

In the Senate of the United States,

July 9, 2007.

Resolved, That the bill from the House of Representatives (H.R. 1) entitled “An Act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Improving America’s*
3 *Security Act of 2007”.*

4 ***SEC. 2. DEFINITIONS.***

5 *In this Act:*

6 (1) *DEPARTMENT.—The term “Department”*
7 *means the Department of Homeland Security.*

8 (2) *SECRETARY.—The term “Secretary” means*
9 *the Secretary of Homeland Security.*

1 SEC. 3. TABLE OF CONTENTS.

2 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Definitions.

Sec. 3. Table of contents.

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

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.

Sec. 112. Information sharing.

Sec. 113. Intelligence training development for State and local government officials.

Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.

Sec. 122. Homeland Security Information Sharing Fellows Program.

Sec. 123. Rural Policing Institute.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.

Sec. 202. Homeland Security Grant Program.

Sec. 203. Equipment technical assistance training.

Sec. 204. Technical and conforming amendments.

**TITLE III—COMMUNICATIONS OPERABILITY AND
INTEROPERABILITY**

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.

Sec. 302. Border Interoperability Demonstration Project.

**TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS
PROGRAM**

Sec. 401. Emergency Management Performance Grants Program.

TITLE V—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 501. Modernization of the visa waiver program.

Sec. 502. Strengthening the capabilities of the Human Smuggling and Trafficking Center.

Sec. 503. Enhancements to the Terrorist Travel Program.

Sec. 504. Enhanced driver's license.

Sec. 505. Western Hemisphere Travel Initiative.

Sec. 506. Model ports-of-entry.

TITLE VI—PRIVACY AND CIVIL LIBERTIES MATTERS

- Sec. 601. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.*
Sec. 602. Privacy and civil liberties officers.
Sec. 603. Department Privacy Officer.
Sec. 604. Federal Agency Data Mining Reporting Act of 2007.

TITLE VII—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

- Sec. 701. National Biosurveillance Integration Center.*
Sec. 702. Biosurveillance efforts.
Sec. 703. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VIII—PRIVATE SECTOR PREPAREDNESS

- Sec. 801. Definitions.*
Sec. 802. Responsibilities of the private sector office of the department.
Sec. 803. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 804. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 805. Demonstration project.
Sec. 806. Report to Congress.
Sec. 807. Rule of construction.

TITLE IX—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

- Sec. 901. Transportation security strategic planning.*
Sec. 902. Transportation security information sharing.
Sec. 903. Transportation Security Administration personnel management.
Sec. 904. Appeal rights and employee engagement mechanism for passenger and property screeners.
Sec. 905. Plan for 100 percent scanning of cargo containers.

TITLE X—INCIDENT COMMAND SYSTEM

- Sec. 1001. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.*
Sec. 1002. Credentialing and typing to strengthen incident command.

TITLE XI—CRITICAL INFRASTRUCTURE PROTECTION

- Sec. 1101. Critical infrastructure protection.*
Sec. 1102. Risk assessment and report.
Sec. 1103. Use of existing capabilities.
Sec. 1104. Priorities and allocations.

TITLE XII—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

- Sec. 1201. Availability to public of certain intelligence funding information.*
Sec. 1202. Response of intelligence community to requests from Congress.
Sec. 1203. Public Interest Declassification Board.

- Sec. 1204. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform.*
- Sec. 1205. Availability of funds for the Public Interest Declassification Board.*
- Sec. 1206. Availability of the Executive Summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001.*

*TITLE XIII—INTERNATIONAL COOPERATION ON ANTITERRORISM
TECHNOLOGIES*

- Sec. 1301. Promoting antiterrorism capabilities through international cooperation.*
- Sec. 1302. Transparency of funds.*

*TITLE XIV—TRANSPORTATION AND INTEROPERABLE
COMMUNICATION CAPABILITIES*

- Sec. 1401. Short title.*

Subtitle A—Surface Transportation and Rail Security

- Sec. 1411. Definition.*

PART I—IMPROVED RAIL SECURITY

- Sec. 1421. Rail transportation security risk assessment.*
- Sec. 1422. Systemwide Amtrak security upgrades.*
- Sec. 1423. Fire and life-safety improvements.*
- Sec. 1424. Freight and passenger rail security upgrades.*
- Sec. 1425. Rail security research and development.*
- Sec. 1426. Oversight and grant procedures.*
- Sec. 1427. Amtrak plan to assist families of passengers involved in rail passenger accidents.*
- Sec. 1428. Northern border rail passenger report.*
- Sec. 1429. Rail worker security training program.*
- Sec. 1430. Whistleblower protection program.*
- Sec. 1431. High hazard material security risk mitigation plans.*
- Sec. 1432. Enforcement authority.*
- Sec. 1433. Rail security enhancements.*
- Sec. 1434. Public awareness.*
- Sec. 1435. Railroad high hazard material tracking.*
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*PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL
SECURITY*

- Sec. 1441. Hazardous materials highway routing.*
- Sec. 1442. Motor carrier high hazard material tracking.*
- Sec. 1443. Memorandum of agreement.*
- Sec. 1444. Hazardous materials security inspections and enforcement.*
- Sec. 1445. Truck security assessment.*
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- Sec. 1448. Pipeline security and incident recovery plan.*

- Sec. 1449. Pipeline security inspections and enforcement.*
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- Sec. 1451. Certain personnel limitations not to apply.*
- Sec. 1452. Maritime and surface transportation security user fee study.*
- Sec. 1453. DHS Inspector General report on Highway Watch grant program.*
- Sec. 1454. Prohibition of issuance of transportation security cards to convicted felons.*
- Sec. 1455. Prohibition of issuance of transportation security cards to convicted felons.*

Subtitle B—Aviation Security Improvement

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- Sec. 1462. Passenger aircraft cargo screening.*
- Sec. 1463. Blast-resistant cargo containers.*
- Sec. 1464. Protection of air cargo on passenger planes from explosives.*
- Sec. 1465. In-line baggage screening.*
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- Sec. 1468. Certain TSA personnel limitations not to apply.*
- Sec. 1469. Specialized training.*
- Sec. 1470. Explosive detection at passenger screening checkpoints.*
- Sec. 1471. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.*
- Sec. 1472. Strategic plan to test and implement advanced passenger prescreening system.*
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- Sec. 1474. General aviation security.*
- Sec. 1475. Security credentials for airline crews.*
- Sec. 1476. National explosives detection canine team training center.*
- Sec. 1477. Law enforcement biometric credential.*
- Sec. 1478. Employee retention internship program.*
- Sec. 1479. Pilot project to reduce the number of transportation security officers at airport exit lanes.*

Subtitle C—Interoperable Emergency Communications

- Sec. 1481. Interoperable emergency communications.*
- Sec. 1482. Rule of construction.*
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- Sec. 1484. Extension of short quorum.*
- Sec. 1485. Requiring reports to be submitted to certain committees.*

TITLE XV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

- Sec. 1501. Short title.*
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- Sec. 1503. Security assessments.*
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- Sec. 1507. Research, development, and demonstration grants and contracts.*
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TITLE XVI—MISCELLANEOUS PROVISIONS

- Sec. 1601. Deputy Secretary of Homeland Security for Management.*
Sec. 1602. Sense of the Senate regarding combating domestic radicalization.
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TITLE XVII—911 MODERNIZATION

- Sec. 1701. Short title.*
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TITLE XVIII—MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

- Sec. 1801. Short title.*
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TITLE XIX—ADVANCEMENT OF DEMOCRATIC VALUES

- Sec. 1901. Short title.*
Sec. 1902. Findings.
Sec. 1903. Statement of policy.
Sec. 1904. Definitions.

SUBTITLE A—LIAISON OFFICERS AND FELLOWSHIP PROGRAM TO ENHANCE THE PROMOTION OF DEMOCRACY

- Sec. 1911. Democracy Liaison Officers.*
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Sec. 1913. Transparency of United States broadcasting to assist in oversight and ensure promotion of human rights and democracy in international broadcasts.

SUBTITLE B—ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY

- Sec. 1921. Annual report.*
Sec. 1922. Sense of Congress on translation of human rights reports.

SUBTITLE C—ADVISORY COMMITTEE ON DEMOCRACY PROMOTION AND THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE

- Sec. 1931. Advisory Committee on Democracy Promotion.*
Sec. 1932. Sense of Congress on the Internet website of the Department of State.

SUBTITLE D—TRAINING IN DEMOCRACY AND HUMAN RIGHTS; PROMOTIONS

- Sec. 1941. Sense of Congress on training in democracy and human rights.*
Sec. 1942. Sense of Congress on ADVANCE Democracy Award.
Sec. 1943. Promotions.
Sec. 1944. Programs by United States missions in foreign countries and activities of chiefs of mission.

SUBTITLE E—ALLIANCES WITH DEMOCRATIC COUNTRIES

- Sec. 1951. Alliances with democratic countries.*

SUBTITLE F—FUNDING FOR PROMOTION OF DEMOCRACY

- Sec. 1961. Sense of Congress on the United Nations Democracy Fund.*
Sec. 1962. The Human Rights and Democracy Fund.

1 **TITLE I—IMPROVING INTEL-**
 2 **LIGENCE AND INFORMATION**
 3 **SHARING WITHIN THE FED-**
 4 **ERAL GOVERNMENT AND**
 5 **WITH STATE, LOCAL, AND**
 6 **TRIBAL GOVERNMENTS**

7 ***Subtitle A—Homeland Security***
 8 ***Information Sharing Enhancement***

9 ***SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND IN-***
 10 ***FORMATION SHARING.***

11 *(a) ADVISORY SYSTEM AND INFORMATION SHARING.—*

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

15 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

16 *“(a) REQUIREMENT.—The Secretary shall administer*
 17 *the Homeland Security Advisory System in accordance*
 18 *with this section to provide warnings regarding the risk of*

1 *terrorist attacks on the homeland to Federal, State, local,*
2 *and tribal government authorities and to the people of the*
3 *United States, as appropriate. The Secretary shall exercise*
4 *primary responsibility for providing such warnings.*

5 “(b) *REQUIRED ELEMENTS.—In administering the*
6 *Homeland Security Advisory System, the Secretary shall—*

7 “(1) *establish criteria for the issuance and rev-*
8 *ocation of such warnings;*

9 “(2) *develop a methodology, relying on the cri-*
10 *teria established under paragraph (1), for the*
11 *issuance and revocation of such warnings;*

12 “(3) *provide, in each such warning, specific in-*
13 *formation and advice regarding appropriate protec-*
14 *tive measures and countermeasures that may be taken*
15 *in response to that risk, at the maximum level of de-*
16 *tail practicable to enable individuals, government en-*
17 *tities, emergency response providers, and the private*
18 *sector to act appropriately; and*

19 “(4) *whenever possible, limit the scope of each*
20 *such warning to a specific region, locality, or eco-*
21 *nom ic sector believed to be at risk.*

22 **“SEC. 204. HOMELAND SECURITY INFORMATION SHARING.**

23 “(a) *INFORMATION SHARING.—Consistent with section*
24 *1016 of the Intelligence Reform and Terrorism Prevention*
25 *Act of 2004 (6 U.S.C. 485), the Secretary shall integrate*

1 *and standardize the information of the intelligence compo-*
2 *nents of the Department, except for any internal protocols*
3 *of such intelligence components, to be administered by the*
4 *Chief Intelligence Officer.*

5 “(b) *INFORMATION SHARING AND KNOWLEDGE MAN-*
6 *AGEMENT OFFICERS.—For each intelligence component of*
7 *the Department, the Secretary shall designate an informa-*
8 *tion sharing and knowledge management officer who shall*
9 *report to the Chief Intelligence Officer regarding coordi-*
10 *nating the different systems used in the Department to*
11 *gather and disseminate homeland security information.*

12 “(c) *STATE, LOCAL, AND PRIVATE-SECTOR SOURCES*
13 *OF INFORMATION.—*

14 “(1) *ESTABLISHMENT OF BUSINESS PROC-*
15 *ESSES.—The Chief Intelligence Officer shall—*

16 “(A) *establish Department-wide procedures*
17 *for the review and analysis of information gath-*
18 *ered from sources in State, local, and tribal gov-*
19 *ernment and the private sector;*

20 “(B) *as appropriate, integrate such infor-*
21 *mation into the information gathered by the De-*
22 *partment and other departments and agencies of*
23 *the Federal Government; and*

24 “(C) *make available such information, as*
25 *appropriate, within the Department and to other*

1 *departments and agencies of the Federal Govern-*
2 *ment.*

3 “(2) *FEEDBACK.—The Secretary shall develop*
4 *mechanisms to provide feedback regarding the anal-*
5 *ysis and utility of information provided by any enti-*
6 *ty of State, local, or tribal government or the private*
7 *sector that gathers information and provides such in-*
8 *formation to the Department.*

9 “(d) *TRAINING AND EVALUATION OF EMPLOYEES.—*

10 “(1) *TRAINING.—The Chief Intelligence Officer*
11 *shall provide to employees of the Department opportu-*
12 *nities for training and education to develop an un-*
13 *derstanding of—*

14 “(A) *the definition of homeland security in-*
15 *formation; and*

16 “(B) *how information available to such em-*
17 *ployees as part of their duties—*

18 “(i) *might qualify as homeland secu-*
19 *rity information; and*

20 “(ii) *might be relevant to the intel-*
21 *ligence components of the Department.*

22 “(2) *EVALUATIONS.—The Chief Intelligence Offi-*
23 *cer shall—*

24 “(A) *on an ongoing basis, evaluate how em-*
25 *ployees of the Office of Intelligence and Analysis*

1 *and the intelligence components of the Depart-*
2 *ment are utilizing homeland security informa-*
3 *tion, sharing information within the Depart-*
4 *ment, as described in this subtitle, and partici-*
5 *pating in the information sharing environment*
6 *established under section 1016 of the Intelligence*
7 *Reform and Terrorism Prevention Act of 2004 (6*
8 *U.S.C. 485); and*

9 *“(B) provide a report regarding any eval-*
10 *uation under subparagraph (A) to the appro-*
11 *priate component heads.*

12 **“SEC. 205. COORDINATION WITH INFORMATION SHARING**
13 **ENVIRONMENT.**

14 *“All activities to comply with sections 203 and 204*
15 *shall be—*

16 *“(1) implemented in coordination with the pro-*
17 *gram manager for the information sharing environ-*
18 *ment established under section 1016 of the Intelligence*
19 *Reform and Terrorism Prevention Act of 2004 (6*
20 *U.S.C. 485); and*

21 *“(2) consistent with and support the establish-*
22 *ment of that environment, and any policies, guide-*
23 *lines, procedures, instructions, or standards estab-*
24 *lished by the President or, as appropriate, the pro-*

1 *gram manager for the implementation and manage-*
 2 *ment of that environment.”.*

3 (2) *TECHNICAL AND CONFORMING AMEND-*
 4 *MENTS.—*

5 (A) *IN GENERAL.—Section 201(d) of the*
 6 *Homeland Security Act of 2002 (6 U.S.C.*
 7 *121(d)) is amended—*

8 (i) *by striking paragraph (7); and*

9 (ii) *by redesignating paragraphs (8)*
 10 *through (19) as paragraphs (7) through*
 11 *(18), respectively.*

12 (B) *TABLE OF CONTENTS.—The table of*
 13 *contents in section 1(b) of the Homeland Secu-*
 14 *rity Act of 2002 (6 U.S.C. 101 et seq.) is amend-*
 15 *ed by inserting after the item relating to section*
 16 *202 the following:*

“Sec. 203. Homeland Security Advisory System.

“Sec. 204. Homeland Security Information Sharing.

“Sec. 205. Coordination with information sharing environment.”.

17 (b) *INTELLIGENCE COMPONENT DEFINED.—*

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

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

23 (B) *by inserting after paragraph (8) the fol-*
 24 *lowing:*

1 “(9) *The term ‘intelligence component of the De-*
2 *partment’ means any directorate, agency, or other ele-*
3 *ment or entity of the Department that gathers, re-*
4 *ceives, analyzes, produces, or disseminates homeland*
5 *security information.’”.*

6 (2) *TECHNICAL AND CONFORMING AMEND-*
7 *MENTS.—*

8 (A) *HOMELAND SECURITY ACT OF 2002.—*
9 *Section 501(11) of the Homeland Security Act of*
10 *2002 (6 U.S.C. 311(11)) is amended by striking*
11 *“section 2(10)(B)” and inserting “section*
12 *2(11)(B)”.*

13 (B) *OTHER LAW.—Section 712(a) of title*
14 *14, United States Code, is amended by striking*
15 *“section 2(15) of the Homeland Security Act of*
16 *2002 (6 U.S.C. 101(15))” and inserting “section*
17 *2(16) of the Homeland Security Act of 2002 (6*
18 *U.S.C. 101(16))”.*

19 (c) *RESPONSIBILITIES OF THE UNDER SECRETARY*
20 *FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PRO-*
21 *TECTION.—Section 201(d) of the Homeland Security Act of*
22 *2002 (6 U.S.C. 121(d)) is amended—*

23 (1) *in paragraph (1), by inserting “, in support*
24 *of the mission responsibilities of the Department and*
25 *consistent with the functions of the National*

1 *Counterterrorism Center established under section 119*
2 *of the National Security Act of 1947 (50 U.S.C. 50*
3 *U.S.C. 4040),” after “and to integrate such informa-*
4 *tion”;* and

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

8 *“(7) To review, analyze, and make recommenda-*
9 *tions for improvements in the policies and procedures*
10 *governing the sharing of intelligence information, in-*
11 *telligence-related information, and other information*
12 *relating to homeland security within the Federal Gov-*
13 *ernment and among the Federal Government and*
14 *State, local, and tribal government agencies and au-*
15 *thorities, consistent with the information sharing en-*
16 *vironment established under section 1016 of the Intel-*
17 *ligence Reform and Terrorism Prevention Act of 2004*
18 *(6 U.S.C. 485) and any policies, guidelines, proce-*
19 *dures, instructions or standards established by the*
20 *President or, as appropriate, the program manager*
21 *for the implementation and management of that envi-*
22 *ronment.”.*

23 **SEC. 112. INFORMATION SHARING.**

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

1 (1) *in subsection (a)—*

2 (A) *by redesignating paragraphs (1)*
3 *through (4) as paragraphs (2) through (5), re-*
4 *spectively;*

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

7 “(1) *HOMELAND SECURITY INFORMATION.—The*
8 *term ‘homeland security information’ has the mean-*
9 *ing given that term in section 892 of the Homeland*
10 *Security Act of 2002 (6 U.S.C. 482).”;*

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

12 (i) *by redesignating subparagraphs (A)*
13 *through (D) as clauses (i) through (iv), re-*
14 *spectively, and adjusting the margin ac-*
15 *cordingly;*

16 (ii) *by striking “‘terrorism informa-*
17 *tion’ means” and inserting the following:*

18 “‘terrorism information’—

19 “(A) means”;

20 (iii) *in subparagraph (A)(iv), as so re-*
21 *designated, by striking the period at the end*
22 *and inserting “; and”; and*

23 (iv) *by adding at the end the following:*

1 “(B) includes homeland security informa-
2 tion and weapons of mass destruction informa-
3 tion.”; and

4 (D) by adding at the end the following:

5 “(6) WEAPONS OF MASS DESTRUCTION INFORMA-
6 TION.—The term ‘weapons of mass destruction informa-
7 tion’ means information that could reasonably be
8 expected to assist in the development, proliferation, or
9 use of a weapon of mass destruction (including chem-
10 ical, biological, radiological, and nuclear weapons)
11 that could be used by a terrorist or a terrorist organi-
12 zation against the United States, including informa-
13 tion about the location of any stockpile of nuclear
14 materials that could be exploited for use in such a
15 weapon that could be used by a terrorist or a terrorist
16 organization against the United States.”;

17 (2) in subsection (b)(2)—

18 (A) in subparagraph (H), by striking
19 “and” at the end;

20 (B) in subparagraph (I), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (C) by adding at the end the following:

23 “(J) integrates the information within the
24 scope of the information sharing environment,

1 including any such information in legacy tech-
2 nologies;

3 “(K) integrates technologies, including all
4 legacy technologies, through Internet-based serv-
5 ices;

6 “(L) allows the full range of analytic and
7 operational activities without the need to cen-
8 tralize information within the scope of the infor-
9 mation sharing environment;

10 “(M) permits analysts to collaborate both
11 independently and in a group (commonly known
12 as ‘collective and noncollective collaboration’),
13 and across multiple levels of national security
14 information and controlled unclassified informa-
15 tion;

16 “(N) provides a resolution process that en-
17 ables changes by authorized officials regarding
18 rules and policies for the access, use, and reten-
19 tion of information within the scope of the infor-
20 mation sharing environment; and

21 “(O) incorporates continuous, real-time,
22 and immutable audit capabilities, to the max-
23 imum extent practicable.”;

24 (3) in subsection (f)—

25 (A) in paragraph (1)—

1 (i) by striking “during the two-year
2 period beginning on the date of designation
3 under this paragraph unless sooner” and
4 inserting “until”; and

5 (ii) by striking “The program manager
6 shall have and exercise governmentwide au-
7 thority.” and inserting “Except as other-
8 wise expressly provided by law, the program
9 manager, in consultation with the head of
10 any affected department or agency, shall
11 have and exercise governmentwide authority
12 over the sharing of information within the
13 scope of the information sharing environ-
14 ment by all Federal departments, agencies,
15 and components, irrespective of the Federal
16 department, agency, or component in which
17 the program manager may be administra-
18 tively located.”; and

19 (B) in paragraph (2)(A)—

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

22 (ii) by striking clause (ii) and insert-
23 ing the following:

1 “(ii) assist in the development of poli-
2 cies, as appropriate, to foster the develop-
3 ment and proper operation of the ISE;

4 “(iii) issue governmentwide procedures,
5 guidelines, instructions, and functional
6 standards, as appropriate, for the manage-
7 ment, development, and proper operation of
8 the ISE;

9 “(iv) identify and resolve information
10 sharing disputes between Federal depart-
11 ments, agencies, and components; and”;

12 (4) in subsection (g)—

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

18 (B) in paragraph (2)—

19 (i) in subparagraph (F), by striking
20 “and” at the end;

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

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

1 “(G) assist the program manager in identi-
2 fying and resolving information sharing disputes
3 between Federal departments, agencies, and com-
4 ponents;

5 “(H) identify appropriate personnel for as-
6 signment to the program manager to support
7 staffing needs identified by the program man-
8 ager; and”;

9 (C) in paragraph (4), by inserting “(in-
10 cluding any subsidiary group of the Information
11 Sharing Council)” before “shall not be subject”;
12 and

13 (D) by adding at the end the following:

14 “(5) *DETAILEES*.—Upon a request by the Direc-
15 tor of National Intelligence, the departments and
16 agencies represented on the Information Sharing
17 Council shall detail to the program manager, on a re-
18 imbursable basis, appropriate personnel identified
19 under paragraph (2)(H).”;

20 (5) in subsection (h)(1), by striking “and annu-
21 ally thereafter” and inserting “and not later than
22 June 30 of each year thereafter”; and

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

1 “(j) *REPORT ON THE INFORMATION SHARING ENVI-*
2 *RONMENT.*—

3 “(1) *IN GENERAL.*—*Not later than 180 days*
4 *after the date of enactment of the Improving Amer-*
5 *ica’s Security Act of 2007, the President shall report*
6 *to the Committee on Homeland Security and Govern-*
7 *mental Affairs of the Senate, the Select Committee on*
8 *Intelligence of the Senate, the Committee on Home-*
9 *land Security of the House of Representatives, and*
10 *the Permanent Select Committee on Intelligence of the*
11 *House of Representatives on the feasibility of—*

12 “(A) *eliminating the use of any marking or*
13 *process (including ‘Originator Control’) intended*
14 *to, or having the effect of, restricting the sharing*
15 *of information within the scope of the informa-*
16 *tion sharing environment between and among*
17 *participants in the information sharing environ-*
18 *ment, unless the President has—*

19 “(i) *specifically exempted categories of*
20 *information from such elimination; and*

21 “(ii) *reported that exemption to the*
22 *committees of Congress described in the*
23 *matter preceding this subparagraph; and*

24 “(B) *continuing to use Federal agency*
25 *standards in effect on such date of enactment for*

1 *the collection, sharing, and access to information*
2 *within the scope of the information sharing envi-*
3 *ronment relating to citizens and lawful perma-*
4 *nent residents;*

5 *“(C) replacing the standards described in*
6 *subparagraph (B) with a standard that would*
7 *allow mission-based or threat-based permission*
8 *to access or share information within the scope*
9 *of the information sharing environment for a*
10 *particular purpose that the Federal Government,*
11 *through an appropriate process, has determined*
12 *to be lawfully permissible for a particular agen-*
13 *cy, component, or employee (commonly known as*
14 *an ‘authorized use’ standard); and*

15 *“(D) the use of anonymized data by Federal*
16 *departments, agencies, or components collecting,*
17 *possessing, disseminating, or handling informa-*
18 *tion within the scope of the information sharing*
19 *environment, in any cases in which—*

20 *“(i) the use of such information is rea-*
21 *sonably expected to produce results materi-*
22 *ally equivalent to the use of information*
23 *that is transferred or stored in a non-*
24 *anonymized form; and*

1 “(i) such use is consistent with any
2 mission of that department, agency, or com-
3 ponent (including any mission under a
4 Federal statute or directive of the President)
5 that involves the storage, retention, sharing,
6 or exchange of personally identifiable infor-
7 mation.

8 “(2) *DEFINITION.*—In this subsection, the term
9 ‘anonymized data’ means data in which the indi-
10 vidual to whom the data pertains is not identifiable
11 with reasonable efforts, including information that
12 has been encrypted or hidden through the use of other
13 technology.

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

17 “(1) identifying and resolving information shar-
18 ing disputes between Federal departments, agencies,
19 and components under subsection (f)(2)(A)(iv); and

20 “(2) other activities associated with the imple-
21 mentation of the information sharing environment,
22 including—

23 “(A) implementing the requirements under
24 subsection (b)(2); and

1 “(B) any additional implementation initia-
2 tives to enhance and expedite the creation of the
3 information sharing environment.

4 “(l) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$30,000,000 for each of fiscal years 2008 and 2009.”.

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

9 (a) CURRICULUM.—The Secretary, acting through the
10 Chief Intelligence Officer, shall—

11 (1) develop curriculum for the training of State,
12 local, and tribal government officials relating to the
13 handling, review, and development of intelligence ma-
14 terial; and

15 (2) ensure that the curriculum includes executive
16 level training.

17 (b) TRAINING.—To the extent possible, the Federal
18 Law Enforcement Training Center and other existing Fed-
19 eral entities with the capacity and expertise to train State,
20 local, and tribal government officials based on the cur-
21 riculum developed under subsection (a) shall be used to
22 carry out the training programs created under this section.
23 If such entities do not have the capacity, resources, or capa-
24 bilities to conduct such training, the Secretary may approve
25 another entity to conduct the training.

1 (c) *CONSULTATION.*—*In carrying out the duties de-*
2 *scribed in subsection (a), the Chief Intelligence Officer shall*
3 *consult with the Director of the Federal Law Enforcement*
4 *Training Center, the Attorney General, the Director of Na-*
5 *tional Intelligence, the Administrator of the Federal Emer-*
6 *gency Management Agency, and other appropriate parties,*
7 *such as private industry, institutions of higher education,*
8 *nonprofit institutions, and other intelligence agencies of the*
9 *Federal Government.*

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

13 **SEC. 114. INFORMATION SHARING INCENTIVES.**

14 (a) *AWARDS.*—*In making cash awards under chapter*
15 *45 of title 5, United States Code, the President or the head*
16 *of an agency, in consultation with the program manager*
17 *designated under section 1016 of the Intelligence Reform*
18 *and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may*
19 *consider the success of an employee in sharing information*
20 *within the scope of the information sharing environment*
21 *established under that section in a manner consistent with*
22 *any policies, guidelines, procedures, instructions, or stand-*
23 *ards established by the President or, as appropriate, the*
24 *program manager of that environment for the implementa-*
25 *tion and management of that environment.*

1 (b) *OTHER INCENTIVES.*—The head of each depart-
2 ment or agency described in section 1016(i) of the Intel-
3 ligence Reform and Terrorist Prevention Act of 2004 (6
4 U.S.C. 485(i)), in consultation with the program manager
5 designated under section 1016 of the Intelligence Reform
6 and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall
7 adopt best practices regarding effective ways to educate and
8 motivate officers and employees of the Federal Government
9 to engage in the information sharing environment,
10 including—

11 (1) promotions and other nonmonetary awards;

12 and

13 (2) publicizing information sharing accomplish-
14 ments by individual employees and, where appro-
15 priate, the tangible end benefits that resulted.

16 ***Subtitle B—Homeland Security***
17 ***Information Sharing Partnerships***

18 ***SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER***
19 ***INITIATIVE.***

20 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
21 land Security Act of 2002 (6 U.S.C. 121 et seq.), as amend-
22 ed by this Act, is amended by adding at the end the fol-
23 lowing:

1 **“SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER**
2 **INITIATIVE.**

3 “(a) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘Chief Intelligence Officer’ means*
5 *the Chief Intelligence Officer of the Department;*

6 “(2) *the term ‘fusion center’ means a collabo-*
7 *rative effort of 2 or more Federal, State, local, or trib-*
8 *al government agencies that combines resources, ex-*
9 *pertise, or information with the goal of maximizing*
10 *the ability of such agencies to detect, prevent, inves-*
11 *tigate, apprehend, and respond to criminal or ter-*
12 *rorist activity;*

13 “(3) *the term ‘information sharing environment’*
14 *means the information sharing environment estab-*
15 *lished under section 1016 of the Intelligence Reform*
16 *and Terrorism Prevention Act of 2004 (6 U.S.C. 485);*

17 “(4) *the term ‘intelligence analyst’ means an in-*
18 *dividual who regularly advises, administers, super-*
19 *vises, or performs work in the collection, analysis,*
20 *evaluation, reporting, production, or dissemination of*
21 *information on political, economic, social, cultural,*
22 *physical, geographical, scientific, or military condi-*
23 *tions, trends, or forces in foreign or domestic areas*
24 *that directly or indirectly affect national security;*

25 “(5) *the term ‘intelligence-led policing’ means*
26 *the collection and analysis of information to produce*

1 *an intelligence end product designed to inform law*
2 *enforcement decision making at the tactical and stra-*
3 *tegic levels; and*

4 “(6) the term ‘terrorism information’ has the
5 *meaning given that term in section 1016 of the Intel-*
6 *ligence Reform and Terrorist Prevention Act of 2004*
7 *(6 U.S.C. 485).*

8 “(b) *ESTABLISHMENT.*—*The Secretary, in consulta-*
9 *tion with the program manager of the information sharing*
10 *environment established under section 1016 of the Intel-*
11 *ligence Reform and Terrorist Prevention Act of 2004 (6*
12 *U.S.C. 485), the Attorney General, the Privacy Officer of*
13 *the Department, the Officer for Civil Rights and Civil Lib-*
14 *erties of the Department, and the Privacy and Civil Lib-*
15 *erties Oversight Board established under section 1061 of the*
16 *Intelligence Reform and Terrorist Prevention Act of 2004*
17 *(5 U.S.C. 601 note), shall establish a State, Local, and Re-*
18 *gional Fusion Center Initiative to establish partnerships*
19 *with State, local, and regional fusion centers.*

20 “(c) *DEPARTMENT SUPPORT AND COORDINATION.*—
21 *Through the State, Local, and Regional Fusion Center Ini-*
22 *tiative, the Secretary shall—*

23 “(1) *coordinate with the principal officer of each*
24 *State, local, or regional fusion center and the officer*

1 *designated as the Homeland Security Advisor of the*
2 *State;*

3 *“(2) provide operational and intelligence advice*
4 *and assistance to State, local, and regional fusion*
5 *centers;*

6 *“(3) support efforts to include State, local, and*
7 *regional fusion centers into efforts to establish an in-*
8 *formation sharing environment;*

9 *“(4) conduct exercises, including live training*
10 *exercises, to regularly assess the capability of indi-*
11 *vidual and regional networks of State, local, and re-*
12 *gional fusion centers to integrate the efforts of such*
13 *networks with the efforts of the Department;*

14 *“(5) coordinate with other relevant Federal enti-*
15 *ties engaged in homeland security-related activities;*

16 *“(6) provide analytic and reporting advice and*
17 *assistance to State, local, and regional fusion centers;*

18 *“(7) review homeland security information gath-*
19 *ered by State, local, and regional fusion centers and*
20 *incorporate relevant information with homeland secu-*
21 *rity information of the Department;*

22 *“(8) provide management assistance to State,*
23 *local, and regional fusion centers;*

1 “(9) serve as a point of contact to ensure the dis-
2 semination of relevant homeland security informa-
3 tion;

4 “(10) facilitate close communication and coordi-
5 nation between State, local, and regional fusion cen-
6 ters and the Department;

7 “(11) provide State, local, and regional fusion
8 centers with expertise on Department resources and
9 operations;

10 “(12) provide training to State, local, and re-
11 gional fusion centers and encourage such fusion cen-
12 ters to participate in terrorist threat-related exercises
13 conducted by the Department; and

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

16 “(d) *PERSONNEL ASSIGNMENT.*—

17 “(1) *IN GENERAL.*—The Chief Intelligence Officer
18 may, to the maximum extent practicable, assign offi-
19 cers and intelligence analysts from components of the
20 Department to State, local, and regional fusion cen-
21 ters.

22 “(2) *PERSONNEL SOURCES.*—Officers and intel-
23 ligence analysts assigned to fusion centers under this
24 subsection may be assigned from the following De-

1 *partment components, in consultation with the re-*
2 *spective component head:*

3 *“(A) Office of Intelligence and Analysis, or*
4 *its successor.*

5 *“(B) Office of Infrastructure Protection.*

6 *“(C) Transportation Security Administra-*
7 *tion.*

8 *“(D) United States Customs and Border*
9 *Protection.*

10 *“(E) United States Immigration and Cus-*
11 *tom Enforcement.*

12 *“(F) United States Coast Guard.*

13 *“(G) Other intelligence components of the*
14 *Department, as determined by the Secretary.*

15 *“(3) PARTICIPATION.—*

16 *“(A) IN GENERAL.—The Secretary may de-*
17 *velop qualifying criteria for a fusion center to*
18 *participate in the assigning of Department offi-*
19 *cers or intelligence analysts under this section.*

20 *“(B) CRITERIA.—Any criteria developed*
21 *under subparagraph (A) may include—*

22 *“(i) whether the fusion center, through*
23 *its mission and governance structure, fo-*
24 *cuses on a broad counterterrorism approach,*

1 *and whether that broad approach is perva-*
2 *sive through all levels of the organization;*

3 “(ii) *whether the fusion center has suf-*
4 *ficient numbers of adequately trained per-*
5 *sonnel to support a broad counterterrorism*
6 *mission;*

7 “(iii) *whether the fusion center has—*

8 “(I) *access to relevant law enforce-*
9 *ment, emergency response, private sec-*
10 *tor, open source, and national security*
11 *data; and*

12 “(II) *the ability to share and ana-*
13 *lytically exploit that data for author-*
14 *ized purposes;*

15 “(iv) *whether the fusion center is ade-*
16 *quately funded by the State, local, or re-*
17 *gional government to support its*
18 *counterterrorism mission; and*

19 “(v) *the relevancy of the mission of the*
20 *fusion center to the particular source com-*
21 *ponent of Department officers or intelligence*
22 *analysts.*

23 “(4) *PREREQUISITE.—*

24 “(A) *INTELLIGENCE ANALYSIS, PRIVACY,*
25 *AND CIVIL LIBERTIES TRAINING.—Before being*

1 *assigned to a fusion center under this section, an*
2 *officer or intelligence analyst shall undergo—*

3 “(i) *appropriate intelligence analysis*
4 *or information sharing training using an*
5 *intelligence-led policing curriculum that is*
6 *consistent with—*

7 “(I) *standard training and edu-*
8 *cation programs offered to Department*
9 *law enforcement and intelligence per-*
10 *sonnel; and*

11 “(II) *the Criminal Intelligence*
12 *Systems Operating Policies under part*
13 *23 of title 28, Code of Federal Regula-*
14 *tions (or any corresponding similar*
15 *regulation or ruling);*

16 “(ii) *appropriate privacy and civil lib-*
17 *erties training that is developed, supported,*
18 *or sponsored by the Privacy Officer ap-*
19 *pointed under section 222 and the Officer*
20 *for Civil Rights and Civil Liberties of the*
21 *Department, in partnership with the Pri-*
22 *vacy and Civil Liberties Oversight Board*
23 *established under section 1061 of the Intel-*
24 *ligence Reform and Terrorism Prevention*
25 *Act of 2004 (5 U.S.C. 601 note); and*

1 “(iii) such other training prescribed by
2 the Chief Intelligence Officer.

3 “(B) *PRIOR WORK EXPERIENCE IN AREA.*—
4 In determining the eligibility of an officer or in-
5 telligence analyst to be assigned to a fusion cen-
6 ter under this section, the Chief Intelligence Offi-
7 cer shall consider the familiarity of the officer or
8 intelligence analyst with the State, locality, or
9 region, as determined by such factors as whether
10 the officer or intelligence analyst—

11 “(i) has been previously assigned in
12 the geographic area; or

13 “(ii) has previously worked with intel-
14 ligence officials or emergency response pro-
15 viders from that State, locality, or region.

