6 Fellows Program is implemented, the Privacy
7 Officer of the Department of Homeland Secu-
8 rity, in consultation with the Officer for Civil
9 Rights and Civil Liberties of the Department of
10 Homeland Security, shall submit to Congress,
11 the Secretary of Homeland Security, and the
12 Under Secretary of Homeland Security for In-
13 telligence and Analysis a report on the privacy
14 and civil liberties impact of the Program.

15 **SEC. 507. FULL AND EFFICIENT USE OF OPEN SOURCE IN-**
16 **TELLIGENCE.**

17 (a) REQUIREMENT.—Subtitle A of title II of the
18 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.)
19 is further amended by adding at the end the following:

20 **“SEC. 209. FULL AND EFFICIENT USE OF OPEN-SOURCE IN-**
21 **TELLIGENCE.**

22 “(a) USE BY UNDER SECRETARY.—The Secretary
23 shall ensure that, in meeting the analytic responsibilities
24 under section 201(d) and in formulating requirements for
25 additional information, the Under Secretary for Intel-

1 lligence and Analysis makes full and efficient use of open-
2 source information by acquiring, gathering, processing,
3 and analyzing open-source information to produce open-
4 source intelligence products.

5 “(b) ANALYSIS PERFORMANCE.—The Secretary shall
6 ensure that the Department makes full and efficient use
7 of open-source information to analyze United States crit-
8 ical infrastructure nodes from the perspective of terrorists
9 using publicly available information. The Secretary shall
10 share the results of the analysis with appropriate Federal,
11 State, local, tribal, and private-sector officials.”.

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

“Sec. 209. Full and efficient use of open source intelligence.”.

16 **SEC. 508. STRENGTHENING THE CAPABILITIES OF THE**
17 **HUMAN SMUGGLING AND TRAFFICKING CEN-**
18 **TER.**

19 (a) IN GENERAL.—The Secretary, acting through the
20 Assistant Secretary of Homeland Security for United
21 States Immigration and Customs Enforcement, shall pro-
22 vide to the Human Smuggling and Trafficking Center (in
23 this section referred to as the “Center”) the administra-
24 tive support and funding required for its maintenance, in-
25 cluding funding for personnel, leasing of office space, sup-

1 plies, equipment, technology, training, and travel expenses
2 necessary for the Center to carry out its mission.

3 (b) STAFFING OF THE CENTER.—

4 (1) IN GENERAL.—Funding provided under
5 subsection (a) shall be used for the hiring of for not
6 fewer than 30 full-time equivalent staff for the Cen-
7 ter, to include the following:

8 (A) One Director.

9 (B) One Deputy Director for Smuggling.

10 (C) One Deputy Director for Trafficking.

11 (D) One Deputy Director for Terrorist
12 Travel.

13 (E) Not fewer than 15 intelligence analysts
14 or Special Agents, to include the following:

15 (i) Not fewer than ten such analysts
16 or Agents shall be intelligence analysts or
17 law enforcement agents who shall be de-
18 tailed from entities within the Department
19 of Homeland Security with human smug-
20 gling and trafficking related responsibil-
21 ities, as determined by the Secretary.

22 (ii) Not fewer than one full time pro-
23 fessional staff detailee from each of the
24 United States Coast Guard, United States
25 Immigration and Customs Enforcement,

1 United States Customs and Border Protec-
2 tion, Transportation Security Administra-
3 tion, and the Office of Intelligence and
4 Analysis.

5 (2) REQUIREMENTS.—Intelligence analysts or
6 Special Agents detailed to the Center under para-
7 graph (1)(E) shall have at least three years experi-
8 ence related to human smuggling or human traf-
9 ficking.

10 (3) DURATION OF ASSIGNMENT.—An intel-
11 ligence analyst or Special Agent detailed to the Cen-
12 ter under paragraph (1)(E) shall be detailed for a
13 period of not less than two years.

14 (c) FUNDING REIMBURSEMENT.—In operating the
15 Center, the Secretary of Homeland Security shall act in
16 accordance with all applicable requirements of the Econ-
17 omy Act (31 U.S.C. 1535), and shall seek reimbursement
18 from the Attorney General and the Secretary of State, in
19 such amount or proportion as is appropriate, for costs as-
20 sociated with the participation of the Department of Jus-
21 tice and the Department of State in the operation of the
22 Center.

23 (d) DEVELOPMENT OF PLAN.—The Secretary of
24 Homeland Security shall develop a plan for the Center
25 that—

1 (1) defines the roles and responsibilities of each
2 Department participating in the Center;

3 (2) describes how the Department of Homeland
4 Security shall utilize its resources to ensure that the
5 Center uses intelligence to focus and drive its ef-
6 forts;

7 (3) describes the mechanism for the sharing of
8 information from United States Immigration and
9 Customs Enforcement and United States Customs
10 and Border Protection field offices to the Center;

11 (4) describes the mechanism for the sharing of
12 homeland security information from the Center to
13 the Office of Intelligence and Analysis, including
14 how such sharing shall be consistent with section
15 1016(b) of the Intelligence Reform and Terrorism
16 Prevention Act of 2004 (Public Law 108–458);

17 (5) establishes reciprocal security clearance sta-
18 tus to other participating agencies in the Center in
19 order to ensure full access to necessary databases;

20 (6) establishes or consolidates networked sys-
21 tems for the Center; and

22 (7) ensures that the assignment of personnel to
23 the Center from agencies of the Department of
24 Homeland Security is incorporated into the civil
25 service career path of such personnel.

1 (e) MEMORANDUM OF UNDERSTANDING.—The Sec-
2 retary of Homeland Security shall execute with the Attor-
3 ney General a Memorandum of Understanding in order
4 to clarify cooperation and coordination between United
5 States Immigration and Customs Enforcement and the
6 Federal Bureau of Investigation regarding issues related
7 to human smuggling, human trafficking, and terrorist
8 travel.

9 (f) COORDINATION WITH THE OFFICE OF INTEL-
10 LIGENCE AND ANALYSIS.—The Office of Intelligence and
11 Analysis, in coordination with the Center, shall submit to
12 Federal, State, local, and tribal law enforcement and other
13 relevant agencies periodic reports regarding terrorist
14 threats related to human smuggling, human trafficking,
15 and terrorist travel.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—Of the
17 amount authorized to be appropriated under section 101
18 for fiscal year 2007, \$10,000,000 is to carry out this sec-
19 tion for that fiscal year.

1 **TITLE VI—PREVENTION OF NU-**
2 **CLEAR AND BIOLOGICAL TER-**
3 **RORISM**

4 **SEC. 601. ESTABLISHMENT OF OFFICE OF DOMESTIC NU-**
5 **CLEAR DETECTION.**

6 (a) ESTABLISHMENT.—The Homeland Security Act
7 of 2002 (6 U.S.C. 101 et seq.) is amended by adding at
8 the end the following new title:

9 **“TITLE XIX—DOMESTIC**
10 **NUCLEAR DETECTION**

11 **“SEC. 1901. OFFICE OF DOMESTIC NUCLEAR DETECTION.**

12 “(a) IN GENERAL.—There shall be in the Depart-
13 ment of Homeland Security an Office of Domestic Nuclear
14 Detection.

15 “(b) PURPOSE.—The purpose of the Office shall be
16 to protect against the unauthorized importation, posses-
17 sion, storage, transportation, development, or use of a nu-
18 clear explosive device, fissile material, or radiological ma-
19 terial against the United States.

20 “(c) DIRECTOR.—The Office shall be headed by a Di-
21 rector of Domestic Nuclear Detection, who shall be ap-
22 pointed by the President from among individuals nomi-
23 nated by the Secretary.

24 “(d) LIMITATION.—This title shall not be construed
25 to affect the performance, by directorates and agencies of

1 the Department other than the Office, of functions that
2 are not related to detection and prevention of nuclear and
3 radiological terrorism.

4 **“SEC. 1902. RESPONSIBILITIES OF DIRECTOR OF DOMESTIC**
5 **NUCLEAR DETECTION.**

6 “(a) IN GENERAL.—The Secretary shall vest in the
7 Director of Domestic Nuclear Detection the primary re-
8 sponsibility in the Department for—

9 “(1) administering all nuclear and radiological
10 detection and prevention functions and assets of the
11 Department; and

12 “(2) for coordinating such administration with
13 nuclear and radiological detection and prevention ac-
14 tivities of other Federal departments and agencies.

15 “(b) TRANSFER OF FUNCTIONS.—The Secretary
16 shall transfer to the Director the authority to administer,
17 or supervise the administration of, all functions, per-
18 sonnel, assets, and liabilities of all Department programs
19 and projects relating to nuclear and radiological detection
20 research, development, testing, and evaluation, and nu-
21 clear and radiological detection system acquisition and de-
22 ployment, including with respect to functions and assets
23 transferred by section 303(1)(B), (C), and (E) and func-
24 tions, assets, and personnel transferred pursuant to sec-
25 tion 1910(c).

1 **“SEC. 1903. GLOBAL NUCLEAR DETECTION ARCHITECTURE.**

2 “(a) IN GENERAL.—The Director of Domestic Nu-
3 clear Detection shall coordinate the Federal Government’s
4 implementation of a global nuclear detection architecture.

5 “(b) FUNCTIONS OF DIRECTOR.—In carrying out
6 subsection (a), the Director shall—

7 “(1) design a strategy that will guide deploy-
8 ment of the global nuclear detection architecture;

9 “(2) implement the strategy in the United
10 States; and

11 “(3) coordinate Department and Federal inter-
12 agency efforts to deploy the elements of the global
13 nuclear detection architecture outside the United
14 States.

15 “(c) RELATIONSHIP TO OTHER DEPARTMENTS AND
16 AGENCIES.—The authority of the Director under this sec-
17 tion shall not affect an authority or responsibility of any
18 other department or agency of the Federal Government
19 with respect to the deployment of nuclear and radiological
20 detection systems outside the United States under any
21 program administered by that department or agency.

22 **“SEC. 1904. RESEARCH AND DEVELOPMENT.**

23 “(a) IN GENERAL.—The Director of Domestic Nu-
24 clear Detection shall carry out a research and development
25 program to achieve transformational and evolutionary im-
26 provements in detection capabilities for shielded and

1 unshielded nuclear explosive devices and radiological dis-
2 persion devices.

3 “(b) HIGH-RISK PROJECTS.—The program shall in-
4 clude funding for transformational research and develop-
5 ment projects that may have a high risk of failure but
6 have the potential to provide significant benefits.

7 “(c) LONG-TERM PROJECTS.—In order to reflect a
8 long-term commitment to the development of more effec-
9 tive detection technologies, the program shall include the
10 provision of funding for projects having a duration of more
11 than 3 years, as appropriate.

12 “(d) COORDINATION WITH OTHER FEDERAL PRO-
13 GRAMS.—The Director shall coordinate implementation of
14 the program with other Federal agencies performing simi-
15 lar research and development in order to accelerate the
16 development of effective technologies, promote technology
17 sharing, and to avoid duplication, including through the
18 use of the interagency coordination council established
19 under section 1913.

20 **“SEC. 1905. SYSTEM ASSESSMENTS.**

21 “(a) PROGRAM REQUIRED.—The Director of Domes-
22 tic Nuclear Detection shall carry out a program to test
23 and evaluate technology for detecting nuclear explosive de-
24 vices and fissile or radiological material.

1 “(b) PERFORMANCE METRICS.—The Director shall
2 establish performance metrics for evaluating the effective-
3 ness of individual detectors and detection systems in de-
4 tecting nuclear explosive devices or fissile or radiological
5 material—

6 “(1) under realistic operational and environ-
7 mental conditions; and

8 “(2) against realistic adversary tactics and
9 countermeasures.

10 “(c) PROVISION OF TESTING SERVICES.—

11 “(1) IN GENERAL.—The Director may, under
12 the program required under subsection (a), make
13 available testing services to developers of detection
14 technologies. The results of the tests performed with
15 services made available under this subsection shall
16 be confidential and may not be disclosed to individ-
17 uals or entities outside of the Federal Government
18 without the consent of the developer for whom the
19 tests are performed.

20 “(2) FEES.—The Director may charge a fee, as
21 appropriate, to perform any service under this sub-
22 section.

23 “(d) SYSTEM ASSESSMENTS.—

24 “(1) IN GENERAL.—The Director shall periodi-
25 cally perform system-wide assessments of the global

1 nuclear detection architecture to identify
2 vulnerabilities and to gauge overall system perform-
3 ance against nuclear and radiological threats.

4 “(2) INCLUDED ACTIVITIES.—The assessments
5 shall include—

6 “(A) red teaming activities to identify
7 vulnerabilities and possible modes of attack and
8 concealment methods; and

9 “(B) net assessments to determine archi-
10 tecture performance against adversary tactics
11 and concealment methods.

12 “(3) USE.—The Director shall use the assess-
13 ments to guide deployment of the global nuclear de-
14 tection architecture and the research and develop-
15 ment activities of the Office of Domestic Nuclear
16 Detection.

17 **“SEC. 1906. TECHNOLOGY ACQUISITION, DEPLOYMENT,**
18 **SUPPORT, AND TRAINING.**

19 “(a) ACQUISITION STRATEGY.—

20 “(1) IN GENERAL.—The Director of Domestic
21 Nuclear Detection shall develop and, subject to the
22 availability of appropriations, execute a strategy for
23 the acquisition and deployment of detection systems
24 in order to implement the Department components

1 of the global nuclear detection architecture developed
2 under section 1903.

3 “(2) USE OF AVAILABLE CONTRACTING PROCE-
4 DURES.—The Director shall make use of all con-
5 tracting procedures available to the Secretary to im-
6 plement the acquisition strategy.

7 “(3) DETERMINATION OF QUALIFIED ANTI-TER-
8 RORISM TECHNOLOGY.—The Director shall make
9 recommendations based on the criteria included in
10 section 862(b) as to whether the detection systems
11 acquired pursuant to this subsection shall be des-
12 ignated by the Secretary as anti-terrorism tech-
13 nologies that qualify for protection under the system
14 of risk management under subtitle G of title VIII.
15 The Under Secretary for Science and Technology
16 shall consider the Director’s recommendations and
17 expedite the process of determining whether such de-
18 tection systems shall be designated as anti-terrorism
19 technologies that qualify for such protection.

20 “(b) DEPLOYMENT.—The Director shall deploy de-
21 tection systems for use by Department operational units
22 and other end-users in implementing the global nuclear
23 detection architecture.

24 “(c) OPERATIONAL SUPPORT AND PROTOCOLS.—

1 “(1) OPERATIONAL SUPPORT.—The Director
2 shall provide operational support for all systems ac-
3 quired to implement the acquisition strategy devel-
4 oped under subsection (a).

5 “(2) OPERATIONAL PROTOCOLS.—The Director
6 shall develop operational protocols for detection tech-
7 nology acquired and deployed to implement the ac-
8 quisition strategy, including procedures for alarm
9 resolution and notification of appropriate response
10 agencies in the event that illicit nuclear, radioactive,
11 or fissile materials are detected by such a product or
12 service.

13 “(3) TECHNICAL REACHBACK.—The Director
14 will ensure that the expertise necessary to accurately
15 interpret detection data is made available in a timely
16 manner for all technology deployed to implement the
17 global nuclear detection architecture.

18 “(d) TRAINING.—The Director shall develop and dis-
19 tribute training materials and provide training to all end-
20 users of technology acquired by the Director under the ac-
21 quisition strategy.

22 “(e) SOLICITATION OF END-USER INPUT.—In devel-
23 oping requirements for the research and development pro-
24 gram of section 1904 and requirements for the acquisition
25 of detection systems to implement the strategy in sub-

1 section (a), the Director shall solicit input from end-users
2 of such systems.

3 “(f) STATE AND LOCAL SUPPORT.—Upon request,
4 the Director shall provide guidance regarding radiation
5 detection technology acquisitions to be made by State,
6 local, and tribal governments and emergency response pro-
7 viders.

8 **“SEC. 1907. SITUATIONAL AWARENESS.**

9 “(a) DETECTION INFORMATION.—The Director of
10 Domestic Nuclear Detection—

11 “(1) shall continuously monitor detection infor-
12 mation received from foreign and domestic detection
13 systems to maintain for the Department a situa-
14 tional awareness of all nuclear threats;

15 “(2) shall gather and archive—

16 “(A) detection data measurements taken of
17 benign activities in the normal flows of com-
18 merce; and

19 “(B) alarm data, including false alarms
20 and nuisance alarms.

21 “(b) INFORMATION SHARING.—The Director shall
22 coordinate with other governmental agencies to ensure
23 that the detection of unauthorized nuclear explosive de-
24 vices, fissile material, or radiological material is promptly
25 reported to all appropriate Federal response agencies in-

1 cluding the Attorney General, the Director of the Federal
2 Bureau of Investigation, the Secretary of Defense, and the
3 Secretary of Energy.

4 “(c) INCIDENT RESOLUTION.—The Director shall as-
5 sess nuclear threats communicated by Federal, State, trib-
6 al, or local officials and provide adequate technical
7 reachback capability for swift and effective incident resolu-
8 tion.

9 “(d) SECURITY.—The Director shall—

10 “(1) develop and implement security standards
11 and protocols for the control and protection of all
12 classified or sensitive information in possession of
13 the Office; and

14 “(2) ensure that relevant personnel of the Of-
15 fice have the required security clearances to properly
16 handle such information.

17 **“SEC. 1908. FORENSIC ANALYSIS.**

18 “The Director of Domestic Nuclear Detection shall
19 perform all research, development, and acquisition activi-
20 ties of the Department pertaining to forensic analysis and
21 attribution of nuclear and radiological attacks.

22 **“SEC. 1909. THREAT INFORMATION.**

23 “(a) THREAT ASSESSMENTS.—The Director of Do-
24 mestic Nuclear Detection shall utilize classified and un-
25 classified nuclear and radiological threat assessments in

1 designing the global nuclear detection architecture under
2 section 1903, prioritizing detection system deployments,
3 and testing and optimizing system performance of that ar-
4 chitecture, including assessments of—

5 “(1) smuggling routes;

6 “(2) locations of relevant nuclear and radio-
7 logical material throughout the world;

8 “(3) relevant terrorist tradecraft and conceal-
9 ment methods;

10 “(4) relevant nuclear and radiological threat ob-
11 jects in terms of possible detection signatures.

12 “(b) ACCESS TO INFORMATION.—The Secretary shall
13 provide the Director access to all information relating to
14 nuclear and radiological threats, including reports, assess-
15 ments, analyses, and unevaluated intelligence, that is nec-
16 essary to successfully design, deploy, and support the op-
17 eration of an effective global detection architecture under
18 section 1903.

19 “(c) ANALYTICAL SUPPORT.—The Director shall re-
20 quest that the Secretary provide to the Director, pursuant
21 to section 201(c)(20), the requisite intelligence and infor-
22 mation analysis support necessary to effectively discharge
23 the Director’s responsibilities.

24 “(d) ANALYTICAL EXPERTISE.—For the purposes of
25 performing any of the assessments required under sub-

1 section (a), the Director, subject to the availability of ap-
2 propriations, may hire qualified personnel with experience
3 in performing nuclear and radiological threat assessments.

4 “(e) COLLECTION REQUESTS.—The Director shall
5 recommend that the Secretary consult with the Director
6 of Central Intelligence or other appropriate intelligence,
7 law enforcement, or other elements of the Federal Govern-
8 ment pursuant to section 201(c)(7) with respect to intel-
9 ligence collection to design, deploy, and support the oper-
10 ation of the global detection architecture under section
11 1903.

12 **“SEC. 1910. ADMINISTRATIVE AUTHORITIES.**

13 “(a) HIRING.—In hiring personnel for the Office of
14 Domestic Nuclear Detection, the Secretary shall have the
15 hiring and management authorities described in section
16 1101 of the Strom Thurmond National Defense Author-
17 ization Act for Fiscal Year 1999 (5 U.S.C. 3104 note;
18 Public Law 105–261). The term of appointments for em-
19 ployees under subsection (c)(1) of that section may not
20 exceed 5 years before the granting of any extension under
21 subsection (c)(2) of that section

22 “(b) DETAIL OF PERSONNEL.—In order to assist the
23 Director of Domestic Nuclear Detection in discharging the
24 Director’s responsibilities, personnel of other Federal

1 agencies may be detailed to the Office for the performance
2 of analytic functions and related duties.

3 “(c) TRANSFER OF SCIENCE AND TECHNOLOGY
4 FUNCTIONS, PERSONNEL, AND ASSETS.—

5 “(1) TRANSFER REQUIRED.—Except as pro-
6 vided in paragraph (2), the Secretary shall transfer
7 to the Director the functions, assets, and personnel
8 of the Department relating to radiological and nu-
9 clear countermeasures, including forensics of con-
10 taminated evidence and attack attribution.

11 “(2) EXCEPTIONS.—The Secretary shall not
12 transfer under paragraph (1) functions, assets, and
13 personnel relating to consequence management and
14 recovery.

15 “(3) ELIMINATION OF DUPLICATION OF EF-
16 FORT.—The Secretary shall ensure that to the ex-
17 tent that complementary functions are vested in the
18 Directorate of Science and Technology and the Of-
19 fice of Domestic Nuclear Detection with respect to
20 radiological and nuclear countermeasures, the Under
21 Secretary for Science and Technology and the Direc-
22 tor of Domestic Nuclear Detection coordinate the
23 programs administered by the Under Secretary and
24 the Director to eliminate duplication and increase in-

1 tegration opportunities, particularly with respect to
2 technology development and test and evaluation.

3 **“SEC. 1911. REPORT REQUIREMENT.**

4 “‘The Director of Domestic Nuclear Detection shall
5 submit to Congress an annual report on each of the fol-
6 lowing:

7 “(1) The global detection strategy developed
8 under section 1903.

9 “(2) The status of implementation of such ar-
10 chitecture.

11 “(3) The schedule for future detection system
12 deployments under such architecture.

13 “(4) The research and development program of
14 the Office of Domestic Nuclear Detection.

15 “(5) A summary of actions taken by the Office
16 during the reporting period to counter nuclear and
17 radiological threats.

18 **“SEC. 1912. ADVISORY COUNCIL ON NUCLEAR DETECTION.**

19 “(a) ESTABLISHMENT.—Pursuant to section 871 of
20 this Act, the Secretary shall establish within the Office
21 of Domestic Nuclear Detection an Advisory Council on
22 Nuclear Detection (in this section referred to as the ‘Advi-
23 sory Council’). The Advisory Council shall report to the
24 Director of Domestic Nuclear Detection.

1 “(b) FUNCTIONS.—The Advisory Council shall, at the
2 request of the Director—

3 “(1) advise the Director on recommendations
4 for the global nuclear detection architecture devel-
5 oped under section 1903(a);

6 “(2) identify research areas for development of
7 next-generation and transformational nuclear and
8 radiological detection technologies; and

9 “(3) and have such additional responsibilities as
10 the Director may assign in furtherance of the De-
11 partment’s homeland security mission with respect
12 to enhancing domestic and international nuclear and
13 radiological detection capabilities.

14 “(c) MEMBERSHIP.—The Advisory Council shall con-
15 sist of 5 members appointed by the Director, who shall—

16 “(1) be individuals who have an eminent knowl-
17 edge and technical expertise related to nuclear and
18 radiological detection research and development and
19 radiation detection;

20 “(2) be selected solely on the basis of their es-
21 tablished record of distinguished service; and

22 “(3) not be employees of the Federal Govern-
23 ment, other than employees of National Labora-
24 tories.

1 “(d) CONFLICT OF INTEREST RULES.—The Advisory
2 Council shall establish rules for determining when one of
3 its members has a conflict of interest in a matter being
4 considered by the Advisory Council, and the appropriate
5 course of action to address such conflicts of interest.

6 **“SEC. 1913. INTERAGENCY COORDINATION COUNCIL.**

7 “The President—

8 “(1) shall establish an interagency coordination
9 council to facilitate interagency cooperation for pur-
10 poses of implementing this title;

11 “(2) shall appoint the Secretary to chair the
12 interagency coordination council; and

13 “(3) may appoint the Attorney General, the
14 Secretary of Energy, the Secretary of State, the Sec-
15 retary of Defense, and the heads of other appro-
16 priate Federal agencies to designate members to
17 serve on such council.

18 **“SEC. 1914. AUTHORIZATION OF APPROPRIATIONS.**

19 “There is authorized to be appropriated to carry out
20 this title—

21 “(1) from the amount authorized to be appro-
22 priated for fiscal year 2007 under section 101 of the
23 Department of Homeland Security Authorization
24 Act for Fiscal Year 2007, \$536,000,000 for that fis-
25 cal year; and

1 “(2) such sums as may be necessary for each
2 subsequent fiscal year.

3 **“SEC. 1915. DEFINITIONS.**

4 “In this title:

5 “(1) The term ‘fissile materials’ means material
6 capable of undergoing nuclear fission by thermal or
7 slow neutrons.

8 “(2) The term ‘global nuclear detection archi-
9 tecture’ means a multi-layered system of detectors
10 deployed internationally and domestically to detect
11 and interdict nuclear and radiological materials in-
12 tended for illicit use.

13 “(3) The term ‘nuclear and radiological detec-
14 tion system’ means any technology that is capable of
15 detecting or identifying nuclear and radiological ma-
16 terial or explosive devices.

17 “(4) The term ‘radiological material’ means
18 material that emits nuclear radiation.

19 “(5) The term ‘nuclear explosive device’ means
20 an explosive device capable of producing a nuclear
21 yield.

22 “(6) The term ‘technical reachback’ means
23 technical expert support provided to operational end
24 users for data interpretation and alarm resolution.

1 “(7) The term ‘transformational’ means that, if
2 successful, will produce dramatic technological im-
3 provements over existing capabilities in the areas of
4 performance, cost, or ease of use.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 103(d) of the Homeland Security
7 Act of 2002 (6 U.S.C. 113(d)) is amended by adding
8 at the end the following:

9 “(5) A Director of the Domestic Nuclear Detec-
10 tion Office.”.

11 (2) Section 302 of such Act (6 U.S.C. 182) is
12 amended—

13 (A) in paragraph (2) by striking “radio-
14 logical, nuclear”; and

15 (B) in paragraph (5)(A) by striking “radi-
16 ological, nuclear”.

17 (3) Section 305 of such Act (6 U.S.C. 185) is
18 amended by inserting “and the Director of the Do-
19 mestic Nuclear Detection Office” after “Tech-
20 nology”.

21 (4) Section 308 of such Act (6 U.S.C. 188) is
22 amended in each of subsections (a) and (b)(1) by in-
23 serting “and the Director of the Domestic Nuclear
24 Detection Office” after “Technology” each place it
25 appears.

1 (c) CLERICAL AMENDMENT.—The table of contents
 2 in section 1(b) of the Homeland Security Act of 2002 (116
 3 Stat. 2135) is amended by adding at the end the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION

“Sec. 1901. Office of Domestic Nuclear Detection.
 “Sec. 1902. Responsibilities of Director of the Domestic Nuclear Detection.
 “Sec. 1903. Global nuclear detection architecture.
 “Sec. 1904. Research and development.
 “Sec. 1905. System assessments.
 “Sec. 1906. Technology acquisition, deployment, support, and training.
 “Sec. 1907. Situational awareness.
 “Sec. 1908. Forensic analysis.
 “Sec. 1909. Threat information.
 “Sec. 1910. Administrative authorities.
 “Sec. 1911. Report requirement.
 “Sec. 1912. Advisory Council on Nuclear Detection.
 “Sec. 1913. Interagency coordination council.
 “Sec. 1914. Authorization of appropriations.
 “Sec. 1915. Definitions.”

4 **SEC. 602. CHIEF MEDICAL OFFICER.**

5 (a) ESTABLISHMENT.—Title V of the Homeland Se-
 6 curity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
 7 adding at the end the following:

8 **“SEC. 512. CHIEF MEDICAL OFFICER.**

9 “(a) IN GENERAL.—There is in the Department a
 10 Chief Medical Officer, who shall be appointed by the Presi-
 11 dent, by and with the advice and consent of the Senate.

12 “(b) QUALIFICATIONS.—The individual appointed as
 13 Chief Medical Officer shall possess a demonstrated ability
 14 in and knowledge of medicine and public health.

15 “(c) RESPONSIBILITIES.—The Chief Medical Officer
 16 shall have the primary responsibility within the Depart-
 17 ment for medical issues related to acts of terrorism, nat-

1 ural disasters, and other emergencies, including the fol-
2 lowing:

3 “(1) Serving as the Secretary’s principal advi-
4 sor on medical and public health issues.

5 “(2) Coordinating the biosurveillance and detec-
6 tion activities of the Department.

7 “(3) Ensuring that decision support tools link
8 biosurveillance and detection information to near
9 real-time response actions at the State, local, and
10 tribal level.

11 “(4) Ensuring internal and external coordina-
12 tion of all medical preparedness and response activi-
13 ties of the Department, including training, exercises,
14 and equipment support.

15 “(5) Serving as the Department’s primary point
16 of contact on medical and public health issues with
17 the Departments of Agriculture, Defense, Health
18 and Human Services, Transportation, and Veterans
19 Affairs, and other Federal departments or agencies.

20 “(6) Serving as the Department’s primary point
21 of contact with respect to medical and public health
22 matters.

23 “(7) Discharging, in coordination with the
24 Under Secretary for Science and Technology, re-

1 tional Biosurveillance Integration System (referred to in
2 this section as the “NBIS”) to enhance the capability of
3 the Federal Government to rapidly identify, characterize,
4 and localize a biological event by integrating and analyzing
5 data from human health, animal, plant, food, and environ-
6 mental monitoring systems (both national and inter-
7 national) into a single comprehensive system.

8 (b) REQUIREMENTS.—The NBIS shall be designed to
9 detect, as early as possible, a biological event that presents
10 a risk to the United States or the infrastructure or key
11 assets of the United States. The NBIS shall—

12 (1) consolidate data from all relevant surveil-
13 lance systems maintained by the Department of
14 Homeland Security and other governmental and pri-
15 vate sources, both foreign and domestic;

16 (2) use an information technology system that
17 uses the best available statistical and other analyt-
18 ical tools to automatically identify and characterize
19 biological events in as close to real-time as possible;
20 and

21 (3) process and protect sensitive data consistent
22 with requirements of applicable privacy laws includ-
23 ing the Health Insurance Portability and Account-
24 ability Act of 1996.

1 (c) RESPONSIBILITIES OF THE CHIEF MEDICAL OF-
2 FICER OF THE DEPARTMENT OF HOMELAND SECUR-
3 RITY.—

4 (1) IN GENERAL.—The Chief Medical Officer of
5 the Department of Homeland Security shall—

6 (A) establish an entity to perform all oper-
7 ations and assessments related to the NBIS;

8 (B) continuously monitor the availability
9 and appropriateness of data feeds and solicit
10 new surveillance systems with data that would
11 enhance biological situational awareness or
12 overall NBIS performance;

13 (C) continuously review and seek to im-
14 prove the statistical and other analytical meth-
15 ods utilized by NBIS;

16 (D) establish a procedure to enable States
17 and local government entities to report sus-
18 picious events that could warrant further as-
19 sessments using NBIS;

20 (E) receive and consider all relevant home-
21 land security information; and

22 (F) provide technical assistance, as appro-
23 priate, to all Federal, regional, State, and local
24 government entities and private sector entities

1 that contribute data relevant to the operation of
2 NBIS.

3 (2) ASSESSMENTS.—The Chief Medical Officer
4 of the Department of Homeland Security shall—

5 (A) continuously evaluate available data
6 for evidence of a biological event; and

7 (B) integrate homeland security informa-
8 tion with NBIS data to provide overall situa-
9 tional awareness and determine whether a bio-
10 logical event has occurred.

11 (3) INFORMATION SHARING.—The Chief Med-
12 ical Officer of the Department of Homeland Security
13 shall—

14 (A) in the event that a biological event is
15 detected, notify the Secretary of Homeland Se-
16 curity and disseminate results of NBIS assess-
17 ments related to that biological event to appro-
18 priate Federal, regional, State, and local re-
19 sponse entities in a timely manner to support
20 decision making;

21 (B) provide reports on NBIS assessments
22 to Federal, regional, State, and local govern-
23 ments and any private sector entities, as consid-
24 ered appropriate by the Secretary; and

1 (C) use available information sharing net-
2 works internal to the Department, as well as
3 those within the intelligence community and op-
4 eration centers, for distributing NBIS incident
5 or situational awareness reports.

6 (d) NOTIFICATION OF CHIEF MEDICAL OFFICER OF
7 THE DEPARTMENT OF HOMELAND SECURITY.—The Sec-
8 retary of Homeland Security shall ensure that the Chief
9 Medical Officer of the Department of Homeland Security
10 is notified of any threat of a biological event and receives
11 all classified and unclassified reports related to threats of
12 biological events in a timely manner.

13 (e) ADMINISTRATIVE AUTHORITIES.—

14 (1) HIRING OF EXPERTS.—The Chief Medical
15 Officer of the Department of Homeland Security
16 shall hire individuals with the necessary expertise to
17 develop and operate the NBIS system.

18 (2) DETAIL OF PERSONNEL.—Upon the request
19 of the Chief Medical Officer of the Department of
20 Homeland Security, the head of any Federal depart-
21 ment or agency may detail, on a reimbursable basis,
22 any of the personnel of that department or agency
23 to the Department to assist the Chief Medical Offi-
24 cer of the Department of Homeland Security in car-
25 rying out this section.

1 (3) PRIVACY.—The Chief Medical Officer of the
2 Department of Homeland Security shall ensure all
3 applicable privacy regulations are strictly adhered to
4 in the operation of the NBIS and the sharing of any
5 information related to the NBIS.

6 (f) JOINT BIOSURVEILLANCE LEADERSHIP COUN-
7 CIL.—The Chief Medical Officer of the Department of
8 Homeland Security shall—

9 (1) establish an interagency coordination coun-
10 cil to facilitate interagency cooperation to advise the
11 Chief Medical Officer of the Department of Home-
12 land Security on recommendations to enhance the
13 biosurveillance capabilities of the Department; and

14 (2) invite officials of Federal agencies that con-
15 duct biosurveillance programs, including the Depart-
16 ment of Health and Human Services, the Depart-
17 ment of Agriculture, the Environment Protection
18 Agency, and the Department of Defense, to serve on
19 such council.

20 (g) ANNUAL REPORT REQUIRED.—Not later than
21 December 31 of each year, the Chief Medical Officer of
22 the Department of Homeland Security shall submit to
23 Congress a report that contains each of the following:

1 (1) A list of departments, agencies, and private
2 or nonprofit entities participating in the NBIS and
3 the data each entity contributes to the NBIS.

4 (2) An implementation plan for the NBIS that
5 includes cost, schedule, and key milestones.

6 (3) The status of the implementation of the
7 NBIS.

8 (4) The schedule for obtaining access to any
9 relevant biosurveillance information not compiled in
10 NBIS as of the date on which the report is sub-
11 mitted.

12 (5) A description of the incident reporting or
13 decision making protocols in effect as of the date on
14 which the report is submitted and any changes made
15 to such protocols during the period beginning on the
16 date on which the report for the preceding year was
17 submitted and ending on the date on which the re-
18 port is submitted.

19 (6) A list of any Federal, State, or local govern-
20 ment entities that have direct or indirect access to
21 the information that is integrated into the NBIS.

22 (h) RELATIONSHIP TO OTHER DEPARTMENTS AND
23 AGENCIES.—The authority of the Chief Medical Officer
24 of the Department of Homeland Security under this sec-
25 tion shall not affect an authority or responsibility of any

1 other department or agency of the Federal Government
2 with respect to biosurveillance activities under any pro-
3 gram administered by that department or agency.

4 (i) **BIOLOGICAL EVENT.**—For purposes of this sec-
5 tion, the term “biological event” means—

6 (1) an act of terrorism that uses material of bi-
7 ological origins; or

8 (2) a naturally occurring outbreak of an infec-
9 tious disease that may affect national security.

10 **SEC. 604. MATERIAL THREATS.**

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

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

16 (2) by moving each of such subclauses two ems
17 to the right;

18 (3) by striking “(A) **MATERIAL THREAT.**—The
19 Homeland Security Secretary” and inserting the fol-
20 lowing:

21 “(A) **MATERIAL THREAT.**—

22 “(i) **IN GENERAL.**—The Homeland
23 Security Secretary”; and

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

1 “(ii) USE OF EXISTING RISK ASSESS-
2 MENTS.—For the purpose of satisfying the
3 requirements of clause (i) as expeditiously
4 as possible, the Homeland Security Sec-
5 retary shall, as practicable, utilize existing
6 risk assessments that such Secretary con-
7 siders credible.

8 “(iii) ORDER OF ASSESSMENTS.—

9 “(I) GROUPINGS TO FACILITATE
10 ASSESSMENT OF COUNTER-
11 MEASURES.—In conducting threat as-
12 sessments and determinations under
13 clause (i) of chemical, biological, radi-
14 ological, and nuclear agents, the
15 Homeland Security Secretary shall, to
16 the extent practicable and appro-
17 priate, consider the completion of such
18 assessments and determinations for
19 groups of agents toward the goal of
20 facilitating the assessment of counter-
21 measures under paragraph (3) by the
22 Secretary of Health and Human Serv-
23 ices.