16 “(5) *EXPEDITED SECURITY CLEARANCE PROC-*
17 *ESSING.*—The Chief Intelligence Officer—

18 “(A) shall ensure that each officer or intel-
19 ligence analyst assigned to a fusion center under
20 this section has the appropriate clearance to con-
21 tribute effectively to the mission of the fusion
22 center; and

23 “(B) may request that security clearance
24 processing be expedited for each such officer or
25 intelligence analyst.

1 “(6) *FURTHER QUALIFICATIONS.*—*Each officer*
2 *or intelligence analyst assigned to a fusion center*
3 *under this section shall satisfy any other qualifica-*
4 *tions the Chief Intelligence Officer may prescribe.*

5 “(e) *RESPONSIBILITIES.*—*An officer or intelligence an-*
6 *alyst assigned to a fusion center under this section shall—*

7 “(1) *assist law enforcement agencies and other*
8 *emergency response providers of State, local, and trib-*
9 *al governments and fusion center personnel in using*
10 *Federal homeland security information to develop a*
11 *comprehensive and accurate threat picture;*

12 “(2) *review homeland security-relevant informa-*
13 *tion from law enforcement agencies and other emer-*
14 *gency response providers of State, local, and tribal*
15 *government;*

16 “(3) *create intelligence and other information*
17 *products derived from such information and other*
18 *homeland security-relevant information provided by*
19 *the Department;*

20 “(4) *assist in the dissemination of such products,*
21 *under the coordination of the Chief Intelligence Offi-*
22 *cer, to law enforcement agencies and other emergency*
23 *response providers of State, local, and tribal govern-*
24 *ment; and*

1 “(5) assist in the dissemination of such products
2 to the Chief Intelligence Officer for collection and dis-
3 semination to other fusion centers.

4 “(f) *DATABASE ACCESS.*—In order to fulfill the objec-
5 tives described under subsection (e), each officer or intel-
6 ligence analyst assigned to a fusion center under this sec-
7 tion shall have direct access to all relevant Federal data-
8 bases and information systems, consistent with any policies,
9 guidelines, procedures, instructions, or standards estab-
10 lished by the President or, as appropriate, the program
11 manager of the information sharing environment for the
12 implementation and management of that environment.

13 “(g) *CONSUMER FEEDBACK.*—

14 “(1) *IN GENERAL.*—The Secretary shall create a
15 mechanism for any State, local, or tribal emergency
16 response provider who is a consumer of the intel-
17 ligence or other information products described under
18 subsection (e) to voluntarily provide feedback to the
19 Department on the quality and utility of such intel-
20 ligence products.

21 “(2) *RESULTS.*—The results of the voluntary
22 feedback under paragraph (1) shall be provided elec-
23 tronically to Congress and appropriate personnel of
24 the Department.

25 “(h) *RULE OF CONSTRUCTION.*—

1 “(1) *IN GENERAL.*—*The authorities granted*
2 *under this section shall supplement the authorities*
3 *granted under section 201(d) and nothing in this sec-*
4 *tion shall be construed to abrogate the authorities*
5 *granted under section 201(d).*

6 “(2) *PARTICIPATION.*—*Nothing in this section*
7 *shall be construed to require a State, local, or regional*
8 *government or entity to accept the assignment of offi-*
9 *cers or intelligence analysts of the Department into*
10 *the fusion center of that State, locality, or region.*

11 “(i) *GUIDELINES.*—*The Secretary, in consultation*
12 *with the Attorney General of the United States, shall estab-*
13 *lish guidelines for fusion centers operated by State and local*
14 *governments, to include standards that any such fusion cen-*
15 *ter shall—*

16 “(1) *collaboratively develop a mission statement,*
17 *identify expectations and goals, measure performance,*
18 *and determine effectiveness for that fusion center;*

19 “(2) *create a representative governance structure*
20 *that includes emergency response providers and, as*
21 *appropriate, the private sector;*

22 “(3) *create a collaborative environment for the*
23 *sharing of information and intelligence among Fed-*
24 *eral, State, tribal, and local government agencies (in-*
25 *cluding emergency response providers), the private*

1 *sector, and the public, consistent with any policies,*
2 *guidelines, procedures, instructions, or standards es-*
3 *tablished by the President or, as appropriate, the pro-*
4 *gram manager of the information sharing environ-*
5 *ment;*

6 *“(4) leverage the databases, systems, and net-*
7 *works available from public and private sector enti-*
8 *ties to maximize information sharing;*

9 *“(5) develop, publish, and adhere to a privacy*
10 *and civil liberties policy consistent with Federal,*
11 *State, and local law;*

12 *“(6) ensure appropriate security measures are in*
13 *place for the facility, data, and personnel;*

14 *“(7) select and train personnel based on the*
15 *needs, mission, goals, and functions of that fusion*
16 *center;*

17 *“(8) offer a variety of intelligence services and*
18 *products to recipients of fusion center intelligence and*
19 *information; and*

20 *“(9) incorporate emergency response providers,*
21 *and, as appropriate, the private sector, into all rel-*
22 *evant phases of the intelligence and fusion process*
23 *through full time representatives or liaison officers.*

24 *“(j) AUTHORIZATION OF APPROPRIATIONS.—Except*
25 *for subsection (i), there are authorized to be appropriated*

1 \$10,000,000 for each of fiscal years 2008 through 2012, to
2 carry out this section, including for hiring officers and in-
3 telligence analysts to replace officers and intelligence ana-
4 lysts who are assigned to fusion centers under this section.”.

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

“Sec. 206. *State, Local, and Regional Information Fusion Center Initiative.*”.

10 (c) *REPORTS.*—

11 (1) *CONCEPT OF OPERATIONS.*—Not later than
12 90 days after the date of enactment of this Act and
13 before the State, Local, and Regional Fusion Center
14 Initiative under section 206 of the Homeland Secu-
15 rity Act of 2002, as added by subsection (a), (in this
16 section referred to as the “program”) has been imple-
17 mented, the Secretary, in consultation with the Pri-
18 vacy Officer of the Department, the Officer for Civil
19 Rights and Civil Liberties of the Department, and the
20 Privacy and Civil Liberties Oversight Board estab-
21 lished under section 1061 of the Intelligence Reform
22 and Terrorist Prevention Act of 2004 (5 U.S.C. 601
23 note), shall submit to the Committee on Homeland
24 Security and Governmental Affairs of the Senate and
25 the Committee on Homeland Security of the House of

1 *Representatives a report that contains a concept of*
2 *operations for the program, which shall—*

3 *(A) include a clear articulation of the pur-*
4 *poses, goals, and specific objectives for which the*
5 *program is being developed;*

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

8 *(C) contain a developed set of quantitative*
9 *metrics to measure, to the extent possible, pro-*
10 *gram output;*

11 *(D) contain a developed set of qualitative*
12 *instruments (including surveys and expert inter-*
13 *views) to assess the extent to which stakeholders*
14 *believe their needs are being met; and*

15 *(E) include a privacy and civil liberties im-*
16 *pact assessment.*

17 *(2) PRIVACY AND CIVIL LIBERTIES.—Not later*
18 *than 1 year after the date on which the program is*
19 *implemented, the Privacy and Civil Liberties Over-*
20 *sight Board established under section 1061 of the In-*
21 *telligence Reform and Terrorist Prevention Act of*
22 *2004 (5 U.S.C. 601 note), in consultation with the*
23 *Privacy Officer of the Department and the Officer for*
24 *Civil Rights and Civil Liberties of the Department,*
25 *shall submit to Congress, the Secretary, and the Chief*

1 *Intelligence Officer of the Department a report on the*
2 *privacy and civil liberties impact of the program.*

3 **SEC. 122. HOMELAND SECURITY INFORMATION SHARING**
4 **FELLOWS PROGRAM.**

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

9 **“SEC. 207. HOMELAND SECURITY INFORMATION SHARING**
10 **FELLOWS PROGRAM.**

11 *“(a) ESTABLISHMENT.—*

12 *“(1) IN GENERAL.—The Secretary, acting*
13 *through the Chief Intelligence Officer, and in con-*
14 *sultation with the Chief Human Capital Officer, shall*
15 *establish a fellowship program in accordance with*
16 *this section for the purpose of—*

17 *“(A) detailing State, local, and tribal law*
18 *enforcement officers and intelligence analysts to*
19 *the Department in accordance with subchapter*
20 *VI of chapter 33 of title 5, United States Code,*
21 *to participate in the work of the Office of Intel-*
22 *ligence and Analysis in order to become familiar*
23 *with—*

1 “(i) the relevant missions and capa-
2 bilities of the Department and other Federal
3 agencies; and

4 “(ii) the role, programs, products, and
5 personnel of the Office of Intelligence and
6 Analysis; and

7 “(B) promoting information sharing be-
8 tween the Department and State, local, and trib-
9 al law enforcement officers and intelligence ana-
10 lysts by assigning such officers and analysts to—

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

15 “(ii) identify homeland security infor-
16 mation of interest to State, local, and tribal
17 law enforcement officers, emergency response
18 providers, and intelligence analysts; and

19 “(iii) assist Department analysts in
20 preparing and disseminating terrorism-re-
21 lated products that are tailored to State,
22 local, and tribal emergency response pro-
23 viders, law enforcement officers, and intel-
24 ligence analysts and designed to prepare for
25 and thwart terrorist attacks.

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

4 “(b) *ELIGIBILITY.*—

5 “(1) *IN GENERAL.*—*In order to be eligible for se-*
6 *lection as an Information Sharing Fellow under the*
7 *program under this section, an individual shall—*

8 “(A) *have homeland security-related respon-*
9 *sibilities;*

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

12 “(C) *possess a valid need for access to clas-*
13 *sified information, as determined by the Chief*
14 *Intelligence Officer;*

15 “(D) *be an employee of an eligible entity;*
16 *and*

17 “(E) *have undergone appropriate privacy*
18 *and civil liberties training that is developed,*
19 *supported, or sponsored by the Privacy Officer*
20 *and the Officer for Civil Rights and Civil Lib-*
21 *erties, in partnership with the Privacy and Civil*
22 *Liberties Oversight Board established under sec-*
23 *tion 1061 of the Intelligence Reform and Ter-*
24 *rorist Prevention Act of 2004 (5 U.S.C. 601*
25 *note).*

1 “(2) *ELIGIBLE ENTITIES.*—*In this subsection,*
2 *the term ‘eligible entity’ means—*

3 “(A) *a State, local, or regional fusion cen-*
4 *ter;*

5 “(B) *a State or local law enforcement or*
6 *other government entity that serves a major met-*
7 *ropolitan area, suburban area, or rural area, as*
8 *determined by the Secretary;*

9 “(C) *a State or local law enforcement or*
10 *other government entity with port, border, or ag-*
11 *ricultural responsibilities, as determined by the*
12 *Secretary;*

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

15 “(E) *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 be*
19 *required to participate in the Homeland Security Informa-*
20 *tion Sharing Fellows Program.*

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

23 “(1) *IN GENERAL.*—*The Chief Intelligence Officer*
24 *shall establish procedures to provide for the nomina-*
25 *tion and selection of individuals to participate in the*

1 *Homeland Security Information Sharing Fellows*
2 *Program.*

3 “(2) *LIMITATIONS.—The Chief Intelligence Offi-*
4 *cer shall—*

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

8 “(B) *ensure that the number of Information*
9 *Sharing Fellows selected does not impede the ac-*
10 *tivities of the Office of Intelligence and Analysis.*

11 “(e) *DEFINITIONS.—In this section—*

12 “(1) *the term ‘Chief Intelligence Officer’ means*
13 *the Chief Intelligence Officer of the Department; and*

14 “(2) *the term ‘Office of Intelligence and Anal-*
15 *ysis’ means the office of the Chief Intelligence Offi-*
16 *cer.”.*

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

“*Sec. 207. Homeland Security Information Sharing Fellows Program.*”.

22 (c) *REPORTS.—*

23 (1) *CONCEPT OF OPERATIONS.—Not later than*
24 *90 days after the date of enactment of this Act, and*
25 *before the implementation of the Homeland Security*

1 *Information Sharing Fellows Program under section*
2 *207 of the Homeland Security Act of 2002, as added*
3 *by subsection (a), (in this section referred to as the*
4 *“Program”) the Secretary, in consultation with the*
5 *Privacy Officer of the Department, the Officer for*
6 *Civil Rights and Civil Liberties of the Department,*
7 *and the Privacy and Civil Liberties Oversight Board*
8 *established under section 1061 of the Intelligence Re-*
9 *form and Terrorist Prevention Act of 2004 (5 U.S.C.*
10 *601 note), shall submit to the Committee on Home-*
11 *land Security and Governmental Affairs of the Senate*
12 *and the Committee on Homeland Security of the*
13 *House of Representatives a report that contains a*
14 *concept of operations for the Program, which shall in-*
15 *clude a privacy and civil liberties impact assessment.*

16 (2) *REVIEW OF PRIVACY IMPACT.—Not later than*
17 *1 year after the date on which the Program is imple-*
18 *mented, the Privacy and Civil Liberties Oversight*
19 *Board established under section 1061 of the Intel-*
20 *ligence Reform and Terrorist Prevention Act of 2004*
21 *(5 U.S.C. 601 note), in consultation with the Privacy*
22 *Officer of the Department and the Officer for Civil*
23 *Rights and Civil Liberties of the Department, shall*
24 *submit to Congress, the Secretary, and the Chief Intel-*

1 *ligence Officer of the Department a report on the pri-*
2 *vacy and civil liberties impact of the Program.*

3 **SEC. 123. RURAL POLICING INSTITUTE.**

4 *(a) IN GENERAL.—There is established a Rural Polic-*
5 *ing Institute, which shall be administered by the Office of*
6 *State and Local Training of the Federal Law Enforcement*
7 *Training Center (based in Glynco, Georgia), to—*

8 *(1) evaluate the needs of law enforcement agen-*
9 *cies of units of local government and tribal govern-*
10 *ments located in rural areas;*

11 *(2) develop expert training programs designed to*
12 *address the needs of rural law enforcement agencies*
13 *regarding combating methamphetamine addiction*
14 *and distribution, domestic violence, law enforcement*
15 *response related to school shootings, and other topics*
16 *identified in the evaluation conducted under para-*
17 *graph (1);*

18 *(3) provide the training programs described in*
19 *paragraph (2) to law enforcement agencies of units of*
20 *local government and tribal governments located in*
21 *rural areas; and*

22 *(4) conduct outreach efforts to ensure that train-*
23 *ing programs under the Rural Policing Institute*
24 *reach law enforcement officers of units of local govern-*
25 *ment and tribal governments located in rural areas.*

1 (b) *CURRICULA.*—*The training at the Rural Policing*
 2 *Institute established under subsection (a) shall be configured*
 3 *in a manner so as to not duplicate or displace any law*
 4 *enforcement program of the Federal Law Enforcement*
 5 *Training Center in existence on the date of enactment of*
 6 *this Act.*

7 (c) *DEFINITION.*—*In this section, the term “rural”*
 8 *means area that is not located in a metropolitan statistical*
 9 *area, as defined by the Office of Management and Budget.*

10 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 11 *authorized to be appropriated to carry out this section (in-*
 12 *cluding for contracts, staff, and equipment)—*

13 (1) *\$10,000,000 for fiscal year 2008; and*

14 (2) *\$5,000,000 for each of fiscal years 2009*
 15 *through 2013.*

16 ***Subtitle C—Interagency Threat As-***
 17 ***essment and Coordination***
 18 ***Group***

19 ***SEC. 131. INTERAGENCY THREAT ASSESSMENT AND CO-***
 20 ***ORDINATION GROUP.***

21 (a) *IN GENERAL.*—*As part of efforts to establish the*
 22 *information sharing environment established under section*
 23 *1016 of the Intelligence Reform and Terrorism Prevention*
 24 *Act of 2004 (6 U.S.C. 485), the program manager shall*
 25 *oversee and coordinate the creation and ongoing operation*

1 *of an Interagency Threat Assessment and Coordination*
2 *Group (in this section referred to as the “ITACG”).*

3 **(b) RESPONSIBILITIES.**—*The ITACG shall facilitate*
4 *the production of federally coordinated products derived*
5 *from information within the scope of the information shar-*
6 *ing environment established under section 1016 of the Intel-*
7 *ligence Reform and Terrorism Prevention Act of 2004 (6*
8 *U.S.C. 485) and intended for distribution to State, local,*
9 *and tribal government officials and the private sector.*

10 **(c) OPERATIONS.**—

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

14 **(2) MANAGEMENT.**—

15 **(A) IN GENERAL.**—*The Secretary shall as-*
16 *sign a senior level officer to manage and direct*
17 *the administration of the ITACG.*

18 **(B) DISTRIBUTION.**—*The Secretary, in con-*
19 *sultation with the Attorney General and the*
20 *heads of other agencies, as appropriate, shall de-*
21 *termine how specific products shall be distrib-*
22 *uted to State, local, and tribal officials and pri-*
23 *vate sector partners under this section.*

24 **(C) STANDARDS FOR ADMISSION.**—*The Sec-*
25 *retary, acting through the Chief Intelligence Offi-*

1 *cer and in consultation with the Director of Na-*
2 *tional Intelligence, the Attorney General, and the*
3 *program manager of the information sharing en-*
4 *vironment established under section 1016 of the*
5 *Intelligence Reform and Terrorist Prevention Act*
6 *of 2004 (6 U.S.C. 485), shall establish standards*
7 *for the admission of law enforcement and intel-*
8 *ligence officials from a State, local, or tribal gov-*
9 *ernment into the ITACG.*

10 *(d) MEMBERSHIP.—*

11 *(1) IN GENERAL.—The ITACG shall include rep-*
12 *resentatives of—*

13 *(A) the Department;*

14 *(B) the Federal Bureau of Investigation;*

15 *(C) the Department of Defense;*

16 *(D) the Department of Energy;*

17 *(E) law enforcement and intelligence offi-*
18 *cial from State, local, and tribal governments,*
19 *as appropriate; and*

20 *(F) other Federal entities as appropriate.*

21 *(2) CRITERIA.—The program manager for the*
22 *information sharing environment, in consultation*
23 *with the Secretary of Defense, the Secretary, the Di-*
24 *rector of National Intelligence, and the Director of the*
25 *Federal Bureau of Investigation shall develop quali-*

1 *fy*ing criteria and establish procedures for selecting
2 personnel assigned to the ITACG and for the proper
3 handling and safeguarding of information related to
4 terrorism.

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

9 **TITLE II—HOMELAND SECURITY**
10 **GRANTS**

11 **SEC. 201. SHORT TITLE.**

12 *This title may be cited as the “Homeland Security*
13 *Grant Enhancement Act of 2007”.*

14 **SEC. 202. HOMELAND SECURITY GRANT PROGRAM.**

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

17 **“TITLE XX—HOMELAND**
18 **SECURITY GRANTS**

19 **“SEC. 2001. DEFINITIONS.**

20 *“In this title, the following definitions shall apply:*

21 *“(1) ADMINISTRATOR.—The term ‘Adminis-*
22 *trator’ means the Administrator of the Federal Emer-*
23 *gency Management Agency.*

24 *“(2) COMBINED STATISTICAL AREA.—The term*
25 *‘combined statistical area’ means a combined statis-*

1 *tical area, as defined by the Office of Management*
2 *and Budget.*

3 “(3) *DIRECTLY ELIGIBLE TRIBE.*—*The term ‘di-*
4 *rectly eligible tribe’ means—*

5 “(A) *any Indian tribe that—*

6 “(i) *is located in the continental*
7 *United States;*

8 “(ii) *operates a law enforcement or*
9 *emergency response agency with the capaci-*
10 *ty to respond to calls for law enforcement*
11 *or emergency services;*

12 “(iii) *is located—*

13 “(I) *on, or within 50 miles of, an*
14 *international border or a coastline bor-*
15 *dering an ocean or international wa-*
16 *ters;*

17 “(II) *within 10 miles of critical*
18 *infrastructure or has critical infra-*
19 *structure within its territory; or*

20 “(III) *within or contiguous to 1 of*
21 *the 50 largest metropolitan statistical*
22 *areas in the United States; and*

23 “(iv) *certifies to the Secretary that a*
24 *State is not making funds distributed under*
25 *this title available to the Indian tribe or*

1 *consortium of Indian tribes for the purpose*
2 *for which the Indian tribe or consortium of*
3 *Indian tribes is seeking grant funds; and*

4 “(B) *a consortium of Indian tribes, if each*
5 *tribe satisfies the requirements of subparagraph*
6 *(A).*

7 “(4) *ELIGIBLE METROPOLITAN AREA.—The term*
8 *‘eligible metropolitan area’ means the following:*

9 “(A) *IN GENERAL.—A combination of 2 or*
10 *more incorporated municipalities, counties, par-*
11 *ishes, or Indian tribes that—*

12 “(i) *is within—*

13 “(I) *any of the 100 largest metro-*
14 *politan statistical areas in the United*
15 *States; or*

16 “(II) *any combined statistical*
17 *area, of which any metropolitan statis-*
18 *tical area described in subparagraph*
19 *(A) is a part; and*

20 “(ii) *includes the city with the largest*
21 *population in that metropolitan statistical*
22 *area.*

23 “(B) *OTHER COMBINATIONS.—Any other*
24 *combination of contiguous local or tribal govern-*
25 *ments that are formally certified by the Admin-*

1 *istrator as an eligible metropolitan area for pur-*
2 *poses of this title with the consent of the State*
3 *or States in which such local or tribal govern-*
4 *ments are located.*

5 “(C) *INCLUSION OF ADDITIONAL LOCAL*
6 *GOVERNMENTS.—An eligible metropolitan area*
7 *may include additional local or tribal govern-*
8 *ments outside the relevant metropolitan statis-*
9 *tical area or combined statistical area that are*
10 *likely to be affected by, or be called upon to re-*
11 *spond to, a terrorist attack within the metropoli-*
12 *tan statistical area.*

13 “(5) *INDIAN TRIBE.—The term ‘Indian tribe’ has*
14 *the meaning given that term in section 4(e) of the In-*
15 *dian Self-Determination Act (25 U.S.C. 450b(e)).*

16 “(6) *METROPOLITAN STATISTICAL AREA.—The*
17 *term ‘metropolitan statistical area’ means a metro-*
18 *politan statistical area, as defined by the Office of*
19 *Management and Budget.*

20 “(7) *NATIONAL SPECIAL SECURITY EVENT.—The*
21 *term ‘National Special Security Event’ means a des-*
22 *ignated event that, by virtue of its political, economic,*
23 *social, or religious significance, may be the target of*
24 *terrorism or other criminal activity.*

1 “(8) *POPULATION*.—The term ‘population’
2 *means population according to the most recent United*
3 *States census population estimates available at the*
4 *start of the relevant fiscal year.*

5 “(9) *POPULATION DENSITY*.—The term ‘popu-
6 *lation density’ means population divided by land*
7 *area in square miles.*

8 “(10) *TARGET CAPABILITIES*.—The term ‘target
9 *capabilities’ means the target capabilities for Federal,*
10 *State, local, and tribal government preparedness for*
11 *which guidelines are required to be established under*
12 *section 646(a) of the Post-Katrina Emergency Man-*
13 *agement Reform Act of 2006 (6 U.S.C. 746(a)).*

14 “(11) *TRIBAL GOVERNMENT*.—The term ‘tribal
15 *government’ means the government of an Indian*
16 *tribe.*

17 **“SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.**

18 “(a) *GRANTS AUTHORIZED*.—The Secretary, through
19 *the Administrator, may award grants to State, local, and*
20 *tribal governments for the purposes of this title.*

21 “(b) *PROGRAMS NOT AFFECTED*.—This title shall not
22 *be construed to affect any authority to award grants under*
23 *any of the following Federal programs:*

24 “(1) *The firefighter assistance programs author-*
25 *ized under section 33 and 34 of the Federal Fire Pre-*

1 *vention and Control Act of 1974 (15 U.S.C. 2229 and*
2 *2229a).*

3 “(2) *The Urban Search and Rescue Grant Pro-*
4 *gram authorized under the Robert T. Stafford Dis-*
5 *aster Relief and Emergency Assistance Act (42 U.S.C.*
6 *5121 et seq.).*

7 “(3) *Grants to protect critical infrastructure, in-*
8 *cluding port security grants authorized under section*
9 *70107 of title 46, United States Code, and the grants*
10 *authorized in title XIV and XV of the Improving*
11 *America’s Security Act of 2007.*

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

16 “(5) *Grant programs other than those adminis-*
17 *tered by the Department.*

18 “(c) *RELATIONSHIP TO OTHER LAWS.—*

19 “(1) *IN GENERAL.—The grant programs author-*
20 *ized under this title shall supercede all grant pro-*
21 *grams authorized under section 1014 of the USA PA-*
22 *TRIOT Act (42 U.S.C. 3714).*

23 “(2) *PROGRAM INTEGRITY.—Each grant pro-*
24 *gram under this title, section 1809 of this Act, or sec-*
25 *tion 662 of the Post-Katrina Emergency Management*

1 *Reform Act of 2006 (6 U.S.C. 763) shall include, con-*
2 *sistent with the Improper Payments Information Act*
3 *of 2002 (31 U.S.C. 3321 note), policies and proce-*
4 *dures for—*

5 “(A) *identifying activities funded under*
6 *any such grant program that are susceptible to*
7 *significant improper payments; and*

8 “(B) *reporting the incidence of improper*
9 *payments to the Department.*

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

15 “(d) *MINIMUM PERFORMANCE REQUIREMENTS.—*

16 “(1) *IN GENERAL.—The Administrator shall—*

17 “(A) *establish minimum performance re-*
18 *quirements for entities that receive homeland se-*
19 *curity grants;*

20 “(B) *conduct, in coordination with State,*
21 *regional, local, and tribal governments receiving*
22 *grants under this title, section 1809 of this Act,*
23 *or section 662 of the Post-Katrina Emergency*
24 *Management Reform Act of 2006 (6 U.S.C. 763),*
25 *simulations and exercises to test the minimum*

1 *performance requirements established under sub-*
2 *paragraph (A) for—*

3 “(i) *emergencies (as that term is de-*
4 *defined in section 102 of the Robert T. Staf-*
5 *ford Disaster Relief and Emergency Assist-*
6 *ance Act (42 U.S.C. 5122)) and major dis-*
7 *asters not less than twice each year; and*

8 “(ii) *catastrophic incidents (as that*
9 *term is defined in section 501) not less than*
10 *once each year; and*

11 “(C) *ensure that entities that the Adminis-*
12 *trator determines are failing to demonstrate*
13 *minimum performance requirements established*
14 *under subparagraph (A) shall remedy the areas*
15 *of failure, not later than the end of the second*
16 *full fiscal year after the date of such determina-*
17 *tion by—*

18 “(i) *establishing a plan for the achieve-*
19 *ment of the minimum performance require-*
20 *ments under subparagraph (A), including—*

21 “(I) *developing intermediate indi-*
22 *cators for the 2 fiscal years following*
23 *the date of such determination; and*

24 “(II) *conducting additional sim-*
25 *ulations and exercises; and*

1 “(ii) *revising an entity’s homeland se-*
2 *curity plan, if necessary, to achieve the*
3 *minimum performance requirements under*
4 *subparagraph (A).*

5 “(2) *WAIVER.—At the discretion of the Adminis-*
6 *trator, the occurrence of an actual emergency, major*
7 *disaster, or catastrophic incident in an area may be*
8 *deemed as a simulation under paragraph (1)(B).*

9 “(3) *REPORT TO CONGRESS.—Not later than the*
10 *end of the first full fiscal year after the date of enact-*
11 *ment of the Improving America’s Security Act of*
12 *2007, and each fiscal year thereafter, the Adminis-*
13 *trator shall submit to the Committee on Homeland*
14 *Security and Governmental Affairs of the Senate and*
15 *to the Committee on Homeland Security of the House*
16 *of Representatives a report describing—*

17 “(A) *the performance of grantees under*
18 *paragraph (1)(A);*

19 “(B) *lessons learned through the simulations*
20 *and exercises under paragraph (1)(B); and*

21 “(C) *efforts being made to remedy failed*
22 *performance under paragraph (1)(C).*

23 **“SEC. 2003. URBAN AREA SECURITY INITIATIVE.**

24 “(a) *ESTABLISHMENT.—There is established an Urban*
25 *Area Security Initiative to provide grants to assist high-*

1 *risk metropolitan areas in preventing, preparing for, pro-*
2 *tecting against, responding to, and recovering from acts of*
3 *terrorism.*

4 “(b) *APPLICATION.*—

5 “(1) *IN GENERAL.*—*An eligible metropolitan*
6 *area may apply for grants under this section.*

7 “(2) *ANNUAL APPLICATIONS.*—*Applicants for*
8 *grants under this section shall apply or reapply on*
9 *an annual basis for grants distributed under the pro-*
10 *gram.*

11 “(3) *INFORMATION.*—*In an application for a*
12 *grant under this section, an eligible metropolitan area*
13 *shall submit—*

14 “(A) *a plan describing the proposed divi-*
15 *sion of responsibilities and distribution of fund-*
16 *ing among the local and tribal governments in*
17 *the eligible metropolitan area;*

18 “(B) *the name of an individual to serve as*
19 *a metropolitan area liaison with the Department*
20 *and among the various jurisdictions in the met-*
21 *ropolitan area; and*

22 “(C) *such information in support of the ap-*
23 *plication as the Administrator may reasonably*
24 *require.*

25 “(c) *STATE REVIEW AND TRANSMISSION.*—

1 “(1) *IN GENERAL.*—*To ensure consistency with*
2 *State homeland security plans, an eligible metropoli-*
3 *tan area applying for a grant under this section shall*
4 *submit its application to each State within which*
5 *any part of the eligible metropolitan area is located*
6 *for review before submission of such application to the*
7 *Department.*

8 “(2) *DEADLINE.*—*Not later than 30 days after*
9 *receiving an application from an eligible metropoli-*
10 *tan area under paragraph (1), each such State shall*
11 *transmit the application to the Department.*

12 “(3) *STATE DISAGREEMENT.*—*If the Governor of*
13 *any such State determines that an application of an*
14 *eligible metropolitan area is inconsistent with the*
15 *State homeland security plan of that State, or other-*
16 *wise does not support the application, the Governor*
17 *shall—*

18 “(A) *notify the Administrator, in writing,*
19 *of that fact; and*

20 “(B) *provide an explanation of the reason*
21 *for not supporting the application at the time of*
22 *transmission of the application.*

23 “(d) *PRIORITIZATION.*—*In allocating funds among*
24 *metropolitan areas applying for grants under this section,*
25 *the Administrator shall consider—*

1 “(1) *the relative threat, vulnerability, and con-*
2 *sequences faced by the eligible metropolitan area from*
3 *a terrorist attack, including consideration of—*

4 “(A) *the population of the eligible metro-*
5 *politan area, including appropriate consider-*
6 *ation of military, tourist, and commuter popu-*
7 *lations;*

8 “(B) *the population density of the eligible*
9 *metropolitan area;*

10 “(C) *the history of threats faced by the eligi-*
11 *ble metropolitan area, including—*

12 “(i) *whether there has been a prior ter-*
13 *rorist attack in the eligible metropolitan*
14 *area; and*

15 “(ii) *whether any part of the eligible*
16 *metropolitan area, or any critical infra-*
17 *structure or key resource within the eligible*
18 *metropolitan area, has ever experienced a*
19 *higher threat level under the Homeland Se-*
20 *curity Advisory System than other parts of*
21 *the United States;*

22 “(D) *the degree of threat, vulnerability, and*
23 *consequences to the eligible metropolitan area re-*
24 *lated to critical infrastructure or key resources*
25 *identified by the Secretary or the State homeland*

1 *security plan, including threats, vulnerabilities,*
2 *and consequences from critical infrastructure in*
3 *nearby jurisdictions;*

4 “(E) *whether the eligible metropolitan area*
5 *is located at or near an international border;*

6 “(F) *whether the eligible metropolitan area*
7 *has a coastline bordering ocean or international*
8 *waters;*

9 “(G) *threats, vulnerabilities, and con-*
10 *sequences faced by the eligible metropolitan area*
11 *related to at-risk sites or activities in nearby ju-*
12 *risdictions, including the need to respond to ter-*
13 *rorist attacks arising in those jurisdictions;*

14 “(H) *the most current threat assessments*
15 *available to the Department;*

16 “(I) *the extent to which the eligible metro-*
17 *politan area has unmet target capabilities;*

18 “(J) *the extent to which the eligible metro-*
19 *politan area includes—*

20 “(i) *all incorporated municipalities,*
21 *counties, parishes, and Indian tribes within*
22 *the relevant metropolitan statistical area or*
23 *combined statistical area the inclusion of*
24 *which will enhance regional efforts to pre-*

1 *vent, prepare for, protect against, respond*
2 *to, and recover from acts of terrorism; and*

3 “(ii) *other local governments and tribes*
4 *that are likely to be called upon to respond*
5 *to a terrorist attack within the eligible met-*
6 *ropolitan area; and*

7 “(K) *such other factors as are specified in*
8 *writing by the Administrator; and*

9 “(2) *the anticipated effectiveness of the proposed*
10 *spending plan for the eligible metropolitan area in*
11 *increasing the ability of that eligible metropolitan*
12 *area to prevent, prepare for, protect against, respond*
13 *to, and recover from terrorism, to meet its target ca-*
14 *pabilities, and to otherwise reduce the overall risk to*
15 *the metropolitan area, the State, and the Nation.*

16 “(e) *OPPORTUNITY TO AMEND.—In considering appli-*
17 *cations for grants under this section, the Administrator*
18 *shall provide applicants with a reasonable opportunity to*
19 *correct defects in the application, if any, before making*
20 *final awards.*

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

1 “(1) *developing and enhancing State, local, or*
2 *regional plans, risk assessments, or mutual aid agree-*
3 *ments;*

4 “(2) *purchasing, upgrading, storing, or main-*
5 *taining equipment;*

6 “(3) *designing, conducting, and evaluating*
7 *training and exercises, including exercises of mass*
8 *evacuation plans under section 512 and including the*
9 *payment of overtime and backfill costs in support of*
10 *such activities;*

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

16 “(5) *establishing, enhancing, and staffing with*
17 *appropriately qualified personnel State and local fu-*
18 *sion centers that comply with the guidelines estab-*
19 *lished under section 206(i);*

20 “(6) *protecting critical infrastructure and key*
21 *resources identified in the Critical Infrastructure List*
22 *established under section 1101 of the Improving*
23 *America’s Security Act of 2007, including the pay-*
24 *ment of appropriate personnel costs;*

1 “(7) any activity permitted under the Fiscal
2 Year 2007 Program Guidance of the Department for
3 the Urban Area Security Initiative or the Law En-
4 forcement Terrorism Prevention Grant Program, in-
5 cluding activities permitted under the full-time
6 counterterrorism staffing pilot; and

7 “(8) any other activity relating to achieving tar-
8 get capabilities approved by the Administrator.

9 “(g) *DISTRIBUTION OF AWARDS TO METROPOLITAN*
10 *AREAS.*—

11 “(1) *IN GENERAL.*—If the Administrator ap-
12 proves the application of an eligible metropolitan
13 area for a grant under this section, the Administrator
14 shall distribute the grant funds to the State or States
15 in which the eligible metropolitan area is located.

16 “(2) *STATE DISTRIBUTION OF FUNDS.*—

17 “(A) *IN GENERAL.*—Each State shall pro-
18 vide the eligible metropolitan area not less than
19 80 percent of the grant funds. Any funds re-
20 tained by a State shall be expended on items or
21 services approved by the Administrator that ben-
22 efit the eligible metropolitan area.

23 “(B) *FUNDS RETAINED.*—A State shall pro-
24 vide each relevant eligible metropolitan area
25 with an accounting of the items or services on

1 *which any funds retained by the State under*
2 *subparagraph (A) were expended.*

3 “(3) *MULTISTATE REGIONS.—If parts of an eli-*
4 *gible metropolitan area awarded a grant are located*
5 *in 2 or more States, the Secretary shall distribute to*
6 *each such State—*

7 “(A) *a portion of the grant funds in accord-*
8 *ance with the proposed distribution set forth in*
9 *the application; or*

10 “(B) *if no agreement on distribution has*
11 *been reached, a portion of the grant funds in*
12 *proportion to each State’s share of the popu-*
13 *lation of the eligible metropolitan area.*

14 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*
15 *are authorized to be appropriated for grants under this*
16 *section—*

17 “(1) *for fiscal year 2007, such sums as are nec-*
18 *essary;*

19 “(2) *for each of fiscal years 2008, 2009, and*
20 *2010, \$1,278,639,000; and*

21 “(3) *for fiscal year 2011, and each fiscal year*
22 *thereafter, such sums as are necessary.*

23 **“SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.**

24 “(a) *ESTABLISHMENT.—There is established a State*
25 *Homeland Security Grant Program to assist State, local,*

1 *and tribal governments in preventing, preparing for, pro-*
2 *tecting against, responding to, and recovering from acts of*
3 *terrorism.*

4 “(b) *APPLICATION.*—

5 “(1) *IN GENERAL.*—*Each State may apply for a*
6 *grant under this section, and shall submit such infor-*
7 *mation in support of the application as the Adminis-*
8 *trator may reasonably require.*

9 “(2) *ANNUAL APPLICATIONS.*—*Applicants for*
10 *grants under this section shall apply or reapply on*
11 *an annual basis for grants distributed under the pro-*
12 *gram.*

13 “(c) *PRIORITIZATION.*—*In allocating funds among*
14 *States applying for grants under this section, the Adminis-*
15 *trator shall consider—*

16 “(1) *the relative threat, vulnerability, and con-*
17 *sequences faced by a State from a terrorist attack, in-*
18 *cluding consideration of—*

19 “(A) *the size of the population of the State,*
20 *including appropriate consideration of military,*
21 *tourist, and commuter populations;*

22 “(B) *the population density of the State;*

23 “(C) *the history of threats faced by the*
24 *State, including—*

1 “(i) whether there has been a prior ter-
2 rorist attack in an urban area that is whol-
3 ly or partly in the State, or in the State
4 itself; and

5 “(ii) whether any part of the State, or
6 any critical infrastructure or key resource
7 within the State, has ever experienced a
8 higher threat level under the Homeland Se-
9 curity Advisory System than other parts of
10 the United States;

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

15 “(E) whether the State has an international
16 border;

17 “(F) whether the State has a coastline bor-
18 dering ocean or international waters;

19 “(G) threats, vulnerabilities, and con-
20 sequences faced by a State related to at-risk sites
21 or activities in adjacent States, including the
22 State’s need to respond to terrorist attacks aris-
23 ing in adjacent States;

24 “(H) the most current threat assessments
25 available to the Department;

1 “(I) the extent to which the State has unmet
2 target capabilities; and

3 “(J) such other factors as are specified in
4 writing by the Administrator;

5 “(2) the anticipated effectiveness of the proposed
6 spending plan of the State in increasing the ability
7 of the State to—

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

10 “(B) meet the target capabilities of the
11 State; and

12 “(C) otherwise reduce the overall risk to the
13 State and the Nation; and

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

19 “(d) *MINIMUM ALLOCATION.*—In allocating funds
20 under subsection (c), the Administrator shall ensure that,
21 for each fiscal year—

22 “(1) except as provided for in paragraph (2), no
23 State receives less than an amount equal to 0.45 per-
24 cent of the total funds appropriated for the State
25 Homeland Security Grant Program; and

1 “(2) *American Samoa, the Commonwealth of the*
2 *Northern Mariana Islands, Guam, and the Virgin Is-*
3 *lands each receive not less than 0.08 percent of the*
4 *amounts appropriated for the State Homeland Secu-*
5 *rity Grant Program.*

6 “(e) *MULTISTATE PARTNERSHIPS.—*

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

13 “(2) *GRANTEES.—Multistate grants may be*
14 *awarded to either—*

15 “(A) *an individual State acting on behalf of*
16 *a consortium or partnership of States with the*
17 *consent of all member States; or*

18 “(B) *a group of States applying as a con-*
19 *sortium or partnership.*

20 “(3) *ADMINISTRATION OF GRANT.—If a group of*
21 *States apply as a consortium or partnership such*
22 *States shall submit to the Secretary at the time of ap-*
23 *plication a plan describing—*

24 “(A) *the division of responsibilities for ad-*
25 *ministering the grant; and*

1 “(B) the distribution of funding among the
2 various States and entities that are party to the
3 application.

4 “(f) FUNDING FOR LOCAL AND TRIBAL GOVERN-
5 MENTS.—

6 “(1) IN GENERAL.—The Administrator shall re-
7 quire that, not later than 60 days after receiving
8 grant funding, any State receiving a grant under this
9 section shall make available to local and tribal gov-
10 ernments and emergency response providers, con-
11 sistent with the applicable State homeland security
12 plan—

13 “(A) not less than 80 percent of the grant
14 funds;

15 “(B) with the consent of local and tribal
16 governments, the resources purchased with such
17 grant funds having a value equal to not less than
18 80 percent of the amount of the grant; or

19 “(C) grant funds combined with resources
20 purchased with the grant funds having a value
21 equal to not less than 80 percent of the amount
22 of the grant.

23 “(2) EXTENSION OF PERIOD.—The Governor of a
24 State may request in writing that the Administrator
25 extend the period under paragraph (1) for an addi-

1 *tional period of time. The Administrator may ap-*
2 *prove such a request, and may extend such period for*
3 *an additional period, if the Administrator determines*
4 *that the resulting delay in providing grant funding to*
5 *the local and tribal governments and emergency re-*
6 *sponse providers is necessary to promote effective in-*
7 *vestments to prevent, prepare for, protect against, re-*
8 *spond to, and recover from terrorism, or to meet the*
9 *target capabilities of the State.*

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

17 “(4) *EXCEPTION.*—*Paragraph (1) shall not*
18 *apply to the District of Columbia, the Commonwealth*
19 *of Puerto Rico, American Samoa, the Commonwealth*
20 *of the Northern Mariana Islands, Guam, or the Vir-*
21 *gin Islands.*

22 “(g) *GRANTS TO DIRECTLY ELIGIBLE TRIBES.*—

23 “(1) *IN GENERAL.*—*Notwithstanding subsection*
24 *(b), the Secretary may award grants to directly eligi-*
25 *ble tribes under this section.*

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

6 “(3) *STATE REVIEW.*—

7 “(A) *IN GENERAL.*—*To ensure consistency*
8 *with State homeland security plans, a directly*
9 *eligible tribe applying for a grant under this sec-*
10 *tion shall submit its application to each State*
11 *within which any part of the tribe is located for*
12 *review before submission of such application to*
13 *the Department.*

14 “(B) *DEADLINE.*—*Not later than 30 days*
15 *after receiving an application from a directly el-*
16 *igible tribe under subparagraph (A), each such*
17 *State shall transmit the application to the De-*
18 *partment.*

19 “(C) *STATE DISAGREEMENT.*—*If the Gov-*
20 *ernor of any such State determines that the ap-*
21 *plication of a directly eligible tribe is incon-*
22 *sistent with the State homeland security plan of*
23 *that State, or otherwise does not support the ap-*
24 *plication, the Governor shall—*

1 “(i) notify the Administrator, in writ-
2 ing, of that fact; and

3 “(ii) provide an explanation of the rea-
4 son for not supporting the application at
5 the time of transmission of the application.

6 “(4) *DISTRIBUTION OF AWARDS TO DIRECTLY*
7 *ELIGIBLE TRIBES.*—If the Administrator awards
8 funds to a directly eligible tribe under this section, the
9 Administrator shall distribute the grant funds di-
10 rectly to the directly eligible tribe. The funds shall not
11 be distributed to the State or States in which the di-
12 rectly eligible tribe is located.

13 “(5) *TRIBAL LIAISON.*—A directly eligible tribe
14 applying for a grant under this section shall des-
15 ignate a specific individual to serve as the tribal liai-
16 son who shall—

17 “(A) coordinate with Federal, State, local,
18 regional, and private officials concerning ter-
19 rorism preparedness;

20 “(B) develop a process for receiving input
21 from Federal, State, local, regional, and private
22 officials to assist in the development of the appli-
23 cation of such tribe and to improve the access of
24 such tribe to grants; and

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

4 “(6) *TRIBES RECEIVING DIRECT GRANTS.*—A di-
5 rectly eligible tribe that receives a grant directly
6 under this section is eligible to receive funds for other
7 purposes under a grant from the State or States with-
8 in the boundaries of which any part of such tribe is
9 located, consistent with the homeland security plan of
10 the State.

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

14 “(h) *OPPORTUNITY TO AMEND.*—In considering appli-
15 cations for grants under this section, the Administrator
16 shall provide applicants with a reasonable opportunity to
17 correct defects in the application, if any, before making
18 final awards.

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

22 “(1) developing and enhancing State, local, trib-
23 al, or regional plans, risk assessments, or mutual aid
24 agreements;

1 “(2) purchasing, upgrading, storing, or main-
2 taining equipment;

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

8 “(4) responding to an increase in the threat level
9 under the Homeland Security Advisory System, in-
10 cluding payment of overtime and backfill costs;

11 “(5) establishing, enhancing, and staffing with
12 appropriately qualified personnel State and local fu-
13 sion centers, that comply with the guidelines estab-
14 lished under section 206(i);

15 “(6) protecting critical infrastructure and key
16 resources identified in the Critical Infrastructure List
17 established under section 1101 of the Improving
18 America’s Security Act of 2007, including the pay-
19 ment of appropriate personnel costs;

20 “(7) any activity permitted under the Fiscal
21 Year 2007 Program Guidance of the Department for
22 the State Homeland Security Grant Program or the
23 Law Enforcement Terrorism Prevention Grant Pro-
24 gram, including activities permitted under the full-
25 time counterterrorism staffing pilot; and

1 “(8) *any other activity relating to achieving tar-*
2 *get capabilities approved by the Administrator.*

3 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*
4 *authorized to be appropriated for grants under this*
5 *section—*

6 “(1) *for fiscal year 2007, such sums as are nec-*
7 *essary;*

8 “(2) *for each of fiscal years 2008, 2009, and*
9 *2010, \$913,180,500; and*

10 “(3) *for fiscal year 2011, and each fiscal year*
11 *thereafter, such sums as are necessary.*

12 **“SEC. 2005. TERRORISM PREVENTION.**

13 “(a) *LAW ENFORCEMENT TERRORISM PREVENTION*
14 *PROGRAM.—*

15 “(1) *IN GENERAL.—The Administrator shall des-*
16 *ignate not less than 25 percent of the combined*
17 *amount appropriated for grants under sections 2003*
18 *and 2004 to be used for law enforcement terrorism*
19 *prevention activities.*

20 “(2) *USE OF FUNDS.—Grants awarded under*
21 *this subsection may be used for—*

22 “(A) *information sharing to preempt ter-*
23 *rorist attacks;*

24 “(B) *target hardening to reduce the vulner-*
25 *ability of selected high value targets;*

1 “(C) *threat recognition to recognize the po-*
2 *tential or development of a threat;*

3 “(D) *intervention activities to interdict ter-*
4 *rorists before they can execute a threat;*

5 “(E) *overtime expenses related to a State*
6 *homeland security plan, including overtime costs*
7 *associated with providing enhanced law enforce-*
8 *ment operations in support of Federal agencies*
9 *for increased border security and border crossing*
10 *enforcement;*

11 “(F) *establishing, enhancing, and staffing*
12 *with appropriately qualified personnel State and*
13 *local fusion centers that comply with the guide-*
14 *lines established under section 206(i);*

15 “(G) *any other activity permitted under the*
16 *Fiscal Year 2007 Program Guidance of the De-*
17 *partment for the Law Enforcement Terrorism*
18 *Prevention Program; and*

19 “(H) *any other terrorism prevention activ-*
20 *ity authorized by the Administrator.*

21 “(b) *OFFICE FOR THE PREVENTION OF TERRORISM.—*

22 “(1) *ESTABLISHMENT.—There is established in*
23 *the Department an Office for the Prevention of Ter-*
24 *rorism, which shall be headed by a Director.*

25 “(2) *DIRECTOR.—*

1 “(A) *REPORTING.*—*The Director of the Of-*
2 *fice for the Prevention of Terrorism shall report*
3 *directly to the Secretary.*

4 “(B) *QUALIFICATIONS.*—*The Director of the*
5 *Office for the Prevention of Terrorism shall have*
6 *an appropriate background with experience in*
7 *law enforcement, intelligence, and other*
8 *antiterrorist functions.*

9 “(3) *ASSIGNMENT OF PERSONNEL.*—

10 “(A) *IN GENERAL.*—*The Secretary shall as-*
11 *sign to the Office for the Prevention of Terrorism*
12 *permanent staff and other appropriate personnel*
13 *detailed from other components of the Depart-*
14 *ment to carry out the responsibilities under this*
15 *section.*

16 “(B) *LIAISONS.*—*The Secretary shall des-*
17 *ignate senior employees from each component of*
18 *the Department that has significant*
19 *antiterrorism responsibilities to act as liaisons*
20 *between that component and the Office for the*
21 *Prevention of Terrorism.*

22 “(4) *RESPONSIBILITIES.*—*The Director of the Of-*
23 *fice for the Prevention of Terrorism shall—*

24 “(A) *coordinate policy and operations be-*
25 *tween the Department and State, local, and trib-*

1 *al government agencies relating to preventing*
2 *acts of terrorism within the United States;*

3 “(B) *serve as a liaison between State, local,*
4 *and tribal law enforcement agencies and the De-*
5 *partment;*

6 “(C) *in coordination with the Office of In-*
7 *telligence and Analysis, develop better methods*
8 *for the sharing of intelligence with State, local,*
9 *and tribal law enforcement agencies;*

10 “(D) *work with the Administrator to ensure*
11 *that homeland security grants to State, local,*
12 *and tribal government agencies, including grants*
13 *under this title, the Commercial Equipment Di-*
14 *rect Assistance Program, and grants to support*
15 *fusion centers and other law enforcement-ori-*
16 *ented programs are adequately focused on ter-*
17 *rorism prevention activities, including through*
18 *review of budget requests for those programs; and*

19 “(E) *coordinate with the Federal Emer-*
20 *gency Management Agency, the Department of*
21 *Justice, the National Institute of Justice, law en-*
22 *forcement organizations, and other appropriate*
23 *entities to support the development, promulga-*
24 *tion, and updating, as necessary, of national vol-*
25 *untary consensus standards for training and*

1 *personal protective equipment to be used in a*
2 *tactical environment by law enforcement officers.*

3 “(5) *PILOT PROJECT.*—

4 “(A) *IN GENERAL.*—*The Director of the Of-*
5 *ice for the Prevention of Terrorism, in coordina-*
6 *tion with the Administrator, shall establish a*
7 *pilot project to determine the efficacy and feasi-*
8 *bility of establishing law enforcement deployment*
9 *teams.*

10 “(B) *FUNCTION.*—*The law enforcement de-*
11 *ployment teams participating in the pilot pro-*
12 *gram under this paragraph shall form the basis*
13 *of a national network of standardized law en-*
14 *forcement resources to assist State, local, and*
15 *tribal governments in responding to natural dis-*
16 *asters, acts of terrorism, or other man-made dis-*
17 *aster.*

18 “(6) *CONSTRUCTION.*—*Nothing in this section*
19 *may be construed to affect the roles or responsibilities*
20 *of the Department of Justice.*

21 **“SEC. 2006. RESTRICTIONS ON USE OF FUNDS.**

22 “(a) *LIMITATIONS ON USE.*—

23 “(1) *CONSTRUCTION.*—

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

4 “(B) *EXCEPTIONS.*—

5 “(i) *IN GENERAL.*—Notwithstanding
6 subparagraph (A), nothing in this para-
7 graph shall prohibit the use of grants
8 awarded under this title to achieve target
9 capabilities through—

10 “(I) the construction of facilities
11 described in section 611 of the Robert
12 T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 5196);
14 or

15 “(II) the alteration or remodeling
16 of existing buildings for the purpose of
17 making such buildings secure against
18 terrorist attacks or able to withstand
19 or protect against chemical, radio-
20 logical, or biological attacks.

21 “(ii) *REQUIREMENTS FOR EXCEP-*
22 *TION.*—No grant awards may be used for
23 the purposes under clause (i) unless—

24 “(I) specifically approved by the
25 Administrator;

1 “(II) *the construction occurs*
2 *under terms and conditions consistent*
3 *with the requirements under section*
4 *611(j)(9) of the Robert T. Stafford Dis-*
5 *aster Relief and Emergency Assistance*
6 *Act (42 U.S.C. 5196(j)(9)); and*

7 “(III) *the amount allocated for*
8 *purposes under clause (i) does not ex-*
9 *ceed 20 percent of the grant award.*

10 “(2) *PERSONNEL.—*

11 “(A) *IN GENERAL.—For any grant awarded*
12 *under section 2003 or 2004—*

13 “(i) *not more than 25 percent of the*
14 *amount awarded to a grant recipient may*
15 *be used to pay overtime and backfill costs;*
16 *and*

17 “(ii) *not more than 25 percent of the*
18 *amount awarded to the grant recipient may*
19 *be used to pay personnel costs not described*
20 *in clause (i).*

21 “(B) *WAIVER.—At the request of the recipi-*
22 *ent of a grant under section 2003 or section*
23 *2004, the Administrator may grant a waiver of*
24 *any limitation under subparagraph (A).*

1 “(C) *EXCEPTION.* *The limitations under*
2 *subparagraph (A) shall not apply to activities*
3 *permitted under the full-time counterterrorism*
4 *staffing pilot, as described in the Fiscal Year*
5 *2007 Program Guidance of the Department for*
6 *the Urban Area Security Initiative.*

7 “(3) *RECREATION.*—*Grants awarded under this*
8 *title may not be used for recreational or social pur-*
9 *poses.*

10 “(b) *MULTIPLE-PURPOSE FUNDS.*—*Nothing in this*
11 *title shall be construed to prohibit State, local, or tribal gov-*
12 *ernments from using grant funds under sections 2003 and*
13 *2004 in a manner that enhances preparedness for disasters*
14 *unrelated to acts of terrorism, if such use assists such gov-*
15 *ernments in achieving capabilities for terrorism prepared-*
16 *ness established by the Administrator.*

17 “(c) *EQUIPMENT STANDARDS.*—*If an applicant for a*
18 *grant under this title proposes to upgrade or purchase, with*
19 *assistance provided under that grant, new equipment or*
20 *systems that do not meet or exceed any applicable national*
21 *voluntary consensus standards developed under section 647*
22 *of the Post-Katrina Emergency Management Reform Act of*
23 *2006 (6 U.S.C. 747), the applicant shall include in its ap-*
24 *plication an explanation of why such equipment or systems*

1 *will serve the needs of the applicant better than equipment*
2 *or systems that meet or exceed such standards.*

3 “(d) *SUPPLEMENT NOT SUPPLANT.*—Amounts appro-
4 *priated for grants under this title shall be used to supple-*
5 *ment and not supplant other State, local, and tribal govern-*
6 *ment public funds obligated for the purposes provided under*
7 *this title.*

8 **“SEC. 2007. ADMINISTRATION AND COORDINATION.**

9 “(a) *ADMINISTRATOR.*—The Administrator shall, in
10 *consultation with other appropriate offices within the De-*
11 *partment, have responsibility for administering all home-*
12 *land security grant programs administered by the Depart-*
13 *ment and for ensuring coordination among those programs*
14 *and consistency in the guidance issued to recipients across*
15 *those programs.*

16 “(b) *NATIONAL ADVISORY COUNCIL.*—To ensure input
17 *from and coordination with State, local, and tribal govern-*
18 *ments and emergency response providers, the Administrator*
19 *shall regularly consult and work with the National Advi-*
20 *sory Council established under section 508 on the adminis-*
21 *tration and assessment of grant programs administered by*
22 *the Department, including with respect to the development*
23 *of program guidance and the development and evaluation*
24 *of risk-assessment methodologies.*

1 “(c) *REGIONAL COORDINATION.*—*The Administrator*
2 *shall ensure that—*

3 “(1) *all recipients of homeland security grants*
4 *administered by the Department, as a condition of re-*
5 *ceiving those grants, coordinate their prevention, pre-*
6 *paredness, and protection efforts with neighboring*
7 *State, local, and tribal governments, as appropriate;*
8 *and*

9 “(2) *all metropolitan areas and other recipients*
10 *of homeland security grants administered by the De-*
11 *partment that include or substantially affect parts or*
12 *all of more than 1 State, coordinate across State*
13 *boundaries, including, where appropriate, through the*
14 *use of regional working groups and requirements for*
15 *regional plans, as a condition of receiving Depart-*
16 *mentally administered homeland security grants.*

17 “(d) *PLANNING COMMITTEES.*—

18 “(1) *IN GENERAL.*—*Any State or metropolitan*
19 *area receiving grants under section 2003 or 2004*
20 *shall establish a planning committee to assist in*
21 *preparation and revision of the State, regional, or*
22 *local homeland security plan and to assist in deter-*
23 *mining effective funding priorities.*

24 “(2) *COMPOSITION.*—

1 “(A) *IN GENERAL.*—*The planning com-*
2 *mittee shall include representatives of significant*
3 *stakeholders, including—*

4 “(i) *local and tribal government offi-*
5 *cials; and*

6 “(ii) *emergency response providers,*
7 *which shall include representatives of the*
8 *fire service, law enforcement, emergency*
9 *medical response, and emergency managers.*

10 “(B) *GEOGRAPHIC REPRESENTATION.*—*The*
11 *members of the planning committee shall be a*
12 *representative group of individuals from the*
13 *counties, cities, towns, and Indian tribes within*
14 *the State or metropolitan areas, including, as*
15 *appropriate, representatives of rural, high-popu-*
16 *lation, and high-threat jurisdictions.*

17 “(3) *EXISTING PLANNING COMMITTEES.*—*Noth-*
18 *ing in this subsection may be construed to require*
19 *that any State or metropolitan area create a plan-*
20 *ning committee if that State or metropolitan area has*
21 *established and uses a multijurisdictional planning*
22 *committee or commission that meets the requirements*
23 *of this subsection.*

24 “(e) *INTERAGENCY COORDINATION.*—*The Secretary,*
25 *through the Administrator, in coordination with the Attor-*

1 *ney General, the Secretary of Health and Human Services,*
2 *and other agencies providing assistance to State, local, and*
3 *tribal governments for preventing, preparing for, protecting*
4 *against, responding to, and recovering from natural disas-*
5 *ters, acts of terrorism, and other man-made disasters, and*
6 *not later than 12 months after the date of enactment of the*
7 *Improving America’s Security Act of 2007, shall—*

8 *“(1) compile a comprehensive list of Federal pro-*
9 *grams that provide assistance to State, local, and*
10 *tribal governments for preventing, preparing for, and*
11 *responding to, natural disasters, acts of terrorism,*
12 *and other man-made disasters;*

13 *“(2) develop a proposal to coordinate, to the*
14 *greatest extent practicable, the planning, reporting,*
15 *application, and other requirements and guidance for*
16 *homeland security assistance programs to—*

17 *“(A) eliminate redundant and duplicative*
18 *requirements, including onerous application and*
19 *ongoing reporting requirements;*

20 *“(B) ensure accountability of the programs*
21 *to the intended purposes of such programs;*

22 *“(C) coordinate allocation of grant funds to*
23 *avoid duplicative or inconsistent purchases by*
24 *the recipients; and*

1 “(D) make the programs more accessible
2 and user friendly to applicants; and

3 “(3) submit the information and proposals under
4 paragraphs (1) and (2) to the Committee on Home-
5 land Security and Governmental Affairs of the Senate
6 and the Committee on Homeland Security of the
7 House of Representatives.

8 **“SEC. 2008. ACCOUNTABILITY.**

9 “(a) *REPORTS TO CONGRESS.*—

10 “(1) *FUNDING EFFICACY.*—*The Administrator*
11 *shall submit to Congress, as a component of the an-*
12 *annual Federal Preparedness Report required under sec-*
13 *tion 652 of the Post-Katrina Emergency Management*
14 *Reform Act of 2006 (6 U.S.C. 752), an evaluation of*
15 *the extent to which grants Administered by the De-*
16 *partment, including the grants established by this*
17 *title—*

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

21 “(B) have led to the reduction of risk na-
22 tionally and in State, local, and tribal jurisdic-
23 tions.

24 “(2) *RISK ASSESSMENT.*—

1 “(A) *IN GENERAL.*—For each fiscal year,
2 the Administrator shall provide to the Committee
3 on Homeland Security and Governmental Af-
4 fairs of the Senate and the Committee on Home-
5 land Security of the House of Representatives a
6 detailed and comprehensive explanation of the
7 methodology used to calculate risk and compute
8 the allocation of funds under sections 2003 and
9 2004 of this title, including—

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

12 “(ii) an explanation of how each such
13 variable, as weighted, correlates to risk, and
14 the basis for concluding there is such a cor-
15 relation; and

16 “(iii) any change in the methodology
17 from the previous fiscal year, including
18 changes in variables considered, weighting
19 of those variables, and computational meth-
20 ods.

21 “(B) *CLASSIFIED ANNEX.*—The information
22 required under subparagraph (A) shall be pro-
23 vided in unclassified form to the greatest extent
24 possible, and may include a classified annex if
25 necessary.

1 “(C) *DEADLINE.*—*For each fiscal year, the*
2 *information required under subparagraph (A)*
3 *shall be provided on the earlier of—*

4 “(i) *October 31; or*

5 “(ii) *30 days before the issuance of any*
6 *program guidance for grants under sections*
7 *2003 and 2004.*

8 “(b) *REVIEWS AND AUDITS.*—

9 “(1) *DEPARTMENT REVIEW.*—*The Administrator*
10 *shall conduct periodic reviews of grants made under*
11 *this title to ensure that recipients allocate funds con-*
12 *sistent with the guidelines established by the Depart-*
13 *ment.*

14 “(2) *GOVERNMENT ACCOUNTABILITY OFFICE.*—

15 “(A) *ACCESS TO INFORMATION.*—*Each re-*
16 *recipient of a grant under this title and the De-*
17 *partment shall provide the Government Account-*
18 *ability Office with full access to information re-*
19 *garding the activities carried out under this*
20 *title.*

21 “(B) *AUDITS AND REPORTS.*—

22 “(i) *AUDIT.*—*Not later than 12 months*
23 *after the date of enactment of the Improving*
24 *America’s Security Act of 2007, and peri-*
25 *odically thereafter, the Comptroller General*

1 *of the United States shall conduct an audit*
2 *of grants made under this title.*

3 “(ii) *REPORT.—The Comptroller Gen-*
4 *eral of the United States shall submit a re-*
5 *port to the Committee on Homeland Secu-*
6 *rity and Governmental Affairs of the Senate*
7 *and the Committee on Homeland Security*
8 *of the House of Representatives on—*

9 “(I) *the results of any audit con-*
10 *ducted under clause (i), including an*
11 *analysis of the purposes for which the*
12 *grant funds authorized under this title*
13 *are being spent; and*

14 “(II) *whether the grant recipients*
15 *have allocated funding consistent with*
16 *the State homeland security plan and*
17 *the guidelines established by the De-*
18 *partment.*

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

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

7 “(c) *REMEDIES FOR NONCOMPLIANCE.*—

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

15 “(A) *terminate any payment of grant funds*
16 *to be made to the recipient under this title;*

17 “(B) *reduce the amount of payment of*
18 *grant funds to the recipient by an amount equal*
19 *to the amount of grants funds that were not ex-*
20 *pended by the recipient in accordance with this*
21 *title; or*

22 “(C) *limit the use of grant funds received*
23 *under this title to programs, projects, or activi-*
24 *ties not affected by the failure to comply.*

1 “(2) *DURATION OF PENALTY.*—*The Administrator shall apply an appropriate penalty under*
2 *paragraph (1) until such time as the Secretary deter-*
3 *mines that the grant recipient is in full compliance*
4 *with this title or with applicable guidelines or regula-*
5 *tions of the Department.*

7 “(3) *DIRECT FUNDING.*—*If a State fails to sub-*
8 *stantially comply with any provision of this title or*
9 *with applicable guidelines or regulations of the De-*
10 *partment, including failing to provide local or tribal*
11 *governments with grant funds or resources purchased*
12 *with grant funds in a timely fashion, a local or tribal*
13 *government entitled to receive such grant funds or re-*
14 *sources may petition the Administrator, at such time*
15 *and in such manner as determined by the Adminis-*
16 *trator, to request that grant funds or resources be pro-*
17 *vided directly to the local or tribal government.*

18 **“SEC. 2009. AUDITING.**

19 “(a) *AUDITS OF GRANTS.*—

20 “(1) *IN GENERAL.*—*Not later than the date de-*
21 *scribed in paragraph (2), and every 2 years there-*
22 *after, the Inspector General of the Department shall*
23 *conduct an audit of each entity that receives a grant*
24 *under the Urban Area Security Initiative, the State*
25 *Homeland Security Grant Program, or the Emer-*

1 *gency Management Performance Grant Program to*
2 *evaluate the use of funds under such grant program*
3 *by such entity.*

4 “(2) *TIMING.*—*The date described in this para-*
5 *graph is the later of 2 years after—*

6 “(A) *the date of enactment of the Improving*
7 *America’s Security Act of 2007; and*

8 “(B) *the date that an entity first receives a*
9 *grant under the Urban Area Security Initiative,*
10 *the State Homeland Security Grant Program, or*
11 *the Emergency Management Performance Grant*
12 *Program, as the case may be.*

13 “(3) *CONTENTS.*—*Each audit under this sub-*
14 *section shall evaluate—*

15 “(A) *the use of funds under the relevant*
16 *grant program by an entity during the 2 full fis-*
17 *cal years before the date of that audit;*

18 “(B) *whether funds under that grant pro-*
19 *gram were used by that entity as required by*
20 *law; and*

21 “(C)(i) *for each grant under the Urban*
22 *Area Security Initiative or the State Homeland*
23 *Security Grant Program, the extent to which*
24 *funds under that grant were used to prepare for,*

1 *protect against, respond to, or recover from acts*
2 *of terrorism; and*

3 “(i) *for each grant under the Emergency*
4 *Management Performance Grant Program, the*
5 *extent to which funds under that grant were used*
6 *to prevent, prepare for, protect against, respond*
7 *to, recover from, or mitigate against all hazards,*
8 *including natural disasters, acts of terrorism,*
9 *and other man-made disasters.*

10 “(4) *PUBLIC AVAILABILITY ON WEBSITE.—The*
11 *Inspector General of the Department shall make each*
12 *audit under this subsection available on the website of*
13 *the Inspector General.*

14 “(5) *REPORTING.—*

15 “(A) *IN GENERAL.—Not later than 2 years*
16 *and 60 days after the date of enactment of the*
17 *Improving America’s Security Act of 2007, and*
18 *annually thereafter, the Inspector General of the*
19 *Department shall submit to Congress a consoli-*
20 *dated report regarding the audits conducted*
21 *under this subsection.*

22 “(B) *CONTENTS.—Each report submitted*
23 *under this paragraph shall describe—*

24 “(i)(I) *for the first such report, the au-*
25 *dits conducted under this subsection during*

1 *the 2-year period beginning on the date of*
2 *enactment of the Improving America’s Secu-*
3 *rity Act of 2007; and*

4 *“(II) for each subsequent such report,*
5 *the audits conducted under this subsection*
6 *during the fiscal year before the date of the*
7 *submission of that report;*

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

12 *“(iii)(I) for grants under the Urban*
13 *Area Security Initiative or the State Home-*
14 *land Security Grant Program audited, the*
15 *extent to which, during the period described*
16 *in clause (i) that is applicable to such re-*
17 *port, funds under such grants were used to*
18 *prepare for, protect against, respond to, or*
19 *recover from acts of terrorism; and*

20 *“(II) for grants under the Emergency*
21 *Management Performance Grant Program*
22 *audited, the extent to which funds under*
23 *such grants were used during the period de-*
24 *scribed in clause (i) applicable to such re-*
25 *port to prevent, prepare for, protect against,*

1 *respond to, recover from, or mitigate*
2 *against all hazards, including natural dis-*
3 *asters, acts of terrorism, and other man-*
4 *made disasters.*

5 “(b) *AUDIT OF OTHER PREPAREDNESS GRANTS.*—

6 “(1) *IN GENERAL.*—*Not later than the date de-*
7 *scribed in paragraph (2), the Inspector General of the*
8 *Department shall conduct an audit of each entity that*
9 *receives a grant under the Urban Area Security Ini-*
10 *tiative, the State Homeland Security Grant Program,*
11 *or the Emergency Management Performance Grant*
12 *Program to evaluate the use by that entity of any*
13 *grant for preparedness administered by the Depart-*
14 *ment that was awarded before the date of enactment*
15 *of the Improving America’s Security Act of 2007.*

16 “(2) *TIMING.*—*The date described in this para-*
17 *graph is the later of 2 years after—*

18 “(A) *the date of enactment of the Improving*
19 *America’s Security Act of 2007; and*

20 “(B) *the date that an entity first receives a*
21 *grant under the Urban Area Security Initiative,*
22 *the State Homeland Security Grant Program, or*
23 *the Emergency Management Performance Grant*
24 *Program, as the case may be.*

1 “(3) *CONTENTS.*—*Each audit under this sub-*
2 *section shall evaluate—*

3 “(A) *the use of funds by an entity under*
4 *any grant for preparedness administered by the*
5 *Department that was awarded before the date of*
6 *enactment of the Improving America’s Security*
7 *Act of 2007;*

8 “(B) *whether funds under each such grant*
9 *program were used by that entity as required by*
10 *law; and*

11 “(C) *the extent to which such funds were*
12 *used to enhance preparedness.*

13 “(4) *PUBLIC AVAILABILITY ON WEBSITE.*—*The*
14 *Inspector General of the Department shall make each*
15 *audit under this subsection available on the website of*
16 *the Inspector General.*

17 “(5) *REPORTING.*—

18 “(A) *IN GENERAL.*—*Not later than 2 years*
19 *and 60 days after the date of enactment of the*
20 *Improving America’s Security Act of 2007, and*
21 *annually thereafter, the Inspector General of the*
22 *Department shall submit to Congress a consoli-*
23 *dated report regarding the audits conducted*
24 *under this subsection.*

1 “(B) *CONTENTS.*—*Each report submitted*
2 *under this paragraph shall describe—*

3 “(i)(I) *for the first such report, the au-*
4 *ditions conducted under this subsection during*
5 *the 2-year period beginning on the date of*
6 *enactment of the Improving America’s Secu-*
7 *rity Act of 2007; and*

8 “(II) *for each subsequent such report,*
9 *the audits conducted under this subsection*
10 *during the fiscal year before the date of the*
11 *submission of that report;*

12 “(ii) *whether funds under each grant*
13 *audited were used as required by law; and*

14 “(iii) *the extent to which funds under*
15 *each grant audited were used to enhance*
16 *preparedness.*

17 “(c) *FUNDING FOR AUDITS.*—

18 “(1) *IN GENERAL.*—*The Administrator shall*
19 *withhold 1 percent of the total amount of each grant*
20 *under the Urban Area Security Initiative, the State*
21 *Homeland Security Grant Program, and the Emer-*
22 *gency Management Performance Grant Program for*
23 *audits under this section.*

1 “(2) *AVAILABILITY OF FUNDS.*—*The Administrator shall make amounts withheld under this sub-*
2 *section available as follows:*

4 “(A) *Amounts withheld from grants under*
5 *the Urban Area Security Initiative shall be*
6 *made available for audits under this section of*
7 *entities receiving grants under the Urban Area*
8 *Security Initiative.*

9 “(B) *Amounts withheld from grants under*
10 *the State Homeland Security Grant Program*
11 *shall be made available for audits under this sec-*
12 *tion of entities receiving grants under the State*
13 *Homeland Security Grant Program.*

14 “(C) *Amounts withheld from grants under*
15 *the Emergency Management Performance Grant*
16 *Program shall be made available for audits*
17 *under this section of entities receiving grants*
18 *under the Emergency Management Performance*
19 *Grant Program.*

20 “(d) *DEFINITION.*—*In this section, the term ‘Emer-*
21 *gency Management Performance Grants Program’ means*
22 *the Emergency Management Performance Grants Program*
23 *under section 662 of the Post-Katrina Emergency Manage-*
24 *ment Reform Act of 2006 (6 U.S.C. 763; Public Law 109–*
25 *295).*

1 **“SEC. 2010. SENSE OF THE SENATE.**

2 *“It is the sense of the Senate that, in order to ensure*
3 *that the Nation is most effectively able to prevent, prepare*
4 *for, protect against, respond to, recovery from, and mitigate*
5 *against all hazards, including natural disasters, acts of ter-*
6 *rorism, and other man-made disasters—*

7 *“(1) the Department should administer a coher-*
8 *ent and coordinated system of both terrorism-focused*
9 *and all-hazards grants, the essential building blocks of*
10 *which include—*

11 *“(A) the Urban Area Security Initiative*
12 *and State Homeland Security Grant Program*
13 *established under this title (including funds dedi-*
14 *cated to law enforcement terrorism prevention*
15 *activities);*

16 *“(B) the Emergency Communications Oper-*
17 *ability and Interoperable Communications*
18 *Grants established under section 1809; and*

19 *“(C) the Emergency Management Perform-*
20 *ance Grants Program authorized under section*
21 *662 of the Post-Katrina Emergency Management*
22 *Reform Act of 2006 (6 U.S.C. 763); and*

23 *“(2) to ensure a continuing and appropriate bal-*
24 *ance between terrorism-focused and all-hazards pre-*
25 *paredness, the amounts appropriated for grants under*
26 *the Urban Area Security Initiative, State Homeland*

1 *Security Grant Program, and Emergency Manage-*
2 *ment Performance Grants Program in any fiscal year*
3 *should be in direct proportion to the amounts author-*
4 *ized for those programs for fiscal year 2008 under the*
5 *amendments made by titles II and IV, as applicable,*
6 *of the Improving America's Security Act of 2007.”.*

7 **SEC. 203. EQUIPMENT TECHNICAL ASSISTANCE TRAINING.**

8 *(a) SENSE OF THE SENATE.—It is the sense of the Sen-*
9 *ate that the Department of Homeland Security shall con-*
10 *duct no fewer than 7,500 trainings annually through the*
11 *Domestic Preparedness Equipment Technical Assistance*
12 *Program.*

13 *(b) REPORT.—The Secretary of Homeland Security*
14 *shall report no later than September 30 annually to the*
15 *Senate Homeland Security and Governmental Affairs Com-*
16 *mittee, the House Homeland Security Committee, Senate*
17 *Appropriations Subcommittee on Homeland Security, and*
18 *the House Appropriations Subcommittee on Homeland*
19 *Security—*

20 *(a) on the number of trainings conducted that year*
21 *through the Domestic Preparedness Equipment Technical*
22 *Assistance Program; and*

23 *(b) if the number of trainings conducted that year is*
24 *less than 7,500, an explanation of why fewer trainings were*
25 *needed.*

1 **SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) *IN GENERAL.*—*The Homeland Security Act of*
 3 *2002 (6 U.S.C. 101 et seq.) is amended—*

4 (1) *by redesignating title XVIII, as added by the*
 5 *SAFE Port Act (Public Law 109–347; 120 Stat.*
 6 *1884), as title XIX;*

7 (2) *by redesignating sections 1801 through 1806,*
 8 *as added by the SAFE Port Act (Public Law 109–*
 9 *347; 120 Stat. 1884), as sections 1901 through 1906,*
 10 *respectively;*

11 (3) *in section 1904(a), as so redesignated, by*
 12 *striking “section 1802” and inserting “section 1902”;*
 13 *and*

14 (4) *in section 1906, as so redesignated, by strik-*
 15 *ing “section 1802(a)” each place that term appears*
 16 *and inserting “section 1902(a)”.*

17 (b) *TABLE OF CONTENTS.*—*The table of contents in*
 18 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
 19 *101 note) is amended by striking the items relating to title*
 20 *XVIII and sections 1801 through 1806, as added by the*
 21 *SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and*
 22 *inserting the following:*

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1903. Hiring authority.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“Sec. 1906. Contracting and grant making authorities.