24 “(II) CATEGORIES OF COUNTER-
25 MEASURES.—The grouping of agents

1 under subclause (I) by the Homeland
2 Security Secretary shall be designed
3 to facilitate assessments under para-
4 graph (3) by the Secretary of Health
5 and Human Services regarding the
6 following two categories of counter-
7 measures:

8 “(aa) Countermeasures that
9 may address more than one
10 agent identified under clause
11 (i)(II).

12 “(bb) Countermeasures that
13 may address adverse health con-
14 sequences that are common to
15 exposure to different agents.

16 “(III) RULE OF CONSTRUC-
17 TION.—A particular grouping of
18 agents pursuant to subclause (II) is
19 not required under such subclause to
20 facilitate assessments of both cat-
21 egories of countermeasures described
22 in such subclause. A grouping may
23 concern one category and not the
24 other.

1 “(iv) TIME FRAME FOR COMPLETION
2 OF CERTAIN NATIONAL-SECURITY DETER-
3 MINATIONS.—With respect to chemical, bi-
4 ological, radiological, and nuclear agents
5 known to the Homeland Security Secretary
6 as of the day before the date of the enact-
7 ment of this Act, and which such Secretary
8 considers to be capable of significantly af-
9 fecting national security, such Secretary
10 shall complete the determinations under
11 clause (i)(II) not later than December 31,
12 2007.

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

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
20 510(d) of the Homeland Security Act of 2002 (6 U.S.C.
21 320(d)) is amended—

22 (1) in paragraph (1), by striking “2006,” and
23 inserting “2009,”; and

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

1 “(3) ADDITIONAL AUTHORIZATION OF APPRO-
2 PRIATIONS REGARDING CERTAIN THREAT ASSESS-
3 MENTS.—For the purpose of providing an additional
4 amount to the Secretary to assist the Secretary in
5 meeting the requirements of clause (iv) of section
6 319F–2(c)(2)(A) of the Public Health Service Act
7 (relating to time frames), there are authorized to be
8 appropriated such sums as may be necessary for fis-
9 cal year 2007, in addition to the authorization of ap-
10 propriations established in paragraph (1). The pur-
11 poses for which such additional amount may be ex-
12 pended include conducting risk assessments regard-
13 ing clause (i)(II) of such section when there are no
14 existing risk assessments that the Secretary con-
15 siders credible.”.

16 **SEC. 605. STUDY ON NATIONAL BIODEFENSE TRAINING.**

17 (a) STUDY REQUIRED.—The Secretary of Homeland
18 Security shall, in consultation with the Secretary of De-
19 fense and the Secretary for Health and Human Services,
20 conduct a study to determine the staffing and training re-
21 quirements for pending capital programs to construct bio-
22 defense laboratories (including agriculture and animal lab-
23 oratories) at Biosafety Level 3 and Biosafety Level 4 or
24 to expand current biodefense laboratories to such biosafety
25 levels.

1 (b) ELEMENTS.—In conducting the study, the Sec-
2 retary of Homeland Security shall address the following:

3 (1) The number of trained personnel, by dis-
4 cipline and qualification level, required for existing
5 biodefense laboratories at Biosafety Level 3 and Bio-
6 safety Level 4.

7 (2) The number of research and support staff,
8 including researchers, laboratory technicians, animal
9 handlers, facility managers, facility or equipment
10 maintainers, biosecurity personnel (including bio-
11 safety, physical, and electronic security personnel),
12 and other safety personnel required to manage bio-
13 defense research efforts to combat bioterrorism at
14 the biodefense laboratories described in subsection
15 (a).

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

22 (4) Training schedules necessary to meet the
23 scheduled openings of the biodefense laboratories de-
24 scribed in subsection (a), including schedules for re-

1 fresher training and continuing education that may
2 be necessary for that purpose.

3 (c) REPORT.—Not later than December 31, 2006, the
4 Secretary of Homeland Security shall submit to Congress
5 a report setting forth the results of the study conducted
6 under this section.

7 **SEC. 606. HOMELAND SECURITY SCIENCE AND TECH-**
8 **NOLOGY ADVISORY COMMITTEE.**

9 Section 311(j) of the Homeland Security Act of 2002
10 (6 U.S.C. 191(j)) is amended to read as follows:

11 “(j) TERMINATION.—The Department of Homeland
12 Security Science and Technology Advisory Committee
13 shall terminate on the date that is 10 years after the date
14 on which it was established.”.

15 **TITLE VII—HOMELAND SECU-**
16 **RITY INFRASTRUCTURE PRO-**
17 **TECTION AND**
18 **CYBERSECURITY ENHANCE-**
19 **MENT**

20 **SEC. 701. INFRASTRUCTURE PROTECTION AND**
21 **CYBERSECURITY.**

22 (a) IN GENERAL.—Title II of the Homeland Security
23 Act of 2002 is amended by adding at the end the following
24 new subtitle:

1 **“Subtitle E—Infrastructure**
2 **Protection and Cybersecurity**

3 **“SEC. 241. OFFICE OF INFRASTRUCTURE PROTECTION.**

4 “(a) IN GENERAL.—There is in the Department an
5 Office of Infrastructure Protection.

6 “(b) ASSISTANT SECRETARY FOR INFRASTRUCTURE
7 PROTECTION.—The head of the Office shall be the Assist-
8 ant Secretary for Infrastructure Protection.

9 “(c) RESPONSIBILITIES OF THE ASSISTANT SEC-
10 RETARY.—The Assistant Secretary shall carry out the re-
11 sponsibilities of the Department regarding infrastructure
12 protection. Such responsibilities shall include the fol-
13 lowing:

14 “(1) To identify and carry out comprehensive
15 risk assessments of key resources and critical infra-
16 structure of the United States, to determine the
17 risks posed by particular types of terrorist attacks
18 within the United States (including an assessment of
19 the probability of success of such attacks and the
20 feasibility and potential efficacy of various counter-
21 measures to such attacks).

22 “(2) To develop and maintain a comprehensive
23 national plan for securing the key resources and
24 critical infrastructure of the United States, in ac-

1 cordance with Homeland Security Presidential Di-
2 rective 7.

3 “(3) To recommend measures necessary to pro-
4 tect the key resources and critical infrastructure of
5 the United States in coordination with other Federal
6 Departments and agencies and in consultation with
7 State, local, and tribal government agencies and au-
8 thorities, and the private sector.

9 “(4) To coordinate and implement, as appro-
10 priate, preparedness efforts to ensure that critical
11 infrastructure and key resources efforts are fully in-
12 tegrated and coordinated with the response and re-
13 covery activities of the Department.

14 “(5) To establish and maintain partnerships
15 and information sharing processes with Federal,
16 State, local, and tribal governments, the private sec-
17 tor, and international governments and organiza-
18 tions to enhance coordination of critical infrastruc-
19 ture and key resource efforts.

20 “(6) To coordinate with the Under Secretary
21 for Intelligence and Analysis and elements of the in-
22 telligence community and with Federal, State, local,
23 and tribal law enforcement agencies, and the private
24 sector, as appropriate.

1 “(7) To provide the Secretary with an annual
2 summary of national critical infrastructure protec-
3 tion efforts and priorities and to provide, in con-
4 sultation with the appropriate Department official
5 with primary responsibility for grants, recommenda-
6 tions for Federal critical infrastructure protection
7 funding.

8 “(8) In carrying out responsibilities under para-
9 graphs (1) and (2), to consult with other Federal,
10 State, local, and tribal government agencies and au-
11 thorities as appropriate.

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

14 “(d) INTEGRATION CENTER.—

15 “(1) IN GENERAL.—There is an Integration
16 Center in the Office of Infrastructure Protection,
17 which shall be staffed by the Office of Infrastructure
18 Protection, the Office of Cybersecurity and Tele-
19 communications, and the Office of Intelligence and
20 Analysis.

21 “(2) RESPONSIBILITIES.—The Integration Cen-
22 ter shall—

23 “(A) be responsible for the integration of
24 relevant threat, consequence, and vulnerability
25 information, analysis, and assessments (whether

1 such information, analysis, or assessments are
2 provided or produced by the Department or
3 others) in order to identify priorities for protec-
4 tive and support measures by the Department,
5 other Federal departments and agencies, State,
6 local, and tribal government agencies and au-
7 thorities, the private sector, and other entities;
8 and

9 “(B) develop and disseminate analytical
10 products that combine homeland security infor-
11 mation with critical infrastructure and key re-
12 source vulnerability and consequence informa-
13 tion.

14 “(3) CRITICAL INFRASTRUCTURE INFORMA-
15 TION.—The Secretary shall ensure that the Depart-
16 ment makes full and efficient use of open-source in-
17 formation to analyze United States critical infra-
18 structure from the perspective of terrorists using
19 publicly available information.

20 “(e) STAFF.—

21 “(1) IN GENERAL.—The Secretary shall ensure
22 that the Office has staff that possess appropriate ex-
23 pertise and experience to assist the Assistant Sec-
24 retary in discharging responsibilities under this sec-
25 tion.

1 “(2) PRIVATE SECTOR STAFF.—Staff under
2 this subsection may include individuals from the pri-
3 vate sector.

4 “(3) SECURITY CLEARANCES.—Staff under this
5 subsection shall possess security clearances appro-
6 priate for their work under this section.

7 “(f) DETAIL OF PERSONNEL.—

8 “(1) IN GENERAL.—In order to assist the Of-
9 fice in discharging responsibilities under this section,
10 personnel of other Federal departments and agencies
11 may be detailed to the Department for the perform-
12 ance of analytic functions and related duties.

13 “(2) COOPERATIVE AGREEMENTS.—The Sec-
14 retary and the head of the Federal department or
15 agency concerned may enter into cooperative agree-
16 ments for the purpose of detailing personnel under
17 this subsection.

18 “(3) BASIS.—The detail of personnel under this
19 subsection may be on a reimbursable or non-reim-
20 bursable basis.

21 “(g) REPROGRAMMING.—The Secretary may not re-
22 program any funds allocated to the Office of Infrastruc-
23 ture Protection until 60 days after the Secretary submits
24 to the Committees on Appropriations of the Senate and
25 House of Representatives, the Committee on Homeland

1 Security and Governmental Affairs of the Senate, and the
2 Committee on Homeland Security of the House of Rep-
3 resentatives written notification of the reprogramming.

4 **“SEC. 242. OFFICE OF CYBERSECURITY AND TELE-**
5 **COMMUNICATIONS.**

6 “(a) IN GENERAL.—There is in the Department an
7 Office of Cybersecurity and Telecommunications.

8 “(b) ASSISTANT SECRETARY FOR CYBERSECURITY
9 AND TELECOMMUNICATIONS.—The head of the Office
10 shall be the Assistant Secretary for Cybersecurity and
11 Telecommunications.

12 “(c) RESPONSIBILITIES OF THE ASSISTANT SEC-
13 RETARY.—The Assistant Secretary shall carry out the re-
14 sponsibilities of the Department regarding cybersecurity
15 and telecommunications. Such responsibilities shall in-
16 clude the following:

17 “(1) To establish and manage—

18 “(A) a national cybersecurity response sys-
19 tem that includes the ability to—

20 “(i) analyze the effect of cybersecurity
21 threat information on national critical in-
22 frastructure identified by the President;
23 and

24 “(ii) aid in the detection and warning
25 of potential vulnerabilities or attacks that

1 could cause widespread disruption of
2 cybersecurity infrastructure and in the res-
3 toration of such infrastructure in the after-
4 math of such attacks;

5 “(B) a national cybersecurity threat and
6 vulnerability reduction program which conducts
7 risk assessments on information technology sys-
8 tems, identifies and prioritize vulnerabilities in
9 critical information infrastructure, and coordi-
10 nates the mitigation of such vulnerabilities;

11 “(C) an emergency communications pro-
12 gram to ensure communications systems and
13 procedures are in place to exchange information
14 during disasters;

15 “(D) a continuity of operations program to
16 plan and allocate resources for the continuation
17 of critical information operations in the event of
18 a large scale disruption of the information in-
19 frastructure and to coordinate a response;

20 “(E) a reconstitution program to ensure
21 that priorities, procedures, and resources are in
22 place to reconstitute critical information infra-
23 structures. This program should clearly delin-
24 eate roles and responsibilities of the Depart-
25 ment, other federal agencies and private sector;

1 “(F) a resiliency program that will support
2 basic and fundamental research to improve the
3 reliability and security of network protocols;

4 “(G) a national public-private
5 cybersecurity awareness, training, and edu-
6 cation program that promotes Internet security
7 awareness among all enduser groups;

8 “(H) a government cybersecurity program
9 to coordinate and consult with Federal, State,
10 and local governments to enhance their
11 cybersecurity programs; and

12 “(I) an international cybersecurity co-
13 operation program to help foster Federal efforts
14 to enhance international cybersecurity aware-
15 ness and cooperation.

16 “(2) To coordinate and to leverage existing ef-
17 forts within the private sector on the program under
18 paragraph (1) as appropriate and to promote
19 cybersecurity information sharing, vulnerability as-
20 sessment, and threat warning regarding critical in-
21 frastructure.

22 “(3) To coordinate with the Under Secretary
23 for Intelligence and Analysis and the Assistant Sec-
24 retary for Infrastructure Protection to provide rel-
25 evant and timely homeland security information to

1 the appropriate private sector information infra-
2 structure stakeholders regarding potential
3 vulnerabilities or attacks.

4 “(4) To coordinate with other directorates and
5 offices within the Department and with other Fed-
6 eral agencies, as appropriate, with respect to the
7 cybersecurity aspects of such directorates, offices,
8 and agencies.

9 “(5) To coordinate with the Department official
10 with primary responsibility for emergency prepared-
11 ness to ensure that the National Response Plan de-
12 veloped includes appropriate measures for the recov-
13 ery of the cybersecurity elements of critical infra-
14 structure.

15 “(6) To promote voluntary cybersecurity best
16 practices, standards, and benchmarks that are re-
17 sponsive to rapid technology changes and to the se-
18 curity needs of critical infrastructure.

19 “(7) To coordinate with the Chief Information
20 Officer of the Department in establishing a secure
21 information sharing architecture and information
22 sharing processes, including with respect to the De-
23 partment’s operation centers.

1 “(8) To consult with the Electronic Crimes
2 Task Force of the United States Secret Service on
3 private sector outreach and information activities.

4 “(9) To consult with the appropriate Depart-
5 ment official with primary responsibility for grants
6 to ensure that realistic cybersecurity scenarios are
7 incorporated into training exercises, including table-
8 top and recovery exercises.

9 “(10) To consult and coordinate with the As-
10 sistant Secretary for Infrastructure Protection, the
11 Under Secretary for Science and Technology, and,
12 where appropriate, with other relevant Federal de-
13 partments and agencies, as well as private sector
14 stakeholders, on the security of digital control sys-
15 tems, such as Supervisory Control and Data Acquisi-
16 tion (SCADA) systems.

17 “(11) To consult and coordinate with the Under
18 Secretary of Science and Technology on
19 cybersecurity research and development require-
20 ments.

21 “(d) REPORTING.—Not later than one year after the
22 date of the enactment of this section, the Secretary shall
23 submit to Congress a report on the programs that imple-
24 ment or support the requirements of this section and the

1 coordination of the Assistant Secretary with the private
2 sector in meeting these responsibilities.

3 “(e) DEADLINE FOR NOMINATION.—Not later than
4 90 days after the date of the enactment of this section,
5 the President shall nominate an individual to serve as the
6 Assistant Secretary for Cybersecurity and Telecommuni-
7 cations.

8 “(f) STAFF.—

9 “(1) IN GENERAL.—The Secretary shall provide
10 the Office of Cybersecurity and Telecommunications
11 with a staff having appropriate expertise and experi-
12 ence to assist the Assistant Secretary in discharging
13 responsibilities under this section.

14 “(2) SECURITY CLEARANCES.—Staff under this
15 subsection shall possess security clearances appro-
16 priate for their work under this section.

17 “(g) DETAIL OF PERSONNEL.—

18 “(1) IN GENERAL.—In order to assist the As-
19 sistant Secretary for Cybersecurity and Tele-
20 communications in discharging the responsibilities of
21 the Assistant Secretary under this section, personnel
22 of other Federal departments and agencies may be
23 detailed to the Department for the performance of
24 analytic functions and related duties.

1 “(2) COOPERATIVE AGREEMENTS.—The Sec-
2 retary and the head of a Federal department or
3 agency concerned may enter into cooperative agree-
4 ments for the purpose of detailing personnel under
5 this subsection.

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

9 “(h) REPROGRAMMING.—The Secretary may not re-
10 program any funds allocated to the Office of Cybersecurity
11 and Telecommunications until 60 days after the Secretary
12 submits to the Committees on Appropriations of the Sen-
13 ate and House of Representatives, the Committee on
14 Homeland Security and Governmental Affairs of the Sen-
15 ate, and the Committee on Homeland Security of the
16 House of Representatives written notification of the re-
17 programming.”.

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

 “Subtitle E—Infrastructure Protection and Cybersecurity

 “Sec. 241. Office of Infrastructure Protection.

 “Sec. 242. Office of Cybersecurity and Telecommunications.”.

1 **SEC. 702. CYBERSECURITY TRAINING PROGRAM AND**
2 **EQUIPMENT.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity, acting through the Assistant Secretary of Homeland
5 Security for Cybersecurity and Telecommunications, may
6 establish, in conjunction with the National Science Foun-
7 dation, a program to award grants to institutions of higher
8 education (and consortia thereof) for—

9 (1) the establishment or expansion of
10 cybersecurity professional development programs;

11 (2) the establishment or expansion of associate
12 degree programs in cybersecurity; and

13 (3) the purchase of equipment to provide train-
14 ing in cybersecurity for either professional develop-
15 ment programs or degree programs.

16 (b) ROLES.—

17 (1) DEPARTMENT OF HOMELAND SECURITY.—

18 The Secretary of Homeland Security, acting through
19 the Assistant Secretary of Homeland Security for
20 Cybersecurity and Telecommunications and in con-
21 sultation with the Director of the National Science
22 Foundation, shall establish the goals for the pro-
23 gram established under this section and the criteria
24 for awarding grants under the program.

25 (2) NATIONAL SCIENCE FOUNDATION.—The Di-
26 rector of the National Science Foundation shall op-

1 erate the program established under this section
2 consistent with the goals and criteria established
3 under paragraph (1), including soliciting applicants,
4 reviewing applications, and making and admin-
5 istering grant awards. The Director may consult
6 with the Assistant Secretary for Cybersecurity and
7 Telecommunications in selecting awardees.