“TITLE XX—HOMELAND SECURITY GRANTS

- “Sec. 2001. Definitions.
 “Sec. 2002. Homeland Security Grant Program.
 “Sec. 2003. Urban Area Security Initiative.
 “Sec. 2004. State Homeland Security Grant Program.
 “Sec. 2005. Terrorism prevention.
 “Sec. 2006. Restrictions on use of funds.
 “Sec. 2007. Administration and coordination.
 “Sec. 2008. Accountability.
 “Sec. 2009. Auditing.
 “Sec. 2010. Sense of the Senate.”.

1 **TITLE III—COMMUNICATIONS**
 2 **OPERABILITY AND INTER-**
 3 **OPERABILITY**

4 **SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY**
 5 **COMMUNICATIONS OPERABILITY AND INTER-**
 6 **OPERABLE COMMUNICATIONS.**

7 (a) *EMERGENCY COMMUNICATIONS OPERABILITY AND*
 8 *INTEROPERABLE COMMUNICATIONS.—*

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

13 **“SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY**
 14 **AND INTEROPERABLE COMMUNICATIONS**
 15 **GRANTS.**

16 “(a) *DEFINITIONS.—In this section:*

17 “(1) *ADMINISTRATOR.—The term ‘Adminis-*
 18 *trator’ means the Administrator of the Federal Emer-*
 19 *gency Management Agency.*

1 “(2) *EMERGENCY COMMUNICATIONS OPER-*
2 *ABILITY.*—*The term ‘emergency communications oper-*
3 *ability’ means the ability to provide and maintain,*
4 *throughout an emergency response operation, a con-*
5 *tinuous flow of information among emergency re-*
6 *sponse providers, agencies, and government officers*
7 *from multiple disciplines and jurisdictions and at all*
8 *levels of government, in the event of a natural dis-*
9 *aster, act of terrorism, or other man-made disaster,*
10 *including where there has been significant damage to,*
11 *or destruction of, critical infrastructure, including*
12 *substantial loss of ordinary telecommunications infra-*
13 *structure and sustained loss of electricity.*

14 “(b) *IN GENERAL.*—*The Administrator shall make*
15 *grants to States for initiatives necessary to achieve, main-*
16 *tain, or enhance Statewide, regional, national and, as ap-*
17 *propriate, international emergency communications oper-*
18 *ability and interoperable communications.*

19 “(c) *STATEWIDE INTEROPERABLE COMMUNICATIONS*
20 *PLANS.*—

21 “(1) *SUBMISSION OF PLANS.*—*The Administrator*
22 *shall require any State applying for a grant under*
23 *this section to submit a Statewide Interoperable Com-*
24 *munications Plan as described under section 7303(f)*

1 *of the Intelligence Reform and Terrorism Prevention*
2 *Act of 2004 (6 U.S.C. 194(f)).*

3 “(2) *COORDINATION AND CONSULTATION.—The*
4 *Statewide plan submitted under paragraph (1) shall*
5 *be developed—*

6 “(A) *in coordination with local and tribal*
7 *governments, emergency response providers, and*
8 *other relevant State officers; and*

9 “(B) *in consultation with and subject to ap-*
10 *propriate comment by the applicable Regional*
11 *Emergency Communications Coordination Work-*
12 *ing Group as described under section 1805.*

13 “(3) *APPROVAL.—The Administrator may not*
14 *award a grant to a State unless the Administrator,*
15 *in consultation with the Director for Emergency*
16 *Communications, has approved the applicable State-*
17 *wide plan.*

18 “(4) *REVISIONS.—A State may revise the appli-*
19 *cable Statewide plan approved by the Administrator*
20 *under this subsection, subject to approval of the revi-*
21 *sion by the Administrator.*

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

1 “(e) *USE OF GRANT FUNDS.*—Grants awarded under
2 subsection (b) may be used for initiatives to achieve, main-
3 tain, or enhance emergency communications operability
4 and interoperable communications, including—

5 “(1) *Statewide or regional communications*
6 *planning, including governance related activities;*

7 “(2) *system design and engineering;*

8 “(3) *system procurement and installation;*

9 “(4) *exercises;*

10 “(5) *modeling and simulation exercises for oper-*
11 *ational command and control functions;*

12 “(6) *technical assistance;*

13 “(7) *training; and*

14 “(8) *other appropriate activities determined by*
15 *the Administrator to be integral to achieve, maintain,*
16 *or enhance emergency communications operability*
17 *and interoperable communications.*

18 “(f) *APPLICATION.*—

19 “(1) *IN GENERAL.*—A State desiring a grant
20 under this section shall submit an application at such
21 time, in such manner, and accompanied by such in-
22 formation as the Administrator may reasonably re-
23 quire.

24 “(2) *MINIMUM CONTENTS.*—At a minimum, each
25 application submitted under paragraph (1) shall—

1 “(A) identify the critical aspects of the com-
2 munications life cycle, including planning, sys-
3 tem design and engineering, procurement and
4 installation, and training for which funding is
5 requested;

6 “(B) describe how—

7 “(i) the proposed use of funds—

8 “(I) would be consistent with and
9 address the goals in any applicable
10 State, regional, or urban homeland se-
11 curity plan; and

12 “(II) unless the Administrator de-
13 termines otherwise, are—

14 “(aa) consistent with the Na-
15 tional Emergency Communica-
16 tions Plan under section 1802;
17 and

18 “(bb) compatible with the na-
19 tional infrastructure and national
20 voluntary consensus standards;

21 “(ii) the applicant intends to spend
22 funds under the grant, to administer such
23 funds, and to allocate such funds among
24 participating local and tribal governments
25 and emergency response providers;

1 “(iii) the State plans to allocate the
2 grant funds on the basis of risk and effec-
3 tiveness to regions, local and tribal govern-
4 ments to promote meaningful investments
5 for achieving, maintaining, or enhancing
6 emergency communications operability and
7 interoperable communications;

8 “(iv) the State intends to address the
9 emergency communications operability and
10 interoperable communications needs at the
11 city, county, regional, State, and interstate
12 level; and

13 “(v) the State plans to emphasize re-
14 gional planning and cooperation, both with-
15 in the jurisdictional borders of that State
16 and with neighboring States;

17 “(C) be consistent with the Statewide Inter-
18 operable Communications Plan required under
19 section 7303(f) of the Intelligence Reform and
20 Terrorism Prevention Act of 2004 (6 U.S.C.
21 194(f)); and

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

25 “(g) AWARD OF GRANTS.—

1 “(1) *CONSIDERATIONS.*—*In approving applica-*
2 *tions and awarding grants under this section, the Ad-*
3 *ministrator shall consider—*

4 “(A) *the nature of the threat to the State*
5 *from a natural disaster, act of terrorism, or*
6 *other man-made disaster;*

7 “(B) *the location, risk, or vulnerability of*
8 *critical infrastructure and key national assets,*
9 *including the consequences from damage to crit-*
10 *ical infrastructure in nearby jurisdictions as a*
11 *result of natural disasters, acts of terrorism, or*
12 *other man-made disasters;*

13 “(C) *the size of the population of the State,*
14 *including appropriate consideration of military,*
15 *tourist, and commuter populations;*

16 “(D) *the population density of the State;*

17 “(E) *the extent to which grants will be uti-*
18 *lized to implement emergency communications*
19 *operability and interoperable communications*
20 *solutions—*

21 “(i) *consistent with the National*
22 *Emergency Communications Plan under*
23 *section 1802 and compatible with the na-*
24 *tional infrastructure and national vol-*
25 *untary consensus standards; and*

1 “(ii) more efficient and cost effective
2 than current approaches;

3 “(F) the extent to which a grant would ex-
4 pedite the achievement, maintenance, or enhance-
5 ment of emergency communications operability
6 and interoperable communications in the State
7 with Federal, State, local, and tribal govern-
8 ments;

9 “(G) the extent to which a State, given its
10 financial capability, demonstrates its commit-
11 ment to achieve, maintain, or enhance emergency
12 communications operability and interoperable
13 communications by supplementing Federal funds
14 with non-Federal funds;

15 “(H) whether the State is on or near an
16 international border;

17 “(I) whether the State encompasses an eco-
18 nomically significant border crossing;

19 “(J) whether the State has a coastline bor-
20 dering an ocean, a major waterway used for
21 interstate commerce, or international waters;

22 “(K) the extent to which geographic barriers
23 pose unusual obstacles to achieving, maintain-
24 ing, or enhancing emergency communications
25 operability or interoperable communications;

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

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

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

4 “(O) *such other factors as are specified by the Administrator in writing.*

5 “(2) *REVIEW PANEL.—*

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

7 “(B) *RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator re-*

1 *garding applications for grants under this sec-*
2 *tion.*

3 “(C) *MEMBERSHIP.*—*The review panel es-*
4 *tablished under subparagraph (A) shall*
5 *include—*

6 “(i) *individuals with technical exper-*
7 *tise in emergency communications oper-*
8 *ability and interoperable communications;*

9 “(ii) *emergency response providers;*
10 *and*

11 “(iii) *other relevant State and local of-*
12 *ficers.*

13 “(3) *MINIMUM GRANT AMOUNTS.*—*The Adminis-*
14 *trator shall ensure that for each fiscal year—*

15 “(A) *no State receives less than an amount*
16 *equal to 0.75 percent of the total funds appro-*
17 *priated for grants under this section; and*

18 “(B) *American Samoa, the Commonwealth*
19 *of the Northern Mariana Islands, Guam, and the*
20 *Virgin Islands each receive no less than 0.25 per-*
21 *cent of the amounts appropriated for grants*
22 *under this section.*

23 “(4) *AVAILABILITY OF FUNDS.*—*Any grant funds*
24 *awarded that may be used to support emergency com-*
25 *munications operability or interoperable communica-*

1 *tions shall, as the Administrator may determine, re-*
2 *main available for up to 3 years, consistent with sec-*
3 *tion 7303(e) of the Intelligence Reform and Terrorism*
4 *Prevention Act of 2004 (6 U.S.C. 194(e)).*

5 “(h) *STATE RESPONSIBILITIES.*—

6 “(1) *PASS-THROUGH OF FUNDS TO LOCAL AND*
7 *TRIBAL GOVERNMENTS.*—*The Administrator shall de-*
8 *termine a date by which a State that receives a grant*
9 *shall obligate or otherwise make available to local and*
10 *tribal governments and emergency response*
11 *providers—*

12 “(A) *not less than 80 percent of the funds*
13 *of the amount of the grant;*

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

17 “(C) *grant funds combined with resources*
18 *purchased with the grant funds having a value*
19 *equal to not less than 80 percent of the total*
20 *amount of the grant.*

21 “(2) *CERTIFICATIONS REGARDING DISTRIBUTION*
22 *OF GRANT FUNDS TO LOCAL AND TRIBAL GOVERN-*
23 *MENTS.*—*Any State that receives a grant shall certify*
24 *to the Administrator, by not later than 30 days after*
25 *the date described under paragraph (1) with respect*

1 *to the grant, that the State has made available for ex-*
2 *penditure by local or tribal governments and emer-*
3 *gency response providers the required amount of*
4 *grant funds under paragraph (1).*

5 “(3) *REPORT ON GRANT SPENDING.*—

6 “(A) *IN GENERAL.*—*Any State that receives*
7 *a grant shall submit a spending report to the*
8 *Administrator at such time, in such manner,*
9 *and accompanied by such information as the Ad-*
10 *ministrator may reasonably require.*

11 “(B) *MINIMUM CONTENTS.*—*At a minimum,*
12 *each report under this paragraph shall include—*

13 “(i) *the amount, ultimate recipients,*
14 *and dates of receipt of all funds received*
15 *under the grant;*

16 “(ii) *the amount and the dates of dis-*
17 *bursements of all such funds expended in*
18 *compliance with paragraph (1) or under*
19 *mutual aid agreements or other intrastate*
20 *and interstate sharing arrangements, as ap-*
21 *plicable;*

22 “(iii) *how the funds were used by each*
23 *ultimate recipient or beneficiary;*

24 “(iv) *the extent to which emergency*
25 *communications operability and interoper-*

1 *able communications identified in the ap-*
2 *plicable Statewide plan and application*
3 *have been achieved, maintained, or en-*
4 *hanced as the result of the expenditure of*
5 *grant funds; and*

6 *“(v) the extent to which emergency*
7 *communications operability and interoper-*
8 *able communications identified in the ap-*
9 *plicable Statewide plan and application re-*
10 *main unmet.*

11 *“(C) PUBLIC AVAILABILITY ON WEBSITE.—*
12 *The Administrator shall make each report sub-*
13 *mitted under subparagraph (A) publicly avail-*
14 *able on the website of the Federal Emergency*
15 *Management Agency. The Administrator may re-*
16 *duct such information from the reports as the*
17 *Administrator determines necessary to protect*
18 *national security.*

19 *“(4) PENALTIES FOR REPORTING DELAY.—If a*
20 *State fails to provide the information required by the*
21 *Administrator under paragraph (3), the Adminis-*
22 *trator may—*

23 *“(A) reduce grant payments to the State*
24 *from the portion of grant funds that are not re-*

1 *quired to be passed through under paragraph*
2 *(1);*

3 *“(B) terminate payment of funds under the*
4 *grant to the State, and transfer the appropriate*
5 *portion of those funds directly to local and tribal*
6 *governments and emergency response providers*
7 *that were intended to receive funding under that*
8 *grant; or*

9 *“(C) impose additional restrictions or bur-*
10 *dens on the use of funds by the State under the*
11 *grant, which may include—*

12 *“(i) prohibiting use of such funds to*
13 *pay the grant-related expenses of the State;*
14 *or*

15 *“(ii) requiring the State to distribute*
16 *to local and tribal government and emer-*
17 *gency response providers all or a portion of*
18 *grant funds that are not required to be*
19 *passed through under paragraph (1).*

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

22 *“(j) AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated for grants under this*
24 *section—*

25 *“(1) \$400,000,000 for fiscal year 2008;*

1 “(2) \$500,000,000 for fiscal year 2009;
2 “(3) \$600,000,000 for fiscal year 2010;
3 “(4) \$800,000,000 for fiscal year 2011;
4 “(5) \$1,000,000,000 for fiscal year 2012; and
5 “(6) such sums as necessary for each fiscal year
6 thereafter.

7 “(k) *RULE OF CONSTRUCTION.*—Nothing in this sec-
8 tion shall be construed or interpreted to preclude the use
9 of funds under this section by a State for interim or long-
10 term Internet Protocol-based interoperable solutions, not-
11 withstanding compliance with the Project 25 standard.”.

12 (2) *TECHNICAL AND CONFORMING AMEND-*
13 *MENT.*—The table of contents under section 1(b) of the
14 *Homeland Security Act of 2002 (6 U.S.C. 101)* is
15 amended by inserting after the item relating to sec-
16 tion 1808 the following:

“Sec. 1809. *Emergency communications operability and interoperable commu-*
nications grants.”

17 (b) *INTEROPERABLE COMMUNICATIONS PLANS.*—Sec-
18 tion 7303 of the *Intelligence Reform and Terrorist Preven-*
19 *tion Act of 2004 (6 U.S.C. 194)* is amended—

20 (1) in subsection (f)—

21 (A) in paragraph (4), by striking “and” at
22 the end;

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

1 (C) by adding at the end the following:

2 “(6) include information on the governance
3 structure used to develop the plan, such as all agen-
4 cies and organizations that participated in devel-
5 oping the plan and the scope and timeframe of the
6 plan; and

7 “(7) describe the method by which multi-jurisdic-
8 tional, multi-disciplinary input was provided from
9 all regions of the jurisdiction and the process for con-
10 tinuing to incorporate such input.”; and

11 (2) in subsection (g)(1), by striking “or video”
12 and inserting “and video”.

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

16 (1) in paragraph (8), by striking “and” at the
17 end;

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

20 (3) by adding at the end the following:

21 “(10) set a date, including interim benchmarks,
22 as appropriate, by which State, local, and tribal gov-
23 ernments, Federal departments and agencies, emer-
24 gency response providers, and the private sector will
25 achieve interoperable communications as that term is

1 *defined under section 7303(g)(1) of the Intelligence*
2 *Reform and Terrorism Prevention Act of 2004 (6*
3 *U.S.C. 194(g)(1).”.*

4 **SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION**
5 **PROJECT.**

6 *(a) IN GENERAL.—*

7 *(1) ESTABLISHMENT.—There is established in*
8 *the Department an International Border Community*
9 *Interoperable Communications Demonstration Project*
10 *(referred to in this section as “demonstration*
11 *project”).*

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

15 *(3) LOCATION OF COMMUNITIES.—No fewer than*
16 *3 of the communities selected under paragraph (2)*
17 *shall be located on the northern border of the United*
18 *States and no fewer than 3 of the communities se-*
19 *lected under paragraph (2) shall be located on the*
20 *southern border of the United States.*

21 *(b) PROGRAM REQUIREMENTS.—The demonstration*
22 *projects shall—*

23 *(1) address the interoperable communications*
24 *needs of emergency response providers and the Na-*
25 *tional Guard;*

1 (2) *foster interoperable emergency communica-*
2 *tions systems—*

3 (A) *among Federal, State, local, and tribal*
4 *government agencies in the United States in-*
5 *volved in preventing or responding to a natural*
6 *disaster, act of terrorism, or other man-made*
7 *disaster; and*

8 (B) *with similar agencies in Canada or*
9 *Mexico;*

10 (3) *identify common international cross-border*
11 *frequencies for communications equipment, including*
12 *radio or computer messaging equipment;*

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

15 (5) *identify solutions that will facilitate inter-*
16 *operable communications across national borders ex-*
17 *peditiously;*

18 (6) *ensure that emergency response providers can*
19 *communicate with each other and the public at dis-*
20 *aster sites;*

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

24 (8) *identify and secure appropriate joint-use*
25 *equipment to ensure communications access; and*

1 (9) *identify solutions to facilitate communica-*
2 *tions between emergency response providers in com-*
3 *munities of differing population densities.*

4 (c) *DISTRIBUTION OF FUNDS.—*

5 (1) *IN GENERAL.—The Secretary shall distribute*
6 *funds under this section to each community partici-*
7 *parting in a demonstration project through the State,*
8 *or States, in which each community is located.*

9 (2) *OTHER PARTICIPANTS.—Not later than 60*
10 *days after receiving funds under paragraph (1), a*
11 *State shall make the funds available to the local and*
12 *tribal governments and emergency response providers*
13 *selected by the Secretary to participate in a dem-*
14 *onstration project.*

15 (d) *REPORTING.—*

16 (1) *IN GENERAL.—Not later than December 31,*
17 *2007, and each year thereafter in which funds are ap-*
18 *propriated for a demonstration project, the Secretary*
19 *shall submit to the Committee on Homeland Security*
20 *and Governmental Affairs of the Senate and the Com-*
21 *mittee on Homeland Security of the House of Rep-*
22 *resentatives a report on the demonstration projects.*

23 (2) *CONTENTS.—Each report under this sub-*
24 *section shall contain the following:*

1 (A) *The name and location of all commu-*
2 *nities involved in the demonstration project.*

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

5 (C) *An evaluation of the usefulness of the*
6 *demonstration project towards developing an ef-*
7 *fective interoperable communications system at*
8 *the borders.*

9 (D) *The factors that were used in deter-*
10 *mining how to distribute the funds in a risk-*
11 *based manner.*

12 (E) *The specific risks inherent to a border*
13 *community that make interoperable communica-*
14 *tions more difficult than in non-border commu-*
15 *nities.*

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

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

1 **TITLE IV—EMERGENCY MANAGE-**
2 **MENT PERFORMANCE**
3 **GRANTS PROGRAM**

4 **SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE**
5 **GRANTS PROGRAM.**

6 *Section 622 of the Post-Katrina Emergency Manage-*
7 *ment Reform Act of 2006 (6 U.S.C. 763) is amended to*
8 *read as follows:*

9 **“SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE**
10 **GRANTS PROGRAM.**

11 *“(a) DEFINITIONS.—In this section:*

12 *“(1) POPULATION.—The term ‘population’*
13 *means population according to the most recent United*
14 *States census population estimates available at the*
15 *start of the relevant fiscal year.*

16 *“(2) STATE.—The term ‘State’ has the meaning*
17 *given that term in section 101 of the Homeland Secu-*
18 *rity Act of 2002 (6 U.S.C. 101).*

19 *“(b) IN GENERAL.—There is an Emergency Manage-*
20 *ment Performance Grants Program to make grants to*
21 *States to assist State, local, and tribal governments in pre-*
22 *paring for, responding to, recovering from, and mitigating*
23 *against all hazards.*

24 *“(c) APPLICATION.—*

1 “(1) *IN GENERAL.*—Each State may apply for a
2 grant under this section, and shall submit such infor-
3 mation in support of an application as the Adminis-
4 trator may reasonably require.

5 “(2) *ANNUAL APPLICATIONS.*—Applicants for
6 grants under this section shall apply or reapply on
7 an annual basis for grants distributed under the pro-
8 gram.

9 “(d) *ALLOCATION.*—Funds available under the Emer-
10 gency Management Performance Grants Program shall be
11 allocated as follows:

12 “(1) *BASELINE AMOUNT.*—

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

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

22 “(2) *PER CAPITA ALLOCATION.*—The funds re-
23 maining for grants under this section after allocation
24 of the baseline amounts under paragraph (1) shall be

1 *allocated to each State in proportion to its popu-*
2 *lation.*

3 “(3) *CONSISTENCY IN ALLOCATION.*—*Notwith-*
4 *standing paragraphs (1) and (2), in any fiscal year*
5 *in which the appropriation for grants under this sec-*
6 *tion is equal to or greater than the appropriation for*
7 *Emergency Management Performance Grants in fiscal*
8 *year 2007, no State shall receive an amount under*
9 *this section for that fiscal year less than the amount*
10 *that State received in fiscal year 2007.*

11 “(e) *ALLOWABLE USES.*—*Grants awarded under this*
12 *section may be used to prepare for, respond to, recover from,*
13 *and mitigate against all hazards through—*

14 “(1) *any activity authorized under title VI or*
15 *section 201 of the Robert T. Stafford Disaster Relief*
16 *and Emergency Assistance Act (42 U.S.C. 5195 et*
17 *seq. and 5131);*

18 “(2) *any activity permitted under the Fiscal*
19 *Year 2007 Program Guidance of the Department for*
20 *Emergency Management Performance Grants; and*

21 “(3) *any other activity approved by the Admin-*
22 *istrator that will improve the emergency management*
23 *capacity of State, local, or tribal governments to co-*
24 *ordinate, integrate, and enhance preparedness for, re-*

1 *sponse to, recovery from, or mitigation against all-*
2 *hazards.*

3 “(f) *COST SHARING.*—

4 “(1) *IN GENERAL.*—*Except as provided in sub-*
5 *section (i), the Federal share of the costs of an activ-*
6 *ity carried out with a grant under this section shall*
7 *not exceed 50 percent.*

8 “(2) *IN-KIND MATCHING.*—*Each recipient of a*
9 *grant under this section may meet the matching re-*
10 *quirement under paragraph (1) by making in-kind*
11 *contributions of goods or services that are directly*
12 *linked with the purpose for which the grant is made.*

13 “(g) *DISTRIBUTION OF FUNDS.*—*The Administrator*
14 *shall not delay distribution of grant funds to States under*
15 *this section solely because of delays in or timing of awards*
16 *of other grants administered by the Department.*

17 “(h) *LOCAL AND TRIBAL GOVERNMENTS.*—

18 “(1) *IN GENERAL.*—*In allocating grant funds re-*
19 *ceived under this section, a State shall take into ac-*
20 *count the needs of local and tribal governments.*

21 “(2) *INDIAN TRIBES.*—*States shall be responsible*
22 *for allocating grant funds received under this section*
23 *to tribal governments in order to help those tribal*
24 *communities improve their capabilities in preparing*
25 *for, responding to, recovering from, or mitigating*

1 *against all hazards. Tribal governments shall be eligi-*
2 *ble for funding directly from the States, and shall not*
3 *be required to seek funding from any local govern-*
4 *ment.*

5 “(i) *EMERGENCY OPERATIONS CENTERS IMPROVE-*
6 *MENT PROGRAM.—*

7 “(1) *IN GENERAL.—The Administrator may*
8 *award grants to States under this section to plan for,*
9 *equip, upgrade, or construct all-hazards State, local,*
10 *or regional emergency operations centers.*

11 “(2) *REQUIREMENTS.—No grant awards under*
12 *this section (including for the activities specified*
13 *under this subsection) shall be used for construction*
14 *unless such construction occurs under terms and con-*
15 *ditions consistent with the requirements under section*
16 *611(j)(9) of the Robert T. Stafford Disaster Relief and*
17 *Emergency Assistance Act (42 U.S.C. 5196(j)(9)).*

18 “(3) *COST SHARING.—*

19 “(A) *IN GENERAL.—The Federal share of*
20 *the costs of an activity carried out with a grant*
21 *under this subsection shall not exceed 75 percent.*

22 “(B) *IN KIND MATCHING.—Each recipient*
23 *of a grant for an activity under this section may*
24 *meet the matching requirement under subpara-*
25 *graph (A) by making in-kind contributions of*

1 *goods or services that are directly linked with the*
 2 *purpose for which the grant is made.*

3 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 4 *authorized to be appropriated for grants under this*
 5 *section—*

6 “(1) *for fiscal year 2007, such sums as are nec-*
 7 *essary;*

8 “(2) *for each of fiscal years 2008, 2009, and*
 9 *2010, \$913,180,500; and*

10 “(3) *for fiscal year 2011, and each fiscal year*
 11 *thereafter, such sums as are necessary.”.*

12 ***TITLE V—ENHANCING SECURITY***
 13 ***OF INTERNATIONAL TRAVEL***

14 ***SEC. 501. MODERNIZATION OF THE VISA WAIVER PROGRAM.***

15 “(a) *SHORT TITLE.—This section may be cited as the*
 16 *“Secure Travel and Counterterrorism Partnership Act”.*

17 “(b) *SENSE OF CONGRESS.—It is the sense of Congress*
 18 *that—*

19 “(1) *the United States should modernize the visa*
 20 *waiver program by simultaneously—*

21 “(A) *enhancing program security require-*
 22 *ments; and*

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

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

3 (A) *enhance bilateral cooperation on critical*
4 *counterterrorism and information sharing ini-*
5 *tiatives;*

6 (B) *support and expand tourism and busi-*
7 *ness opportunities to enhance long-term economic*
8 *competitiveness; and*

9 (C) *strengthen bilateral relationships.*

10 (c) *DISCRETIONARY VISA WAIVER PROGRAM EXPAN-*
11 *SION.—Section 217(c) of the Immigration and Nationality*
12 *Act (8 U.S.C. 1187(c)) is amended by adding at the end*
13 *the following:*

14 “(8) *NONIMMIGRANT VISA REFUSAL RATE FLEXI-*
15 *BILITY.—*

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

23 “(B) *WAIVER.—After certification by the*
24 *Secretary under subparagraph (A), the Secretary*
25 *of Homeland Security, in consultation with the*

1 *Secretary of State, may waive the application of*
2 *paragraph (2)(A) for a country—*

3 *“(i) if the country meets all security*
4 *requirements of this section;*

5 *“(ii) if the Secretary of Homeland Se-*
6 *curity determines that the totality of the*
7 *country’s security risk mitigation measures*
8 *provide assurance that the country’s par-*
9 *ticipation in the program would not com-*
10 *promise the law enforcement, security inter-*
11 *ests, or enforcement of the immigration laws*
12 *of the United States;*

13 *“(iii) if there has been a sustained re-*
14 *duction in the rate of refusals for non-*
15 *immigrant visitor visas for nationals of the*
16 *country and conditions exist to continue*
17 *such reduction;*

18 *“(iv) the country cooperated with the*
19 *Government of the United States on*
20 *counterterrorism initiatives and informa-*
21 *tion sharing before the date of its designa-*
22 *tion as a program country, and the Sec-*
23 *retary of Homeland Security and the Sec-*
24 *retary of State expect such cooperation will*
25 *continue; and*

1 “(v)(I) if the rate of refusals for non-
2 immigrant visitor visas for nationals of the
3 country during the previous full fiscal year
4 was not more than 10 percent; or

5 “(II) if the visa overstay rate for the
6 country for the previous full fiscal year does
7 not exceed the maximum visa overstay rate,
8 once it is established under subparagraph
9 (C).

10 “(C) *MAXIMUM VISA OVERSTAY RATE.*—

11 “(i) *REQUIREMENT TO ESTABLISH.*—
12 After certification by the Secretary under
13 subparagraph (A), the Secretary of Home-
14 land Security and the Secretary of State
15 jointly shall use information from the air
16 exit system referred to in subparagraph (A)
17 to establish a maximum visa overstay rate
18 for countries participating in the program
19 pursuant to a waiver under subparagraph
20 (B).

21 “(ii) *VISA OVERSTAY RATE DEFINED.*—
22 In this paragraph the term ‘visa overstay
23 rate’ means, with respect to a country, the
24 ratio of—

1 “(I) the total number of nationals
2 of that country who were admitted to
3 the United States on the basis of a
4 nonimmigrant visitor visa for which
5 the period of stay authorized by such
6 visa ended during a fiscal year and
7 who remained in the United States un-
8 lawfully beyond the such period of
9 stay; to

10 “(II) the total number of nation-
11 als of that country who were admitted
12 to the United States on the basis of a
13 nonimmigrant visitor visa for which
14 the period of stay authorized by such
15 visa ended during such fiscal year.

16 “(iii) *REPORT AND PUBLICATION.*—
17 Secretary of Homeland Security shall sub-
18 mit to Congress and publish in the Federal
19 Register a notice of the maximum visa over-
20 stay rate proposed to be established under
21 clause (i). Not less than 60 days after the
22 date such notice is submitted and published,
23 the Secretary shall issue a final maximum
24 visa overstay rate.

1 “(9) *DISCRETIONARY SECURITY-RELATED CON-*
 2 *SIDERATIONS.—In determining whether to waive the*
 3 *application of paragraph (2)(A) for a country, pursu-*
 4 *ant to paragraph (8), the Secretary of Homeland Se-*
 5 *curity, in consultation with the Secretary of State,*
 6 *shall take into consideration other factors affecting the*
 7 *security of the United States, including—*

8 “(A) *airport security standards in the coun-*
 9 *try;*

10 “(B) *whether the country assists in the op-*
 11 *eration of an effective air marshal program;*

12 “(C) *the standards of passports and travel*
 13 *documents issued by the country; and*

14 “(D) *other security-related factors.*”.

15 (d) *SECURITY ENHANCEMENTS TO THE VISA WAIVER*
 16 *PROGRAM.—*

17 (1) *IN GENERAL.—Section 217 of the Immigra-*
 18 *tion and Nationality Act (8 U.S.C. 1187) is*
 19 *amended—*

20 (A) *in subsection (a)—*

21 (i) *by striking “Operators of aircraft”*
 22 *and inserting the following:*

23 “(10) *ELECTRONIC TRANSMISSION OF IDENTI-*
 24 *FICATION INFORMATION.—Operators of aircraft”; and*

25 (ii) *by adding at the end the following:*

1 “(11) *ELIGIBILITY DETERMINATION UNDER THE*
2 *ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Be-*
3 *ginning on the date on which the electronic travel au-*
4 *thorization system developed under subsection (h)(3)*
5 *is fully operational, each alien traveling under the*
6 *program shall, before applying for admission, elec-*
7 *tronically provide basic biographical information to*
8 *the system. Upon review of such biographical infor-*
9 *mation, the Secretary of Homeland Security shall de-*
10 *termine whether the alien is eligible to travel to the*
11 *United States under the program.”;*

12 *(B) in subsection (c), as amended by sub-*
13 *section (c) of this section—*

14 *(i) in paragraph (2)—*

15 *(I) by amending subparagraph*

16 *(D) to read as follows:*

17 “(D) *REPORTING LOST AND STOLEN PASS-*
18 *PORTS.—The government of the country enters*
19 *into an agreement with the United States to re-*
20 *port, or make available through Interpol, to the*
21 *United States Government information about the*
22 *theft or loss of passports within a strict time*
23 *limit and in a manner specified in the agree-*
24 *ment.”; and*

1 (II) by adding at the end the fol-
2 lowing:

3 “(E) *REPATRIATION OF ALIENS.*—The gov-
4 ernment of a country accepts for repatriation
5 any citizen, former citizen, or national against
6 whom a final executable order of removal is
7 issued not later than 3 weeks after the issuance
8 of the final order of removal. Nothing in this
9 subparagraph creates any duty for the United
10 States or any right for any alien with respect to
11 removal or release. Nothing in this subparagraph
12 gives rise to any cause of action or claim under
13 this paragraph or any other law against any of-
14 ficial of the United States or of any State to
15 compel the release, removal, or consideration for
16 release or removal of any alien.

17 “(F) *PASSENGER INFORMATION EX-*
18 *CHANGE.*—The government of the country enters
19 into an agreement with the United States to
20 share information regarding whether nationals of
21 that country traveling to the United States rep-
22 resent a threat to the security or welfare of the
23 United States or its citizens.”;

24 (ii) in paragraph (5)—

1 (I) by striking “Attorney Gen-
2 eral” each place it appears and insert-
3 ing “Secretary of Homeland Security”;
4 and

5 (II) in subparagraph (A)(i)—

6 (aa) in subclause (II), by
7 striking “and” at the end;

8 (bb) in subclause (III), by
9 striking the period at the end and
10 inserting “; and”; and

11 (cc) by adding at the end the
12 following:

13 “(IV) shall submit to Congress a
14 report regarding the implementation of
15 the electronic travel authorization sys-
16 tem under subsection (h)(3) and the
17 participation of new countries in the
18 program through a waiver under para-
19 graph (8).”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(10) TECHNICAL ASSISTANCE.—The Secretary
23 of Homeland Security, in consultation with the Sec-
24 retary of State, shall provide technical assistance to

1 *program countries to assist those countries in meeting*
2 *the requirements under this section.”;*

3 *(C) in subsection (d), by adding at the end*
4 *the following: “The Secretary of Homeland Secu-*
5 *rity may not waive any eligibility requirement*
6 *under this section unless the Secretary notifies*
7 *the appropriate congressional committees not*
8 *later than 30 days before the effective date of*
9 *such waiver.”;*

10 *(D) in subsection (f)(5), by striking “of*
11 *blank” and inserting “or loss of”; and*

12 *(E) in subsection (h), by adding at the end*
13 *the following:*

14 *“(3) ELECTRONIC TRAVEL AUTHORIZATION SYS-*
15 *TEM.—*

16 *“(A) SYSTEM.—The Secretary of Homeland*
17 *Security, in consultation with the Secretary of*
18 *State, is authorized to develop and implement a*
19 *fully automated electronic travel authorization*
20 *system (referred to in this paragraph as the*
21 *‘System’) to collect such basic biographical infor-*
22 *mation as the Secretary of Homeland Security*
23 *determines to be necessary to determine, in ad-*
24 *vance of travel, the eligibility of an alien to trav-*
25 *el to the United States under the program.*

1 “(B) *FEES.*—*The Secretary of Homeland*
2 *Security may charge a fee for the use of the Sys-*
3 *tem, which shall be—*

4 “(i) *set at a level that will ensure re-*
5 *covery of the full costs of providing and ad-*
6 *ministering the System; and*

7 “(ii) *available to pay the costs in-*
8 *curring to administer the System.*

9 “(C) *VALIDITY.*—

10 “(i) *PERIOD.*—*The Secretary of Home-*
11 *land Security, in consultation with the Sec-*
12 *retary of State shall prescribe regulations*
13 *that provide for a period, not to exceed 3*
14 *years, during which a determination of eli-*
15 *gibility to travel under the program will be*
16 *valid. Notwithstanding any other provision*
17 *under this section, the Secretary of Home-*
18 *land Security may revoke any such deter-*
19 *mination at any time and for any reason.*

20 “(ii) *LIMITATION.*—*A determination*
21 *that an alien is eligible to travel to the*
22 *United States under the program is not a*
23 *determination that the alien is admissible*
24 *to the United States.*

1 “(iii) *JUDICIAL REVIEW.*—Notwith-
2 standing any other provision of law, no
3 court shall have jurisdiction to review an
4 eligibility determination under the System.