8 (3) FUNDING.—The Secretary shall transfer to
9 the National Science Foundation the funds nec-
10 essary to carry out this section.

11 (c) GRANT AWARDS.—

12 (1) PEER REVIEW.—All grant awards under
13 this section shall be made on a competitive, merit-
14 reviewed basis.

15 (2) FOCUS.—In making grant awards under
16 this section, the Director shall, to the extent prac-
17 ticable, ensure geographic diversity and the partici-
18 pation of women and underrepresented minorities.

19 (3) PREFERENCE.—In making grant awards
20 under this section, the Director shall give preference
21 to applications submitted by consortia of institutions
22 to encourage as many students and professionals as
23 possible to benefit from this program.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
25 amount authorized to be appropriated under section 101

1 for fiscal year 2007, \$3,700,000 is to carry out this sec-
 2 tion for that fiscal year.

3 (e) DEFINITION.—For purposes of this section, the
 4 term “institution of higher education” has the meaning
 5 given that term in section 101(a) of the Higher Education
 6 Act of 1965 (20 U.S.C. 1001(a)).

7 **TITLE VIII—GRANTS** 8 **ADMINISTRATION**

9 **SEC. 801. FASTER AND SMARTER FUNDING FOR FIRST RE-** 10 **SPONDERS.**

11 (a) IN GENERAL.—The Homeland Security Act of
 12 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is fur-
 13 ther amended—

14 (1) in section 1(b) in the table of contents by
 15 adding at the end the following:

“TITLE XX—FUNDING FOR FIRST RESPONDERS

“Sec. 2001. Definitions.

“Sec. 2002. Faster and Smarter Funding for First Responders.

“Sec. 2003. Covered grant eligibility and criteria.

“Sec. 2004. Risk-based evaluation and prioritization.

“Sec. 2005. Use of funds.”;

16 and

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

18 **“TITLE XX—FUNDING FOR FIRST** 19 **RESPONDERS**

20 **“SEC. 2001. DEFINITIONS.**

21 “In this title:

1 “(1) BOARD.—The term ‘Board’ means the
2 First Responder Grants Board established under
3 section 2004.

4 “(2) COVERED GRANT.—The term ‘covered
5 grant’ means any grant to which this title applies
6 under section 2002.

7 “(3) DIRECTLY ELIGIBLE TRIBE.—The term
8 ‘directly eligible tribe’ means any Indian tribe or
9 consortium of Indian tribes that—

10 “(A) meets the criteria for inclusion in the
11 qualified applicant pool for Self-Governance
12 that are set forth in section 402(c) of the In-
13 dian Self-Determination and Education Assist-
14 ance Act (25 U.S.C. 458bb(c));

15 “(B) employs at least 10 full-time per-
16 sonnel in a law enforcement or emergency re-
17 sponse agency with the capacity to respond to
18 calls for law enforcement or emergency services;
19 and

20 “(C)(i) is located on, or within 5 miles of,
21 an international border or waterway;

22 “(ii) is located within 5 miles of a facility
23 designated as high-risk critical infrastructure
24 by the Secretary;

1 “(iii) is located within or contiguous to one
2 of the 50 largest metropolitan statistical areas
3 in the United States; or

4 “(iv) has more than 1,000 square miles of
5 Indian country, as that term is defined in sec-
6 tion 1151 of title 18, United States Code.

7 “(4) ELEVATIONS IN THE THREAT ALERT
8 LEVEL.—The term ‘elevations in the threat alert
9 level’ means any designation (including those that
10 are less than national in scope) that raises the
11 homeland security threat level to either the highest
12 or second highest threat level under the Homeland
13 Security Advisory System referred to in section
14 201(d)(7).

15 “(5) EMERGENCY PREPAREDNESS.—The term
16 ‘emergency preparedness’ shall have the same mean-
17 ing that term has under section 602 of the Robert
18 T. Stafford Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5195a).

20 “(6) ESSENTIAL CAPABILITIES.—The term ‘es-
21 sential capabilities’ means the levels, availability,
22 and competence of emergency personnel, planning,
23 training, and equipment across a variety of dis-
24 ciplines needed to effectively and efficiently prevent,

1 prepare for, respond to, and recover from acts of
2 terrorism consistent with established practices.

3 “(7) FIRST RESPONDER.—The term ‘first re-
4 sponder’ shall have the same meaning as the term
5 ‘emergency response provider’.

6 “(8) INDIAN TRIBE.—The term ‘Indian tribe’
7 means any Indian tribe, band, nation, or other orga-
8 nized group or community, including any Alaskan
9 Native village or regional or village corporation as
10 defined in or established pursuant to the Alaskan
11 Native Claims Settlement Act (43 U.S.C. 1601 et
12 seq.), which is recognized as eligible for the special
13 programs and services provided by the United States
14 to Indians because of their status as Indians.

15 “(9) REGION.—The term ‘region’ means—

16 “(A) any geographic area consisting of all
17 or parts of 2 or more contiguous States, coun-
18 ties, municipalities, or other local governments
19 that have a combined population of at least
20 1,650,000 or have an area of not less than
21 20,000 square miles, and that, for purposes of
22 an application for a covered grant, is rep-
23 resented by 1 or more governments or govern-
24 mental agencies within such geographic area,
25 and that is established by law or by agreement

1 of 2 or more such governments or governmental
2 agencies in a mutual aid agreement; or

3 “(B) any other combination of contiguous
4 local government units (including such a com-
5 bination established by law or agreement of two
6 or more governments or governmental agencies
7 in a mutual aid agreement) that is formally cer-
8 tified by the Secretary as a region for purposes
9 of this Act with the consent of—

10 “(i) the State or States in which they
11 are located, including a multi-State entity
12 established by a compact between two or
13 more States; and

14 “(ii) the incorporated municipalities,
15 counties, and parishes that they encom-
16 pass.

17 “(10) **TERRORISM PREPAREDNESS.**—The term
18 ‘terrorism preparedness’ means any activity designed
19 to improve the ability to prevent, prepare for, re-
20 spond to, mitigate against, or recover from threat-
21 ened or actual terrorist attacks.

22 **“SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RE-**
23 **SPONDERS.**

24 “(a) **COVERED GRANTS.**—This title applies to grants
25 provided by the Department to States, regions, or directly

1 eligible tribes for the primary purpose of improving the
2 ability of first responders to prevent, prepare for, respond
3 to, mitigate against, or recover from threatened or actual
4 terrorist attacks, especially those involving weapons of
5 mass destruction, administered under the following:

6 “(1) STATE HOMELAND SECURITY GRANT PRO-
7 GRAM.—The State Homeland Security Grant Pro-
8 gram of the Department, or any successor to such
9 grant program.

10 “(2) URBAN AREA SECURITY INITIATIVE.—The
11 Urban Area Security Initiative of the Department,
12 or any successor to such grant program.

13 “(3) LAW ENFORCEMENT TERRORISM PREVEN-
14 TION PROGRAM.—The Law Enforcement Terrorism
15 Prevention Program of the Department, or any suc-
16 cessor to such grant program.

17 “(b) EXCLUDED PROGRAMS.—This title does not
18 apply to or otherwise affect the following Federal grant
19 programs or any grant under such a program:

20 “(1) NONDEPARTMENT PROGRAMS.—Any Fed-
21 eral grant program that is not administered by the
22 Department.

23 “(2) FIRE GRANT PROGRAMS.—The fire grant
24 programs authorized by sections 33 and 34 of the

1 Federal Fire Prevention and Control Act of 1974
2 (15 U.S.C. 2229, 2229a).

3 “(3) EMERGENCY MANAGEMENT PLANNING
4 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-
5 gency Management Performance Grant program and
6 the Urban Search and Rescue Grants program au-
7 thorized by title VI of the Robert T. Stafford Dis-
8 aster Relief and Emergency Assistance Act (42
9 U.S.C. 5195 et seq.); the Departments of Veterans
10 Affairs and Housing and Urban Development, and
11 Independent Agencies Appropriations Act, 2000
12 (113 Stat. 1047 et seq.); and the Earthquake Haz-
13 ards Reduction Act of 1977 (42 U.S.C. 7701 et
14 seq.).

15 **“SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.**

16 “(a) GRANT ELIGIBILITY.—Any State, region, or di-
17 rectly eligible tribe shall be eligible to apply for a covered
18 grant.

19 “(b) GRANT CRITERIA.—The Secretary shall award
20 covered grants to assist States and local governments in
21 achieving, maintaining, and enhancing the essential capa-
22 bilities for terrorism preparedness established by the Sec-
23 retary.

24 “(c) STATE HOMELAND SECURITY PLANS.—

1 “(1) SUBMISSION OF PLANS.—The Secretary
2 shall require that any State applying to the Sec-
3 retary for a covered grant must submit to the Sec-
4 retary a 3-year State homeland security plan that—

5 “(A) describes the essential capabilities
6 that communities within the State should pos-
7 sess, or to which they should have access, based
8 upon the terrorism risk factors relevant to such
9 communities, in order to meet the Department’s
10 goals for terrorism preparedness;

11 “(B) demonstrates the extent to which the
12 State has achieved the essential capabilities
13 that apply to the State;

14 “(C) demonstrates the needs of the State
15 necessary to achieve, maintain, or enhance the
16 essential capabilities that apply to the State;

17 “(D) includes a prioritization of such needs
18 based on threat, vulnerability, and consequence
19 assessment factors applicable to the State;

20 “(E) describes how the State intends—

21 “(i) to address such needs at the city,
22 county, regional, tribal, State, and inter-
23 state level, including a precise description
24 of any regional structure the State has es-
25 tablished for the purpose of organizing

1 homeland security preparedness activities
2 funded by covered grants;

3 “(ii) to use all Federal, State, and
4 local resources available for the purpose of
5 addressing such needs; and

6 “(iii) to give particular emphasis to
7 regional planning and cooperation, includ-
8 ing the activities of multijurisdictional
9 planning agencies governed by local offi-
10 cials, both within its jurisdictional borders
11 and with neighboring States;

12 “(F) with respect to the emergency pre-
13 paredness of first responders, addresses the
14 unique aspects of terrorism as part of a com-
15 prehensive State emergency management plan;
16 and

17 “(G) provides for coordination of response
18 and recovery efforts at the local level, including
19 procedures for effective incident command in
20 conformance with the National Incident Man-
21 agement System.

22 “(2) CONSULTATION.—The State plan sub-
23 mitted under paragraph (1) shall be developed in
24 consultation with and subject to appropriate com-

1 ment by local governments and first responders
2 within the State.

3 “(3) APPROVAL BY SECRETARY.—The Sec-
4 retary may not award any covered grant to a State
5 unless the Secretary has approved the applicable
6 State homeland security plan.

7 “(4) REVISIONS.—A State may revise the appli-
8 cable State homeland security plan approved by the
9 Secretary under this subsection, subject to approval
10 of the revision by the Secretary.

11 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-
12 retary shall ensure that each covered grant is used to sup-
13 plement and support, in a consistent and coordinated
14 manner, the applicable State homeland security plan or
15 plans.

16 “(e) APPLICATION FOR GRANT.—

17 “(1) IN GENERAL.—Except as otherwise pro-
18 vided in this subsection, any State, region, or di-
19 rectly eligible tribe may apply for a covered grant by
20 submitting to the Secretary an application at such
21 time, in such manner, and containing such informa-
22 tion as is required under this subsection, or as the
23 Secretary may reasonably require.

24 “(2) DEADLINES FOR APPLICATIONS AND
25 AWARDS.—All applications for covered grants must

1 be submitted at such time as the Secretary may rea-
2 sonably require for the fiscal year for which they are
3 submitted. The Secretary shall award covered grants
4 pursuant to all approved applications for such fiscal
5 year as soon as practicable, but not later than
6 March 1 of such year.

7 “(3) AVAILABILITY OF FUNDS.—All funds
8 awarded by the Secretary under covered grants in a
9 fiscal year shall be available for obligation through
10 the end of the subsequent fiscal year.

11 “(4) MINIMUM CONTENTS OF APPLICATION.—
12 The Secretary shall require that each applicant in-
13 clude in its application, at a minimum—

14 “(A) the purpose for which the applicant
15 seeks covered grant funds and the reasons why
16 the applicant needs the covered grant to meet
17 the essential capabilities for terrorism prepared-
18 ness within the State, region, or directly eligible
19 tribe to which the application pertains;

20 “(B) a description of how, by reference to
21 the applicable State homeland security plan or
22 plans under subsection (c), the allocation of
23 grant funding proposed in the application, in-
24 cluding, where applicable, the amount not
25 passed through to local governments, first re-

1 sponders, and other local groups, would assist
2 in fulfilling the essential capabilities for ter-
3 rorism preparedness specified in such plan or
4 plans;

5 “(C) a statement of whether a mutual aid
6 agreement applies to the use of all or any por-
7 tion of the covered grant funds;

8 “(D) if the applicant is a State, a descrip-
9 tion of how the State plans to allocate the cov-
10 ered grant funds to regions, local governments,
11 and Indian tribes;

12 “(E) if the applicant is a region—

13 “(i) a precise geographical description
14 of the region and a specification of all par-
15 ticipating and nonparticipating local gov-
16 ernments within the geographical area
17 comprising that region;

18 “(ii) a specification of what govern-
19 mental entity within the region will admin-
20 ister the expenditure of funds under the
21 covered grant; and

22 “(iii) a designation of a specific indi-
23 vidual to serve as regional liaison;

1 “(F) a capital budget showing how the ap-
2 plicant intends to allocate and expend the cov-
3 ered grant funds;

4 “(G) if the applicant is a directly eligible
5 tribe, a designation of a specific individual to
6 serve as the tribal liaison; and

7 “(H) a statement of how the applicant in-
8 tends to meet the matching requirement, if any,
9 that applies under section 2005(g).

10 “(5) REGIONAL APPLICATIONS.—

11 “(A) RELATIONSHIP TO STATE APPLICA-
12 TIONS.—A regional application—

13 “(i) shall be coordinated with an ap-
14 plication submitted by the State or States
15 of which such region is a part;

16 “(ii) shall supplement and avoid dupli-
17 cation with such State application; and

18 “(iii) shall address the unique regional
19 aspects of such region’s terrorism pre-
20 paredness needs beyond those provided for
21 in the application of such State or States.

22 “(B) STATE REVIEW AND SUBMISSION.—

23 To ensure the consistency required under sub-
24 section (d) and the coordination required under
25 subparagraph (A), an applicant that is a region

1 must submit its application to each State of
2 which any part is included in the region for re-
3 view and concurrence prior to the submission of
4 such application to the Secretary. The regional
5 application shall be transmitted to the Sec-
6 retary through each such State within 30 days
7 of its receipt, unless the Governor of such a
8 State notifies the Secretary, in writing, that
9 such regional application is inconsistent with
10 the State's homeland security plan and provides
11 an explanation of the reasons therefor.

12 “(C) DISTRIBUTION OF REGIONAL
13 AWARDS.—If the Secretary approves a regional
14 application, then the Secretary shall distribute
15 a regional award to the State or States submit-
16 ting the applicable regional application under
17 subparagraph (B), and each such State shall,
18 not later than the end of the 45-day period be-
19 ginning on the date after receiving a regional
20 award, pass through to the region all covered
21 grant funds or resources purchased with such
22 funds, except those funds necessary for the
23 State to carry out its responsibilities with re-
24 spect to such regional application: *Provided*,
25 That in no such case shall the State or States

1 pass through to the region less than 80 percent
2 of the regional award.

3 “(D) CERTIFICATIONS REGARDING DIS-
4 TRIBUTION OF GRANT FUNDS TO REGIONS.—
5 Any State that receives a regional award under
6 subparagraph (C) shall certify to the Secretary,
7 by not later than 30 days after the expiration
8 of the period described in subparagraph (C)
9 with respect to the grant, that the State has
10 made available to the region the required funds
11 and resources in accordance with subparagraph
12 (C).

13 “(E) DIRECT PAYMENTS TO REGIONS.—If
14 any State fails to pass through a regional
15 award to a region as required by subparagraph
16 (C) within 45 days after receiving such award
17 and does not request or receive an extension of
18 such period, the region may petition the Sec-
19 retary to receive directly the portion of the re-
20 gional award that is required to be passed
21 through to such region under subparagraph
22 (C).

23 “(F) REGIONAL LIAISONS.—A regional li-
24 aison designated under paragraph (4)(E)(iii)
25 shall—

1 “(i) coordinate with Federal, State,
2 local, regional, and private officials within
3 the region concerning terrorism prepared-
4 ness;

5 “(ii) develop a process for receiving
6 input from Federal, State, local, regional,
7 and private sector officials within the re-
8 gion to assist in the development of the re-
9 gional application and to improve the re-
10 gion’s access to covered grants; and

11 “(iii) administer, in consultation with
12 State, local, regional, and private officials
13 within the region, covered grants awarded
14 to the region.

15 “(6) TRIBAL APPLICATIONS.—

16 “(A) SUBMISSION TO THE STATE OR
17 STATES.—To ensure the consistency required
18 under subsection (d), an applicant that is a di-
19 rectly eligible tribe must submit its application
20 to each State within the boundaries of which
21 any part of such tribe is located for direct sub-
22 mission to the Department along with the appli-
23 cation of such State or States.

24 “(B) OPPORTUNITY FOR STATE COM-
25 MENT.—Before awarding any covered grant to

1 a directly eligible tribe, the Secretary shall pro-
2 vide an opportunity to each State within the
3 boundaries of which any part of such tribe is lo-
4 cated to comment to the Secretary on the con-
5 sistency of the tribe’s application with the
6 State’s homeland security plan. Any such com-
7 ments shall be submitted to the Secretary con-
8 currently with the submission of the State and
9 tribal applications.

10 “(C) FINAL AUTHORITY.—The Secretary
11 shall have final authority to determine the con-
12 sistency of any application of a directly eligible
13 tribe with the applicable State homeland secu-
14 rity plan or plans, and to approve any applica-
15 tion of such tribe. The Secretary shall notify
16 each State within the boundaries of which any
17 part of such tribe is located of the approval of
18 an application by such tribe.

19 “(D) TRIBAL LIAISON.—A tribal liaison
20 designated under paragraph (4)(G) shall—

21 “(i) coordinate with Federal, State,
22 local, regional, and private officials con-
23 cerning terrorism preparedness;

24 “(ii) develop a process for receiving
25 input from Federal, State, local, regional,

1 and private sector officials to assist in the
2 development of the application of such
3 tribe and to improve the tribe's access to
4 covered grants; and

5 “(iii) administer, in consultation with
6 State, local, regional, and private officials,
7 covered grants awarded to such tribe.