5 “(D) *REPORT.*—Not later than 60 days be-
6 fore publishing notice regarding the implementa-
7 tion of the System in the Federal Register, the
8 Secretary of Homeland Security shall submit a
9 report regarding the implementation of the Sys-
10 tem to—

11 “(i) *the Committee on Homeland Secu-*
12 *urity and Governmental Affairs of the Sen-*
13 *ate;*

14 “(ii) *the Committee on the Judiciary*
15 *of the Senate;*

16 “(iii) *the Select Committee on Intel-*
17 *ligence of the Senate;*

18 “(iv) *the Committee on Appropriations*
19 *of the Senate;*

20 “(v) *the Committee on Homeland Secu-*
21 *rity of the House of Representatives;*

22 “(vi) *the Committee on the Judiciary*
23 *of the House of Representatives;*

1 “(vii) the Permanent Select Committee
2 on Intelligence of the House of Representa-
3 tives; and

4 “(viii) the Committee on Appropria-
5 tions of the House of Representatives.”.

6 (2) *EFFECTIVE DATE.*—Section 217(a)(11) of the
7 Immigration and Nationality Act, as added by para-
8 graph (1)(A)(ii) shall take effect on the date which is
9 60 days after the date on which the Secretary of
10 Homeland Security publishes notice in the Federal
11 Register of the requirement under such paragraph.

12 (e) *EXIT SYSTEM.*—

13 (1) *IN GENERAL.*—Not later than 1 year after
14 the date of enactment of this Act, the Secretary of
15 Homeland Security shall establish an exit system that
16 records the departure on a flight leaving the United
17 States of every alien participating in the visa waiver
18 program established under section 217 of the Immi-
19 gration and Nationality Act (8 U.S.C. 1187).

20 (2) *SYSTEM REQUIREMENTS.*—The system estab-
21 lished under paragraph (1) shall—

22 (A) match biometric information of the
23 alien against relevant watch lists and immigra-
24 tion information; and

1 (B) compare such biometric information
2 against manifest information collected by air
3 carriers on passengers departing the United
4 States to confirm such individuals have departed
5 the United States.

6 (3) REPORT.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary shall sub-
8 mit a report to Congress that describes—

9 (A) the progress made in developing and de-
10 ploying the exit system established under this
11 subsection; and

12 (B) the procedures by which the Secretary
13 will improve the manner of calculating the rates
14 of nonimmigrants who violate the terms of their
15 visas by remaining in the United States after the
16 expiration of such visas.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There are
18 authorized to be appropriated such sums as may be nec-
19 essary to carry out this section and the amendments made
20 by this section.

1 **SEC. 502. STRENGTHENING THE CAPABILITIES OF THE**
2 **HUMAN SMUGGLING AND TRAFFICKING CEN-**
3 **TER.**

4 (a) *IN GENERAL.*—Section 7202 of the Intelligence Re-
5 form and Terrorism Prevention Act of 2004 (8 U.S.C. 1777)
6 is amended—

7 (1) in subsection (c)(1), by striking “address”
8 and inserting “integrate and disseminate intelligence
9 and information related to”;

10 (2) by redesignating subsections (d) and (e) as
11 subsections (g) and (h), respectively; and

12 (3) by inserting after subsection (c) the following
13 new subsections:

14 “(d) *DIRECTOR.*—The Secretary of Homeland Security
15 shall nominate an official of the Government of the United
16 States to serve as the Director of the Center, in accordance
17 with the requirements of the memorandum of understanding
18 entitled the ‘Human Smuggling and Trafficking Center
19 (HSTC) Charter’.

20 “(e) *STAFFING OF THE CENTER.*—

21 “(1) *IN GENERAL.*—The Secretary of Homeland
22 Security, in cooperation with heads of other relevant
23 agencies and departments, shall ensure that the Cen-
24 ter is staffed with not fewer than 40 full-time equiva-
25 lent positions, including, as appropriate, detailees
26 from the following:

1 “(A) *The Office of Intelligence and Anal-*
2 *ysis.*

3 “(B) *The Transportation Security Adminis-*
4 *tration.*

5 “(C) *The United States Citizenship and Im-*
6 *migration Services.*

7 “(D) *The United States Customs and Bor-*
8 *der Protection.*

9 “(E) *The United States Coast Guard.*

10 “(F) *The United States Immigration and*
11 *Customs Enforcement.*

12 “(G) *The Central Intelligence Agency.*

13 “(H) *The Department of Defense.*

14 “(I) *The Department of the Treasury.*

15 “(J) *The National Counterterrorism Center.*

16 “(K) *The National Security Agency.*

17 “(L) *The Department of Justice.*

18 “(M) *The Department of State.*

19 “(N) *Any other relevant agency or depart-*
20 *ment.*

21 “(2) *EXPERTISE OF DETAILEES.—The Secretary*
22 *of Homeland Security, in cooperation with the head*
23 *of each agency, department, or other entity set out*
24 *under paragraph (1), shall ensure that the detailees*
25 *provided to the Center under paragraph (1) include*

1 *an adequate number of personnel with experience in*
2 *the area of—*

3 “(A) *consular affairs;*

4 “(B) *counterterrorism;*

5 “(C) *criminal law enforcement;*

6 “(D) *intelligence analysis;*

7 “(E) *prevention and detection of document*
8 *fraud;*

9 “(F) *border inspection; or*

10 “(G) *immigration enforcement.*

11 “(3) *REIMBURSEMENT FOR DETAILEES.—To the*
12 *extent that funds are available for such purpose, the*
13 *Secretary of Homeland Security shall provide reim-*
14 *bursement to each agency or department that provides*
15 *a detailee to the Center, in such amount or propor-*
16 *tion as is appropriate for costs associated with the*
17 *provision of such detailee, including costs for travel*
18 *by, and benefits provided to, such detailee.*

19 “(f) *ADMINISTRATIVE SUPPORT AND FUNDING.—The*
20 *Secretary of Homeland Security shall provide to the Center*
21 *the administrative support and funding required for its*
22 *maintenance, including funding for personnel, leasing of of-*
23 *fice space, supplies, equipment, technology, training, and*
24 *travel expenses necessary for the Center to carry out its*
25 *functions.”.*

1 **(b) REPORT.**—*Subsection (g) of section 7202 of the In-*
2 *telligence Reform and Terrorism Prevention Act of 2004 (8*
3 *U.S.C. 1777), as redesignated by subsection (a)(2), is*
4 *amended—*

5 (1) *in the heading, by striking “REPORT” and*
6 *inserting “INITIAL REPORT”;*

7 (2) *by redesignating such subsection (g) as para-*
8 *graph (1);*

9 (3) *by indenting such paragraph, as so des-*
10 *ignated, four ems from the left margin;*

11 (4) *by inserting before such paragraph, as so des-*
12 *ignated, the following:*

13 “*(g) REPORT.—*”; *and*

14 (5) *by inserting after such paragraph, as so des-*
15 *ignated, the following new paragraph:*

16 “*(2) FOLLOW-UP REPORT.—Not later than 180*
17 *days after the date of enactment of the Improving*
18 *America’s Security Act of 2007, the President shall*
19 *transmit to Congress a report regarding the operation*
20 *of the Center and the activities carried out by the*
21 *Center, including a description of—*

22 “*(A) the roles and responsibilities of each*
23 *agency or department that is participating in*
24 *the Center;*

1 “(B) the mechanisms used to share informa-
2 tion among each such agency or department;

3 “(C) the staff provided to the Center by each
4 such agency or department;

5 “(D) the type of information and reports
6 being disseminated by the Center; and

7 “(E) any efforts by the Center to create a
8 centralized Federal Government database to store
9 information related to illicit travel of foreign na-
10 tionals, including a description of any such
11 database and of the manner in which informa-
12 tion utilized in such a database would be col-
13 lected, stored, and shared.”.

14 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
15 *authorized to be appropriated to the Secretary to carry out*
16 *section 7202 of the Intelligence Reform and Terrorism Pre-*
17 *vention Act of 2004 (8 U.S.C. 1777), as amended by this*
18 *section, \$20,000,000 for fiscal year 2008.*

19 **SEC. 503. ENHANCEMENTS TO THE TERRORIST TRAVEL**
20 **PROGRAM.**

21 *Section 7215 of the Intelligence Reform and Terrorism*
22 *Prevention Act of 2004 (6 U.S.C. 123) is amended to read*
23 *as follows:*

1 **“SEC. 7215. TERRORIST TRAVEL PROGRAM.**

2 “(a) *REQUIREMENT TO ESTABLISH.*—Not later than
3 90 days after the date of enactment of the Improving Amer-
4 ica’s Security Act of 2007, the Secretary of Homeland Secu-
5 rity, in consultation with the Director of the National
6 Counterterrorism Center and consistent with the strategy
7 developed under section 7201, shall establish a program to
8 oversee the implementation of the Secretary’s responsibil-
9 ities with respect to terrorist travel.

10 “(b) *HEAD OF THE PROGRAM.*—The Secretary of
11 Homeland Security shall designate an official of the De-
12 partment of Homeland Security to be responsible for car-
13 rying out the program. Such official shall be—

14 “(1) the Assistant Secretary for Policy of the De-
15 partment of Homeland Security; or

16 “(2) an official appointed by the Secretary who
17 reports directly to the Secretary.

18 “(c) *DUTIES.*—The official designated under sub-
19 section (b) shall assist the Secretary of Homeland Security
20 in improving the Department’s ability to prevent terrorists
21 from entering the United States or remaining in the United
22 States undetected by—

23 “(1) developing relevant strategies and policies;

24 “(2) reviewing the effectiveness of existing pro-
25 grams and recommending improvements, if necessary;

1 “(3) making recommendations on budget requests
2 and on the allocation of funding and personnel;

3 “(4) ensuring effective coordination, with respect
4 to policies, programs, planning, operations, and dis-
5 semination of intelligence and information related to
6 terrorist travel—

7 “(A) among appropriate subdivisions of the
8 Department of Homeland Security, as deter-
9 mined by the Secretary and including—

10 “(i) the United States Customs and
11 Border Protection;

12 “(ii) the United States Immigration
13 and Customs Enforcement;

14 “(iii) the United States Citizenship
15 and Immigration Services;

16 “(iv) the Transportation Security Ad-
17 ministration; and

18 “(v) the United States Coast Guard;
19 and

20 “(B) between the Department of Homeland
21 Security and other appropriate Federal agencies;
22 and

23 “(5) serving as the Secretary’s primary point of
24 contact with the National Counterterrorism Center for
25 implementing initiatives related to terrorist travel

1 *and ensuring that the recommendations of the Center*
2 *related to terrorist travel are carried out by the De-*
3 *partment.*

4 “(d) *REPORT.—Not later than 180 days after the date*
5 *of enactment of the Improving America’s Security Act of*
6 *2007, the Secretary of Homeland Security shall submit to*
7 *the Committee on Homeland Security and Governmental*
8 *Affairs of the Senate and the Committee on Homeland Se-*
9 *curity of the House of Representatives a report on the im-*
10 *plementation of this section.”.*

11 **SEC. 504. ENHANCED DRIVER’S LICENSE.**

12 *Section 7209(b)(1) of the Intelligence Reform and Ter-*
13 *rorism Prevention Act of 2004 (8 U.S.C. 1185 note) is*
14 *amended—*

15 *(1) in subparagraph (B)—*

16 *(A) in clause (vi), by striking “and” at the*
17 *end;*

18 *(B) in clause (vii), by striking the period at*
19 *the end and inserting “; and”; and*

20 *(C) by adding at the end the following:*

21 *“(viii) the signing of a memorandum*
22 *of agreement to initiate a pilot program*
23 *with not less than 1 State to determine if*
24 *an enhanced driver’s license, which is ma-*
25 *chine-readable and tamper proof, not valid*

1 *for certification of citizenship for any pur-*
2 *pose other than admission into the United*
3 *States from Canada, and issued by such*
4 *State to an individual, may permit the in-*
5 *dividual to use the driver’s license to meet*
6 *the documentation requirements under sub-*
7 *paragraph (A) for entry into the United*
8 *States from Canada at the land and sea*
9 *ports of entry.”; and*

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

11 “(C) *REPORT.—Not later than 180 days*
12 *after the initiation of the pilot program de-*
13 *scribed in subparagraph (B)(viii), the Secretary*
14 *of Homeland Security and Secretary of State*
15 *shall submit to the appropriate congressional*
16 *committees a report, which includes—*

17 “(i) *an analysis of the impact of the*
18 *pilot program on national security;*

19 “(ii) *recommendations on how to ex-*
20 *pand the pilot program to other States;*

21 “(iii) *any appropriate statutory*
22 *changes to facilitate the expansion of the*
23 *pilot program to additional States and to*
24 *citizens of Canada;*

1 “(iv) a plan to scan individuals par-
2 ticipating in the pilot program against
3 United States terrorist watch lists; and

4 “(v) a recommendation for the type of
5 machine-readable technology that should be
6 used in enhanced driver’s licenses, based on
7 individual privacy considerations and the
8 costs and feasibility of incorporating any
9 new technology into existing driver’s li-
10 censes.”.

11 **SEC. 505. WESTERN HEMISPHERE TRAVEL INITIATIVE.**

12 *Before publishing a final rule in the Federal Register,*
13 *the Secretary shall conduct—*

14 (1) *a complete cost-benefit analysis of the West-*
15 *ern Hemisphere Travel Initiative, authorized under*
16 *section 7209 of the Intelligence Reform and Terrorism*
17 *Prevention Act of 2004 (Public Law 108–458; 8*
18 *U.S.C. 1185 note); and*

19 (2) *a study of the mechanisms by which the exe-*
20 *cution fee for a PASS Card could be reduced, consid-*
21 *ering the potential increase in the number of applica-*
22 *tions.*

23 **SEC. 506. MODEL PORTS-OF-ENTRY.**

24 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
25 *rity shall—*

1 (1) *establish a model ports-of-entry program for*
2 *the purpose of providing a more efficient and wel-*
3 *coming international arrival process in order to fa-*
4 *cilitate and promote business and tourist travel to the*
5 *United States, while also improving security; and*

6 (2) *implement the program initially at the 20*
7 *United States international airports with the greatest*
8 *average annual number of arriving foreign visitors.*

9 (b) *PROGRAM ELEMENTS.—The program shall*
10 *include—*

11 (1) *enhanced queue management in the Federal*
12 *Inspection Services area leading up to primary in-*
13 *spection;*

14 (2) *assistance for foreign travelers once they have*
15 *been admitted to the United States, in consultation,*
16 *as appropriate, with relevant governmental and non-*
17 *governmental entities; and*

18 (3) *instructional videos, in English and such*
19 *other languages as the Secretary determines appro-*
20 *priate, in the Federal Inspection Services area that*
21 *explain the United States inspection process and fea-*
22 *ture national, regional, or local welcome videos.*

23 (c) *ADDITIONAL CUSTOMS AND BORDER PROTECTION*
24 *OFFICERS FOR HIGH VOLUME PORTS.—Subject to the*
25 *availability of appropriations, before the end of fiscal year*

1 2008 the Secretary of Homeland Security shall employ not
2 less than an additional 200 Customs and Border Protection
3 officers to address staff shortages at the 20 United States
4 international airports with the highest average number of
5 foreign visitors arriving annually.

6 **TITLE VI—PRIVACY AND CIVIL**
7 **LIBERTIES MATTERS**

8 **SEC. 601. MODIFICATION OF AUTHORITIES RELATING TO**
9 **PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
10 **BOARD.**

11 (a) *MODIFICATION OF AUTHORITIES.*—Section 1061 of
12 the National Security Intelligence Reform Act of 2004 (title
13 I of Public Law 108–458; 5 U.S.C. 601 note) is amended
14 to read as follows:

15 **“SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
16 **BOARD.**

17 “(a) *IN GENERAL.*—There is established within the
18 Executive Office of the President a Privacy and Civil Lib-
19 erties Oversight Board (referred to in this section as the
20 ‘Board’).

21 “(b) *FINDINGS.*—Consistent with the report of the Na-
22 tional Commission on Terrorist Attacks Upon the United
23 States, Congress makes the following findings:

1 “(1) *In conducting the war on terrorism, the*
2 *Government may need additional powers and may*
3 *need to enhance the use of its existing powers.*

4 “(2) *This shift of power and authority to the*
5 *Government calls for an enhanced system of checks*
6 *and balances to protect the precious liberties that are*
7 *vital to our way of life and to ensure that the Govern-*
8 *ment uses its powers for the purposes for which the*
9 *powers were given.*

10 “(c) *PURPOSE.—The Board shall—*

11 “(1) *analyze and review actions the executive*
12 *branch takes to protect the Nation from terrorism, en-*
13 *sureing that the need for such actions is balanced with*
14 *the need to protect privacy and civil liberties; and*

15 “(2) *ensure that liberty concerns are appro-*
16 *priately considered in the development and imple-*
17 *mentation of laws, regulations, and policies related to*
18 *efforts to protect the Nation against terrorism.*

19 “(d) *FUNCTIONS.—*

20 “(1) *ADVICE AND COUNSEL ON POLICY DEVELOP-*
21 *MENT AND IMPLEMENTATION.—The Board shall—*

22 “(A) *review proposed legislation, regula-*
23 *tions, and policies related to efforts to protect the*
24 *Nation from terrorism, including the develop-*
25 *ment and adoption of information sharing*

1 *guidelines under subsections (d) and (f) of sec-*
2 *tion 1016;*

3 *“(B) review the implementation of new and*
4 *existing legislation, regulations, and policies re-*
5 *lated to efforts to protect the Nation from ter-*
6 *rorism, including the implementation of infor-*
7 *mation sharing guidelines under subsections (d)*
8 *and (f) of section 1016;*

9 *“(C) advise the President and the depart-*
10 *ments, agencies, and elements of the executive*
11 *branch to ensure that privacy and civil liberties*
12 *are appropriately considered in the development*
13 *and implementation of such legislation, regula-*
14 *tions, policies, and guidelines; and*

15 *“(D) in providing advice on proposals to*
16 *retain or enhance a particular governmental*
17 *power, consider whether the department, agency,*
18 *or element of the executive branch has*
19 *established—*

20 *“(i) that the need for the power is bal-*
21 *anced with the need to protect privacy and*
22 *civil liberties;*

23 *“(ii) that there is adequate supervision*
24 *of the use by the executive branch of the*

1 *power to ensure protection of privacy and*
2 *civil liberties; and*

3 “(iii) *that there are adequate guide-*
4 *lines and oversight to properly confine its*
5 *use.*

6 “(2) *OVERSIGHT.—The Board shall continually*
7 *review—*

8 “(A) *the regulations, policies, and proce-*
9 *dures, and the implementation of the regulations,*
10 *policies, and procedures, of the departments,*
11 *agencies, and elements of the executive branch to*
12 *ensure that privacy and civil liberties are pro-*
13 *ected;*

14 “(B) *the information sharing practices of*
15 *the departments, agencies, and elements of the*
16 *executive branch to determine whether they ap-*
17 *propriately protect privacy and civil liberties*
18 *and adhere to the information sharing guidelines*
19 *issued or developed under subsections (d) and (f)*
20 *of section 1016 and to other governing laws, reg-*
21 *ulations, and policies regarding privacy and*
22 *civil liberties; and*

23 “(C) *other actions by the executive branch*
24 *related to efforts to protect the Nation from ter-*
25 *rorism to determine whether such actions—*

1 “(i) appropriately protect privacy and
2 civil liberties; and

3 “(ii) are consistent with governing
4 laws, regulations, and policies regarding
5 privacy and civil liberties.

6 “(3) *RELATIONSHIP WITH PRIVACY AND CIVIL*
7 *LIBERTIES OFFICERS.—The Board shall—*

8 “(A) review and assess reports and other in-
9 formation from privacy officers and civil lib-
10 erties officers under section 1062;

11 “(B) when appropriate, make recommenda-
12 tions to such privacy officers and civil liberties
13 officers regarding their activities; and

14 “(C) when appropriate, coordinate the ac-
15 tivities of such privacy officers and civil liberties
16 officers on relevant interagency matters.

17 “(4) *TESTIMONY.—The members of the Board*
18 *shall appear and testify before Congress upon request.*

19 “(e) *REPORTS.—*

20 “(1) *IN GENERAL*The Board shall—

21 “(A) receive and review reports from pri-
22 vacy officers and civil liberties officers under sec-
23 tion 1062; and

24 “(B) periodically submit, not less than
25 semiannually, reports—

1 “(i)(I) to the appropriate committees
2 of Congress, including the Committee on the
3 Judiciary of the Senate, the Committee on
4 the Judiciary of the House of Representa-
5 tives, the Committee on Homeland Security
6 and Governmental Affairs of the Senate, the
7 Committee on Oversight and Government
8 Reform of the House of Representatives, the
9 Select Committee on Intelligence of the Sen-
10 ate, and the Permanent Select Committee
11 on Intelligence of the House of Representa-
12 tives; and

13 “(II) to the President; and

14 “(ii) which shall be in unclassified
15 form to the greatest extent possible, with a
16 classified annex where necessary.

17 “(2) CONTENTS.—Not less than 2 reports sub-
18 mitted each year under paragraph (1)(B) shall
19 include—

20 “(A) a description of the major activities of
21 the Board during the preceding period;

22 “(B) information on the findings, conclu-
23 sions, and recommendations of the Board result-
24 ing from its advice and oversight functions
25 under subsection (d);

1 “(C) *the minority views on any findings,*
2 *conclusions, and recommendations of the Board*
3 *resulting from its advice and oversight functions*
4 *under subsection (d);*

5 “(D) *each proposal reviewed by the Board*
6 *under subsection (d)(1) that—*

7 “(i) *the Board advised against imple-*
8 *mentation; and*

9 “(ii) *notwithstanding such advice, ac-*
10 *tions were taken to implement; and*

11 “(E) *for the preceding period, any requests*
12 *submitted under subsection (g)(1)(D) for the*
13 *issuance of subpoenas that were modified or de-*
14 *nied by the Attorney General.*

15 “(f) *INFORMING THE PUBLIC.—The Board shall—*

16 “(1) *make its reports, including its reports to*
17 *Congress, available to the public to the greatest extent*
18 *that is consistent with the protection of classified in-*
19 *formation and applicable law; and*

20 “(2) *hold public hearings and otherwise inform*
21 *the public of its activities, as appropriate and in a*
22 *manner consistent with the protection of classified in-*
23 *formation and applicable law.*

24 “(g) *ACCESS TO INFORMATION.—*

1 “(1) *AUTHORIZATION.*—*If determined by the*
2 *Board to be necessary to carry out its responsibilities*
3 *under this section, the Board is authorized to—*

4 “(A) *have access from any department,*
5 *agency, or element of the executive branch, or*
6 *any Federal officer or employee, to all relevant*
7 *records, reports, audits, reviews, documents, pa-*
8 *pers, recommendations, or other relevant mate-*
9 *rial, including classified information consistent*
10 *with applicable law;*

11 “(B) *interview, take statements from, or*
12 *take public testimony from personnel of any de-*
13 *partment, agency, or element of the executive*
14 *branch, or any Federal officer or employee;*

15 “(C) *request information or assistance from*
16 *any State, tribal, or local government; and*

17 “(D) *at the direction of a majority of the*
18 *members of the Board, submit a written request*
19 *to the Attorney General of the United States that*
20 *the Attorney General require, by subpoena, per-*
21 *sons (other than departments, agencies, and ele-*
22 *ments of the executive branch) to produce any*
23 *relevant information, documents, reports, an-*
24 *swers, records, accounts, papers, and other docu-*
25 *mentary or testimonial evidence.*

1 “(2) *REVIEW OF SUBPOENA REQUEST.*—

2 “(A) *IN GENERAL.*—*Not later than 30 days*
3 *after the date of receipt of a request by the Board*
4 *under paragraph (1)(D), the Attorney General*
5 *shall—*

6 “(i) *issue the subpoena as requested; or*
7 “(ii) *provide the Board, in writing,*
8 *with an explanation of the grounds on*
9 *which the subpoena request has been modi-*
10 *fied or denied.*

11 “(B) *NOTIFICATION.*—*If a subpoena request*
12 *is modified or denied under subparagraph*
13 *(A)(ii), the Attorney General shall, not later*
14 *than 30 days after the date of that modification*
15 *or denial, notify the Committee on the Judiciary*
16 *of the Senate and the Committee on the Judici-*
17 *ary of the House of Representatives.*

18 “(3) *ENFORCEMENT OF SUBPOENA.*—*In the case*
19 *of contumacy or failure to obey a subpoena issued*
20 *pursuant to paragraph (1)(D), the United States dis-*
21 *trict court for the judicial district in which the sub-*
22 *poenaed person resides, is served, or may be found*
23 *may issue an order requiring such person to produce*
24 *the evidence required by such subpoena.*

1 “(4) *AGENCY COOPERATION.*—Whenever informa-
2 tion or assistance requested under subparagraph (A)
3 or (B) of paragraph (1) is, in the judgment of the
4 Board, unreasonably refused or not provided, the
5 Board shall report the circumstances to the head of
6 the department, agency, or element concerned without
7 delay. The head of the department, agency, or element
8 concerned shall ensure that the Board is given access
9 to the information, assistance, material, or personnel
10 the Board determines to be necessary to carry out its
11 functions.

12 “(h) *MEMBERSHIP.*—

13 “(1) *MEMBERS.*—The Board shall be composed of
14 a full-time chairman and 4 additional members, who
15 shall be appointed by the President, by and with the
16 advice and consent of the Senate.

17 “(2) *QUALIFICATIONS.*—Members of the Board
18 shall be selected solely on the basis of their profes-
19 sional qualifications, achievements, public stature, ex-
20 pertise in civil liberties and privacy, and relevant ex-
21 perience, and without regard to political affiliation,
22 but in no event shall more than 3 members of the
23 Board be members of the same political party.

24 “(3) *INCOMPATIBLE OFFICE.*—An individual ap-
25 pointed to the Board may not, while serving on the

1 *Board, be an elected official, officer, or employee of*
2 *the Federal Government, other than in the capacity*
3 *as a member of the Board.*

4 “(4) *TERM.—Each member of the Board shall*
5 *serve a term of 6 years, except that—*

6 “(A) *a member appointed to a term of office*
7 *after the commencement of such term may serve*
8 *under such appointment only for the remainder*
9 *of such term;*

10 “(B) *upon the expiration of the term of of-*
11 *fice of a member, the member shall continue to*
12 *serve until the member’s successor has been ap-*
13 *pointed and qualified, except that no member*
14 *may serve under this subparagraph—*

15 “(i) *for more than 60 days when Con-*
16 *gress is in session unless a nomination to*
17 *fill the vacancy shall have been submitted to*
18 *the Senate; or*

19 “(ii) *after the adjournment sine die of*
20 *the session of the Senate in which such*
21 *nomination is submitted; and*

22 “(C) *the members first appointed under this*
23 *subsection after the date of enactment of the Im-*
24 *proving America’s Security Act of 2007 shall*
25 *serve terms of two, three, four, five, and six*

1 *years, respectively, with the term of each such*
2 *member to be designated by the President.*

3 “(5) *QUORUM AND MEETINGS.*—*After its initial*
4 *meeting, the Board shall meet upon the call of the*
5 *chairman or a majority of its members. Three mem-*
6 *bers of the Board shall constitute a quorum.*

7 “(i) *COMPENSATION AND TRAVEL EXPENSES.*—

8 “(1) *COMPENSATION.*—

9 “(A) *CHAIRMAN.*—*The chairman of the*
10 *Board shall be compensated at the rate of pay*
11 *payable for a position at level III of the Execu-*
12 *tive Schedule under section 5314 of title 5,*
13 *United States Code.*

14 “(B) *MEMBERS.*—*Each member of the*
15 *Board shall be compensated at a rate of pay*
16 *payable for a position at level IV of the Execu-*
17 *tive Schedule under section 5315 of title 5,*
18 *United States Code, for each day during which*
19 *that member is engaged in the actual perform-*
20 *ance of the duties of the Board.*

21 “(2) *TRAVEL EXPENSES.*—*Members of the Board*
22 *shall be allowed travel expenses, including per diem*
23 *in lieu of subsistence, at rates authorized for persons*
24 *employed intermittently by the Government under*
25 *section 5703(b) of title 5, United States Code, while*

1 *away from their homes or regular places of business*
2 *in the performance of services for the Board.*

3 “(j) *STAFF.*—

4 “(1) *APPOINTMENT AND COMPENSATION.*—*The*
5 *chairman of the Board, in accordance with rules*
6 *agreed upon by the Board, shall appoint and fix the*
7 *compensation of a full-time executive director and*
8 *such other personnel as may be necessary to enable*
9 *the Board to carry out its functions, without regard*
10 *to the provisions of title 5, United States Code, gov-*
11 *erning appointments in the competitive service, and*
12 *without regard to the provisions of chapter 51 and*
13 *subchapter III of chapter 53 of such title relating to*
14 *classification and General Schedule pay rates, except*
15 *that no rate of pay fixed under this subsection may*
16 *exceed the equivalent of that payable for a position at*
17 *level V of the Executive Schedule under section 5316*
18 *of title 5, United States Code.*

19 “(2) *DETAILEES.*—*Any Federal employee may*
20 *be detailed to the Board without reimbursement from*
21 *the Board, and such detailee shall retain the rights,*
22 *status, and privileges of the detailee’s regular employ-*
23 *ment without interruption.*

24 “(3) *CONSULTANT SERVICES.*—*The Board may*
25 *procure the temporary or intermittent services of ex-*

1 *perts and consultants in accordance with section 3109*
2 *of title 5, United States Code, at rates that do not ex-*
3 *ceed the daily rate paid a person occupying a posi-*
4 *tion at level IV of the Executive Schedule under sec-*
5 *tion 5315 of such title.*

6 “(k) *SECURITY CLEARANCES.—The appropriate de-*
7 *partments, agencies, and elements of the executive branch*
8 *shall cooperate with the Board to expeditiously provide the*
9 *Board members and staff with appropriate security clear-*
10 *ances to the extent possible under existing procedures and*
11 *requirements.*

12 “(l) *TREATMENT AS AGENCY, NOT AS ADVISORY COM-*
13 *MITTEE.—The Board—*

14 “(1) *is an agency (as defined in section 551(1)*
15 *of title 5, United States Code); and*

16 “(2) *is not an advisory committee (as defined in*
17 *section 3(2) of the Federal Advisory Committee Act (5*
18 *U.S.C. App.)).*

19 “(m) *AUTHORIZATION OF APPROPRIATIONS.—There*
20 *are authorized to be appropriated to carry out this section*
21 *amounts as follows:*

22 “(1) *For fiscal year 2008, \$5,000,000.*

23 “(2) *For fiscal year 2009, \$6,650,000.*

24 “(3) *For fiscal year 2010, \$8,300,000.*

25 “(4) *For fiscal year 2011, \$10,000,000.*

1 “(5) *For fiscal year 2012, and each fiscal year*
2 *thereafter, such sums as may be necessary.*”.

3 (b) *CONTINUATION OF SERVICE OF CURRENT MEM-*
4 *BERS OF PRIVACY AND CIVIL LIBERTIES BOARD.—The*
5 *members of the Privacy and Civil Liberties Oversight Board*
6 *as of the date of enactment of this Act may continue to*
7 *serve as members of that Board after that date, and to carry*
8 *out the functions and exercise the powers of that Board as*
9 *specified in section 1061 of the National Security Intel-*
10 *ligence Reform Act of 2004 (as amended by subsection (a)),*
11 *until—*

12 (1) *in the case of any individual serving as a*
13 *member of the Board under an appointment by the*
14 *President, by and with the advice and consent of the*
15 *Senate, the expiration of a term designated by the*
16 *President under section 1061(h)(4)(C) of such Act (as*
17 *so amended);*

18 (2) *in the case of any individual serving as a*
19 *member of the Board other than under an appoint-*
20 *ment by the President, by and with the advice and*
21 *consent of the Senate, the confirmation or rejection by*
22 *the Senate of that member’s nomination to the Board*
23 *under such section 1061 (as so amended), except that*
24 *no such individual may serve as a member under this*
25 *paragraph—*

1 (A) for more than 60 days when Congress is
2 in session unless a nomination of that indi-
3 vidual to be a member of the Board has been
4 submitted to the Senate; or

5 (B) after the adjournment sine die of the
6 session of the Senate in which such nomination
7 is submitted; or

8 (3) the appointment of members of the Board
9 under such section 1061 (as so amended), except that
10 no member may serve under this paragraph—

11 (A) for more than 60 days when Congress is
12 in session unless a nomination to fill the posi-
13 tion on the Board shall have been submitted to
14 the Senate; or

15 (B) after the adjournment sine die of the
16 session of the Senate in which such nomination
17 is submitted.

18 **SEC. 602. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

19 (a) *IN GENERAL.*—Section 1062 of the National Secu-
20 rity Intelligence Reform Act of 2004 (title I of Public Law
21 108–458; 118 Stat. 3688) is amended to read as follows:

22 **“SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

23 “(a) *DESIGNATION AND FUNCTIONS.*—The Attorney
24 General, the Secretary of Defense, the Secretary of State,
25 the Secretary of the Treasury, the Secretary of Health and

1 *Human Services, the Secretary of Homeland Security, the*
2 *Director of National Intelligence, the Director of the Central*
3 *Intelligence Agency, and the head of any other department,*
4 *agency, or element of the executive branch designated by*
5 *the Privacy and Civil Liberties Oversight Board under sec-*
6 *tion 1061 to be appropriate for coverage under this section*
7 *shall designate not less than 1 senior officer to—*

8 “(1) assist the head of such department, agency,
9 or element and other officials of such department,
10 agency, or element in appropriately considering pri-
11 vacy and civil liberties concerns when such officials
12 are proposing, developing, or implementing laws, reg-
13 ulations, policies, procedures, or guidelines related to
14 efforts to protect the Nation against terrorism;

15 “(2) periodically investigate and review depart-
16 ment, agency, or element actions, policies, procedures,
17 guidelines, and related laws and their implementa-
18 tion to ensure that such department, agency, or ele-
19 ment is adequately considering privacy and civil lib-
20 erties in its actions;

21 “(3) ensure that such department, agency, or ele-
22 ment has adequate procedures to receive, investigate,
23 respond to, and redress complaints from individuals
24 who allege such department, agency, or element has
25 violated their privacy or civil liberties; and

1 “(4) in providing advice on proposals to retain
2 or enhance a particular governmental power the offi-
3 cer shall consider whether such department, agency,
4 or element has established—

5 “(A) that the need for the power is balanced
6 with the need to protect privacy and civil lib-
7 erties;

8 “(B) that there is adequate supervision of
9 the use by such department, agency, or element
10 of the power to ensure protection of privacy and
11 civil liberties; and

12 “(C) that there are adequate guidelines and
13 oversight to properly confine its use.

14 “(b) *EXCEPTION TO DESIGNATION AUTHORITY.*—

15 “(1) *PRIVACY OFFICERS.*—In any department,
16 agency, or element referred to in subsection (a) or des-
17 ignated by the Privacy and Civil Liberties Oversight
18 Board, which has a statutorily created privacy officer,
19 such officer shall perform the functions specified in
20 subsection (a) with respect to privacy.

21 “(2) *CIVIL LIBERTIES OFFICERS.*—In any de-
22 partment, agency, or element referred to in subsection
23 (a) or designated by the Board, which has a statu-
24 torily created civil liberties officer, such officer shall

1 *perform the functions specified in subsection (a) with*
2 *respect to civil liberties.*

3 “(c) *SUPERVISION AND COORDINATION.—Each pri-*
4 *vacy officer or civil liberties officer described in subsection*
5 *(a) or (b) shall—*

6 “(1) *report directly to the head of the depart-*
7 *ment, agency, or element concerned; and*

8 “(2) *coordinate their activities with the Inspector*
9 *General of such department, agency, or element to*
10 *avoid duplication of effort.*

11 “(d) *AGENCY COOPERATION.—The head of each de-*
12 *partment, agency, or element shall ensure that each privacy*
13 *officer and civil liberties officer—*

14 “(1) *has the information, material, and resources*
15 *necessary to fulfill the functions of such officer;*

16 “(2) *is advised of proposed policy changes;*

17 “(3) *is consulted by decision makers; and*

18 “(4) *is given access to material and personnel*
19 *the officer determines to be necessary to carry out the*
20 *functions of such officer.*

21 “(e) *REPRISAL FOR MAKING COMPLAINT.—No action*
22 *constituting a reprisal, or threat of reprisal, for making a*
23 *complaint or for disclosing information to a privacy officer*
24 *or civil liberties officer described in subsection (a) or (b),*
25 *or to the Privacy and Civil Liberties Oversight Board, that*

1 *indicates a possible violation of privacy protections or civil*
2 *liberties in the administration of the programs and oper-*
3 *ations of the Federal Government relating to efforts to pro-*
4 *tect the Nation from terrorism shall be taken by any Federal*
5 *employee in a position to take such action, unless the com-*
6 *plaint was made or the information was disclosed with the*
7 *knowledge that it was false or with willful disregard for*
8 *its truth or falsity.*

9 “(f) *PERIODIC REPORTS.—*

10 “(1) *IN GENERAL.—The privacy officers and*
11 *civil liberties officers of each department, agency, or*
12 *element referred to or described in subsection (a) or*
13 *(b) shall periodically, but not less than quarterly, sub-*
14 *mit a report on the activities of such officers—*

15 “(A)(i) *to the appropriate committees of*
16 *Congress, including the Committee on the Judici-*
17 *ary of the Senate, the Committee on the Judici-*
18 *ary of the House of Representatives, the Com-*
19 *mittee on Homeland Security and Governmental*
20 *Affairs of the Senate, the Committee on Over-*
21 *sight and Government Reform of the House of*
22 *Representatives, the Select Committee on Intel-*
23 *ligence of the Senate, and the Permanent Select*
24 *Committee on Intelligence of the House of Rep-*
25 *resentatives;*

1 “(i) to the head of such department, agen-
2 cy, or element; and

3 “(iii) to the Privacy and Civil Liberties
4 Oversight Board; and

5 “(B) which shall be in unclassified form to
6 the greatest extent possible, with a classified
7 annex where necessary.