8 “(E) LIMITATION ON THE NUMBER OF DI-
9 RECT GRANTS.—The Secretary may make cov-
10 ered grants directly to not more than 20 di-
11 rectly eligible tribes per fiscal year.

12 “(F) TRIBES NOT RECEIVING DIRECT
13 GRANTS.—An Indian tribe that does not receive
14 a grant directly under this section is eligible to
15 receive funds under a covered grant from the
16 State or States within the boundaries of which
17 any part of such tribe is located, consistent with
18 the homeland security plan of the State as de-
19 scribed in subsection (c). If a State fails to pass
20 through funds, the tribe may petition the Sec-
21 retary to receive payment in the same manner
22 as a local government.

23 “(7) EQUIPMENT STANDARDS.—If an applicant
24 for a covered grant proposes to upgrade or purchase,
25 with assistance provided under the grant, new equip-

1 ment or systems that do not meet or exceed any ap-
2 plicable national voluntary consensus standards, the
3 applicant shall include in the application an expla-
4 nation of why such equipment or systems will serve
5 the needs of the applicant better than equipment or
6 systems that meet or exceed such standards.

7 **“SEC. 2004. RISK-BASED EVALUATION AND**
8 **PRIORITIZATION.**

9 “(a) FIRST RESPONDER GRANTS BOARD.—

10 “(1) ESTABLISHMENT OF BOARD.—The Sec-
11 retary shall establish a First Responder Grants
12 Board, consisting of—

13 “(A) the Secretary;

14 “(B) the Under Secretary for Science and
15 Technology;

16 “(C) the Under Secretary for Policy;

17 “(D) the Director of the Federal Emer-
18 gency Management Agency;

19 “(E) the Assistant Secretary for United
20 States Immigration and Customs Enforcement;

21 “(F) the Chief Intelligence Officer;

22 “(G) the Administrator of the United
23 States Fire Administration;

24 “(H) the Department official with primary
25 responsibility for preparedness;

1 “(I) the Department official with primary
2 responsibility for grants; and

3 “(J) the Administrator of the Animal and
4 Plant Health Inspection Service.

5 “(2) CHAIRMAN.—

6 “(A) IN GENERAL.—The Secretary shall be
7 the Chairman of the Board.

8 “(B) EXERCISE OF AUTHORITIES BY DEP-
9 UTY SECRETARY.—The Deputy Secretary of
10 Homeland Security may exercise the authorities
11 of the Chairman, if the Secretary so directs.

12 “(b) FUNCTIONS OF BOARD MEMBERS.—The Under
13 Secretaries, Assistant Secretaries, Administrators, and
14 other officials referred to in subsection (a)(1) shall seek
15 to ensure that the relevant expertise and input of their
16 staff are available to and considered by the Board.

17 “(c) PRIORITIZATION OF GRANT APPLICATIONS.—

18 “(1) FACTORS TO BE CONSIDERED.—The
19 Board shall evaluate and annually prioritize all
20 pending applications for covered grants based
21 upon—

22 “(A) the degree to which they would, by
23 achieving, maintaining, or enhancing the essen-
24 tial capabilities of the applicants on a nation-
25 wide basis, lessen the threat to, vulnerability of,

1 and consequences for persons (including tran-
2 sient commuting and tourist populations) and
3 critical infrastructure;

4 “(B) prior acts of international terrorism;

5 “(C) elevations in the threat alert level;

6 “(D) the existence of significant ports of
7 entry; and

8 “(E) the most current risk assessment
9 available of the threats of terrorism against the
10 United States.

11 “(2) CRITICAL INFRASTRUCTURE SECTORS.—

12 The Board specifically shall consider threats of ter-
13 rorism against the following critical infrastructure
14 sectors in all areas of the United States, urban and
15 rural:

16 “(A) Agriculture and food.

17 “(B) Banking and finance.

18 “(C) Chemical industries.

19 “(D) The defense industrial base.

20 “(E) Emergency services.

21 “(F) Energy.

22 “(G) Government facilities.

23 “(H) Postal and shipping.

24 “(I) Public health and health care.

25 “(J) Information technology.

1 “(K) Telecommunications.

2 “(L) Transportation systems.

3 “(M) Water.

4 “(N) Dams.

5 “(O) Commercial facilities.

6 “(P) National monuments and icons.

7 The order in which the critical infrastructure sectors
8 are listed in this paragraph shall not be construed
9 as an order of priority for consideration of the im-
10 portance of such sectors.

11 “(3) TYPES OF THREAT.—The Board specifi-
12 cally shall consider the following types of threat to
13 the critical infrastructure sectors described in para-
14 graph (2), and to populations in all areas of the
15 United States, urban and rural:

16 “(A) Biological threats.

17 “(B) Nuclear threats.

18 “(C) Radiological threats.

19 “(D) Incendiary threats.

20 “(E) Chemical threats.

21 “(F) Explosives.

22 “(G) Suicide bombers.

23 “(H) Cyber threats.

1 “(I) Any other threats based on proximity
2 to specific past acts of terrorism or the known
3 activity of any terrorist group.

4 The order in which the types of threat are listed in
5 this paragraph shall not be construed as an order of
6 priority for consideration of the importance of such
7 threats.

8 “(4) CONSIDERATION OF ADDITIONAL FAC-
9 TORS.—The Board shall take into account any other
10 specific threat to a population (including a transient
11 commuting or tourist population) or critical infra-
12 structure sector that the Board has determined to
13 exist. In evaluating the threat to a population or
14 critical infrastructure sector, the Board shall give
15 greater weight to threats of terrorism based upon
16 their specificity and credibility, including any pat-
17 tern of repetition.

18 “(5) RISK ANALYSIS AND ASSESSMENT.—Prior
19 to evaluating and prioritizing all pending applica-
20 tions for covered grants, the Board shall provide an
21 opportunity for applicants to provide information to
22 the Board regarding the risk profile of the appli-
23 cants’ jurisdictions.”

24 “(6) COORDINATION.—The Board shall coordi-
25 nate with State, local, regional, and tribal officials in

1 establishing criteria for evaluating and prioritizing
2 applications for covered grants.

3 “(7) MINIMUM AMOUNTS.—After evaluating
4 and prioritizing grant applications under paragraph
5 (1), the Board shall ensure that, for each fiscal
6 year—

7 “(A) each of the States, other than the
8 Virgin Islands, American Samoa, Guam, and
9 the Northern Mariana Islands, that has an ap-
10 proved State homeland security plan receives no
11 less than 0.25 percent of the funds available for
12 covered grants for that fiscal year for purposes
13 of implementing its homeland security plan in
14 accordance with the prioritization of needs
15 under section 2003(c)(1)(D);

16 “(B) each of the States, other than the
17 Virgin Islands, American Samoa, Guam, and
18 the Northern Mariana Islands, that has an ap-
19 proved State homeland security plan and that
20 meets one or both of the additional high-risk
21 qualifying criteria under paragraph (8) receives
22 no less than 0.45 percent of the funds available
23 for covered grants for that fiscal year for pur-
24 poses of implementing its homeland security

1 plan in accordance with the prioritization of
2 needs under section 2003(c)(1)(D);

3 “(C) the Virgin Islands, American Samoa,
4 Guam, and the Northern Mariana Islands each
5 receives no less than 0.08 percent of the funds
6 available for covered grants for that fiscal year
7 for purposes of implementing its approved State
8 homeland security plan in accordance with the
9 prioritization of needs under section
10 2003(c)(1)(D); and

11 “(D) directly eligible tribes collectively re-
12 ceive no less than 0.08 percent of the funds
13 available for covered grants for such fiscal year
14 for purposes of addressing the needs identified
15 in the applications of such tribes, consistent
16 with the homeland security plan of each State
17 within the boundaries of which any part of any
18 such tribe is located, except that this clause
19 shall not apply with respect to funds available
20 for a fiscal year if the Secretary receives less
21 than 5 applications for such fiscal year from
22 such tribes under section 2003(e)(6)(A) or does
23 not approve at least one such application.

1 “(8) ADDITIONAL HIGH-RISK QUALIFYING CRI-
2 TERIA.—For purposes of paragraph (7)(B), addi-
3 tional high-risk qualifying criteria consist of—

4 “(A) having a significant international
5 land border; or

6 “(B) adjoining a body of water within
7 North America through which an international
8 boundary line extends.

9 “(d) EFFECT OF REGIONAL AWARDS ON STATE MIN-
10 IMUM.—Any regional award, or portion thereof, provided
11 to a State under section 2003(e)(5)(C) shall not be consid-
12 ered in calculating the minimum State award under sub-
13 section (c)(7) of this section.

14 **“SEC. 2005. USE OF FUNDS.**

15 “(a) IN GENERAL.—A covered grant may be used
16 for—

17 “(1) purchasing or upgrading equipment, in-
18 cluding computer software, to enhance terrorism
19 preparedness;

20 “(2) exercises to strengthen terrorism prepared-
21 ness;

22 “(3) training for prevention (including detec-
23 tion) of, preparedness for, response to, or recovery
24 from attacks involving weapons of mass destruction,

1 including training in the use of equipment and com-
2 puter software;

3 “(4) developing or updating State homeland se-
4 curity plans, risk assessments, mutual aid agree-
5 ments, and emergency management plans to enhance
6 terrorism preparedness;

7 “(5) establishing or enhancing mechanisms for
8 sharing terrorism threat information;

9 “(6) systems architecture and engineering, pro-
10 gram planning and management, strategy formula-
11 tion and strategic planning, life-cycle systems de-
12 sign, product and technology evaluation, and proto-
13 type development for terrorism preparedness pur-
14 poses;

15 “(7) additional personnel costs resulting from—

16 “(A) elevations in the threat alert level of
17 the Homeland Security Advisory System by the
18 Secretary, or a similar elevation in threat alert
19 level issued by a State, region, or local govern-
20 ment with the approval of the Secretary;

21 “(B) travel to and participation in exer-
22 cises and training in the use of equipment and
23 on prevention activities; and

24 “(C) the temporary replacement of per-
25 sonnel during any period of travel to and par-

1 ticipation in exercises and training in the use of
2 equipment and on prevention activities;

3 “(8) the costs of equipment (including software)
4 required to receive, transmit, handle, and store clas-
5 sified information;

6 “(9) the costs of commercially available inter-
7 operable communications equipment (which, where
8 applicable, is based on national, voluntary consensus
9 standards) that the Secretary, in consultation with
10 the Chairman of the Federal Communications Com-
11 mission, deems best suited to facilitate interoper-
12 ability, coordination, and integration between and
13 among emergency communications systems, and that
14 complies with prevailing grant guidance of the De-
15 partment for interoperable communications;

16 “(10) educational curricula development for
17 first responders to ensure that they are prepared for
18 terrorist attacks;

19 “(11) training and exercises to assist public ele-
20 mentary and secondary schools in developing and
21 implementing programs to instruct students regard-
22 ing age-appropriate skills to prevent, prepare for, re-
23 spond to, mitigate against, or recover from an act of
24 terrorism;

1 “(12) paying of administrative expenses directly
2 related to administration of the grant, except that
3 such expenses may not exceed 3 percent of the
4 amount of the grant;

5 “(13) paying for the conduct of any activity
6 permitted under the Law Enforcement Terrorism
7 Prevention Program, or any such successor to such
8 program; and

9 “(14) other appropriate activities as determined
10 by the Secretary.

11 “(b) PROHIBITED USES.—Funds provided as a cov-
12 ered grant may not be used—

13 “(1) to supplant State or local funds;

14 “(2) to construct buildings or other physical fa-
15 cilities, including barriers, fences, gates, and other
16 such devices intended for the protection of critical
17 infrastructure against potential attack, except those
18 that are constructed under terms and conditions
19 consistent with the requirements of section 611(j)(8)
20 of the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5196(j)(8)), and
22 the cost of which does not exceed the greater of—

23 “(A) \$1,000,000 per project; or

24 “(B) such greater amount as may be ap-
25 proved by the Secretary, which may not exceed

1 10 percent of the total amount of the covered
2 grant;

3 “(3) to acquire land; or

4 “(4) for any State or local government cost
5 sharing contribution.

6 “(c) PERSONNEL COSTS.—A State and local govern-
7 ment may use a covered grant to pay costs of personnel
8 dedicated exclusively to counterterrorism and intelligence
9 activities (including detection of, collection and analysis of
10 intelligence relating to, investigation of, prevention of, and
11 interdiction of suspected terrorist activities), if the hiring
12 of such personnel is consistent with an applicable State
13 homeland security plan.”

14 “(d) MULTIPLE-PURPOSE FUNDS.—Nothing in this
15 section shall be construed to preclude State and local gov-
16 ernments from using covered grant funds in a manner
17 that also enhances first responder preparedness for emer-
18 gencies and disasters unrelated to acts of terrorism, if
19 such use assists such governments in achieving essential
20 capabilities for terrorism preparedness established by the
21 Secretary.

22 “(e) REIMBURSEMENT OF COSTS.—(1) In addition to
23 the activities described in subsection (a), a covered grant
24 may be used to provide a reasonable stipend to paid-on-
25 call or volunteer first responders who are not otherwise

1 compensated for travel to or participation in training cov-
2 ered by this section. Any such reimbursement shall not
3 be considered compensation for purposes of rendering
4 such a first responder an employee under the Fair Labor
5 Standards Act of 1938 (29 U.S.C. 201 et seq.).

6 “(2) An applicant for a covered grant may petition
7 the Secretary for the reimbursement of the cost of any
8 activity relating to prevention (including detection) of, pre-
9 paredness for, response to, or recovery from acts of ter-
10 rorism that is a Federal duty and usually performed by
11 a Federal agency, and that is being performed by a State
12 or local government (or both) under agreement with a
13 Federal agency.

14 “(f) ASSISTANCE REQUIREMENT.—The Secretary
15 may not require that equipment paid for, wholly or in part,
16 with funds provided as a covered grant be made available
17 for responding to emergencies in surrounding States, re-
18 gions, and localities, unless the Secretary undertakes to
19 pay the costs directly attributable to transporting and op-
20 erating such equipment during such response.

21 “(g) COST SHARING.—

22 “(1) IN GENERAL.—The Federal share of the
23 costs of an activity carried out with a covered grant
24 to a State, region, or directly eligible tribe awarded
25 after the 2-year period beginning on the date of the

1 enactment of this section shall not exceed 75 per-
2 cent.

3 “(2) INTERIM RULE.—The Federal share of the
4 costs of an activity carried out with a covered grant
5 awarded before the end of the 2-year period begin-
6 ning on the date of the enactment of this section
7 shall be 100 percent.

8 “(3) IN-KIND MATCHING.—Each recipient of a
9 covered grant may meet the matching requirement
10 under subparagraph (A) by making in-kind contribu-
11 tions of goods or services that are directly linked
12 with the purpose for which the grant is made, as de-
13 termined by the Secretary, including any necessary
14 personnel overtime, contractor services, administra-
15 tive costs, equipment fuel and maintenance, and
16 rental space”.

17 (b) DEFINITION OF EMERGENCY RESPONSE PRO-
18 VIDERS.—Paragraph (6) of section 2 of the Homeland Se-
19 curity Act of 2002 (Public Law 107–296; 6 U.S.C.
20 101(6)) is amended by striking “includes” and all that
21 follows and inserting “includes Federal, State, and local
22 governmental and nongovernmental emergency public
23 safety, law enforcement, fire, emergency response, emer-
24 gency medical (including hospital emergency facilities),

1 and related personnel, organizations, agencies, and au-
2 thorities.”.

3 (c) SUPERSEDED PROVISION.—This section super-
4 sedes section 1014(c)(3) of Public Law 107–56.

5 **SEC. 802. AUTHORIZATION OF APPROPRIATIONS.**

6 Of the amount authorized to be appropriated under
7 section 101 for fiscal year 2007, \$2,900,000,000 is for
8 making covered grants (as that term is defined in section
9 2001 of the Homeland Security Act of 2002, as added
10 by section 801 for that fiscal year.

11 **TITLE IX—TRANSPORTATION**
12 **SECURITY**

13 **Subtitle A—Rail and Public**
14 **Transportation Security**

15 **SEC. 901. TRANSPORTATION SECURITY.**

16 (a) IN GENERAL.—Title IV of the Homeland Secu-
17 rity Act of 2002 (6 U.S.C. 201 et seq.) is amended by
18 adding at the end the following new subtitle:

19 **“Subtitle G—Transportation**
20 **Security**

21 **“SEC. 481. RAIL AND PUBLIC TRANSPORTATION VULNER-**
22 **ABILITY ASSESSMENTS AND SECURITY**
23 **PLANS.**

24 “(a) IN GENERAL.—

1 “(1) REQUIREMENT.—Not later than 1 year
2 after the date of enactment of this subtitle, the Sec-
3 retary, acting through the Transportation Security
4 Administration, shall promulgate regulations that—

5 “(A) establish standards, protocols, and
6 procedures for vulnerability assessments and se-
7 curity plans for rail and public transportation
8 systems;

9 “(B) require a designated rail or public
10 transportation system owner or operator (as
11 designated under subsection (b)) to—

12 “(i) conduct an assessment of the vul-
13 nerability of the rail or public transpor-
14 tation system to an act of terrorism; and

15 “(ii) prepare and implement a security
16 plan that addresses the vulnerabilities
17 identified in the vulnerability assessment;
18 and

19 “(C) set deadlines of no later than 2 years
20 after the promulgation of the regulations for
21 the completion of vulnerability assessments and
22 security plans.

23 “(2) CONSULTATION.—In promulgating the
24 regulations under paragraph (1) the Secretary shall

1 consult with the Department of Transportation and
2 other appropriate Federal agencies.

3 “(b) DESIGNATED RAIL OR PUBLIC TRANSPOR-
4 TATION SYSTEM.—For the purposes of this subtitle, the
5 term ‘designated rail or public transportation system’
6 means—

7 “(1) a heavy rail, light rail, commuter rail, or
8 other freight or passenger rail system, including
9 Federal and government sponsored entities;

10 “(2) a ferry system; or

11 “(3) an intracity or intercity bus system.

12 “(c) VULNERABILITY ASSESSMENTS.—

13 “(1) REQUIREMENTS.—For a rail or public
14 transportation system designated under subsection
15 (b), the Secretary shall provide assistance and guid-
16 ance in conducting vulnerability assessments and
17 shall require that the vulnerability assessments in-
18 clude at a minimum—

19 “(A) identification and evaluation of crit-
20 ical infrastructure and assets, including subway
21 platforms, rail, bus, and ferry terminals, rail
22 tunnels, rail bridges, rail switching and storage
23 areas, and information systems; and

1 “(B) identification of vulnerabilities to the
2 infrastructure and assets identified under sub-
3 paragraph (A) in—

4 “(i) physical security;

5 “(ii) passenger and commuter secu-
6 rity;

7 “(iii) programmable electronic devices,
8 computers, computer or communications
9 networks, or other automated systems
10 which are used by the rail or public trans-
11 portation system;

12 “(iv) alarms, cameras and other pro-
13 tection systems;

14 “(v) communications systems;

15 “(vi) utilities;

16 “(vii) contingency response; and

17 “(viii) other areas as determined by
18 the Secretary.

19 “(2) THREAT INFORMATION.—

20 “(A) The vulnerability assessments under
21 paragraph (1) shall incorporate any threat in-
22 formation as provided by the Secretary, and
23 any other threat information relevant to the
24 vulnerability of the rail or public transportation
25 system.

1 “(B) The Secretary shall provide in a time-
2 ly manner, to the maximum extent practicable
3 under applicable authority and in the interests
4 of national security, to the rail or public trans-
5 portation system subject to the requirements in
6 paragraph (1), threat information that is rel-
7 evant to that rail or public transportation sys-
8 tem, including an assessment of the most likely
9 method that could be used by terrorists to ex-
10 ploit vulnerabilities, and their likelihood of suc-
11 cess.

12 “(d) SECURITY PLANS.—

13 “(1) REQUIREMENTS.—For a rail or public
14 transportation system designated under subsection
15 (b), the Secretary shall provide assistance and guid-
16 ance in preparing and implementing security plans
17 and shall require that the security plan include at a
18 minimum—

19 “(A) security measures to address the
20 vulnerabilities identified in the vulnerability as-
21 sessment required under subsection (c);

22 “(B) plans for periodic drills and exercises
23 that include participation by local law enforce-
24 ment agencies and first responders as appro-
25 priate;

1 “(C) equipment, plans, and procedures to
2 be implemented or used by the rail or public
3 transportation system in response to a terrorist
4 attack, including evacuation and passenger
5 communication plans;

6 “(D) identification of steps taken with
7 State and local law enforcement agencies, first
8 responders, and Federal officials to coordinate
9 security measures and plans for response to a
10 terrorist attack;

11 “(E) a description of training and exer-
12 cises for employees of a rail or public transpor-
13 tation system, which includes, as appropriate, a
14 strategy or timeline for training;

15 “(F) enhanced security measures to be
16 taken when the Secretary declares a period of
17 heightened security risk; and

18 “(G) other actions or procedures the Sec-
19 retary determines are appropriate to address
20 the vulnerability of a rail or public transpor-
21 tation system to a terrorist attack.

22 “(2) CONSISTENCY WITH OTHER PLANS.—Secu-
23 rity plans shall be consistent with the requirements
24 of the National Infrastructure Protection Plan (in-
25 cluding any Transportation Sector Specific Plan)

1 and the National Strategy for Transportation Secu-
2 rity.

3 “(e) EXISTING PROCEDURES, PROTOCOLS, AND
4 STANDARDS.—

5 “(1) DETERMINATION.—In response to a peti-
6 tion by a person, or at the discretion of the Sec-
7 retary, the Secretary may endorse or recognize exist-
8 ing procedures, protocols, and standards that the
9 Secretary determines to meet all or part of the re-
10 quirements of this subtitle regarding vulnerability
11 assessments and security plans.

12 “(2) REQUIREMENTS.—Upon review and writ-
13 ten determination by the Secretary that existing pro-
14 cedures, protocols, or standards for a rail or public
15 transportation system satisfy some or all of the re-
16 quirements of this subtitle, any rail or public trans-
17 portation system may elect to comply with those pro-
18 cedures, protocols, or standards.

19 “(3) PARTIAL APPROVAL.—If the Secretary
20 finds that the existing procedures, protocols, and
21 standards satisfy only part of the requirements of
22 this subtitle, he may accept those submissions, but
23 shall require submission of any additional informa-
24 tion relevant to vulnerability assessments and secu-

1 rity plans to ensure that the requirements of this
2 subtitle are fulfilled.

3 “(4) NOTIFICATION.—If the Secretary does not
4 endorse or recognize particular procedures, proto-
5 cols, and standards, the Secretary shall provide to
6 each person that submitted a petition under para-
7 graph (1) a written notification that includes an ex-
8 planation of the reasons why the endorsement or
9 recognition was not made.

10 “(f) CO-LOCATED FACILITIES.—The Secretary shall
11 permit the development and implementation of coordi-
12 nated vulnerability assessments and security plans, at the
13 discretion of a rail or public transportation system owner
14 or operator, to the extent two or more rail or public trans-
15 portation systems have shared facilities, such as tunnels,
16 bridges, or stations, or facilities that are geographically
17 close or otherwise co-located.

18 “(g) ENFORCEMENT.—Regulations promulgated
19 under this section may be enforced by the Secretary
20 through penalties authorized under section 114(u) of title
21 49, United States Code.

22 **“SEC. 482. NATIONAL RAIL AND PUBLIC TRANSPORTATION**
23 **SECURITY PLAN.**

24 “(a) IN GENERAL.—The Secretary shall develop and
25 implement, and update as appropriate, a supplement to

1 the National Strategy for Transportation Security re-
2 quired under section 114(t) of title 49, United States Code
3 to be entitled the ‘National Rail and Public Transpor-
4 tation Security Plan’.

5 “(b) INCLUDED ELEMENTS.—The supplement re-
6 quired under subsection (a) shall—

7 “(1) include a description of the roles, respon-
8 sibilities, and authorities of Federal, State, and local
9 agencies, designated Federal and government spon-
10 sored entities, tribal governments, and appropriate
11 rail and public transportation stakeholders, including
12 nonprofit employee organizations that represent rail
13 and public transportation system employees;

14 “(2) identify and address gaps and unnecessary
15 overlaps in the roles, responsibilities, or authorities
16 described in paragraph (1);

17 “(3) identify and make recommendations re-
18 garding legislative, regulatory, and organizational
19 changes necessary to improve coordination among
20 the entities described in paragraph (1) to enhance
21 the security of rail and public transportation sys-
22 tems;

23 “(4) provide measurable goals, including objec-
24 tives, mechanisms and a schedule, for enhancing the
25 security of rail and public transportation systems;

1 “(5) include a process for sharing intelligence
2 and information with the entities described in para-
3 graph (1);

4 “(6) include a process for expediting security
5 clearances to facilitate intelligence and information
6 sharing with the entities described in paragraph (1);

7 “(7) describe current and future public out-
8 reach and educational initiatives designed to inform
9 the public how to prevent, prepare for and respond
10 to a terrorist attack on rail and public transpor-
11 tation systems;

12 “(8) include a framework for resuming the op-
13 eration of rail and public transportation systems as
14 soon as possible in the event of an act of terrorism;

15 “(9) include a strategy and timeline for the De-
16 partment and other appropriate Federal agencies to
17 research and develop new technologies, including ad-
18 vanced technologies with long term research and de-
19 velopment timelines for securing rail and public
20 transportation systems;

21 “(10) build on available resources and consider
22 costs and benefits;

23 “(11) describe how the Department has re-
24 viewed the previous attacks on rail and public trans-
25 portation systems throughout the world in the last

1 10 years, the lessons learned from this review, and
2 how these lessons inform current and future efforts
3 to secure rail and public transportation systems; and

4 “(12) expand upon, leverage, and relate to ex-
5 isting strategies and plans, including the National
6 Infrastructure Protection Plan required by Home-
7 land Security Presidential Directive-7.

8 **“SEC. 483. RAIL AND PUBLIC TRANSPORTATION STRATEGIC**
9 **INFORMATION SHARING PLAN.**

10 “(a) IN GENERAL.—The Secretary, in consultation
11 with the Secretary of Transportation, shall develop and
12 submit to the appropriate congressional committees no
13 later than 90 days after the enactment of this subtitle a
14 Rail and Public Transportation Strategic Information
15 Sharing Plan to ensure the robust development of both
16 tactical and strategic intelligence products pertaining to
17 the threats and vulnerabilities to rail and public transpor-
18 tation systems for dissemination to Federal, State, and
19 local agencies; tribal governments; and appropriate rail
20 and public transportation stakeholders.

21 “(b) CONTENT OF PLAN.—The plan required under
22 subsection (a) shall include—

23 “(1) a description of how intelligence analysts
24 in the Transportation Security Administration are
25 coordinating with other intelligence analysts in the

1 Department and other Federal, State, and local
2 agencies;

3 “(2) deadlines for the completion of any organi-
4 zational changes within the Department to accom-
5 modate implementation of the plan; and

6 “(3) a description of resource needs for ful-
7 filling the plan.

8 “(c) UPDATES.—

9 “(1) After the plan is provided under subsection
10 (a), the Secretary shall certify to the appropriate
11 congressional committees when the plan has been
12 fully implemented.

13 “(2) After the Secretary provides the certifi-
14 cation under paragraph (1), the Secretary shall pro-
15 vide a report to the appropriate congressional com-
16 mittees each year thereafter on the following:

17 “(A) The number and brief description of
18 each rail and public transportation intelligence
19 report created and disseminated under the plan.

20 “(B) The classification of each report as
21 tactical or strategic.

22 “(C) The numbers of different government,
23 law enforcement, and private sector partners
24 who were provided with each intelligence prod-
25 uct.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of such Act is amended by inserting at the
3 end of the items relating to title IV the following:

“Subtitle G—Transportation Security

“Sec. 481. Rail and public transportation vulnerability assessments and security plans.

“Sec. 482. National rail and public transportation security plan.

“Sec. 483. Rail and public transportation strategic information sharing plan.”.

4 **SEC. 902. RULEMAKING REQUIREMENTS.**

5 (a) INTERIM FINAL RULE AUTHORITY.—The Sec-
6 retary of Homeland Security shall issue an interim final
7 rule as a temporary regulation implementing section 481
8 of the Homeland Security Act of 2002, as added by section
9 901 of this title, as soon as practicable after the date of
10 enactment of this Act, without regard to the provisions
11 of chapter 5 of title 5, United States Code. All regulations
12 prescribed under the authority of this subsection that are
13 not earlier superseded by final regulations shall expire not
14 later than 1 year after the date of enactment of this Act.

15 (b) INITIATION OF RULEMAKING.—The Secretary of
16 Homeland Security may initiate a rulemaking to imple-
17 ment section 481 of the Homeland Security Act of 2002,
18 as added by section 901 of this title, as soon as practicable
19 after the date of enactment of this Act. The final rule
20 issued pursuant to that rulemaking may supersede the in-
21 terim final rule promulgated under this section.

1 **SEC. 903. RAIL AND PUBLIC TRANSPORTATION SECURITY**
2 **TRAINING PROGRAM.**

3 (a) AMENDMENT.—Subtitle A of title VIII of the
4 Homeland Security Act of 2002 (6 U.S.C. 361) is amend-
5 ed by adding at the end the following new section:

6 **“SEC. 802. RAIL AND PUBLIC TRANSPORTATION SECURITY**
7 **TRAINING PROGRAM.**

8 “(a) IN GENERAL.—The Secretary, acting through
9 the appropriate Department official with primary respon-
10 sibility for training programs, and in coordination with the
11 Transportation Security Administration, shall develop and
12 issue detailed guidance for a rail and public transportation
13 worker security training program for the purpose of en-
14 hancing the capabilities of rail and public transportation
15 workers, including front-line transit employees such as bus
16 and rail operators, mechanics, customer service employees,
17 maintenance employees, transit police, emergency re-
18 sponse providers, and security personnel, to prevent, pre-
19 pare for, respond to, mitigate against, and recover from
20 threatened or actual acts of terrorism.

21 “(b) PROGRAM ELEMENTS.—The guidance developed
22 under subsection (a) shall provide a program that—

23 “(1) includes, at a minimum, elements that ad-
24 dress—

25 “(A) determination of the seriousness of
26 any occurrence;

1 “(B) crew and passenger communication
2 and coordination;

3 “(C) recognition of suspicious behavior or
4 actions and appropriate response;

5 “(D) use of protective devices;

6 “(E) evacuation procedures (including pas-
7 sengers, workers, and those with disabilities);

8 “(F) training exercises regarding various
9 threat conditions, including tunnel evacuation
10 procedures; and

11 “(G) any other subject the Secretary con-
12 siders appropriate;

13 “(2) is consistent with, and supports implemen-
14 tation of, the National Incident Management Sys-
15 tem, the National Response Plan, the National In-
16 frastructure Protection Plan, the National Prepared-
17 ness Guidance, the National Preparedness Goals,
18 and other national initiatives;

19 “(3) considers existing training programs in-
20 cluding Federal or industry programs; and

21 “(4) is evaluated against clear and consistent
22 performance measures.

23 “(c) NATIONAL VOLUNTARY CONSENSUS STAND-
24 ARDS.—The Secretary shall—

1 “(1) support the development, promulgation,
2 and regular updating as necessary of national vol-
3 untary consensus standards for rail and public
4 transportation security training; and

5 “(2) ensure that the training provided under
6 this section is consistent with such standards.

7 “(d) TRAINING PARTNERS.—In developing and deliv-
8 ering training under the program under this section, the
9 Secretary shall—

10 “(1) work with government training facilities,
11 academic institutions, industry and private organiza-
12 tions, employee organizations, and other relevant en-
13 tities that provide specialized, state-of-the-art train-
14 ing; and

15 “(2) utilize, as appropriate, training provided
16 by industry, public safety academies, State and pri-
17 vate colleges and universities, and other facilities.

18 “(e) UPDATES.—The Secretary shall regularly up-
19 date the training guidance issued under subsection (a) to
20 reflect new or different security threats.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 (116
23 Stat. 2135) is amended by inserting after the item relating
24 to section 801 the following:

“Sec. 802. Rail and public transportation security training program.”.

1 **SEC. 904. INTERAGENCY COOPERATION.**

2 The Secretary of Homeland Security shall consider
3 whether in fulfilling the requirements of this title, in order
4 to promote communications, efficiency, and nonduplication
5 of effort, memoranda of agreement should be updated or
6 executed with other Federal agencies, including the De-
7 partment of Transportation, or between entities of the De-
8 partment and other Federal entities, including between
9 the Transportation Security Administration and the Fed-
10 eral Transit Administration, the Pipeline and Hazardous
11 Materials Safety Administration, and the Federal Railroad
12 Administration.

13 **SEC. 905. RAIL AND PUBLIC TRANSPORTATION SECURITY**
14 **GRANT PROGRAM.**

15 (a) AMENDMENT.—Title V of the Homeland Security
16 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
17 at the end the following new section:

18 **“SEC. 513. RAIL AND PUBLIC TRANSPORTATION SECURITY**
19 **GRANT PROGRAM.**

20 “(a) GRANTS AUTHORIZED.—The Secretary, acting
21 through the Department official with primary responsi-
22 bility for grants and training, shall establish a grant pro-
23 gram to allocate Federal homeland security assistance ad-
24 ministered by the Department to United States rail and
25 public transportation systems designated under section
26 481 on the basis of risk and need.

1 “(b) PRIORITIZATION PROCESS.—In awarding grants
2 under this section, the Secretary shall conduct an assess-
3 ment of United States rail and public transportation sys-
4 tems to develop a prioritization for awarding grants au-
5 thorized under subsection (a) based upon—

6 “(1) the most current risk assessment available
7 from the Department, incorporating threat, vulner-
8 ability, and consequence analysis;

9 “(2) the national economic and strategic de-
10 fense considerations of individual rail and public
11 transportation systems; and

12 “(3) any other factors that the Secretary deter-
13 mines to be appropriate.

14 “(c) APPLICATION.—

15 “(1) IN GENERAL.—Any rail or public transpor-
16 tation security system subject to the requirements of
17 section 481 may submit an application for a grant
18 under this section, at such time, in such form, and
19 containing such information and assurances as the
20 Secretary may require.

21 “(2) MINIMUM STANDARDS FOR PAYMENT OR
22 REIMBURSEMENT.—Each application submitted
23 under paragraph (1) shall include—

24 “(A) a comprehensive description of—

1 “(i) the purpose of the project for
2 which the applicant seeks a grant under
3 this section and why the applicant needs
4 the grant;

5 “(ii) the applicability of the project to
6 the security plan prepared under section
7 481 and other homeland security plans;

8 “(iii) any existing cooperation or mu-
9 tual aid agreements with other rail or pub-
10 lic transportation systems, organizations,
11 or State, and local governments as such
12 agreements relate to rail and public trans-
13 portation security; and

14 “(iv) a capital budget showing how
15 the applicant intends to allocate and ex-
16 pend the grant funds; and

17 “(B) a determination by the Transpor-
18 tation Security Administration that the
19 project—

20 “(i) addresses or corrects rail and
21 public transportation security
22 vulnerabilities; and

23 “(ii) helps to ensure compliance with
24 the security plan prepared under section
25 481.

1 “(3) PROCEDURAL SAFEGUARDS.—The Sec-
2 retary, in consultation with the Office of the Inspec-
3 tor General and the Department official with pri-
4 mary responsibility for grants and training, shall
5 issue guidelines to establish appropriate accounting,
6 reporting, and review procedures to ensure that—

7 “(A) grant funds are used for the purposes
8 for which they were made available;

9 “(B) grantees have properly accounted for
10 all expenditures of grant funds; and

11 “(C) grant funds not used for such pur-
12 poses and amounts not obligated or expended
13 are returned.

14 “(d) USE OF FUNDS.—Grants awarded under this
15 section may be used—

16 “(1) to help implement security plans prepared
17 under section 481;

18 “(2) to remedy rail and public transportation
19 security vulnerabilities identified through vulner-
20 ability assessments approved by the Secretary;

21 “(3) for non-Federal projects contributing to
22 the overall security of a rail or public transportation
23 security system, as determined by the Secretary;

24 “(4) for the salaries, benefits, overtime com-
25 pensation, and other costs of additional security per-

1 sonnel for State and local agencies for activities re-
2 quired by the security plan prepared under section
3 481;

4 “(5) for the cost of acquisition, operation, and
5 maintenance of equipment that contributes to the
6 overall security of the rail and public transportation
7 security system, if the need is based upon vulner-
8 ability assessments approved by the Secretary or
9 identified in a security plan prepared under section
10 481;

11 “(6) to conduct vulnerability assessments ap-
12 proved by the Secretary;

13 “(7) to purchase or upgrade equipment, includ-
14 ing communications equipment that is interoperable
15 with Federal, State, and local agencies and tribal
16 governments; and computer software, to enhance
17 terrorism preparedness;

18 “(8) to conduct exercises or training for preven-
19 tion and detection of, preparedness for, response to,
20 or recovery from acts of terrorism;

21 “(9) to establish or enhance mechanisms for
22 sharing terrorism threat information and to ensure
23 that the mechanisms are interoperable with Federal,
24 State, and local agencies and tribal governments;

1 “(10) for the cost of equipment (including soft-
2 ware) required to receive, transmit, handle, and
3 store classified information; and

4 “(11) for the protection of critical infrastruc-
5 ture against potential attack by the addition of bar-
6 riers, fences, gates, and other such devices, except
7 that the cost of such measures may not exceed the
8 greater of—

9 “(A) \$1,000,000 per project; or

10 “(B) such greater amount as may be ap-
11 proved by the Secretary, which may not exceed
12 10 percent of the total amount of the grant.