8 “(2) CONTENTS.—Each report submitted under
9 paragraph (1) shall include information on the dis-
10 charge of each of the functions of the officer concerned,
11 including—

12 “(A) information on the number and types
13 of reviews undertaken;

14 “(B) the type of advice provided and the re-
15 sponse given to such advice;

16 “(C) the number and nature of the com-
17 plaints received by the department, agency, or
18 element concerned for alleged violations; and

19 “(D) a summary of the disposition of such
20 complaints, the reviews and inquiries conducted,
21 and the impact of the activities of such officer.

22 “(g) INFORMING THE PUBLIC.—Each privacy officer
23 and civil liberties officer shall—

24 “(1) make the reports of such officer, including
25 reports to Congress, available to the public to the

1 *greatest extent that is consistent with the protection*
 2 *of classified information and applicable law; and*

3 *“(2) otherwise inform the public of the activities*
 4 *of such officer, as appropriate and in a manner con-*
 5 *sistent with the protection of classified information*
 6 *and applicable law.*

7 *“(h) SAVINGS CLAUSE.—Nothing in this section shall*
 8 *be construed to limit or otherwise supplant any other au-*
 9 *thorities or responsibilities provided by law to privacy offi-*
 10 *cers or civil liberties officers.”.*

11 *(b) CLERICAL AMENDMENT.—The table of contents for*
 12 *the Intelligence Reform and Terrorism Prevention Act of*
 13 *2004 (Public Law 108–458) is amended by striking the*
 14 *item relating to section 1062 and inserting the following*
 15 *new item:*

“Sec. 1062. Privacy and civil liberties officers.”.

16 **SEC. 603. DEPARTMENT PRIVACY OFFICER.**

17 *Section 222 of the Homeland Security Act of 2002 (6*
 18 *U.S.C. 142) is amended—*

19 *(1) by inserting “(a) APPOINTMENT AND RE-*
 20 *SPONSIBILITIES.—” before “The Secretary”; and*

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

22 *“(b) AUTHORITY TO INVESTIGATE.—*

23 *“(1) IN GENERAL.—The senior official appointed*
 24 *under subsection (a) may—*

1 “(A) *have access to all records, reports, au-*
2 *ditions, reviews, documents, papers, recommenda-*
3 *tions, and other materials available to the De-*
4 *partment that relate to programs and operations*
5 *with respect to the responsibilities of the senior*
6 *official under this section;*

7 “(B) *make such investigations and reports*
8 *relating to the administration of the programs*
9 *and operations of the Department that are nec-*
10 *essary or desirable as determined by that senior*
11 *official;*

12 “(C) *subject to the approval of the Sec-*
13 *retary, require by subpoena the production, by*
14 *any person other than a Federal agency, of all*
15 *information, documents, reports, answers,*
16 *records, accounts, papers, and other data and*
17 *documentary evidence necessary to performance*
18 *of the responsibilities of the senior official under*
19 *this section; and*

20 “(D) *administer to or take from any person*
21 *an oath, affirmation, or affidavit, whenever nec-*
22 *essary to performance of the responsibilities of*
23 *the senior official under this section.*

24 “(2) *ENFORCEMENT OF SUBPOENAS.—Any sub-*
25 *poena issued under paragraph (1)(C) shall, in the*

1 *case of contumacy or refusal to obey, be enforceable by*
2 *order of any appropriate United States district court.*

3 “(3) *EFFECT OF OATHS.—Any oath, affirmation,*
4 *or affidavit administered or taken under paragraph*
5 *(1)(D) by or before an employee of the Privacy Office*
6 *designated for that purpose by the senior official ap-*
7 *pointed under subsection (a) shall have the same force*
8 *and effect as if administered or taken by or before an*
9 *officer having a seal of office.*

10 “(c) *SUPERVISION AND COORDINATION.—*

11 “(1) *IN GENERAL.—The senior official appointed*
12 *under subsection (a) shall—*

13 “(A) *report to, and be under the general su-*
14 *per vision of, the Secretary; and*

15 “(B) *coordinate activities with the Inspector*
16 *General of the Department in order to avoid du-*
17 *plication of effort.*

18 “(2) *NOTIFICATION TO CONGRESS ON RE-*
19 *MOVAL.—If the Secretary removes the senior official*
20 *appointed under subsection (a) or transfers that sen-*
21 *ior official to another position or location within the*
22 *Department, the Secretary shall—*

23 “(A) *promptly submit a written notifica-*
24 *tion of the removal or transfer to Houses of Con-*
25 *gress; and*

1 “(B) include in any such notification the
2 reasons for the removal or transfer.

3 “(d) *REPORTS BY SENIOR OFFICIAL TO CONGRESS.*—
4 *The senior official appointed under subsection (a) shall—*

5 “(1) submit reports directly to the Congress re-
6 garding performance of the responsibilities of the sen-
7 ior official under this section, without any prior com-
8 ment or amendment by the Secretary, Deputy Sec-
9 retary, or any other officer or employee of the Depart-
10 ment or the Office of Management and Budget; and

11 “(2) inform the Committee on Homeland Secu-
12 rity and Governmental Affairs of the Senate and the
13 Committee on Homeland Security of the House of
14 Representatives not later than—

15 “(A) 30 days after the Secretary dis-
16 approves the senior official’s request for a sub-
17 poena under subsection (b)(1)(C) or the Sec-
18 retary substantively modifies the requested sub-
19 poena; or

20 “(B) 45 days after the senior official’s re-
21 quest for a subpoena under subsection (b)(1)(C),
22 if that subpoena has not either been approved or
23 disapproved by the Secretary.”.

1 **SEC. 604. FEDERAL AGENCY DATA MINING REPORTING ACT**
2 **OF 2007.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Federal Agency Data Mining Reporting Act of 2007”.*

5 (b) *DEFINITIONS.*—*In this section:*

6 (1) *DATA MINING.*—*The term “data mining”*
7 *means a program involving pattern-based queries,*
8 *searches, or other analyses of 1 or more electronic*
9 *databases, where—*

10 (A) *a department or agency of the Federal*
11 *Government, or a non-Federal entity acting on*
12 *behalf of the Federal Government, is conducting*
13 *the queries, searches, or other analyses to dis-*
14 *cover or locate a predictive pattern or anomaly*
15 *indicative of terrorist or criminal activity on the*
16 *part of any individual or individuals;*

17 (B) *the queries, searches, or other analyses*
18 *are not subject-based and do not use personal*
19 *identifiers of a specific individual, or inputs as-*
20 *sociated with a specific individual or group of*
21 *individuals, to retrieve information from the*
22 *database or databases; and*

23 (C) *the purpose of the queries, searches, or*
24 *other analyses is not solely—*

1 (i) *the detection of fraud, waste, or*
2 *abuse in a Government agency or program;*
3 *or*

4 (ii) *the security of a Government com-*
5 *puter system.*

6 (2) *DATABASE.—The term “database” does not*
7 *include telephone directories, news reporting, infor-*
8 *mation publicly available to any member of the pub-*
9 *lic without payment of a fee, or databases of judicial*
10 *and administrative opinions or other legal research*
11 *sources.*

12 (c) *REPORTS ON DATA MINING ACTIVITIES BY FED-*
13 *ERAL AGENCIES.—*

14 (1) *IN GENERAL.—Subsection (d) of this section*
15 *shall have no force or effect.*

16 (2) *REPORTS.—*

17 (A) *REQUIREMENT FOR REPORT.—The head*
18 *of each department or agency of the Federal Gov-*
19 *ernment that is engaged in any activity to use*
20 *or develop data mining shall submit a report to*
21 *Congress on all such activities of the department*
22 *or agency under the jurisdiction of that official.*
23 *The report shall be produced in coordination*
24 *with the privacy officer of that department or*
25 *agency, if applicable, and shall be made avail-*

1 able to the public, except for an annex described
2 in subparagraph (C).

3 (B) *CONTENT OF REPORT.*—Each report
4 submitted under subparagraph (A) shall include,
5 for each activity to use or develop data mining,
6 the following information:

7 (i) *A thorough description of the data*
8 *mining activity, its goals, and, where ap-*
9 *propriate, the target dates for the deploy-*
10 *ment of the data mining activity.*

11 (ii) *A thorough description of the data*
12 *mining technology that is being used or will*
13 *be used, including the basis for determining*
14 *whether a particular pattern or anomaly is*
15 *indicative of terrorist or criminal activity.*

16 (iii) *A thorough description of the data*
17 *sources that are being or will be used.*

18 (iv) *An assessment of the efficacy or*
19 *likely efficacy of the data mining activity*
20 *in providing accurate information con-*
21 *sistent with and valuable to the stated goals*
22 *and plans for the use or development of the*
23 *data mining activity.*

24 (v) *An assessment of the impact or*
25 *likely impact of the implementation of the*

1 *data mining activity on the privacy and*
2 *civil liberties of individuals, including a*
3 *thorough description of the actions that are*
4 *being taken or will be taken with regard to*
5 *the property, privacy, or other rights or*
6 *privileges of any individual or individuals*
7 *as a result of the implementation of the*
8 *data mining activity.*

9 *(vi) A list and analysis of the laws*
10 *and regulations that govern the information*
11 *being or to be collected, reviewed, gathered,*
12 *analyzed, or used in conjunction with the*
13 *data mining activity, to the extent applica-*
14 *ble in the context of the data mining activ-*
15 *ity.*

16 *(vii) A thorough discussion of the poli-*
17 *cies, procedures, and guidelines that are in*
18 *place or that are to be developed and ap-*
19 *plied in the use of such data mining activ-*
20 *ity in order to—*

21 *(I) protect the privacy and due*
22 *process rights of individuals, such as*
23 *redress procedures; and*

24 *(II) ensure that only accurate and*
25 *complete information is collected, re-*

1 *viewed, gathered, analyzed, or used,*
2 *and guard against any harmful con-*
3 *sequences of potential inaccuracies.*

4 (C) ANNEX.—

5 (i) IN GENERAL.—*A report under sub-*
6 *paragraph (A) shall include in an annex*
7 *any necessary—*

8 (I) *classified information;*

9 (II) *law enforcement sensitive in-*
10 *formation;*

11 (III) *proprietary business infor-*
12 *mation; or*

13 (IV) *trade secrets (as that term is*
14 *defined in section 1839 of title 18,*
15 *United States Code).*

16 (ii) AVAILABILITY.—*Any annex de-*
17 *scribed in clause (i)—*

18 (I) *shall be available, as appro-*
19 *priate, and consistent with the Na-*
20 *tional Security Act of 1947 (50 U.S.C.*
21 *401 et seq.), to the Committee on*
22 *Homeland Security and Governmental*
23 *Affairs, the Committee on the Judici-*
24 *ary, the Select Committee on Intel-*
25 *ligence, the Committee on Appropria-*

1 *tions, and the Committee on Banking,*
2 *Housing, and Urban Affairs of the*
3 *Senate and the Committee on Home-*
4 *land Security, the Committee on the*
5 *Judiciary, the Permanent Select Com-*
6 *mittee on Intelligence, the Committee*
7 *on Appropriations, and the Committee*
8 *on Financial Services of the House of*
9 *Representatives; and*

10 *(II) shall not be made available to*
11 *the public.*

12 *(D) TIME FOR REPORT.—Each report re-*
13 *quired under subparagraph (A) shall be—*

14 *(i) submitted not later than 180 days*
15 *after the date of enactment of this Act; and*

16 *(ii) updated not less frequently than*
17 *annually thereafter, to include any activity*
18 *to use or develop data mining engaged in*
19 *after the date of the prior report submitted*
20 *under subparagraph (A).*

21 *(d) REPORTS ON DATA MINING ACTIVITIES BY FED-*
22 *ERAL AGENCIES.—*

23 *(1) REQUIREMENT FOR REPORT.—The head of*
24 *each department or agency of the Federal Government*
25 *that is engaged in any activity to use or develop data*

1 *mining shall submit a report to Congress on all such*
2 *activities of the department or agency under the juris-*
3 *isdiction of that official. The report shall be made*
4 *available to the public, except for a classified annex*
5 *described paragraph (2)(H).*

6 (2) *CONTENT OF REPORT.—Each report sub-*
7 *mitted under paragraph (1) shall include, for each ac-*
8 *tivity to use or develop data mining, the following in-*
9 *formation:*

10 (A) *A thorough description of the data min-*
11 *ing activity, its goals, and, where appropriate,*
12 *the target dates for the deployment of the data*
13 *mining activity.*

14 (B) *A thorough description, without reveal-*
15 *ing existing patents, proprietary business proc-*
16 *esses, trade secrets, and intelligence sources and*
17 *methods, of the data mining technology that is*
18 *being used or will be used, including the basis*
19 *for determining whether a particular pattern or*
20 *anomaly is indicative of terrorist or criminal ac-*
21 *tivity.*

22 (C) *A thorough description of the data*
23 *sources that are being or will be used.*

24 (D) *An assessment of the efficacy or likely*
25 *efficacy of the data mining activity in providing*

1 *accurate information consistent with and valu-*
2 *able to the stated goals and plans for the use or*
3 *development of the data mining activity.*

4 *(E) An assessment of the impact or likely*
5 *impact of the implementation of the data mining*
6 *activity on the privacy and civil liberties of in-*
7 *dividuals, including a thorough description of*
8 *the actions that are being taken or will be taken*
9 *with regard to the property, privacy, or other*
10 *rights or privileges of any individual or individ-*
11 *uals as a result of the implementation of the*
12 *data mining activity.*

13 *(F) A list and analysis of the laws and reg-*
14 *ulations that govern the information being or to*
15 *be collected, reviewed, gathered, analyzed, or used*
16 *with the data mining activity.*

17 *(G) A thorough discussion of the policies,*
18 *procedures, and guidelines that are in place or*
19 *that are to be developed and applied in the use*
20 *of such technology for data mining in order to—*

21 *(i) protect the privacy and due process*
22 *rights of individuals, such as redress proce-*
23 *dures; and*

1 (ii) ensure that only accurate informa-
2 tion is collected, reviewed, gathered, ana-
3 lyzed, or used.

4 (H) Any necessary classified information in
5 an annex that shall be available, as appropriate,
6 to the Committee on Homeland Security and
7 Governmental Affairs, the Committee on the Ju-
8 diciary, the Select Committee on Intelligence,
9 and the Committee on Appropriations of the
10 Senate and the Committee on Homeland Secu-
11 rity, the Committee on the Judiciary, the Perma-
12 nent Select Committee on Intelligence, and the
13 Committee on Appropriations of the House of
14 Representatives.

15 (3) *TIME FOR REPORT.*—Each report required
16 under paragraph (1) shall be—

17 (A) submitted not later than 180 days after
18 the date of enactment of this Act; and

19 (B) updated not less frequently than annu-
20 ally thereafter, to include any activity to use or
21 develop data mining engaged in after the date of
22 the prior report submitted under paragraph (1).

1 **TITLE VII—ENHANCED DE-**
2 **FENSES AGAINST WEAPONS**
3 **OF MASS DESTRUCTION**

4 **SEC. 701. NATIONAL BIOSURVEILLANCE INTEGRATION CEN-**
5 **TER.**

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

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

11 *“(a) DEFINITIONS.—In this section—*

12 *“(1) the term ‘biological event of national sig-*
13 *nificance’ means—*

14 *“(A) an act of terrorism that uses a biologi-*
15 *cal agent, toxin, or other product derived from a*
16 *biological agent; or*

17 *“(B) a naturally-occurring outbreak of an*
18 *infectious disease that may result in a national*
19 *epidemic;*

20 *“(2) the term ‘Member Agencies’ means the de-*
21 *partments and agencies described in subsection (d)(1);*

22 *“(3) the term ‘NBIC’ means the National Bio-*
23 *surveillance Integration Center established under sub-*
24 *section (b);*

1 “(4) the term ‘NBIS’ means the National Bio-
2 surveillance Integration System established under
3 subsection (b); and

4 “(5) the term ‘Privacy Officer’ means the Pri-
5 vacy Officer appointed under section 222.

6 “(b) *ESTABLISHMENT.*—The Secretary shall establish,
7 operate, and maintain a National Biosurveillance Integra-
8 tion Center, headed by a Directing Officer, under an exist-
9 ing office or directorate of the Department, subject to the
10 availability of appropriations, to oversee development and
11 operation of the National Biosurveillance Integration Sys-
12 tem.

13 “(c) *PRIMARY MISSION.*—The primary mission of the
14 NBIC is to enhance the capability of the Federal Govern-
15 ment to—

16 “(1) rapidly identify, characterize, localize, and
17 track a biological event of national significance by in-
18 tegrating and analyzing data from human health,
19 animal, plant, food, and environmental monitoring
20 systems (both national and international); and

21 “(2) disseminate alerts and other information re-
22 garding such data analysis to Member Agencies and,
23 in consultation with relevant member agencies, to
24 agencies of State, local, and tribal governments, as

1 *appropriate, to enhance the ability of such agencies to*
2 *respond to a biological event of national significance.*

3 “(d) *REQUIREMENTS.—The NBIC shall design the*
4 *NBIS to detect, as early as possible, a biological event of*
5 *national significance that presents a risk to the United*
6 *States or the infrastructure or key assets of the United*
7 *States, including—*

8 “(1) *if a Federal department or agency, at the*
9 *discretion of the head of that department or agency,*
10 *has entered a memorandum of understanding regard-*
11 *ing participation in the NBIC, consolidating data*
12 *from all relevant surveillance systems maintained by*
13 *that department or agency to detect biological events*
14 *of national significance across human, animal, and*
15 *plant species;*

16 “(2) *seeking private sources of surveillance, both*
17 *foreign and domestic, when such sources would en-*
18 *hance coverage of critical surveillance gaps;*

19 “(3) *using an information technology system*
20 *that uses the best available statistical and other ana-*
21 *lytical tools to identify and characterize biological*
22 *events of national significance in as close to real-time*
23 *as is practicable;*

24 “(4) *providing the infrastructure for such inte-*
25 *gration, including information technology systems*

1 *and space, and support for personnel from Member*
2 *Agencies with sufficient expertise to enable analysis*
3 *and interpretation of data;*

4 *“(5) working with Member Agencies to create in-*
5 *formation technology systems that use the minimum*
6 *amount of patient data necessary and consider pa-*
7 *tient confidentiality and privacy issues at all stages*
8 *of development and apprise the Privacy Officer of*
9 *such efforts; and*

10 *“(6) alerting relevant Member Agencies and, in*
11 *consultation with relevant Member Agencies, public*
12 *health agencies of State, local, and tribal governments*
13 *regarding any incident that could develop into a bio-*
14 *logical event of national significance.*

15 *“(e) RESPONSIBILITIES OF THE SECRETARY.—*

16 *“(1) IN GENERAL.—The Secretary shall—*

17 *“(A) ensure that the NBIC is fully oper-*
18 *ational not later than September 30, 2008;*

19 *“(B) not later than 180 days after the date*
20 *of enactment of this section and on the date that*
21 *the NBIC is fully operational, submit a report to*
22 *the Committee on Homeland Security and Gov-*
23 *ernmental Affairs of the Senate and the Com-*
24 *mittee on Homeland Security of the House of*
25 *Representatives on the progress of making the*

1 *NBIC operational addressing the efforts of the*
2 *NBIC to integrate surveillance efforts of Federal,*
3 *State, local, and tribal governments.*

4 “(f) *RESPONSIBILITIES OF THE DIRECTING OFFICER*
5 *OF THE NBIC.*—

6 “(1) *IN GENERAL.*—*The Directing Officer of the*
7 *NBIC shall—*

8 “(A) *establish an entity to perform all oper-*
9 *ations and assessments related to the NBIS;*

10 “(B) *on an ongoing basis, monitor the*
11 *availability and appropriateness of contributing*
12 *surveillance systems and solicit new surveillance*
13 *systems that would enhance biological situational*
14 *awareness or overall performance of the NBIS;*

15 “(C) *on an ongoing basis, review and seek*
16 *to improve the statistical and other analytical*
17 *methods utilized by the NBIS;*

18 “(D) *receive and consider other relevant*
19 *homeland security information, as appropriate;*
20 *and*

21 “(E) *provide technical assistance, as appro-*
22 *priate, to all Federal, regional, State, local, and*
23 *tribal government entities and private sector en-*
24 *tities that contribute data relevant to the oper-*
25 *ation of the NBIS.*

1 “(2) *ASSESSMENTS.*—*The Directing Officer of*
2 *the NBIC shall—*

3 “(A) *on an ongoing basis, evaluate available*
4 *data for evidence of a biological event of national*
5 *significance; and*

6 “(B) *integrate homeland security informa-*
7 *tion with NBIS data to provide overall situa-*
8 *tional awareness and determine whether a bio-*
9 *logical event of national significance has oc-*
10 *curred.*

11 “(3) *INFORMATION SHARING.*—

12 “(A) *IN GENERAL.*—*The Directing Officer of*
13 *the NBIC shall—*

14 “(i) *establish a method of real-time*
15 *communication with the National Oper-*
16 *ations Center, to be known as the Biological*
17 *Common Operating Picture;*

18 “(ii) *in the event that a biological*
19 *event of national significance is detected,*
20 *notify the Secretary and disseminate results*
21 *of NBIS assessments related to that biologi-*
22 *cal event of national significance to appro-*
23 *priate Federal response entities and, in con-*
24 *sultation with relevant member agencies, re-*

1 gional, State, local, and tribal governmental
2 response entities in a timely manner;

3 “(iii) provide any report on NBIS as-
4 sessments to Member Agencies and, in con-
5 sultation with relevant member agencies,
6 any affected regional, State, local, or tribal
7 government, and any private sector entity
8 considered appropriate that may enhance
9 the mission of such Member Agencies, gov-
10 ernments, or entities or the ability of the
11 Nation to respond to biological events of na-
12 tional significance; and

13 “(iv) share NBIS incident or situa-
14 tional awareness reports, and other relevant
15 information, consistent with the informa-
16 tion sharing environment established under
17 section 1016 of the Intelligence Reform and
18 Terrorism Prevention Act of 2004 (6 U.S.C.
19 485) and any policies, guidelines, proce-
20 dures, instructions, or standards established
21 by the President or the program manager
22 for the implementation and management of
23 that environment.

24 “(B) COORDINATION.—The Directing Offi-
25 cer of the NBIC shall implement the activities

1 *described in subparagraph (A) in coordination*
2 *with the program manager for the information*
3 *sharing environment of the Office of the Director*
4 *of National Intelligence, the Under Secretary for*
5 *Intelligence and Analysis, and other offices or*
6 *agencies of the Federal Government, as appro-*
7 *priate.*

8 “(g) *RESPONSIBILITIES OF THE NBIC MEMBER AGEN-*
9 *CIES.—*

10 “(1) *IN GENERAL.—Each Member Agency*
11 *shall—*

12 “(A) *use its best efforts to integrate bio-*
13 *surveillance information into the NBIS, with the*
14 *goal of promoting information sharing between*
15 *Federal, State, local, and tribal governments to*
16 *detect biological events of national significance;*

17 “(B) *participate in the formation and*
18 *maintenance of the Biological Common Oper-*
19 *ating Picture to facilitate timely and accurate*
20 *detection and reporting;*

21 “(C) *connect the biosurveillance data sys-*
22 *tems of that Member Agency to the NBIC data*
23 *system under mutually-agreed protocols that*
24 *maintain patient confidentiality and privacy;*

1 “(D) participate in the formation of strat-
2 egy and policy for the operation of the NBIC
3 and its information sharing; and

4 “(E) provide personnel to the NBIC under
5 an interagency personnel agreement and consider
6 the qualifications of such personnel necessary to
7 provide human, animal, and environmental data
8 analysis and interpretation support to the
9 NBIC.

10 “(h) ADMINISTRATIVE AUTHORITIES.—

11 “(1) HIRING OF EXPERTS.—The Directing Offi-
12 cer of the NBIC shall hire individuals with the nec-
13 essary expertise to develop and operate the NBIS.

14 “(2) DETAIL OF PERSONNEL.—Upon the request
15 of the Directing Officer of the NBIC, the head of any
16 Federal department or agency may detail, on a reim-
17 bursable basis, any of the personnel of that depart-
18 ment or agency to the Department to assist the NBIC
19 in carrying out this section.

20 “(i) JOINT BIOSURVEILLANCE LEADERSHIP COUN-
21 CIL.—The Directing Officer of the NBIC shall—

22 “(1) establish an interagency coordination coun-
23 cil to facilitate interagency cooperation and to advise
24 the Directing Officer of the NBIC regarding rec-

1 *ommendations to enhance the biosurveillance capa-*
2 *bilities of the Department; and*

3 *“(2) invite Member Agencies to serve on such*
4 *council.*

5 *“(j) RELATIONSHIP TO OTHER DEPARTMENTS AND*
6 *AGENCIES.—The authority of the Directing Officer of the*
7 *NBIC under this section shall not affect any authority or*
8 *responsibility of any other department or agency of the Fed-*
9 *eral Government with respect to biosurveillance activities*
10 *under any program administered by that department or*
11 *agency.*

12 *“(k) AUTHORIZATION OF APPROPRIATIONS.—There*
13 *are authorized to be appropriated such sums as are nec-*
14 *essary to carry out this section.”.*

15 *(b) CONFORMING AMENDMENT.—The table of contents*
16 *in section 1(b) of the Homeland Security Act of 2002 (6*
17 *U.S.C. 101 et seq.) is amended by inserting after the item*
18 *relating to section 315 the following:*

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

19 **SEC. 702. BIOSURVEILLANCE EFFORTS.**

20 *The Comptroller General of the United States shall*
21 *submit a report to Congress describing—*

22 *(1) the state of Federal, State, local, and tribal*
23 *government biosurveillance efforts as of the date of*
24 *such report;*

1 (2) *any duplication of effort at the Federal,*
2 *State, local, or tribal government level to create bio-*
3 *surveillance systems; and*

4 (3) *the integration of biosurveillance systems to*
5 *allow the maximizing of biosurveillance resources and*
6 *the expertise of Federal, State, local, and tribal gov-*
7 *ernments to benefit public health.*

8 **SEC. 703. INTERAGENCY COORDINATION TO ENHANCE DE-**
9 **FENSES AGAINST NUCLEAR AND RADIO-**
10 **LOGICAL WEAPONS OF MASS DESTRUCTION.**

11 (a) *IN GENERAL.—The Homeland Security Act of*
12 *2002 is amended by adding after section 1906, as redesign-*
13 *ated by section 203 of this Act, the following:*

14 **“SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR**
15 **DETECTION ARCHITECTURE.**

16 “(a) *ANNUAL REVIEW.—*

17 “(1) *IN GENERAL.—The Secretary, the Attorney*
18 *General, the Secretary of State, the Secretary of De-*
19 *fense, the Secretary of Energy, and the Director of*
20 *National Intelligence shall jointly ensure interagency*
21 *coordination on the development and implementation*
22 *of the global nuclear detection architecture by ensur-*
23 *ing that, not less frequently than once each year—*

24 “(A) *each relevant agency, office, or*
25 *entity—*

1 “(i) assesses its involvement, support,
2 and participation in the development, revi-
3 sion, and implementation of the global nu-
4 clear detection architecture;

5 “(ii) examines and evaluates compo-
6 nents of the global nuclear detection archi-
7 tecture (including associated strategies and
8 acquisition plans) that are related to the
9 operations of that agency, office, or entity,
10 to determine whether such components in-
11 corporate and address current threat assess-
12 ments, scenarios, or intelligence analyses de-
13 veloped by the Director of National Intel-
14 ligence or other agencies regarding threats
15 related to nuclear or radiological weapons
16 of mass destruction; and

17 “(B) each agency, office, or entity deploying
18 or operating any technology acquired by the
19 Office—

20 “(i) evaluates the deployment and op-
21 eration of that technology by that agency,
22 office, or entity;

23 “(ii) identifies detection performance
24 deficiencies and operational or technical de-
25 ficiencies in that technology; and

1 “(iii) assesses the capacity of that
2 agency, office, or entity to implement the re-
3 sponsibilities of that agency, office, or entity
4 under the global nuclear detection architec-
5 ture.

6 “(2) TECHNOLOGY.—Not less frequently than
7 once each year, the Secretary shall examine and
8 evaluate the development, assessment, and acquisition
9 of technology by the Office.

10 “(b) ANNUAL REPORT.—

11 “(1) IN GENERAL.—Not later than March 31 of
12 each year, the Secretary, in coordination with the At-
13 torney General, the Secretary of State, the Secretary
14 of Defense, the Secretary of Energy, and the Director
15 of National Intelligence, shall submit a report regard-
16 ing the compliance of such officials with this section
17 and the results of the reviews required under sub-
18 section (a) to—

19 “(A) the President;

20 “(B) the Committee on Appropriations, the
21 Committee on Armed Services, and the Com-
22 mittee on Homeland Security and Governmental
23 Affairs of the Senate; and

24 “(C) the Committee on Appropriations, the
25 Committee on Armed Services, and the Com-

1 *mittee on Homeland Security of the House of*
 2 *Representatives.*

3 “(2) *FORM.*—*Each report submitted under para-*
 4 *graph (1) shall be submitted in unclassified form to*
 5 *the maximum extent practicable, but may include a*
 6 *classified annex.*

7 “(c) *DEFINITION.*—*In this section, the term ‘global nu-*
 8 *clear detection architecture’ means the global nuclear detec-*
 9 *tion architecture developed under section 1902.’”*

10 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 11 *table of contents in section 1(b) of the Homeland Security*
 12 *Act of 2002 (6 U.S.C. 101 note) is amended by inserting*
 13 *after the item relating to section 1906, as added by section*
 14 *203 of this Act, the following:*

 “*Sec. 1907. Joint annual review of global nuclear detection architecture.*”

15 **TITLE VIII—PRIVATE SECTOR**
 16 **PREPAREDNESS**

17 **SEC. 801. DEFINITIONS.**

18 (a) *IN GENERAL.*—*In this title, the term “voluntary*
 19 *national preparedness standards” has the meaning given*
 20 *that term in section 2 of the Homeland Security Act of 2002*
 21 *(6 U.S.C. 101), as amended by this Act.*

22 (b) *HOMELAND SECURITY ACT OF 2002.*—*Section 2 of*
 23 *the Homeland Security Act of 2002 (6 U.S.C. 101) is*
 24 *amended by adding at the end the following:*

1 (1) *in subparagraph (A), by striking “and” at*
2 *the end;*

3 (2) *in subparagraph (B), by adding “and” at*
4 *the end; and*

5 (3) *by adding at the end the following:*

6 “(C) *advise the Secretary on private sector*
7 *preparedness issues, including effective methods*
8 *for—*

9 “(i) *promoting voluntary national pre-*
10 *paredness standards to the private sector;*

11 “(ii) *assisting the private sector in*
12 *adopting voluntary national preparedness*
13 *standards; and*

14 “(iii) *developing and implementing the*
15 *accreditation and certification program*
16 *under section 522;”.*

17 **SEC. 803. VOLUNTARY NATIONAL PREPAREDNESS STAND-**
18 **ARDS COMPLIANCE; ACCREDITATION AND**
19 **CERTIFICATION PROGRAM FOR THE PRIVATE**
20 **SECTOR.**

21 (a) *IN GENERAL.—Title V of the Homeland Security*
22 *Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding*
23 *at the end the following:*

1 **“SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STAND-**
2 **ARDS COMPLIANCE; ACCREDITATION AND**
3 **CERTIFICATION PROGRAM FOR THE PRIVATE**
4 **SECTOR.**

5 “(a) *ACCREDITATION AND CERTIFICATION PRO-*
6 *GRAM.—Not later than 120 days after the date of enactment*
7 *of this section, the Secretary, in consultation with rep-*
8 *resentatives of the organizations that coordinate or facili-*
9 *tate the development of and use of voluntary consensus*
10 *standards, appropriate voluntary consensus standards de-*
11 *velopment organizations, each private sector advisory coun-*
12 *cil created under section 102(f)(4), and appropriate private*
13 *sector advisory groups such as sector coordinating councils*
14 *and information sharing and analysis centers, shall—*

15 “(1) *support the development, promulgating, and*
16 *updating, as necessary, of voluntary national pre-*
17 *paredness standards; and*

18 “(2) *develop, implement, and promote a program*
19 *to certify the preparedness of private sector entities.*

20 “(b) *PROGRAM ELEMENTS.—*

21 “(1) *IN GENERAL.—*

22 “(A) *PROGRAM.—The program developed*
23 *and implemented under this section shall assess*
24 *whether a private sector entity complies with*
25 *voluntary national preparedness standards.*

1 “(B) *GUIDELINES.*—*In developing the pro-*
2 *gram under this section, the Secretary shall de-*
3 *velop guidelines for the accreditation and certifi-*
4 *cation processes established under this section.*

5 “(2) *STANDARDS.*—*The Secretary, in consulta-*
6 *tion with representatives of organizations that coordi-*
7 *nate or facilitate the development of and use of vol-*
8 *untary consensus standards representatives of appro-*
9 *priate voluntary consensus standards development or-*
10 *ganizations, each private sector advisory council cre-*
11 *ated under section 102(f)(4), and appropriate private*
12 *sector advisory groups such as sector coordinating*
13 *councils and information sharing and analysis*
14 *centers—*

15 “(A) *shall adopt appropriate voluntary na-*
16 *tional preparedness standards that promote pre-*
17 *paredness, which shall be used in the accredita-*
18 *tion and certification program under this sec-*
19 *tion; and*

20 “(B) *after the adoption of standards under*
21 *subparagraph (A), may adopt additional vol-*
22 *untary national preparedness standards or mod-*
23 *ify or discontinue the use of voluntary national*
24 *preparedness standards for the accreditation and*

1 *certification program, as necessary and appro-*
2 *priate to promote preparedness.*

3 “(3) *TIERING.*—*The certification program devel-*
4 *oped under this section may use a multiple-tiered sys-*
5 *tem to rate the preparedness of a private sector entity.*

6 “(4) *SMALL BUSINESS CONCERNS.*—*The Sec-*
7 *retary and any selected entity shall establish separate*
8 *classifications and methods of certification for small*
9 *business concerns (as that term is defined in section*
10 *3 of the Small Business Act (15 U.S.C. 632)) for the*
11 *program under this section.*

12 “(5) *CONSIDERATIONS.*—*In developing and im-*
13 *plementing the program under this section, the Sec-*
14 *retary shall—*

15 “(A) *consider the unique nature of various*
16 *sectors within the private sector, including pre-*
17 *paredness, business continuity standards, or best*
18 *practices, established—*

19 “(i) *under any other provision of Fed-*
20 *eral law; or*

21 “(ii) *by any sector-specific agency, as*
22 *defined under Homeland Security Presi-*
23 *dential Directive-7; and*

24 “(B) *coordinate the program, as appro-*
25 *priate, with—*

1 “(i) other Department private sector
2 related programs; and

3 “(ii) preparedness and business con-
4 tinuity programs in other Federal agencies.

5 “(c) ACCREDITATION AND CERTIFICATION PROC-
6 ESSES.—

7 “(1) AGREEMENT.—

8 “(A) IN GENERAL.—Not later than 120
9 days after the date of enactment of this section,
10 the Secretary shall enter into 1 or more agree-
11 ments with the American National Standards
12 Institute or other similarly qualified nongovern-
13 mental or other private sector entities to carry
14 out accreditations and oversee the certification
15 process under this section.

16 “(B) CONTENTS.—Any selected entity shall
17 manage the accreditation process and oversee the
18 certification process in accordance with the pro-
19 gram established under this section and accredit
20 qualified third parties to carry out the certifi-
21 cation program established under this section.

22 “(2) PROCEDURES AND REQUIREMENTS FOR AC-
23 CREDITATION AND CERTIFICATION.—

24 “(A) IN GENERAL.—The selected entities
25 shall collaborate to develop procedures and re-

1 *quirements for the accreditation and certification*
2 *processes under this section, in accordance with*
3 *the program established under this section and*
4 *guidelines developed under subsection (b)(1)(B).*

5 *“(B) CONTENTS AND USE.—The procedures*
6 *and requirements developed under subparagraph*
7 *(A) shall—*

8 *“(i) ensure reasonable uniformity in*
9 *the accreditation and certification processes*
10 *if there is more than 1 selected entity; and*

11 *“(ii) be used by any selected entity in*
12 *conducting accreditations and overseeing*
13 *the certification process under this section.*

14 *“(C) DISAGREEMENT.—Any disagreement*
15 *among selected entities in developing procedures*
16 *under subparagraph (A) shall be resolved by the*
17 *Secretary.*

18 *“(3) DESIGNATION.—A selected entity may ac-*
19 *credit any qualified third party to carry out the cer-*
20 *tification process under this section.*

21 *“(4) THIRD PARTIES.—To be accredited under*
22 *paragraph (3), a third party shall—*

23 *“(A) demonstrate that the third party has*
24 *the ability to certify private sector entities in ac-*

1 *cordance with the procedures and requirements*
2 *developed under paragraph (2);*

3 *“(B) agree to perform certifications in ac-*
4 *cordance with such procedures and requirements;*

5 *“(C) agree not to have any beneficial inter-*
6 *est in or any direct or indirect control over—*

7 *“(i) a private sector entity for which*
8 *that third party conducts a certification*
9 *under this section; or*

10 *“(ii) any organization that provides*
11 *preparedness consulting services to private*
12 *sector entities;*

13 *“(D) agree not to have any other conflict of*
14 *interest with respect to any private sector entity*
15 *for which that third party conducts a certifi-*
16 *cation under this section;*

17 *“(E) maintain liability insurance coverage*
18 *at policy limits in accordance with the require-*
19 *ments developed under paragraph (2); and*

20 *“(F) enter into an agreement with the se-*
21 *lected entity accrediting that third party to pro-*
22 *tect any proprietary information of a private*
23 *sector entity obtained under this section.*

24 *“(5) MONITORING.—*

1 “(A) *IN GENERAL.*—*The Secretary and any*
2 *selected entity shall regularly monitor and in-*
3 *spect the operations of any third party con-*
4 *ducting certifications under this section to en-*
5 *sure that third party is complying with the pro-*
6 *cedures and requirements established under*
7 *paragraph (2) and all other applicable require-*
8 *ments.*

9 “(B) *REVOCATION.*—*If the Secretary or any*
10 *selected entity determines that a third party is*
11 *not meeting the procedures or requirements es-*
12 *tablished under paragraph (2), the appropriate*
13 *selected entity shall—*

14 “(i) *revoke the accreditation of that*
15 *third party to conduct certifications under*
16 *this section; and*

17 “(ii) *review any certification con-*
18 *ducted by that third party, as necessary*
19 *and appropriate.*

20 “(d) *ANNUAL REVIEW.*—

21 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
22 *tion with representatives of the organizations that co-*
23 *ordinate or facilitate the development of and use of*
24 *voluntary consensus standards, appropriate voluntary*
25 *consensus standards development organizations, and*

1 *each private sector advisory council created under sec-*
2 *tion 102(f)(4), shall annually review the voluntary*
3 *accreditation and certification program established*
4 *under this section to ensure the effectiveness of such*
5 *program and make improvements and adjustments to*
6 *the program as necessary and appropriate.*

7 “(2) *REVIEW OF STANDARDS.—Each review*
8 *under paragraph (1) shall include an assessment of*
9 *the voluntary national preparedness standards used*
10 *in the program under this section.*

11 “(e) *COMPLIANCE BY ENTITIES SEEKING CERTIFI-*
12 *CATION.—Any entity seeking certification under this section*
13 *shall comply with all applicable statutes, regulations, direc-*
14 *tives, policies, and industry codes of practice in meeting*
15 *certification requirements.*

16 “(f) *VOLUNTARY PARTICIPATION.—Certification under*
17 *this section shall be voluntary for any private sector entity.*

18 “(g) *PUBLIC LISTING.—The Secretary shall maintain*
19 *and make public a listing of any private sector entity cer-*
20 *tified as being in compliance with the program established*
21 *under this section, if that private sector entity consents to*
22 *such listing.*

23 “(h) *DEFINITION.—In this section, the term ‘selected*
24 *entity’ means any entity entering an agreement with the*
25 *Secretary under subsection (c)(1)(A).’.*

1 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
2 *table of contents in section 1(b) of the Homeland Security*
3 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*
4 *after the item relating to section 521 the following:*

 “*Sec. 522. Voluntary national preparedness standards compliance; accreditation
 and certification program for the private sector.*”.

5 **SEC. 804. SENSE OF CONGRESS REGARDING PROMOTING AN**
6 **INTERNATIONAL STANDARD FOR PRIVATE**
7 **SECTOR PREPAREDNESS.**

8 *It is the sense of Congress that the Secretary or any*
9 *entity designated under section 522(c)(1)(A) of the Home-*
10 *land Security Act of 2002, as added by this Act, should*
11 *promote, where appropriate, efforts to develop a consistent*
12 *international standard for private sector preparedness.*

13 **SEC. 805. DEMONSTRATION PROJECT.**

14 *Not later than 120 days after the date of enactment*
15 *of this Act, the Secretary shall—*

16 (1) *establish a demonstration project to conduct*
17 *demonstrations of security management systems*
18 *that—*

19 (A) *shall use a management system stand-*
20 *ards approach; and*

21 (B) *may be integrated into quality, safety,*
22 *environmental and other internationally adopted*
23 *management systems; and*

1 (2) *enter into 1 or more agreements with a pri-*
2 *vate sector entity to conduct such demonstrations of*
3 *security management systems.*

4 **SEC. 806. REPORT TO CONGRESS.**

5 *Not later than 180 days after the date of enactment*
6 *of this Act, the Secretary shall submit to the Committee on*
7 *Homeland Security and Governmental Affairs of the Senate*
8 *and the Committee on Homeland Security of the House of*
9 *Representatives a report detailing—*

10 (1) *any action taken to implement this title or*
11 *an amendment made by this title; and*

12 (2) *the status, as of the date of that report, of the*
13 *implementation of this title and the amendments*
14 *made by this title.*

15 **SEC. 807. RULE OF CONSTRUCTION.**

16 *Nothing in this title may be construed to supercede*
17 *any preparedness or business continuity standards, require-*
18 *ments, or best practices established—*

19 (1) *under any other provision of Federal law; or*

20 (2) *by any sector-specific agency, as defined*
21 *under Homeland Security Presidential Directive-7.*

1 **TITLE IX—TRANSPORTATION SE-**
2 **CURITY PLANNING AND IN-**
3 **FORMATION SHARING**

4 **SEC. 901. TRANSPORTATION SECURITY STRATEGIC PLAN-**
5 **NING.**

6 (a) *IN GENERAL.*—Section 114(t)(1)(B) of title 49,
7 *United States Code*, is amended to read as follows:

8 “(B) *transportation modal and intermodal*
9 *security plans addressing risks, threats, and*
10 *vulnerabilities for aviation, bridge, tunnel, com-*
11 *muter rail and ferry, highway, maritime, pipe-*
12 *line, rail, mass transit, over-the-road bus, and*
13 *other public transportation infrastructure as-*
14 *sets.”.*

15 (b) *CONTENTS OF THE NATIONAL STRATEGY FOR*
16 *TRANSPORTATION SECURITY.*—Section 114(t)(3) of such
17 *title is amended—*

18 (1) *in subparagraph (B), by inserting “, based*
19 *on risk assessments conducted by the Secretary of*
20 *Homeland Security (including assessments conducted*
21 *under section 1421 or 1503 of the Improving Amer-*
22 *ica’s Security Act of 2007 or any provision of law*
23 *amended by such title),” after “risk based priorities”;*

24 (2) *in subparagraph (D)—*

1 (A) by striking “and local” and inserting “,
2 local, and tribal”; and

3 (B) by striking “private sector cooperation
4 and participation” and inserting “cooperation
5 and participation by private sector entities”;

6 (3) in subparagraph (E)—

7 (A) by striking “response” and inserting
8 “prevention, response,”; and

9 (B) by inserting “and threatened and exe-
10 cuted acts of terrorism outside the United States
11 to the extent such acts affect United States trans-
12 portation systems” before the period at the end;

13 (4) in subparagraph (F), by adding at the end
14 the following: “Transportation security research and
15 development projects shall be based, to the extent
16 practicable, on such prioritization. Nothing in the
17 preceding sentence shall be construed to require the
18 termination of any research or development project
19 initiated by the Secretary of Homeland Security be-
20 fore the date of enactment of the Improving America’s
21 Security Act of 2007.”; and

22 (5) by adding at the end the following:

23 “(G) Short- and long-term budget rec-
24 ommendations for Federal transportation secu-

1 *rity programs, which reflect the priorities of the*
2 *National Strategy for Transportation Security.*

3 *“(H) Methods for linking the individual*
4 *transportation modal security plans and the pro-*
5 *grams contained therein, and a plan for address-*
6 *ing the security needs of intermodal transpor-*
7 *tation hubs.*

8 *“(I) Transportation security modal and*
9 *intermodal plans, including operational recovery*
10 *plans to expedite, to the maximum extent prac-*
11 *ticable, the return to operation of an adversely*
12 *affected transportation system following a major*
13 *terrorist attack on that system or another catas-*
14 *trophe. These plans shall be coordinated with the*
15 *resumption of trade protocols required under sec-*
16 *tion 202 of the SAFE Port Act (6 U.S.C. 942).”.*

17 *(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4)*
18 *of such title is amended—*

19 *(1) in subparagraph (C)—*

20 *(A) in clause (i), by inserting “, including*
21 *the transportation modal security plans” before*
22 *the period at the end; and*

23 *(B) by striking clause (ii) and inserting the*
24 *following:*

1 “(ii) *CONTENT.*—*Each progress report*
2 *submitted under this subparagraph shall in-*
3 *clude the following:*

4 “(I) *Recommendations for im-*
5 *proving and implementing the Na-*
6 *tional Strategy for Transportation Se-*
7 *curity and the transportation modal*
8 *and intermodal security plans that the*
9 *Secretary of Homeland Security, in*
10 *consultation with the Secretary of*
11 *Transportation, considers appropriate.*

12 “(II) *An accounting of all grants*
13 *for transportation security, including*
14 *grants for research and development,*
15 *distributed by the Secretary of Home-*
16 *land Security in the most recently con-*
17 *cluded fiscal year and a description of*
18 *how such grants accomplished the goals*
19 *of the National Strategy for Transpor-*
20 *tation Security.*

21 “(III) *An accounting of all—*

22 “(aa) *funds requested in the*
23 *President’s budget submitted pur-*
24 *suant to section 1105 of title 31*
25 *for the most recently concluded*

1 *fiscal year for transportation se-*
2 *curity, by mode; and*

3 “*(bb) personnel working on*
4 *transportation security by mode,*
5 *including the number of contrac-*
6 *tors.*”

7 “*(iii) WRITTEN EXPLANATION OF*
8 *TRANSPORTATION SECURITY ACTIVITIES NOT*
9 *DELINEATED IN THE NATIONAL STRATEGY*
10 *FOR TRANSPORTATION SECURITY.—At the*
11 *end of each year, the Secretary of Homeland*
12 *Security shall submit to the appropriate*
13 *congressional committees a written expla-*
14 *nation of any activity inconsistent with, or*
15 *not clearly delineated in, the National*
16 *Strategy for Transportation Security, in-*
17 *cluding the amount of funds to be expended*
18 *for the activity and the number of personnel*
19 *involved.”; and*

20 (2) *in subparagraph (E), by striking “Select”.*

21 (d) *PRIORITY STATUS.—Section 114(t)(5)(B) of such*
22 *title is amended—*

23 (1) *in clause (iii), by striking “and” at the end;*

24 (2) *by redesignating clause (iv) as clause (v);*

25 *and*

1 (3) by inserting after clause (iii) the following:

2 “(iv) the transportation sector specific
3 plan required under Homeland Security
4 Presidential Directive-7; and”.

5 (e) COORDINATION AND PLAN DISTRIBUTION.—Section
6 114(t) of such title is amended by adding at the end the
7 following:

8 “(6) COORDINATION.—In carrying out the re-
9 sponsibilities under this section, the Secretary of
10 Homeland Security, in consultation with the Sec-
11 retary of Transportation, shall consult, as appro-
12 priate, with Federal, State, and local agencies, tribal
13 governments, private sector entities (including non-
14 profit employee labor organizations), institutions of
15 higher learning, and other entities.

16 “(7) PLAN DISTRIBUTION.—The Secretary of
17 Homeland Security shall make available an unclassi-
18 fied version of the National Strategy for Transpor-
19 tation Security, including its component transpor-
20 tation modal security plans, to Federal, State, re-
21 gional, local and tribal authorities, transportation
22 system owners or operators, private sector stake-
23 holders (including non-profit employee labor organi-
24 zations), institutions of higher learning, and other
25 appropriate entities.”.

1 **SEC. 902. TRANSPORTATION SECURITY INFORMATION**
2 **SHARING.**

3 (a) *IN GENERAL.*—Section 114 of title 49, United
4 States Code, is amended by adding at the end the following:

5 “(u) *TRANSPORTATION SECURITY INFORMATION*
6 *SHARING PLAN.*—

7 “(1) *ESTABLISHMENT OF PLAN.*—The Secretary
8 of Homeland Security, in consultation with the pro-
9 gram manager of the information sharing environ-
10 ment established under section 1016 of the Intelligence
11 Reform and Terrorism Prevention Act of 2004 (6
12 U.S.C. 485), the Secretary of Transportation, and
13 public and private stakeholders, shall establish a
14 *Transportation Security Information Sharing Plan.*
15 *In establishing the plan, the Secretary shall gather*
16 *input on the development of the Plan from private*
17 *and public stakeholders and the program manager of*
18 *the information sharing environment established*
19 *under section 1016 of the Intelligence Reform and*
20 *Terrorism Prevention Act of 2004 (6 U.S.C. 485).*

21 “(2) *PURPOSE OF PLAN.*—The Plan shall pro-
22 mote sharing of transportation security information
23 between the Department of Homeland Security and
24 public and private stakeholders.

25 “(3) *CONTENT OF PLAN.*—The Plan shall
26 include—

1 “(A) a description of how intelligence ana-
2 lysts within the Department of Homeland Secu-
3 rity will coordinate their activities within the
4 Department and with other Federal, State, and
5 local agencies, and tribal governments, including
6 coordination with existing modal information
7 sharing centers and the center established under
8 section 1506 of the Improving America’s Secu-
9 rity Act of 2007;

10 “(B) the establishment of a point of contact,
11 which may be a single point of contact, for each
12 mode of transportation within the Department of
13 Homeland Security for its sharing of transpor-
14 tation security information with public and pri-
15 vate stakeholders, including an explanation and
16 justification to the appropriate congressional
17 committees if the point of contact established
18 pursuant to this subparagraph differs from the
19 agency within the Department that has the pri-
20 mary authority, or has been delegated such au-
21 thority by the Secretary, to regulate the security
22 of that transportation mode;

23 “(C) a reasonable deadline by which the
24 Plan will be implemented; and

1 “(D) a description of resource needs for ful-
2 filling the Plan.

3 “(4) COORDINATION WITH THE INFORMATION
4 SHARING ENVIRONMENT.—The Plan shall be—

5 “(A) implemented in coordination with the
6 program manager for the information sharing
7 environment established under section 1016 of
8 the Intelligence Reform and Terrorism Preven-
9 tion Act of 2004 (6 U.S.C. 485); and

10 “(B) consistent with the establishment of
11 that environment, and any policies, guidelines,
12 procedures, instructions, or standards established
13 by the President or the program manager for the
14 implementation and management of that envi-
15 ronment.

16 “(5) REPORTS TO CONGRESS.—

17 “(A) IN GENERAL.—Not later than 180
18 days after the date of enactment of this sub-
19 section, the Secretary shall submit to the appro-
20 priate congressional committees a report con-
21 taining the Plan.

22 “(B) ANNUAL REPORT.—Not later than 1
23 year after the date of enactment of this sub-
24 section, the Secretary shall submit to the appro-
25 priate congressional committees an annual re-

1 *port on updates to and the implementation of the*
2 *Plan.*

3 “(6) *SURVEY.*—

4 “(A) *IN GENERAL.*—*The Secretary shall*
5 *conduct a biennial survey of the satisfaction of*
6 *the recipients of transportation intelligence re-*
7 *ports disseminated under the Plan, and include*
8 *the results of the survey as part of the annual re-*
9 *port to be submitted under paragraph (5)(B).*

10 “(B) *INFORMATION SOUGHT.*—*The survey*
11 *conducted under subparagraph (A) shall seek in-*
12 *formation about the quality, speed, regularity,*
13 *and classification of the transportation security*
14 *information products disseminated from the De-*
15 *partment of Homeland Security to public and*
16 *private stakeholders.*

17 “(7) *SECURITY CLEARANCES.*—*The Secretary*
18 *shall, to the greatest extent practicable, take steps to*
19 *expedite the security clearances needed for public and*
20 *private stakeholders to receive and obtain access to*
21 *classified information distributed under this section*
22 *as appropriate.*

23 “(8) *CLASSIFICATION OF MATERIAL.*—*The Sec-*
24 *retary, to the greatest extent practicable, shall provide*

1 *public and private stakeholders with specific and ac-*
2 *tionable information in an unclassified format.*

3 “(9) *DEFINITIONS.—In this subsection:*

4 “(A) *APPROPRIATE CONGRESSIONAL COM-*
5 *MITTEES.—The term ‘appropriate congressional*
6 *committees’ has the meaning given that term in*
7 *subsection (t), but shall also include the Senate*
8 *Committee on Banking, Housing, and Urban*
9 *Development.*

10 “(B) *PLAN.—The term ‘Plan’ means the*
11 *Transportation Security Information Sharing*
12 *Plan established under paragraph (1).*

13 “(C) *PUBLIC AND PRIVATE STAKE-*
14 *HOLDERS.—The term ‘public and private stake-*
15 *holders’ means Federal, State, and local agencies,*
16 *tribal governments, and appropriate private en-*
17 *tities.*

18 “(D) *SECRETARY.—The term ‘Secretary’*
19 *means the Secretary of Homeland Security.*

20 “(E) *TRANSPORTATION SECURITY INFORMA-*
21 *TION.—The term ‘transportation security infor-*
22 *mation’ means information relating to the risks*
23 *to transportation modes, including aviation,*
24 *bridge and tunnel, mass transit, passenger and*

1 *freight rail, ferry, highway, maritime, pipeline,*
2 *and over-the-road bus transportation.”.*

3 **(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSUR-**
4 **ANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—**

5 **(1) IN GENERAL.—***Except as provided in para-*
6 *graph (2), the Secretary shall provide a semiannual*
7 *report to the Committee on Homeland Security and*
8 *Governmental Affairs, the Committee on Commerce,*
9 *Science, and Transportation, and the Committee on*
10 *Banking, Housing, and Urban Development of the*
11 *Senate and the Committee on Homeland Security and*
12 *the Committee on Transportation and Infrastructure*
13 *of the House of Representatives that—*

14 **(A)** *identifies the job titles and descriptions*
15 *of the persons with whom such information is to*
16 *be shared under the transportation security in-*
17 *formation sharing plan established under section*
18 *114(u) of title 49, United States Code, as added*
19 *by this Act, and explains the reason for sharing*
20 *the information with such persons;*

21 **(B)** *describes the measures the Secretary has*
22 *taken, under section 114(u)(7) of that title, or*
23 *otherwise, to ensure proper treatment and secu-*
24 *rity for any classified information to be shared*

1 with the public and private stakeholders under
2 the plan; and

3 (C) explains the reason for the denial of
4 transportation security information to any
5 stakeholder who had previously received such in-
6 formation.

7 (2) *NO REPORT REQUIRED IF NO CHANGES IN*
8 *STAKEHOLDERS.*—The Secretary is not required to
9 provide a semiannual report under paragraph (1) if
10 no stakeholders have been added to or removed from
11 the group of persons with whom transportation secu-
12 rity information is shared under the plan since the
13 end of the period covered by the last preceding semi-
14 annual report.

15 **SEC. 903. TRANSPORTATION SECURITY ADMINISTRATION**
16 **PERSONNEL MANAGEMENT.**

17 (a) *TSA EMPLOYEE DEFINED.*—In this section, the
18 term “TSA employee” means an individual who holds—

19 (1) any position which was transferred (or the
20 incumbent of which was transferred) from the Trans-
21 portation Security Administration of the Department
22 of Transportation to the Department by section 403
23 of the Homeland Security Act of 2002 (6 U.S.C. 203);
24 or

1 (2) *any other position within the Department*
2 *the duties and responsibilities of which include car-*
3 *rying out 1 or more of the functions that were trans-*
4 *ferred from the Transportation Security Administra-*
5 *tion of the Department of Transportation to the Sec-*
6 *retary by such section.*

7 (b) *ELIMINATION OF CERTAIN PERSONNEL MANAGE-*
8 *MENT AUTHORITIES.—Effective 90 days after the date of*
9 *enactment of this Act—*

10 (1) *section 111(d) of the Aviation and Transpor-*
11 *tation Security Act (49 U.S.C. 44935 note) is re-*
12 *pealed and any authority of the Secretary derived*
13 *from such section 111(d) shall terminate;*

14 (2) *any personnel management system, to the ex-*
15 *tent established or modified under such section 111(d)*
16 *(including by the Secretary through the exercise of*
17 *any authority derived from such section 111(d)) shall*
18 *terminate; and*

19 (3) *the Secretary shall ensure that all TSA em-*
20 *ployees are subject to the same personnel management*
21 *system as described in paragraph (1) or (2) of sub-*
22 *section (e).*

23 (c) *ESTABLISHMENT OF CERTAIN UNIFORMITY RE-*
24 *QUIREMENTS.—*

1 (1) *SYSTEM UNDER SUBSECTION (e)(1).*—*The*
2 *Secretary shall, with respect to any personnel man-*
3 *agement system described in subsection (e)(1), take*
4 *any measures which may be necessary to provide for*
5 *the uniform treatment of all TSA employees under*
6 *such system.*

7 (2) *SYSTEM UNDER SUBSECTION (e)(2).*—*Section*
8 *9701(b) of title 5, United States Code, is amended—*

9 (A) *in paragraph (4), by striking “and” at*
10 *the end;*

11 (B) *in paragraph (5), by striking the period*
12 *at the end and inserting “; and”; and*

13 (C) *by adding at the end the following:*

14 “*(6) provide for the uniform treatment of all*
15 *TSA employees (as that term is defined in section 903*
16 *of the Improving America’s Security Act of 2007).”.*

17 (3) *EFFECTIVE DATE.*—

18 (A) *PROVISIONS RELATING TO A SYSTEM*
19 *UNDER SUBSECTION (e)(1).*—*Any measures nec-*
20 *essary to carry out paragraph (1) shall take ef-*
21 *fect 90 days after the date of enactment of this*
22 *Act.*

23 (B) *PROVISIONS RELATING TO A SYSTEM*
24 *UNDER SUBSECTION (e)(2).*—*Any measures nec-*
25 *essary to carry out the amendments made by*

1 *paragraph (2) shall take effect on the later of 90*
2 *days after the date of enactment of this Act and*
3 *the commencement date of the system involved.*

4 *(d) REPORT TO CONGRESS.—*

5 *(1) REPORT REQUIRED.—Not later than 6*
6 *months after the date of enactment of this Act, the*
7 *Comptroller General of the United States shall submit*
8 *to the Committee on Homeland Security and Govern-*
9 *mental Affairs of the Senate and the Committee on*
10 *Homeland Security of the House of Representatives a*
11 *report on—*

12 *(A) the pay system that applies with respect*
13 *to TSA employees as of the date of enactment of*
14 *this Act; and*

15 *(B) any changes to such system which*
16 *would be made under any regulations which*
17 *have been prescribed under chapter 97 of title 5,*
18 *United States Code.*

19 *(2) MATTERS FOR INCLUSION.—The report re-*
20 *quired under paragraph (1) shall include—*

21 *(A) a brief description of each pay system*
22 *described in paragraphs (1)(A) and (1)(B), re-*
23 *spectively;*

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graphs (2) and (3) notwithstanding*”; and

3 *(B) by adding at the end the following:*

4 “(2) *RIGHT TO APPEAL ADVERSE ACTION.*—*The*
5 *provisions of chapters 75 and 77 of title 5, United*
6 *States Code, shall apply to an individual employed or*
7 *appointed to carry out the screening functions of the*
8 *Administrator under section 44901 of title 49, United*
9 *States Code.*

10 “(3) *EMPLOYEE ENGAGEMENT MECHANISM FOR*
11 *ADDRESSING WORKPLACE ISSUES.*—*The Under Sec-*
12 *retary of Transportation shall provide a collaborative,*
13 *integrated, employee engagement mechanism, subject*
14 *to chapter 71 of title 5, United States Code, at every*
15 *airport to address workplace issues, except that collec-*
16 *tive bargaining over working conditions shall not ex-*
17 *tend to pay. Employees shall not have the right to en-*
18 *gage in a strike and the Under Secretary may take*
19 *whatever actions may be necessary to carry out the*
20 *agency mission during emergencies, newly imminent*
21 *threats, or intelligence indicating a newly imminent*
22 *emergency risk. No properly classified information*
23 *shall be divulged in any non-authorized forum.”.*

24 (2) *CONFORMING AMENDMENTS.*—*Section*
25 *111(d)(1) of the Aviation and Transportation Secu-*

1 *urity Act, as amended by paragraph (1)(A), is*
2 *amended—*

3 *(A) by striking “Under Secretary of Trans-*
4 *portation for Security” and inserting “Adminis-*
5 *trator of the Transportation Security Adminis-*
6 *tration”; and*

7 *(B) by striking “Under Secretary” each*
8 *place such appears and inserting “Adminis-*
9 *trator”.*

10 *(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of*
11 *the Homeland Security Act of 2002 (6 U.S.C. 463) is*
12 *amended, in the matter preceding paragraph (1), by insert-*
13 *ing “, or section 111(d) of the Aviation and Transportation*
14 *Security Act,” after “this Act”.*

15 *(c) REPORT TO CONGRESS.—*

16 *(1) REPORT REQUIRED.—Not later than 6*
17 *months after the date of enactment of this Act, the*
18 *Comptroller General of the United States shall submit*
19 *to the Committee on Homeland Security and Govern-*
20 *mental Affairs of the Senate and the Committee on*
21 *Homeland Security of the House of Representatives a*
22 *report on—*

23 *(A) the pay system that applies with respect*
24 *to TSA employees as of the date of enactment of*
25 *this Act; and*

1 (B) any changes to such system which
2 would be made under any regulations which
3 have been prescribed under chapter 97 of title 5,
4 United States Code.

5 (2) *MATTERS FOR INCLUSION.*—The report re-
6 quired under paragraph (1) shall include—

7 (A) a brief description of each pay system
8 described in paragraphs (1)(A) and (1)(B), re-
9 spectively;

10 (B) a comparison of the relative advantages
11 and disadvantages of each of those pay systems;
12 and

13 (C) such other matters as the Comptroller
14 General determines appropriate.

15 (d) This section shall take effect one day after the date
16 of enactment.

17 **SEC. 905. PLAN FOR 100 PERCENT SCANNING OF CARGO**
18 **CONTAINERS.**

19 Section 232(c) of the Security and Accountability For
20 Every Port Act (6 U.S.C. 982(c)) is amended—

21 (1) by striking “Not later” and inserting the fol-
22 lowing:

23 “(1) *IN GENERAL.*—Not later”;

24 (2) by resetting the left margin of the text thereof
25 2 ems from the left margin; and

1 (3) *by inserting at the end thereof the following:*

2 “(2) *PLAN FOR 100 PERCENT SCANNING OF*
3 *CARGO CONTAINERS.—*

4 “(A) *IN GENERAL.—The first report under*
5 *paragraph (1) shall include an initial plan to*
6 *scan 100 percent of the cargo containers destined*
7 *for the United States before such containers ar-*
8 *rive in the United States.*

9 “(B) *PLAN CONTENTS.—The plan under*
10 *subparagraph (A) shall include—*

11 “(i) *specific annual benchmarks for the*
12 *percentage of cargo containers destined for*
13 *the United States that are scanned at a for-*
14 *ign port;*

15 “(ii) *annual increases in the bench-*
16 *marks described in clause (i) until 100 per-*
17 *cent of the cargo containers destined for the*
18 *United States are scanned before arriving*
19 *in the United States, unless the Secretary*
20 *explains in writing to the appropriate con-*
21 *gressional committees that inadequate*
22 *progress has been made in meeting the cri-*
23 *teria in section 232(b) for expanded scan-*
24 *ning to be practical or feasible;*

1 “(iii) an analysis of how to effectively
 2 incorporate existing programs, including
 3 the Container Security Initiative estab-
 4 lished by section 205 and the Customs-
 5 Trade Partnership Against Terrorism estab-
 6 lished by subtitle B, to reach the bench-
 7 marks described in clause (i); and

8 “(iv) an analysis of the scanning
 9 equipment, personnel, and technology nec-
 10 essary to reach the goal of 100 percent scan-
 11 ning of cargo containers.

12 “(C) *SUBSEQUENT REPORTS.*—Each report
 13 under paragraph (1) after the initial report shall
 14 include an assessment of the progress toward im-
 15 plementing the plan under subparagraph (A).”.

16 **TITLE X—INCIDENT COMMAND**
 17 **SYSTEM**

18 **SEC. 1001. PREIDENTIFYING AND EVALUATING MULTI-**
 19 **JURISDICTIONAL FACILITIES TO STRENGTH-**
 20 **EN INCIDENT COMMAND; PRIVATE SECTOR**
 21 **PREPAREDNESS.**

22 Section 507(c)(2) of the Homeland Security Act of
 23 2002 (6 U.S.C. 317(c)(2)) is amended—

24 (1) in subparagraph (H), by striking “and” at
 25 the end;

1 (2) *by redesignating subparagraph (I) as sub-*
 2 *paragraph (K); and*

3 (3) *by inserting after subparagraph (H) the fol-*
 4 *lowing:*

5 “(I) *coordinating with the private sector to*
 6 *help ensure private sector preparedness for nat-*
 7 *ural disasters, acts of terrorism, or other man-*
 8 *made disasters;*

9 “(J) *assisting State, local, or tribal govern-*
 10 *ments, where appropriate, to preidentify and*
 11 *evaluate suitable sites where a multijuris-*
 12 *ditional incident command system can be*
 13 *quickly established and operated from, if the*
 14 *need for such a system arises; and”.*

15 **SEC. 1002. CREDENTIALING AND TYPING TO STRENGTHEN**
 16 **INCIDENT COMMAND.**

17 (a) *IN GENERAL.*—*Title V of the Homeland Security*
 18 *Act of 2002 (6 U.S.C. 331 et seq.) is amended—*

19 (1) *by striking section 510 and inserting the fol-*
 20 *lowing:*

21 **“SEC. 510. CREDENTIALING AND TYPING.**

22 “(a) *CREDENTIALING.*—

23 “(1) *DEFINITIONS.*—*In this subsection—*

24 “(A) *the term ‘credential’ means to provide*
 25 *documentation that can authenticate and verify*

1 *the qualifications and identity of managers of*
2 *incidents, emergency response providers, and*
3 *other appropriate personnel, including by ensur-*
4 *ing that such personnel possess a minimum com-*
5 *mon level of training, experience, physical and*
6 *medical fitness, and capability appropriate for*
7 *their position;*

8 *“(B) the term ‘credentialing’ means evalu-*
9 *ating an individual’s qualifications for a specific*
10 *position under guidelines created under this sub-*
11 *section and assigning such individual a quali-*
12 *fication under the standards developed under*
13 *this subsection; and*

14 *“(C) the term ‘credentialed’ means an indi-*
15 *vidual has been evaluated for a specific position*
16 *under the guidelines created under this sub-*
17 *section.*

18 *“(2) REQUIREMENTS.—*

19 *“(A) IN GENERAL.—The Administrator*
20 *shall enter into a memorandum of understanding*
21 *with the administrators of the Emergency Man-*
22 *agement Assistance Compact, State, local, and*
23 *tribal governments, emergency response pro-*
24 *viders, and the organizations that represent such*
25 *providers, to collaborate on establishing nation-*

1 *wide standards for credentialing all personnel*
2 *who are likely to respond to a natural disaster,*
3 *act of terrorism, or other man-made disaster.*

4 “(B) *CONTENTS.—The standards developed*
5 *under subparagraph (A) shall—*

6 “(i) *include the minimum professional*
7 *qualifications, certifications, training, and*
8 *education requirements for specific emer-*
9 *gency response functional positions that are*
10 *applicable to Federal, State, local, and trib-*
11 *al government;*

12 “(ii) *be compatible with the National*
13 *Incident Management System; and*

14 “(iii) *be consistent with standards for*
15 *advance registration for health professions*
16 *volunteers under section 319I of the Public*
17 *Health Services Act (42 U.S.C. 247d–7b).*

18 “(C) *TIMEFRAME.—The Administrator shall*
19 *develop standards under subparagraph (A) not*
20 *later than 6 months after the date of enactment*
21 *of the Improving America’s Security Act of 2007.*

22 “(3) *CREDENTIALING OF DEPARTMENT PER-*
23 *SONNEL.—*

24 “(A) *IN GENERAL.—Not later than 1 year*
25 *after the date of enactment of the Improving*

1 *America’s Security Act of 2007, the Secretary*
2 *and the Administrator shall ensure that all per-*
3 *sonnel of the Department (including temporary*
4 *personnel and individuals in the Surge Capacity*
5 *Force established under section 624 of the Post-*
6 *Katrina Emergency Management Reform Act of*
7 *2006 (6 U.S.C. 711)) who are likely to respond*
8 *to a natural disaster, act of terrorism, or other*
9 *man-made disaster are credentialed.*

10 “(B) *STRATEGIC HUMAN CAPITAL PLAN.—*
11 *Not later than 90 days after completion of the*
12 *credentialing under subparagraph (A), the Ad-*
13 *ministrator shall evaluate whether the workforce*
14 *of the Agency complies with the strategic human*
15 *capital plan of the Agency developed under sec-*
16 *tion 10102 of title 5, United States Code, and is*
17 *sufficient to respond to a catastrophic incident.*

18 “(4) *INTEGRATION WITH NATIONAL RESPONSE*
19 *PLAN.—*

20 “(A) *DISTRIBUTION OF STANDARDS.—Not*
21 *later than 6 months after the date of enactment*
22 *of the Improving America’s Security Act of 2007,*
23 *the Administrator shall provide the standards*
24 *developed under paragraph (2) to all Federal*

1 *agencies that have responsibilities under the Na-*
2 *tional Response Plan.*

3 “(B) *CREDENTIALING OF AGENCIES.*—*Not*
4 *later than 6 months after the date on which the*
5 *standards are provided under subparagraph (A),*
6 *each agency described in subparagraph (A)*
7 *shall—*

8 “(i) *ensure that all employees or volun-*
9 *teers of that agency who are likely to re-*
10 *spond to a natural disaster, act of ter-*
11 *rorism, or other man-made disaster are*
12 *credentialed; and*

13 “(ii) *submit to the Secretary the name*
14 *of each credentialed employee or volunteer of*
15 *such agency.*

16 “(C) *LEADERSHIP.*—*The Administrator*
17 *shall provide leadership, guidance, and technical*
18 *assistance to an agency described in subpara-*
19 *graph (A) to facilitate the credentialing process*
20 *of that agency.*

21 “(5) *DOCUMENTATION AND DATABASE SYSTEM.*—

22 “(A) *IN GENERAL.*—*Not later than 1 year*
23 *after the date of enactment of the Improving*
24 *America’s Security Act of 2007, the Adminis-*
25 *trator shall establish and maintain a docu-*

1 *mentation and database system of Federal emer-*
2 *gency response providers and all other Federal*
3 *personnel credentialed to respond to a natural*
4 *disaster, act of terrorism, or other man-made*
5 *disaster.*

6 “(B) *ACCESSIBILITY.*—*The documentation*
7 *and database system established under subpara-*
8 *graph (1) shall be accessible to the Federal co-*
9 *ordinating officer and other appropriate officials*
10 *preparing for or responding to a natural dis-*
11 *aster, act of terrorism, or other man-made dis-*
12 *aster.*

13 “(C) *CONSIDERATIONS.*—*The Administrator*
14 *shall consider whether the credentialing system*
15 *can be used to regulate access to areas affected by*
16 *a natural disaster, act of terrorism, or other*
17 *man-made disaster.*

18 “(6) *GUIDANCE TO STATE AND LOCAL GOVERN-*
19 *MENTS.*—*Not later than 6 months after the date of en-*
20 *actment of the Improving America’s Security Act of*
21 *2007, the Administrator shall—*

22 “(A) *in collaboration with the administra-*
23 *tors of the Emergency Management Assistance*
24 *Compact, State, local, and tribal governments,*
25 *emergency response providers, and the organiza-*

1 *tions that represent such providers, provide de-*
2 *tailed written guidance, assistance, and expertise*
3 *to State, local, and tribal governments to facili-*
4 *tate the credentialing of State, local, and tribal*
5 *emergency response providers commonly or likely*
6 *to be used in responding to a natural disaster,*
7 *act of terrorism, or other man-made disaster;*
8 *and*

9 *“(B) in coordination with the administra-*
10 *tors of the Emergency Management Assistance*
11 *Compact, State, local, and tribal governments,*
12 *emergency response providers (and the organiza-*
13 *tions that represent such providers), and appro-*
14 *priate national professional organizations, assist*
15 *State, local, and tribal governments with*
16 *credentialing the personnel of the State, local, or*
17 *tribal government under the guidance provided*
18 *under subparagraph (A).*

19 *“(7) REPORT.—Not later than 6 months after the*
20 *date of enactment of the Improving America’s Secu-*
21 *rity Act of 2007, and annually thereafter, the Admin-*
22 *istrator shall submit to the Committee on Homeland*
23 *Security and Governmental Affairs of the Senate and*
24 *the Committee on Homeland Security of the House of*
25 *Representatives a report describing the implementa-*

1 *tion of this subsection, including the number and level*
2 *of qualification of Federal personnel trained and*
3 *ready to respond to a natural disaster, act of ter-*
4 *rorism, or other man-made disaster.*

5 “(b) *TYPING OF RESOURCES.*—

6 “(1) *DEFINITIONS.*—*In this subsection—*

7 “(A) *the term ‘typed’ means an asset or re-*
8 *source that has been evaluated for a specific*
9 *function under the guidelines created under this*
10 *section; and*