13 “(e) REIMBURSEMENT OF COSTS.—An applicant for
14 a grant under this section may petition the Secretary for
15 the reimbursement of the cost of any activity relating to
16 prevention (including detection) of, preparedness for, re-
17 sponse to, or recovery from acts of terrorism that is a Fed-
18 eral duty and usually performed by a Federal agency, and
19 that is being performed by a State or local government
20 (or both) under agreement with a Federal agency.

21 “(f) PROHIBITED USES.—Grants awarded under this
22 section may not be used to—

23 “(1) supplant State or local funds for activities
24 of the type described in subsection (d);

1 “(2) to construct buildings or other physical fa-
2 cilities, including barriers, fences, gates, and other
3 such devices intended for the protection of critical
4 infrastructure against potential attack, except those
5 that are constructed under terms and conditions
6 consistent with the requirements of section 611(j)(8)
7 of the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5196(j)(8)), and
9 the cost of which does not exceed the greater of—

10 “(A) \$1,000,000 per project; or

11 “(B) such greater amount as may be ap-
12 proved by the Secretary, which may not exceed
13 10 percent of the total amount of the covered
14 grant;

15 “(3) acquire land; or

16 “(4) make any State or local government cost-
17 sharing contribution.

18 “(g) MATCHING REQUIREMENT.—

19 “(1) IN GENERAL.—Except as provided in sub-
20 paragraph (A) or (B) of paragraph (2), Federal
21 funds for any eligible project under this section shall
22 not exceed 75 percent of the total cost of such
23 project.

24 “(2) EXCEPTIONS.—

1 “(A) SMALL PROJECTS.—The requirement
2 of paragraph (1) shall not apply with respect to
3 a project with a total cost of not more than
4 \$25,000.

5 “(B) HIGHER LEVEL OF FEDERAL SUP-
6 PORT REQUIRED.—The requirement of para-
7 graph (1) shall not apply with respect to a
8 project if the Secretary determines that the
9 project merits support and cannot be under-
10 taken without a higher rate of Federal support
11 than the rate described in paragraph (1).

12 “(3) IN-KIND CONTRIBUTIONS.—Each recipient
13 of a grant under this section may meet the require-
14 ment of paragraph (1) by making in-kind contribu-
15 tions of goods or services that are directly linked
16 with the purpose for which the grant is made, as de-
17 termined by the Secretary, including any necessary
18 personnel expenses, contractor services, administra-
19 tive costs, equipment, fuel, or maintenance, and
20 rental space.

21 “(h) MULTIPLE PHASE PROJECTS.—

22 “(1) IN GENERAL.—The Secretary may award
23 grants under this section for projects that span mul-
24 tiple years.

1 “(2) FUNDING LIMITATION.—Not more than 20
2 percent of the total grant funds awarded under this
3 section in any fiscal year may be awarded for
4 projects that span multiple years.

5 “(i) CONSISTENCY WITH PLANS.—The Secretary
6 shall ensure that each grant awarded under this section—

7 “(1) is used to supplement and support, in a
8 consistent and coordinated manner, the applicable
9 security plan; and

10 “(2) is consistent and coordinated with any ap-
11 plicable State or Urban Area Homeland Security
12 Plan.

13 “(j) COORDINATION AND COOPERATION.—The Sec-
14 retary shall ensure that all projects that receive grant
15 funding under this section within any area defined in an
16 Urban Area Homeland Security Plan are coordinated with
17 other projects in such area.

18 “(k) REVIEW AND AUDITS.—The Secretary shall re-
19 quire all grantees under this section to maintain such
20 records as the Secretary may require and make such
21 records available for review and audit by the Secretary,
22 the Comptroller General of the United States, or the In-
23 spector General of the Department.

24 “(l) QUARTERLY REPORTS REQUIRED AS A CONDI-
25 TION OF HOMELAND SECURITY GRANTS.—

1 “(1) EXPENDITURE REPORTS REQUIRED.—As a
2 condition of receiving a grant under this section, the
3 Secretary shall require the grant recipient to submit
4 quarterly reports to the Secretary that describe each
5 expenditure made by the recipient using grant funds.

6 “(2) DEADLINE FOR REPORTS.—Each report
7 required under paragraph (1) shall be submitted not
8 later than 30 days after the last day of a fiscal quar-
9 ter and shall describe expenditures made during that
10 fiscal quarter.

11 “(3) PUBLICATION OF EXPENDITURES.—

12 “(A) IN GENERAL.—Not later than 1 week
13 after receiving a report under this subsection,
14 the Secretary shall publish and make publicly
15 available on the Internet website of the Depart-
16 ment a description of each expenditure de-
17 scribed in the report.

18 “(B) WAIVER.—The Secretary may waive
19 the requirement of subparagraph (A) if the Sec-
20 retary determines that it is in the national secu-
21 rity interests of the United States to do so.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 (116
24 Stat. 2135) is amended by adding at the end of the items
25 relating to title V the following:

“Sec. 513. Rail and public transportation security grant program.”.

1 **SEC. 906. RAIL AND PUBLIC TRANSPORTATION SECURITY**

2 **EXERCISE PROGRAM.**

3 (a) Subtitle A of title VIII of the Homeland Security
4 Act of 2002 (6 U.S.C. 361) is amended by adding at the
5 end the following new section:

6 **“SEC. 803. RAIL AND PUBLIC TRANSPORTATION SECURITY**

7 **EXERCISE PROGRAM.**

8 “(a) IN GENERAL.—The Secretary, acting through
9 the Department official with primary responsibility for
10 grants and training, shall establish a Rail and Public
11 Transportation Security Exercise Program (hereinafter in
12 this section referred to as the ‘Program’) for the purpose
13 of testing and evaluating the capabilities of Federal, State,
14 and local agencies and tribal governments, rail and public
15 transportation system employees and management, gov-
16 ernmental and nongovernmental emergency response pro-
17 viders, the private sector, or any other organization or en-
18 tity, as the Secretary determines to be appropriate, to pre-
19 vent, prepare for, mitigate against, respond to, and re-
20 cover from acts of terrorism, natural disasters, and other
21 emergencies at rail and public transportation systems.

22 “(b) REQUIREMENTS.—The Secretary, acting
23 through the Department official with primary responsi-
24 bility for grants and training, and in coordination with the
25 Assistant Secretary of Homeland Security (Transpor-

1 tation Security Administration), shall ensure that the Pro-
2 gram—

3 “(1) consolidates all existing rail and public
4 transportation system security exercise programs ad-
5 ministered by the Department;

6 “(2) conducts, on a periodic basis, exercises at
7 rail and public transportation systems that are—

8 “(A) scaled and tailored to the needs of
9 each rail and public transportation system;

10 “(B) live in the case of the most at-risk
11 rail and public transportation systems;

12 “(C) as realistic as practicable and based
13 on current risk assessments, including credible
14 threats, vulnerabilities, and consequences;

15 “(D) consistent with the National Incident
16 Management System, the National Response
17 Plan, the National Infrastructure Protection
18 Plan, the National Preparedness Guidance, the
19 National Preparedness Goal, and other such na-
20 tional initiatives;

21 “(E) evaluated against clear and consistent
22 performance measures;

23 “(F) assessed to learn best practices,
24 which shall be shared with appropriate Federal,
25 State, local and tribal officials, rail and public

1 transportation system employees and manage-
2 ment; governmental and nongovernmental emer-
3 gency response providers, and the private sec-
4 tor; and

5 “(G) followed by remedial action in re-
6 sponse to lessons learned; and

7 “(3) assists State and local governments and
8 rail and public transportation systems in designing,
9 implementing, and evaluating exercises that—

10 “(A) conform to the requirements of para-
11 graph (2); and

12 “(B) are consistent with any applicable
13 State or Urban Area Homeland Security Plan.

14 “(c) REMEDIAL ACTION MANAGEMENT SYSTEM.—
15 The Secretary, acting through the Department official
16 with primary responsibility for grants and training, shall
17 establish a Remedial Action Management System to—

18 “(1) identify and analyze each rail and public
19 transportation system exercise for lessons learned
20 and best practices;

21 “(2) disseminate lessons learned and best prac-
22 tices to participants in the Program;

23 “(3) monitor the implementation of lessons
24 learned and best practices by participants in the
25 Program; and

1 “(4) conduct remedial action tracking and long-
2 term trend analysis.

3 “(d) GRANT PROGRAM FACTOR.—In evaluating and
4 prioritizing applications for Federal financial assistance
5 under section 513, the Secretary shall give additional con-
6 sideration to those applicants that have conducted rail and
7 public transportation security exercises under this section.

8 “(e) CONSULTATION.—The Secretary shall ensure
9 that, in carrying out the Program, the Department official
10 with primary responsibility for grants and training shall
11 consult with—

12 “(1) a geographic and substantive cross section
13 of governmental and nongovernmental emergency re-
14 sponse providers; and

15 “(2) rail and public transportation system per-
16 sonnel and management.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Homeland Security Act of 2002 (116
19 Stat. 2135) is amended by inserting after the item relating
20 to section 802 the following:

 “Sec. 803. Rail and public transportation security exercise program.”.

21 **SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

22 Of the amount authorized under section 101, there
23 is authorized to be appropriated for fiscal year 2007 for
24 grants and assistance to improve mass transit security,
25 \$400,000,000.

1 (4) by striking in the first sentence of sub-
2 section (a)(4) “aircraft” and inserting “transportation
3 vehicles”;

4 (5) in subsection (a)(5)—

5 (A) by striking “airport” and inserting
6 “transportation”; and

7 (B) by inserting after “airports” the fol-
8 lowing: “and other transportation terminals and
9 ports”;

10 (6) in subsection (a)(6) by striking “airport”
11 and inserting “transportation”;

12 (7) in subsection (a)(7)—

13 (A) by striking “evaluation of aircraft”
14 and inserting “evaluation of conveyance”; and

15 (B) by striking “vulnerability of aircraft”
16 and inserting “vulnerability of conveyances”;

17 and

18 (8) in the first sentence of subsection (b) by
19 striking “Transportation Security Administration”
20 and inserting “Department of Homeland Security”.

21 **SEC. 913. ENFORCEMENT AUTHORITY IN NONAVIATION**
22 **TRANSPORTATION.**

23 (a) Section 114 of title 49, United States Code, is
24 amended by adding at the end the following:

1 “(u) CIVIL PENALTIES AND ENFORCEMENT OF REG-
2 ULATIONS AND ORDERS OF THE SECRETARY OF HOME-
3 LAND SECURITY UNDER THIS TITLE OTHER THAN
4 CHAPTER 449.—

5 “(1) APPLICATION.—This subsection applies to
6 the enforcement of regulations prescribed, and or-
7 ders issued, by the Secretary of Homeland Security
8 under this title (other than chapter 449). Penalties
9 for violation of regulations prescribed, and orders
10 issued, by the Secretary of Homeland Security under
11 chapter 449 of this title are provided under chapter
12 463 of this title.

13 “(2) GENERAL PENALTY.—(A) A person is lia-
14 ble to the United States Government for a civil pen-
15 alty of not more than \$10,000 for a violation of a
16 regulation prescribed, or order issued, by the Sec-
17 retary of Homeland Security under an applicable
18 provision of this title.

19 “(B) A separate violation occurs under this
20 paragraph for each day the violation continues.

21 “(3) ADMINISTRATIVE IMPOSITION OF CIVIL
22 PENALTIES.—(A) The Secretary of Homeland Secu-
23 rity may impose a civil penalty for a violation of a
24 regulation prescribed, or order issued, under an ap-
25 plicable provision of this title. The Secretary shall

1 give written notice of the finding of a violation and
2 the penalty.

3 “(B) In a civil action to collect a civil penalty
4 imposed by the Secretary under this paragraph, the
5 issues of liability and the amount of the penalty may
6 not be reexamined.

7 “(C) Notwithstanding subparagraph (a) of this
8 paragraph, the district courts of the United States
9 have exclusive jurisdiction of a civil action involving
10 a penalty that the secretary initiates if—

11 “(i) the amount in controversy is more
12 than—

13 “(I) \$400,000 if the violation was
14 committed by a person other than an indi-
15 vidual or small business concern; or

16 “(II) \$50,000 if the violation was
17 committed by an individual or small busi-
18 ness concern;

19 “(ii) the action is in rem or another action
20 in rem based on the same violation has been
21 brought; or

22 “(iii) another action has been brought for
23 an injunction based on the same violation.

24 “(D) The maximum penalty the Secretary may
25 impose under this paragraph is—

1 “(i) \$400,000 if the violation was com-
2 mitted by a person other than an individual or
3 small business concern; or

4 “(ii) \$50,000 if the violation was com-
5 mitted by an individual or small business con-
6 cern.

7 “(4) COMPROMISE AND SETOFF.—(A) The Sec-
8 retary may compromise the amount of a civil penalty
9 imposed under this subsection.

10 “(B) The Government may deduct the amount
11 of a civil penalty imposed or compromised under this
12 subsection from amounts it owes the person liable
13 for the penalty.

14 “(5) INVESTIGATIONS AND PROCEEDINGS.—The
15 provisions set forth in chapter 461 of this title shall
16 be applicable to investigations and proceedings
17 brought under this subsection to the same extent
18 that they are applicable to investigations and pro-
19 ceedings brought with respect to aviation security
20 duties designated to be carried out by the Secretary.

21 “(6) NONAPPLICATION.—Paragraphs (1)
22 through (4) of this subsection do not apply to the
23 following persons, who shall be subject to penalties
24 as determined by the Secretary of Defense or the
25 designee of the Secretary of Defense:

1 “(A) The transportation of personnel or
2 shipments of materials by contractors where the
3 Department of Defense has assumed control
4 and responsibility.

5 “(B) A member of the armed forces of the
6 United States when performing official duties.

7 “(C) A civilian employee of the Depart-
8 ment of Defense when performing official du-
9 ties.

10 “(7) LIMITATION.—For purposes of this sub-
11 section, the term ‘person’ does not include an em-
12 ployee of the United States Postal Service when per-
13 forming official duties.

14 “(8) SMALL BUSINESS CONCERN DEFINED.—
15 For purposes of this subsection, the term ‘small
16 business concern’ has the meaning given that term
17 in section 3 of the Small Business Act (15 U.S.C.
18 632).”.

19 (b) Section 46301(a)(4) of title 49, United States
20 Code is amended by striking “or another requirement
21 under this title administered by the Under Secretary of
22 Transportation for Security”.

1 **SEC. 914. LIABILITY FOR SECURITY SCREENING INSPEC-**
2 **TIONS.**

3 Section 44901 of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(i) LIABILITY FOR SECURITY SCREENING INSPEC-
6 TIONS.—

7 “(1) LIMITATION FOR GOOD FAITH INSPEC-
8 TIONS.—No officer or employee of the United States
9 inspecting any person or property pursuant to sec-
10 tion 44901 or 44903 shall be held liable for any civil
11 damages as a result of such inspection if the officer
12 or employee performed the inspection in good faith.

13 “(2) LIMITATION ON STATUTORY CONSTRUC-
14 TION.—Nothing in this subsection shall be construed
15 to impair any defense otherwise available to an offi-
16 cer or employee described in paragraph (1) under
17 statute or common law, including any defense of ab-
18 solute or qualified immunity.

19 “(3) EXCLUSIVE REMEDY.—The exclusive rem-
20 edy against the United States or its officers or em-
21 ployees for any damages arising from the loss, dam-
22 age, detention, or negligent handling of property
23 subject to security screening operations under sec-
24 tion 44901 or 44903 shall be a claim pursuant to
25 section 3723 of title 31, except that the maximum
26 amount for which such a claim may be settled under

1 section 3723(a) of title 31 shall be the same as the
2 level established under section 254.4 of title 14,
3 Code of Federal Regulations.”.

4 **SEC. 915. TEMPORARY PRIVATE SCREENER ASSISTANCE.**

5 Section 44920 of title 49, United States Code, is
6 amended adding at the end the following:

7 “(h) EMERGENCY SUPPLEMENTAL SCREENING.—
8 The Secretary of Homeland Security may establish a pro-
9 gram under which the screening of passengers and prop-
10 erty at an airport under section 44901 may be supple-
11 mented for periods of limited duration in case of emer-
12 gencies, such as natural disasters, terrorist acts, or threats
13 to national security, by the screening personnel of a quali-
14 fied private screening company in accordance with sub-
15 sections (c) and (d) under a contract entered into with
16 the Secretary.”.

17 **SEC. 916. RECURRENT TRAINING TO OPERATE CERTAIN**
18 **AIRCRAFT.**

19 Section 44939 of title 49, United States Code, is
20 amended—

21 (1) in subsection (f), by inserting “and (g)”
22 after “subsections (a) through (d)”; and

23 (2) in subsection (g)—

24 (A) by redesignating paragraph (2) as
25 paragraph (3); and

1 (B) by inserting after paragraph (1) the
2 following:

3 “(2) RECURRENT TRAINING.—The Secretary
4 may assess a fee for a threat assessment to deter-
5 mine that an alien as defined in this section, or any
6 other individual specified by the Secretary, applying
7 for recurrent training in the operation of any air-
8 craft having a maximum certificated takeoff weight
9 of more than 12,500 pounds is properly identified
10 and has not since the time of any prior threat as-
11 sessment conducted pursuant to this section become
12 a present risk to aviation or national security. If the
13 Secretary determines that such individual is a
14 present risk to aviation or national security the Sec-
15 retary shall immediately notify the person providing
16 the training of the determination and that person
17 shall not provide the training or if such training has
18 commenced that person shall immediately terminate
19 the training. Such fee shall not exceed the amount
20 assessed under paragraph (1) and shall be promul-
21 gated by notice in the Federal Register.”.

22 **SEC. 917. ANNUAL REPORT ON UNCLAIMED MONEY RECOV-**
23 **ERED.**

24 The Secretary of Homeland Security shall ensure
25 that the Department of Homeland Security maintains an

1 accounting of monies retained under section 44945 of title
2 49, United States Code.

3 **Subtitle C—Passenger Screening**

4 **SEC. 921. PASSENGER IDENTIFICATION DOCUMENTS.**

5 (a) IN GENERAL.—Title IV of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 201 et seq.) is amended by
7 inserting after section 483 (as added by section 901(a)
8 of this Act) the following:

9 **“SEC. 484. PASSENGER IDENTIFICATION DOCUMENTS.**

10 “(a) IN GENERAL.—Not later than 180 days after
11 the date of enactment of this section, the Assistant Sec-
12 retary of Homeland Security (Transportation Security Ad-
13 ministration) shall issue regulations to require a passenger
14 to present an acceptable personal identification document
15 for inspection before entering a sterile area of an airport
16 in the United States. Such inspections shall be carried out
17 by personnel designated by the Assistant Secretary.

18 “(b) ACCEPTABLE PERSONAL IDENTIFICATION DOC-
19 UMENTS.—

20 “(1) IN GENERAL.—In carrying out subsection
21 (a), the Assistant Secretary shall establish a list of
22 acceptable personal identification documents.

23 “(2) MINIMUM REQUIREMENTS.—The Assistant
24 Secretary may include a personal identification docu-
25 ment on the list to be established under paragraph

1 (1) only if the document is issued under the author-
2 ity of the United States Government, a State, or a
3 foreign government and includes each of the fol-
4 lowing:

5 “(A) The individual’s full legal name.

6 “(B) The individual’s date of birth.

7 “(C) The individual’s gender.

8 “(D) A photograph of the individual.

9 “(E) The individual’s signature.

10 “(F) Physical security features designed to
11 prevent tampering, counterfeiting, and duplica-
12 tion of the document for fraudulent purposes.

13 “(3) DRIVERS’ LICENSES AND PERSONAL IDEN-
14 TIFICATION CARDS.—The Assistant Secretary shall
15 include on the list to be established under paragraph
16 (1) drivers’ licenses and personal identification cards
17 that meet the requirements of section 202 of the
18 Real ID Act of 2005 (49 U.S.C. 30301 note).

19 “(c) PROCEDURES AND STANDARDS.—In carrying
20 out subsection (a), the Assistant Secretary shall estab-
21 lish—

22 “(1) procedures to match the name on a per-
23 sonal identification document with the name on an
24 airline boarding document;

1 “(2) procedures to match the photograph on a
2 personal identification document with the passenger
3 presenting the document; and

4 “(3) standards for training personnel who check
5 personal identification documents to recognize unac-
6 ceptable and false identification documents.

7 “(d) FAILURE TO PRESENT ACCEPTABLE IDENTI-
8 FICATION DOCUMENTS.—A passenger attempting to enter
9 a sterile area of an airport in the United States who does
10 not present an acceptable identification document shall be
11 subject to such additional security screening as the Assist-
12 ant Secretary determines to be appropriate before the pas-
13 senger may be admitted to the sterile area.

14 “(e) KNOWING PRESENTATION OF FALSE IDENTI-
15 FICATION DOCUMENTS; PENALTIES.—A passenger who
16 knowingly presents a false identification document in an
17 attempt to enter a sterile area of an airport in the United
18 States shall be fined under title 18, United States Code,
19 imprisoned for not more than 5 years, or both.

20 “(f) DEFINITIONS.—In this section, the following
21 definitions apply:

22 “(1) FALSE.—The term ‘false’ has the meaning
23 given such term by section 1028(d) of title 18,
24 United States Code.

1 “(2) PASSENGER.—The term ‘passenger’ means
2 an individual to be carried aboard a passenger air-
3 craft to be operated by an air carrier or foreign air
4 carrier in air transportation or intrastate air trans-
5 portation (as such terms are defined in section
6 40102 of title 49, United States Code).

7 “(3) STERILE AREA.—The term ‘sterile area’
8 means any part of an airport that is regularly acces-
9 sible to passengers after having cleared a passenger
10 security checkpoint.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1(b) of such Act is amended by adding at the
13 end of the items relating to subtitle G of title IV (as added
14 by section 901(b)) the following:

 “Sec. 484. Passenger identification documents.”.

15 **SEC. 922. INTERNATIONAL PASSENGER PRESCREENING.**

16 Before issuing final regulations to amend the rules
17 for transmitting international passenger data to Customs
18 and Border Protection, the Secretary of Homeland Secu-
19 rity shall conduct a pilot program to evaluate the use of
20 automated systems for the immediate prescreening of pas-
21 sengers on flights in foreign air transportation, and shall
22 submit to the Committee on Homeland Security of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report
25 containing the following:

1 (1) An assessment of the technical performance
2 of the tested systems, including the system’s accu-
3 racy, scalability, and effectiveness with respect to
4 measurable factors, including, at a minimum, pas-
5 senger throughput, the rate of flight diversions, and
6 the rate of false negatives and positives.

7 (2) A description of the provisions of the tested
8 systems to protect the civil liberties and privacy
9 rights of passengers, as well as a description of the
10 adequacy of an immediate redress or appeals process
11 for passengers denied authorization to travel.

12 (3) Cost projections for implementation of the
13 tested systems, including—

14 (A) projected costs to the Department of
15 Homeland Security; and

16 (B) projected costs of compliance to air
17 carriers operating flights described in sub-
18 section (a).

19 (4) If multiple systems are tested, a determina-
20 tion as to which tested system is the best-performing
21 and most efficient system to ensure immediate
22 prescreening of international passengers. Such deter-
23 mination shall be made after consultation with indi-
24 viduals in the private sector having expertise in air-

1 line industry, travel, tourism, privacy, national secu-
2 rity, or computer security issues.

3 (5) A plan to deploy the best-performing and
4 most efficient system tested by not later than Janu-
5 ary 1, 2007.

6 **SEC. 923. INTERNATIONAL COOPERATIVE EFFORTS.**

7 To ensure that the collection of passenger informa-
8 tion is standardized among nations, the Secretary of
9 Homeland Security is encouraged to pursue international
10 cooperative efforts in the appropriate forum to set tech-
11 nology standards for passenger data and collection sys-
12 tems.

13 **SEC. 924. COMPUTER ASSISTED PASSENGER**
14 **PRESCREENING SYSTEM.**

15 (a) REPORT.—Not later than 6 months after the date
16 of the enactment of this Act, the Assistant Secretary of
17 Homeland Security (Transportation Security Administra-
18 tion) shall submit to the Committee on Homeland Security
19 of the House of Representatives and the Committees on
20 Homeland Security and Governmental Affairs and Com-
21 merce, Science, and Transportation of the Senate a report
22 containing—

23 (1) information on the percentage of airline
24 passengers that are designated for secondary search
25 on a daily basis by the Computer Assisted Passenger

1 Prescreening System (in this section referred to as
2 “CAPPS”);

3 (2) information on the percentage of such air-
4 line passengers that have been found to be terrorists
5 or associates of terrorists;

6 (3) information on the annual cost of admin-
7 istering CAPPS; and

8 (4) an evaluation of whether CAPPS screening
9 should be continued after the full deployment of the
10 Secure Flight program.

11 (b) FORM OF REPORT.—The report prepared under
12 this section may be submitted in a classified form.

13 (c) LIMITATION ON SECONDARY SCREENING.—The
14 Assistant Secretary, in cooperation with appropriate Fed-
15 eral agencies and the representatives of the aviation indus-
16 try, shall develop a process to ensure that a passenger who
17 has successfully completed a finger-print based back-
18 ground check conducted by the Department of Homeland
19 Security, or holds a security clearance issued by the De-
20 partment of Homeland Security, is not subject to sec-
21 ondary screening as the result of a designation under
22 CAPPS.

1 **SEC. 925. FEDERAL FLIGHT DECK OFFICERS.**

2 (a) TRAINING AND REQUALIFICATION TRAINING.—
3 Section 44921(c) of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(3) DATES OF TRAINING.—The Assistant Sec-
6 retary shall ensure that a pilot who is eligible to re-
7 ceive Federal flight deck officer training is offered,
8 to the maximum extent practicable, a choice of
9 training dates and is provided at least 30 days ad-
10 vance notice of the dates.

11 “(4) TRAVEL TO TRAINING FACILITIES.—The
12 Assistant Secretary shall establish a program to im-
13 prove travel access to Federal flight deck officer
14 training facilities through the use of charter flights
15 or improved scheduled air carrier service.

16 “(5) REQUALIFICATION AND RECURRENT
17 TRAINING.—

18 “(A) STANDARDS.—The Assistant Sec-
19 retary shall establish qualification standards for
20 facilities where Federal flight deck officers can
21 receive requalification and recurrent training.

22 “(B) LOCATIONS.—The Assistant Sec-
23 retary shall provide for requalification and re-
24 current training at geographically diverse facili-
25 ties, including Federal, State, and local law en-
26 forcement and government facilities, and pri-

1 vate training facilities that meet the qualifica-
2 tion standards established under subparagraph
3 (A).

4 “(6) COSTS OF TRAINING.—

5 “(A) IN GENERAL.—The Assistant Sec-
6 retary shall provide Federal flight deck officer
7 training, requalification training, and recurrent
8 training to eligible pilots at no cost to the pilots
9 or the air carriers that employ the pilots.

10 “(B) TRANSPORTATION AND EXPENSES.—

11 The Assistant Secretary may provide travel ex-
12 penses to a pilot receiving Federal flight deck
13 officer training, requalification training, or re-
14 current training.

15 “(7) COMMUNICATIONS.—Not later than 180
16 days after the date of enactment of this paragraph,
17 the Assistant Secretary shall establish a secure
18 means for personnel of the Transportation Security
19 Administration to communicate with Federal flight
20 deck officers, and for Federal flight deck officers to
21 communicate with each other, in support of the mis-
22 sion of such officers. Such means of communication
23 may include a secure Internet website.”.

1 (b) REVOCATION OF DEPUTIZATION OF PILOT AS
2 FEDERAL FLIGHT DECK OFFICER.—Section 44921(d)(4)
3 of such title is amended to read as follows:

4 “(4) REVOCATION.—

5 “(A) ORDERS.—The Assistant Secretary
6 may issue, for good cause, an order revoking
7 the deputization of a Federal flight deck officer
8 under this section. The order shall include the
9 specific reasons for the revocation.

10 “(B) HEARINGS.—An individual who is ad-
11 versely affected by an order of the Assistant
12 Secretary under subparagraph (A) is entitled to
13 a hearing on the record. When conducting a
14 hearing under this subparagraph, the adminis-
15 trative law judge shall not be bound by findings
16 of fact or interpretations of laws and regula-
17 tions of the Assistant Secretary.

18 “(C) APPEALS.—An appeal from a deci-
19 sion of an administrative law judge as a result
20 of a hearing under subparagraph (B) shall be
21 made to the Secretary of Homeland Security or
22 the Secretary’s designee.

23 “(D) JUDICIAL REVIEW OF A FINAL
24 ORDER.—The determination and order of the
25 Secretary revoking the deputization of a Fed-

1 eral flight deck officer under this section shall
2 be final and conclusive unless the individual
3 against whom such an order is issued files an
4 application for judicial review under subchapter
5 II of chapter 5 of title 5 (popularly known as
6 the Administrative Procedure Act) within 60
7 days of entry of such order in the appropriate
8 United States court of appeals.”.

9 (c) FEDERAL FLIGHT DECK OFFICER FIREARM CAR-
10 RIAGE PILOT PROGRAM.—Section 44921(f) of such title
11 is amended by adding at the end the following:

12 “(4) PILOT PROGRAM.—

13 “(A) IN GENERAL.—Not later than 90
14 days after the date of enactment of this para-
15 graph, the Assistant Secretary shall implement
16 a pilot program to allow pilots participating in
17 the Federal flight deck officer program to
18 transport their firearms on their persons. The
19 Assistant Secretary may prescribe any training,
20 equipment, or procedures that the Assistant
21 Secretary determines necessary to ensure safety
22 and maximize weapon retention.

23 “(B) REVIEW.—Not later than 1 year
24 after the date of initiation of the pilot program,
25 the Assistant Secretary shall conduct a review

1 of the safety record of the pilot program and
2 transmit a report on the results of the review
3 to Congress.

4 “(C) OPTION.—If the Assistant Secretary
5 as part of the review under subparagraph (B)
6 determines that the safety level obtained under
7 the pilot program is comparable to the safety
8 level determined under existing methods of pi-
9 lots carrying firearms on aircraft, the Assistant
10 Secretary shall allow all pilots participating in
11 the Federal flight deck officer program the op-
12 tion of carrying their firearm on their person
13 subject to such requirements as the Assistant
14 Secretary determines appropriate.”.

15 (d) FEDERAL FLIGHT DECK OFFICERS ON INTER-
16 NATIONAL FLIGHTS.—

17 (1) AGREEMENTS WITH FOREIGN GOVERN-
18 MENTS.—The President is encouraged to pursue ag-
19 gressively agreements with foreign governments to
20 allow maximum deployment of Federal flight deck
21 officers on international flights.

22 (2) REPORT.—Not later than 180 days after
23 the date of enactment of this Act, the President (or
24 the President’s designee) shall submit to Congress a
25 report on the status of the President’s efforts to

1 allow maximum deployment of Federal flight deck
2 officers on international flights.

3 (e) REFERENCES TO UNDER SECRETARY.—Section
4 44921 of title 49, United States Code, is amended—

5 (1) in subsection (a) by striking “Under Sec-
6 retary of Transportation for Security” and inserting
7 “Assistant Secretary of Homeland Security (Trans-
8 portation Security Administration)”;

9 (2) by striking “Under Secretary” each place it
10 appears and inserting “Assistant Secretary”; and

11 (3) by striking “Under Secretary’s” each place
12 it appears and inserting “Assistant Secretary’s”.

13 **Subtitle D—Technical Amendments**

14 **SEC. 931. REPORTING REQUIREMENTS REPEALED.**

15 The following provisions are repealed:

16 (1) Sections 607 and 608 of the Vision 100—
17 Century of Aviation Reauthorization Act (49 U.S.C.
18 44903; 117 Stat. 2568).

19 (2) Section 109(b) of the Aviation and Trans-
20 portation Security Act (49 U.S.C. 114 note; 115
21 Stat. 614).

22 (3) Section 44942 of title 49, United States
23 Code, and the item relating to such section in the
24 analysis for chapter 449 of such title.

1 **SEC. 932. CONSOLIDATION OF REPORTS.**

2 (a) Section 44938 of title 49, United States Code is
3 amended—

4 (1) in the section heading by striking “**Re-**
5 **ports**” and inserting “**Transportation secu-**
6 **urity report**”;

7 (2) by striking “(a) TRANSPORTATION SECU-
8 RITY.—”;

9 (3) by striking the second sentence of sub-
10 section (a);

11 (4) by striking “and” at the end of subsection
12 (a)(9);

13 (5) by striking the period at the end of sub-
14 section (a)(10) and inserting a semicolon;

15 (6) by adding at the end of subsection (a) the
16 following:

17 “(11) an assessment of the effectiveness of pro-
18 cedures under section 44901;

19 “(12) a summary of the assessments conducted
20 under section 44907(a)(1) and (2); and

21 “(13) an assessment of the steps being taken,
22 and the progress being made, in ensuring compliance
23 with section 44906 for each foreign air carrier secu-
24 rity program at airports outside the United States—

1 “(A) at which the Secretary decides that
2 foreign security liaison officers are necessary
3 for air transportation security; and

4 “(B) for which extraordinary security
5 measures are in place.”; and

6 (7) by striking subsection (b).

7 (b) The analysis for subchapter II of chapter 449 of
8 such title is amended by striking the item relating to sec-
9 tion 44938 and inserting the following:

“44938. Transportation security report.”.

10 **SEC. 933. AIRCRAFT CHARTER CUSTOMER AND LESSEE**
11 **PRESCREENING.**

12 Section 44903(j)(2)(E) of title 49, United States
13 Code, by inserting “certificated” after “maximum” each
14 place it appears.

15 **TITLE X—MISCELLANEOUS**
16 **PROVISIONS**

17 **SEC. 1001. PROTECTION OF DEPARTMENT OF HOMELAND**
18 **SECURITY NAME, INITIALS, INSIGNIA, AND**
19 **SEAL.**

20 Section 875 of the Homeland Security Act of 2002
21 (6 U.S.C. 455) is amended by adding at the end the fol-
22 lowing new subsection:

23 “(d) PROTECTION OF NAME, INITIALS, INSIGNIA,
24 AND SEAL.—

1 “(1) IN GENERAL.—Except with the written
2 permission of the Secretary, no person may know-
3 ingly use, in connection with any advertisement,
4 commercial activity, audiovisual production (includ-
5 ing film or television production), impersonation,
6 Internet domain name, Internet e-mail address, or
7 Internet web site, merchandise, retail product, or so-
8 licitation in a manner reasonably calculated to con-
9 vey the impression that the Department or any orga-
10 nizational element of the Department has approved,
11 endorsed, or authorized such use, any of the fol-
12 lowing (or any colorable imitation thereof):

13 “(A) The words ‘Department of Homeland
14 Security’, the initials ‘DHS’, the insignia or
15 seal of the Department, or the title ‘Secretary
16 of Homeland Security’.

17 “(B) The name, initials, insignia, or seal of
18 any organizational element (including any
19 former such element) of the Department, or the
20 title of any other officer or employee of the De-
21 partment, notice of which has been published by
22 the Secretary of Homeland Security in accord-
23 ance with paragraph (3).

24 “(2) CIVIL ACTION.—Whenever it appears to
25 the Attorney General that any person is engaged or

1 is about to engage in an act or practice that con-
2 stitutes or will constitute conduct prohibited by sub-
3 section (d)(1), the Attorney General may initiate a
4 civil proceeding in a district court of the United
5 States to enjoin such act or practice. Such court
6 shall proceed as soon as practicable to the hearing
7 and determination of such action and may, at any
8 time before final determination, enter such restrain-
9 ing orders or prohibitions, or take such other actions
10 as is warranted, to prevent injury to the United
11 States or to any person or class of persons for whose
12 protection the action is brought.

13 “(3) NOTICE AND PUBLICATION.—The notice
14 and publication to which paragraph (1)(B) refers is
15 a notice published in the Federal Register including
16 the name, initials, seal, or class of titles protected
17 under paragraph (1)(B) and a statement that they
18 are protected under that provision. The Secretary
19 may amend such notices from time to time as the
20 Secretary determines appropriate in the public inter-
21 est and shall publish such amendments in the Fed-
22 eral Register.

23 “(4) AUDIOVISUAL PRODUCTION.—For the pur-
24 pose of this subsection, the term ‘audiovisual pro-
25 duction’ means the production of a work that con-