11 “(B) *the term ‘typing’ means to define in*
12 *detail the minimum capabilities of an asset or*
13 *resource.*

14 “(2) *REQUIREMENTS.*—

15 “(A) *IN GENERAL.*—*The Administrator*
16 *shall enter into a memorandum of understanding*
17 *with the administrators of the Emergency Man-*
18 *agement Assistance Compact, State, local, and*
19 *tribal governments, emergency response pro-*
20 *viders, and organizations that represent such*
21 *providers, to collaborate on establishing nation-*
22 *wide standards for typing of resources commonly*
23 *or likely to be used in responding to a natural*
24 *disaster, act of terrorism, or other man-made*
25 *disaster.*

1 “(B) CONTENTS.—*The standards developed*
2 *under subparagraph (A) shall—*

3 “(i) *be applicable to Federal, State,*
4 *local, and tribal government; and*

5 “(ii) *be compatible with the National*
6 *Incident Management System.*

7 “(3) TYPING OF DEPARTMENT RESOURCES AND
8 ASSETS.—*Not later than 1 year after the date of en-*
9 *actment of the Improving America’s Security Act of*
10 *2007, the Secretary shall ensure that all resources and*
11 *assets of the Department that are commonly or likely*
12 *to be used to respond to a natural disaster, act of ter-*
13 *rorism, or other man-made disaster are typed.*

14 “(4) INTEGRATION WITH NATIONAL RESPONSE
15 PLAN.—

16 “(A) DISTRIBUTION OF STANDARDS.—*Not*
17 *later than 6 months after the date of enactment*
18 *of the Improving America’s Security Act of 2007,*
19 *the Administrator shall provide the standards*
20 *developed under paragraph (2) to all Federal*
21 *agencies that have responsibilities under the Na-*
22 *tional Response Plan.*

23 “(B) TYPING OF AGENCIES, ASSETS, AND
24 RESOURCES.—*Not later than 6 months after the*
25 *date on which the standards are provided under*

1 *subparagraph (A), each agency described in sub-*
2 *paragraph (A) shall—*

3 *“(i) ensure that all resources and assets*
4 *(including teams, equipment, and other as-*
5 *sets) of that agency that are commonly or*
6 *likely to be used to respond to a natural*
7 *disaster, act of terrorism, or other man-*
8 *made disaster are typed; and*

9 *“(ii) submit to the Secretary a list of*
10 *all types resources and assets.*

11 “(C) *LEADERSHIP.—The Administrator*
12 *shall provide leadership, guidance, and technical*
13 *assistance to an agency described in subpara-*
14 *graph (A) to facilitate the typing process of that*
15 *agency.*

16 “(5) *DOCUMENTATION AND DATABASE SYSTEM.—*

17 *“(A) IN GENERAL.—Not later than 1 year*
18 *after the date of enactment of the Improving*
19 *America’s Security Act of 2007, the Adminis-*
20 *trator shall establish and maintain a docu-*
21 *mentation and database system of Federal re-*
22 *sources and assets commonly or likely to be used*
23 *to respond to a natural disaster, act of terrorism,*
24 *or other man-made disaster.*

1 “(B) *ACCESSIBILITY.*—*The documentation*
2 *and database system established under subpara-*
3 *graph (A) shall be accessible to the Federal co-*
4 *ordinating officer and other appropriate officials*
5 *preparing for or responding to a natural dis-*
6 *aster, act of terrorism, or other man-made dis-*
7 *aster.*

8 “(6) *GUIDANCE TO STATE AND LOCAL GOVERN-*
9 *MENTS.*—*Not later than 6 months after the date of en-*
10 *actment of the Improving America’s Security Act of*
11 *2007, the Administrator, in collaboration with the ad-*
12 *ministrators of the Emergency Management Assist-*
13 *ance Compact, State, local, and tribal governments,*
14 *emergency response providers, and the organizations*
15 *that represent such providers, shall—*

16 “(A) *provide detailed written guidance, as-*
17 *stance, and expertise to State, local, and tribal*
18 *governments to facilitate the typing of the re-*
19 *sources and assets of State, local, and tribal gov-*
20 *ernments likely to be used in responding to a*
21 *natural disaster, act of terrorism, or other man-*
22 *made disaster; and*

23 “(B) *assist State, local, and tribal govern-*
24 *ments with typing resources and assets of State,*

1 *local, or tribal governments under the guidance*
2 *provided under subparagraph (A).*

3 “(7) *REPORT.*—*Not later than 6 months after the*
4 *date of enactment of the Improving America’s Secu-*
5 *rity Act of 2007, and annually thereafter, the Admin-*
6 *istrator shall submit to the Committee on Homeland*
7 *Security and Governmental Affairs of the Senate and*
8 *the Committee on Homeland Security of the House of*
9 *Representatives a report describing the implementa-*
10 *tion of this subsection, including the number and type*
11 *of Federal resources and assets ready to respond to a*
12 *natural disaster, act of terrorism, or other man-made*
13 *disaster.*

14 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
15 *authorized to be appropriated such sums as necessary to*
16 *carry out this section.”; and*

17 (2) *by adding after section 522, as added by sec-*
18 *tion 803 of this Act, the following:*

19 “**SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRA-**
20 **STRUCTURE.**

21 “*Not later than 6 months after the date of enactment*
22 *of the Improving America’s Security Act of 2007, and in*
23 *coordination with appropriate national professional orga-*
24 *nizations, Federal, State, local, and tribal government*
25 *agencies, and private-sector and nongovernmental entities,*

1 *the Administrator shall create model standards or guide-*
 2 *lines that States may adopt in conjunction with critical*
 3 *infrastructure owners and operators and their employees to*
 4 *permit access to restricted areas in the event of a natural*
 5 *disaster, act of terrorism, or other man-made disaster.”.*

6 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 7 *table of contents in section 1(b) of the Homeland Security*
 8 *Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after*
 9 *the item relating to section 522, as added by section 803*
 10 *of this Act, the following:*

“Sec. 523. Providing secure access to critical infrastructure.”.

11 **TITLE XI—CRITICAL**
 12 **INFRASTRUCTURE PROTECTION**

13 **SEC. 1101. CRITICAL INFRASTRUCTURE PROTECTION.**

14 (a) *CRITICAL INFRASTRUCTURE LIST.—Not later than*
 15 *90 days after the date of enactment of this Act, and in co-*
 16 *ordination with other initiatives of the Secretary relating*
 17 *to critical infrastructure or key resource protection and*
 18 *partnerships between the government and private sector, the*
 19 *Secretary shall establish a risk-based prioritized list of crit-*
 20 *ical infrastructure and key resources that—*

21 (1) *includes assets or systems that, if successfully*
 22 *destroyed or disrupted through a terrorist attack or*
 23 *natural catastrophe, would cause catastrophic na-*
 24 *tional or regional impacts, including—*

25 (A) *significant loss of life;*

1 (B) *severe economic harm;*

2 (C) *mass evacuations; or*

3 (D) *loss of a city, region, or sector of the*
4 *economy as a result of contamination, destruc-*
5 *tion, or disruption of vital public services; and*

6 (2) *reflects a cross-sector analysis of critical in-*
7 *frastructure to determine priorities for prevention,*
8 *protection, recovery, and restoration.*

9 (b) *SECTOR LISTS.—The Secretary shall include levees*
10 *in the Department’s list of critical infrastructure sectors.*

11 (c) *MAINTENANCE.—Each list created under this sec-*
12 *tion shall be reviewed and updated on an ongoing basis,*
13 *but at least annually.*

14 (d) *ANNUAL REPORT.—*

15 (1) *GENERALLY.—Not later than 120 days after*
16 *the date of enactment of this Act, and annually there-*
17 *after, the Secretary shall submit to the Committee on*
18 *Homeland Security and Governmental Affairs of the*
19 *Senate and the Committee on Homeland Security of*
20 *the House of Representatives a report summarizing—*

21 (A) *the criteria used to develop each list cre-*
22 *ated under this section;*

23 (B) *the methodology used to solicit and*
24 *verify submissions for each list;*

1 (C) *the name, location, and sector classi-*
2 *fication of assets in each list created under this*
3 *section;*

4 (D) *a description of any additional lists or*
5 *databases the Department has developed to*
6 *prioritize critical infrastructure on the basis of*
7 *risk; and*

8 (E) *how each list developed under this sec-*
9 *tion will be used by the Secretary in program*
10 *activities, including grant making.*

11 (2) *CLASSIFIED INFORMATION.—*

12 (A) *IN GENERAL.—The Secretary shall sub-*
13 *mit with each report under this subsection a*
14 *classified annex containing information required*
15 *to be submitted under this subsection that cannot*
16 *be made public.*

17 (B) *RETENTION OF CLASSIFICATION.—The*
18 *classification of information required to be pro-*
19 *vided to Congress, the Department, or any other*
20 *department or agency under this section by a*
21 *sector-specific agency, including the assignment*
22 *of a level of classification of such information,*
23 *shall be binding on Congress, the Department,*
24 *and that other Federal agency.*

1 **SEC. 1102. RISK ASSESSMENT AND REPORT.**

2 (a) *RISK ASSESSMENT.*—

3 (1) *IN GENERAL.*—*The Secretary, pursuant to*
4 *the responsibilities under section 202 of the Homeland*
5 *Security Act (6 U.S.C. 122), for each fiscal year be-*
6 *ginning with fiscal year 2007, shall prepare a risk*
7 *assessment of the critical infrastructure and key re-*
8 *sources of the Nation which shall—*

9 (A) *be organized by sector, including the*
10 *critical infrastructure sectors named in Home-*
11 *land Security Presidential Directive-7, as in ef-*
12 *fect on January 1, 2006; and*

13 (B) *contain any actions or countermeasures*
14 *proposed, recommended, or directed by the Sec-*
15 *retary to address security concerns covered in the*
16 *assessment.*

17 (2) *RELIANCE ON OTHER ASSESSMENTS.*—*In*
18 *preparing the assessments and reports under this sec-*
19 *tion, the Department may rely on a vulnerability as-*
20 *essment or risk assessment prepared by another Fed-*
21 *eral agency that the Department determines is pre-*
22 *pared in coordination with other initiatives of the*
23 *Department relating to critical infrastructure or key*
24 *resource protection and partnerships between the gov-*
25 *ernment and private sector.*

26 (b) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 6 months after
2 the last day of fiscal year 2007 and for each year
3 thereafter, the Secretary shall submit a report to the
4 Committee on Homeland Security and Governmental
5 Affairs of the Senate and the Committee on Home-
6 land Security of the House of Representatives, and to
7 each Committee of the Senate and the House of Rep-
8 resentatives having jurisdiction over the critical in-
9 frastructure or key resource addressed by the report,
10 containing a summary and review of the risk assess-
11 ments prepared by the Secretary under this section
12 for that fiscal year, which shall be organized by sector
13 and which shall include recommendations of the Sec-
14 retary for mitigating risks identified by the assess-
15 ments.

16 “(2) *CLASSIFIED INFORMATION.*—

17 “(A) *IN GENERAL.*—The report under this
18 subsection may contain a classified annex.

19 “(B) *RETENTION OF CLASSIFICATION.*—The
20 classification of information required to be pro-
21 vided to Congress, the Department, or any other
22 department or agency under this section by a
23 sector-specific agency, including the assignment
24 of a level of classification of such information,

1 *shall be binding on Congress, the Department,*
2 *and that other Federal agency.”.*

3 **SEC. 1103. USE OF EXISTING CAPABILITIES.**

4 *Where appropriate, the Secretary shall use the Na-*
5 *tional Infrastructure Simulation and Analysis Center to*
6 *carry out the actions required under this title.*

7 **SEC. 1104. PRIORITIES AND ALLOCATIONS.**

8 *Not later than 6 months after the last day of fiscal*
9 *year 2007, and for each year thereafter, the Secretary, in*
10 *cooperation with the Secretary of Commerce, the Secretary*
11 *of Transportation, the Secretary of Defense, and the Sec-*
12 *retary of Energy shall submit to the Committee on Banking,*
13 *Housing, and Urban Affairs and the Committee on Home-*
14 *land Security and Governmental Affairs of the Senate and*
15 *the Committee on Financial Services and the Committee*
16 *on Homeland Security of the House of Representatives a*
17 *report that details the actions taken by the Federal Govern-*
18 *ment to ensure, in accordance with subsections (a) and (c)*
19 *of section 101 of the Defense Production Act of 1950 (50*
20 *U.S.C. App. 2071), the preparedness of industry—*

21 *(1) to reduce interruption of critical infrastruc-*
22 *ture operations during a terrorist attack, natural ca-*
23 *tastrophe, or other similar national emergency; and*

24 *(2) to minimize the impact of such catastrophes,*
25 *as so described in section 1001(a)(1).*

1 **TITLE XII—CONGRESSIONAL**
2 **OVERSIGHT OF INTELLIGENCE**

3 **SEC. 1201. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**
4 **LIGENCE FUNDING INFORMATION.**

5 *(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The*
6 *President shall disclose to the public for each fiscal year*
7 *after fiscal year 2007 the aggregate amount of appropria-*
8 *tions requested in the budget of the President for such fiscal*
9 *year for the National Intelligence Program.*

10 *(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH*
11 *FISCAL YEAR.—Congress shall disclose to the public for*
12 *each fiscal year after fiscal year 2007 the aggregate amount*
13 *of funds authorized to be appropriated, and the aggregate*
14 *amount of funds appropriated, by Congress for such fiscal*
15 *year for the National Intelligence Program.*

16 *(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMA-*
17 *TION.—*

18 *(1) IN GENERAL.—The Director of National In-*
19 *telligence shall conduct a study to assess the advis-*
20 *ability of disclosing to the public amounts as follows:*

21 *(A) The aggregate amount of appropria-*
22 *tions requested in the budget of the President for*
23 *each fiscal year for each element of the intel-*
24 *ligence community.*

1 (B) *The aggregate amount of funds author-*
2 *ized to be appropriated, and the aggregate*
3 *amount of funds appropriated, by Congress for*
4 *each fiscal year for each element of the intel-*
5 *ligence community.*

6 (2) *REQUIREMENTS.—The study required by*
7 *paragraph (1) shall—*

8 (A) *address whether or not the disclosure to*
9 *the public of the information referred to in that*
10 *paragraph would harm the national security of*
11 *the United States; and*

12 (B) *take into specific account concerns re-*
13 *lating to the disclosure of such information for*
14 *each element of the intelligence community.*

15 (3) *REPORT.—Not later than 180 days after the*
16 *date of enactment of this Act, the Director shall sub-*
17 *mit to Congress a report on the study required by*
18 *paragraph (1).*

19 (d) *DEFINITIONS.—In this section—*

20 (1) *the term “element of the intelligence commu-*
21 *nity” means an element of the intelligence community*
22 *specified in or designated under section 3(4) of the*
23 *National Security Act of 1947 (50 U.S.C. 401a(4));*
24 *and*

1 (2) *the term “National Intelligence Program”*
2 *has the meaning given that term in section 3(6) of the*
3 *National Security Act of 1947 (50 U.S.C. 401a(6)).*

4 **SEC. 1202. RESPONSE OF INTELLIGENCE COMMUNITY TO**
5 **REQUESTS FROM CONGRESS.**

6 (a) *RESPONSE OF INTELLIGENCE COMMUNITY TO RE-*
7 *QUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS*
8 *AND INFORMATION.—Title V of the National Security Act*
9 *of 1947 (50 U.S.C. 413 et seq.) is amended by adding at*
10 *the end the following new section:*

11 “*RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS*
12 *FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND*
13 *INFORMATION*”

14 “*SEC. 508. (a) REQUESTS OF COMMITTEES.—The Di-*
15 *rector of the National Counterterrorism Center, the Director*
16 *of a national intelligence center, or the head of any depart-*
17 *ment, agency, or element of the intelligence community*
18 *shall, not later than 15 days after receiving a request for*
19 *any intelligence assessment, report, estimate, legal opinion,*
20 *or other intelligence information from the Select Committee*
21 *on Intelligence of the Senate, the Permanent Select Com-*
22 *mittee on Intelligence of the House of Representatives, or*
23 *any other committee of Congress with jurisdiction over the*
24 *subject matter to which information in such assessment, re-*
25 *port, estimate, legal opinion, or other information relates,*
26 *make available to such committee such assessment, report,*

1 *estimate, legal opinion, or other information, as the case*
2 *may be.*

3 “(b) *REQUESTS OF CERTAIN MEMBERS.—(1) The Di-*
4 *rector of the National Counterterrorism Center, the Director*
5 *of a national intelligence center, or the head of any depart-*
6 *ment, agency, or element of the intelligence community shall*
7 *respond, in the time specified in subsection (a), to a request*
8 *described in that subsection from the Chairman or Vice*
9 *Chairman of the Select Committee on Intelligence of the*
10 *Senate or the Chairman or Ranking Member of the Perma-*
11 *nent Select Committee on Intelligence of the House of Rep-*
12 *resentatives.*

13 “(2) *Upon making a request covered by paragraph*
14 *(1)—*

15 “(A) *the Chairman or Vice Chairman, as the*
16 *case may be, of the Select Committee on Intelligence*
17 *of the Senate shall notify the other of the Chairman*
18 *or Vice Chairman of such request; and*

19 “(B) *the Chairman or Ranking Member, as the*
20 *case may be, of the Permanent Select Committee on*
21 *Intelligence of the House of Representatives shall no-*
22 *tify the other of the Chairman or Ranking Member of*
23 *such request.*

24 “(c) *ASSERTION OF PRIVILEGE.—In response to a re-*
25 *quest covered by subsection (a) or (b), the Director of the*

1 *National Counterterrorism Center, the Director of a na-*
2 *tional intelligence center, or the head of any department,*
3 *agency, or element of the intelligence community shall pro-*
4 *vide the document or information covered by such request*
5 *unless the President certifies that such document or infor-*
6 *mation is not being provided because the President is as-*
7 *serting a privilege pursuant to the Constitution of the*
8 *United States.*

9 “(d) *INDEPENDENT TESTIMONY OF INTELLIGENCE OF-*
10 *FICIALS.—No officer, department, agency, or element with-*
11 *in the Executive branch shall have any authority to require*
12 *the head of any department, agency, or element of the intel-*
13 *ligence community, or any designate of such a head—*

14 “(1) *to receive permission to testify before Con-*
15 *gress; or*

16 “(2) *to submit testimony, legislative rec-*
17 *ommendations, or comments to any officer or agency*
18 *of the Executive branch for approval, comments, or*
19 *review prior to the submission of such recommenda-*
20 *tions, testimony, or comments to Congress if such tes-*
21 *timony, legislative recommendations, or comments in-*
22 *clude a statement indicating that the views expressed*
23 *therein are those of the head of the department, agen-*
24 *cy, or element of the intelligence community that is*

1 *making the submission and do not necessarily rep-*
 2 *resent the views of the Administration.”.*

3 ***(b) DISCLOSURES OF CERTAIN INFORMATION TO CON-***
 4 ***GRESS.—Title V of the National Security Act of 1947 (50***
 5 ***U.S.C. 413 et seq.), as amended by subsection (a), is amend-***
 6 ***ed by adding at the end the following new section:***

7 ***“DISCLOSURES TO CONGRESS***

8 ***“SEC. 509. (a) AUTHORITY TO DISCLOSE CERTAIN IN-***
 9 ***FORMATION.—An employee of a covered agency or an em-***
 10 ***ployee of a contractor carrying out activities pursuant to***
 11 ***a contract with a covered agency may disclose covered infor-***
 12 ***mation to an authorized individual without first reporting***
 13 ***such information to the appropriate Inspector General.***

14 ***“(b) AUTHORIZED INDIVIDUAL.—(1) In this section,***
 15 ***the term ‘authorized individual’ means—***

16 ***“(A) a Member of the Senate or the House of***
 17 ***Representatives who is authorized to receive informa-***
 18 ***tion of the type disclosed; or***

19 ***“(B) an employee of the Senate or the House of***
 20 ***Representatives who—***

21 ***“(i) has an appropriate security clearance;***

22 ***and***

23 ***“(ii) is authorized to receive information of***
 24 ***the type disclosed.***

25 ***“(2) An authorized individual described in paragraph***
 26 ***(1) to whom covered information is disclosed under the au-***

1 *thority in subsection (a) shall be presumed to have a need*
2 *to know such covered information.*

3 “(c) *COVERED AGENCY AND COVERED INFORMATION*
4 *DEFINED.—In this section:*

5 “(1) *The term ‘covered agency’ means—*

6 “(A) *any department, agency, or element of*
7 *the intelligence community;*

8 “(B) *a national intelligence center; and*

9 “(C) *any other Executive agency, or element*
10 *or unit thereof, determined by the President*
11 *under section 2302(a)(2)(C)(ii) of title 5, United*
12 *States Code, to have as its principal function the*
13 *conduct of foreign intelligence or counterintel-*
14 *ligence activities.*

15 “(2) *The term ‘covered information’—*

16 “(A) *means information, including classi-*
17 *fied information, that an employee referred to in*
18 *subsection (a) reasonably believes provides direct*
19 *and specific evidence of a false or inaccurate*
20 *statement—*

21 “(i) *made to Congress; or*

22 “(ii) *contained in any intelligence as-*
23 *essment, report, or estimate; and*

1 “(2) *AUTHORITY OF BOARD.*—Upon receiving a
2 *congressional request described in section 703(b)(5),*
3 *the Board may conduct the review and make the rec-*
4 *ommendations described in that section, regardless of*
5 *whether such a review is requested by the President.*

6 “(3) *REPORTING.*—Any recommendations sub-
7 mitted to the President by the Board under section
8 703(b)(5), shall be submitted to the chairman and
9 ranking member of the committee of Congress that
10 made the request relating to such recommendations.”;
11 and

12 (2) in section 710(b), by striking “8 years after
13 the date of the enactment of this Act” and inserting
14 “on December 31, 2012”.

15 **SEC. 1204. SENSE OF THE SENATE REGARDING A REPORT**
16 **ON THE 9/11 COMMISSION RECOMMENDA-**
17 **TIONS WITH RESPECT TO INTELLIGENCE RE-**
18 **FORM AND CONGRESSIONAL INTELLIGENCE**
19 **OVERSIGHT REFORM.**

20 (a) *FINDINGS.*—Congress makes the following findings:

21 (1) *The National Commission on Terrorist At-*
22 *tacks Upon the United States (referred to in this sec-*
23 *tion as the “9/11 Commission”)* conducted a lengthy
24 *review of the facts and circumstances relating to the*
25 *terrorist attacks of September 11, 2001, including*

1 *those relating to the intelligence community, law en-*
2 *forcement agencies, and the role of congressional over-*
3 *sight and resource allocation.*

4 *(2) In its final report, the 9/11 Commission*
5 *found that—*

6 *(A) congressional oversight of the intel-*
7 *ligence activities of the United States is dysfunc-*
8 *tional;*

9 *(B) under the rules of the Senate and the*
10 *House of Representatives in effect at the time the*
11 *report was completed, the committees of Congress*
12 *charged with oversight of the intelligence activi-*
13 *ties lacked the power, influence, and sustained*
14 *capability to meet the daunting challenges faced*
15 *by the intelligence community of the United*
16 *States;*

17 *(C) as long as such oversight is governed by*
18 *such rules of the Senate and the House of Rep-*
19 *resentatives, the people of the United States will*
20 *not get the security they want and need;*

21 *(D) a strong, stable, and capable congres-*
22 *sional committee structure is needed to give the*
23 *intelligence community of the United States ap-*
24 *propriate oversight, support, and leadership; and*

1 *(E) the reforms recommended by the 9/11*
2 *Commission in its final report will not succeed*
3 *if congressional oversight of the intelligence com-*
4 *munity in the United States is not changed.*

5 *(3) The 9/11 Commission recommended struc-*
6 *tural changes to Congress to improve the oversight of*
7 *intelligence activities.*

8 *(4) Congress has enacted some of the rec-*
9 *ommendations made by the 9/11 Commission and is*
10 *considering implementing additional recommenda-*
11 *tions of the 9/11 Commission.*

12 *(5) The Senate adopted Senate Resolution 445 in*
13 *the 108th Congress to address some of the intelligence*
14 *oversight recommendations of the 9/11 Commission by*
15 *abolishing term limits for the members of the Select*
16 *Committee on Intelligence, clarifying jurisdiction for*
17 *intelligence-related nominations, and streamlining*
18 *procedures for the referral of intelligence-related legis-*
19 *lation, but other aspects of the 9/11 Commission rec-*
20 *ommendations regarding intelligence oversight have*
21 *not been implemented.*

22 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
23 *ate that the Committee on Homeland Security and Govern-*
24 *mental Affairs and the Select Committee on Intelligence of*
25 *the Senate each, or jointly, should—*

1 (1) undertake a review of the recommendations
2 made in the final report of the 9/11 Commission with
3 respect to intelligence reform and congressional intel-
4 ligence oversight reform;

5 (2) review and consider any other suggestions,
6 options, or recommendations for improving intel-
7 ligence oversight; and

8 (3) not later than December 21, 2007, submit to
9 the Senate a report that includes the recommenda-
10 tions of the Committee, if any, for carrying out such
11 reforms.

12 **SEC. 1205. AVAILABILITY OF FUNDS FOR THE PUBLIC IN-**
13 **TEREST DECLASSIFICATION BOARD.**

14 Section 21067 of the Continuing Appropriations Reso-
15 lution, 2007 (division B of Public Law 109–289; 120 Stat.
16 1311), as amended by Public Law 109–369 (120 Stat.
17 2642), Public Law 109–383 (120 Stat. 2678), and Public
18 Law 110–5, is amended by adding at the end the following
19 new subsection:

20 “(c) From the amount provided by this section, the Na-
21 tional Archives and Records Administration may obligate
22 monies necessary to carry out the activities of the Public
23 Interest Declassification Board.”.

1 **SEC. 1206. AVAILABILITY OF THE EXECUTIVE SUMMARY OF**
2 **THE REPORT ON CENTRAL INTELLIGENCE**
3 **AGENCY ACCOUNTABILITY REGARDING THE**
4 **TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**

5 (a) *PUBLIC AVAILABILITY.*—Not later than 30 days
6 after the date of the enactment of this Act, the Director of
7 the Central Intelligence Agency shall prepare and make
8 available to the public a version of the Executive Summary
9 of the report entitled the “Office of Inspector General Report
10 on Central Intelligence Agency Accountability Regarding
11 Findings and Conclusions of the Joint Inquiry into Intel-
12 ligence Community Activities Before and After the Terrorist
13 Attacks of September 11, 2001” issued in June 2005 that
14 is declassified to the maximum extent possible, consistent
15 with national security.

16 (b) *REPORT TO CONGRESS.*—The Director of the Cen-
17 tral Intelligence Agency shall submit to Congress a classi-
18 fied annex to the redacted Executive Summary made avail-
19 able under subsection (a) that explains the reason that any
20 redacted material in the Executive Summary was withheld
21 from the public.

1 **TITLE XIII—INTERNATIONAL CO-**
2 **OPERATION ON ANTITER-**
3 **RORISM TECHNOLOGIES**

4 **SEC. 1301. PROMOTING ANTITERRORISM CAPABILITIES**
5 **THROUGH INTERNATIONAL COOPERATION.**

6 (a) *FINDINGS.—The Congress finds the following:*

7 (1) *The development and implementation of tech-*
8 *nology is critical to combating terrorism and other*
9 *high consequence events and implementing a com-*
10 *prehensive homeland security strategy.*

11 (2) *The United States and its allies in the global*
12 *war on terrorism share a common interest in facili-*
13 *tating research, development, testing, and evaluation*
14 *of equipment, capabilities, technologies, and services*
15 *that will aid in detecting, preventing, responding to,*
16 *recovering from, and mitigating against acts of ter-*
17 *rorism.*

18 (3) *Certain United States allies in the global*
19 *war on terrorism, including Israel, the United King-*
20 *dom, Canada, Australia, and Singapore have exten-*
21 *sive experience with, and technological expertise in,*
22 *homeland security.*

23 (4) *The United States and certain of its allies in*
24 *the global war on terrorism have a history of success-*
25 *ful collaboration in developing mutually beneficial*

1 *equipment, capabilities, technologies, and services in*
2 *the areas of defense, agriculture, and telecommuni-*
3 *cations.*

4 (5) *The United States and its allies in the global*
5 *war on terrorism will mutually benefit from the shar-*
6 *ing of technological expertise to combat domestic and*
7 *international terrorism.*

8 (6) *The establishment of an office to facilitate*
9 *and support cooperative endeavors between and*
10 *among government agencies, for-profit business enti-*
11 *ties, academic institutions, and nonprofit entities of*
12 *the United States and its allies will safeguard lives*
13 *and property worldwide against acts of terrorism and*
14 *other high consequence events.*

15 (b) *PROMOTING ANTITERRORISM THROUGH INTER-*
16 *NATIONAL COOPERATION ACT.—*

17 (1) *IN GENERAL.—The Homeland Security Act*
18 *of 2002 is amended by inserting after section 316, as*
19 *added by section 701 of this Act, the following:*

20 **“SEC. 317. PROMOTING ANTITERRORISM THROUGH INTER-**
21 **NATIONAL COOPERATION PROGRAM.**

22 “(a) *DEFINITIONS.—In this section:*

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

1 “(2) *INTERNATIONAL COOPERATIVE ACTIVITY.*—
2 *The term ‘international cooperative activity’*
3 *includes—*

4 “(A) *coordinated research projects, joint re-*
5 *search projects, or joint ventures;*

6 “(B) *joint studies or technical demonstra-*
7 *tions;*

8 “(C) *coordinated field exercises, scientific*
9 *seminars, conferences, symposia, and workshops;*

10 “(D) *training of scientists and engineers;*

11 “(E) *visits and exchanges of scientists, engi-*
12 *neers, or other appropriate personnel;*

13 “(F) *exchanges or sharing of scientific and*
14 *technological information; and*

15 “(G) *joint use of laboratory facilities and*
16 *equipment.*

17 “(b) *SCIENCE AND TECHNOLOGY HOMELAND SECU-*
18 *RITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.*—

19 “(1) *ESTABLISHMENT.*—*The Under Secretary*
20 *shall establish the Science and Technology Homeland*
21 *Security International Cooperative Programs Office.*

22 “(2) *DIRECTOR.*—*The Office shall be headed by*
23 *a Director, who—*

24 “(A) *shall be selected (in consultation with*
25 *the Assistant Secretary for International Affairs,*

1 *Policy Directorate) by and shall report to the*
2 *Under Secretary; and*

3 “(B) *may be an officer of the Department*
4 *serving in another position.*

5 “(3) *RESPONSIBILITIES.—*

6 “(A) *DEVELOPMENT OF MECHANISMS.—The*
7 *Director shall be responsible for developing, in*
8 *coordination with the Department of State, the*
9 *Department of Defense, the Department of En-*
10 *ergy, and other Federal agencies, mechanisms*
11 *and legal frameworks to allow and to support*
12 *international cooperative activity in support of*
13 *homeland security research.*

14 “(B) *PRIORITIES.—The Director shall be re-*
15 *sponsible for developing, in coordination with the*
16 *Directorate of Science and Technology, the other*
17 *components of the Department (including the Of-*
18 *fice of the Assistant Secretary for International*
19 *Affairs, Policy Directorate), the Department of*
20 *State, the Department of Defense, the Depart-*
21 *ment of Energy, and other Federal agencies,*
22 *strategic priorities for international cooperative*
23 *activity.*

24 “(C) *ACTIVITIES.—The Director shall facili-*
25 *tate the planning, development, and implementa-*

1 *tion of international cooperative activity to ad-*
2 *dress the strategic priorities developed under sub-*
3 *paragraph (B) through mechanisms the Under*
4 *Secretary considers appropriate, including*
5 *grants, cooperative agreements, or contracts to or*
6 *with foreign public or private entities, govern-*
7 *mental organizations, businesses, federally fund-*
8 *ed research and development centers, and univer-*
9 *sities.*

10 *“(D) IDENTIFICATION OF PARTNERS.—The*
11 *Director shall facilitate the matching of United*
12 *States entities engaged in homeland security re-*
13 *search with non-United States entities engaged*
14 *in homeland security research so that they may*
15 *partner in homeland security research activities.*

16 *“(4) COORDINATION.—The Director shall ensure*
17 *that the activities under this subsection are coordi-*
18 *nated with the Office of International Affairs and the*
19 *Department of State, the Department of Defense, the*
20 *Department of Energy, and other relevant Federal*
21 *agencies or interagency bodies. The Director may*
22 *enter into joint activities with other Federal agencies.*

23 *“(c) MATCHING FUNDING.—*

24 *“(1) IN GENERAL.—*

1 “(A) *EQUITABILITY.*—*The Director shall en-*
2 *sure that funding and resources expended in*
3 *international cooperative activity will be equi-*
4 *tably matched by the foreign partner government*
5 *or other entity through direct funding, funding*
6 *of complementary activities, or through the pro-*
7 *vision of staff, facilities, material, or equipment.*

8 “(B) *GRANT MATCHING AND REPAYMENT.*—

9 “(i) *IN GENERAL.*—*The Secretary may*
10 *require a recipient of a grant under this*
11 *section—*

12 “(I) *to make a matching contribu-*
13 *tion of not more than 50 percent of the*
14 *total cost of the proposed project for*
15 *which the grant is awarded; and*

16 “(II) *to repay to the Secretary the*
17 *amount of the grant (or a portion*
18 *thereof), interest on such amount at an*
19 *appropriate rate, and such charges for*
20 *administration of the grant as the Sec-*
21 *retary determines appropriate.*

22 “(ii) *MAXIMUM AMOUNT.*—*The Sec-*
23 *retary may not require that repayment*
24 *under clause (i)(II) be more than 150 per-*
25 *cent of the amount of the grant, adjusted for*

1 *inflation on the basis of the Consumer Price*
2 *Index.*

3 “(2) *FOREIGN PARTNERS.—Partners may in-*
4 *clude Israel, the United Kingdom, Canada, Australia,*
5 *Singapore, and other allies in the global war on ter-*
6 *rorism, as determined by the Secretary of State.*

7 “(d) *FUNDING.—Funding for all activities under this*
8 *section shall be paid from discretionary funds appropriated*
9 *to the Department.*

10 “(e) *FOREIGN REIMBURSEMENTS.—If the Science and*
11 *Technology Homeland Security International Cooperative*
12 *Programs Office participates in an international coopera-*
13 *tive activity with a foreign partner on a cost-sharing basis,*
14 *any reimbursements or contributions received from that for-*
15 *ign partner to meet the share of that foreign partner of*
16 *the project may be credited to appropriate appropriations*
17 *accounts of the Directorate of Science and Technology.”.*

18 (2) *TECHNICAL AND CONFORMING AMEND-*
19 *MENT.—The table of contents in section 1(b) of the*
20 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)*
21 *is amended by adding after the item relating to sec-*
22 *tion 316, as added by section 701 of this Act, the fol-*
23 *lowing:*

“Sec. 317. *Promoting antiterrorism through international cooperation program.”.*

1 **SEC. 1302. TRANSPARENCY OF FUNDS.**

2 *For each Federal award (as that term is defined in*
3 *section 2 of the Federal Funding Accountability and Trans-*
4 *parency Act of 2006 (31 U.S.C. 6101 note)) under this title*
5 *or an amendment made by this title, the Director of the*
6 *Office of Management and Budget shall ensure full and*
7 *timely compliance with the requirements of the Federal*
8 *Funding Accountability and Transparency Act of 2006 (31*
9 *U.S.C. 6101 note).*

10 **TITLE XIV—TRANSPORTATION**
11 **AND INTEROPERABLE COM-**
12 **MUNICATION CAPABILITIES**

13 **SEC. 1401. SHORT TITLE.**

14 *This title may be cited as the “Transportation Secu-*
15 *urity and Interoperable Communication Capabilities Act”.*

16 **Subtitle A—Surface Transportation**
17 **and Rail Security**

18 **SEC. 1411. DEFINITION.**

19 *In this title, the term “high hazard materials” means*
20 *quantities of poison inhalation hazard materials, Class 2.3*
21 *gases, Class 6.1 materials, anhydrous ammonia, and other*
22 *hazardous materials that the Secretary, in consultation*
23 *with the Secretary of Transportation, determines pose a se-*
24 *curity risk.*

1 **PART I—IMPROVED RAIL SECURITY**
2 **SEC. 1421. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
3 **MENT.**

4 (a) *IN GENERAL.*—

5 (1) *RISK ASSESSMENT.*—*The Secretary shall es-*
6 *tablish a task force, including the Transportation Se-*
7 *curity Administration and other agencies within the*
8 *Department, the Department of Transportation, and*
9 *other appropriate Federal agencies, to complete a risk*
10 *assessment of freight and passenger rail transpor-*
11 *tation (encompassing railroads, as that term is de-*
12 *finied in section 20102(1) of title 49, United States*
13 *Code). The assessment shall include—*

14 (A) *a methodology for conducting the risk*
15 *assessment, including timelines, that addresses*
16 *how the Department of Homeland Security will*
17 *work with the entities described in subsection (b)*
18 *and make use of existing Federal expertise with-*
19 *in the Department of Homeland Security, the*
20 *Department of Transportation, and other appro-*
21 *priate agencies;*

22 (B) *identification and evaluation of critical*
23 *assets and infrastructures;*

24 (C) *identification of risks to those assets*
25 *and infrastructures;*

1 (D) identification of risks that are specific
2 to the transportation of hazardous materials via
3 railroad;

4 (E) identification of risks to passenger and
5 cargo security, transportation infrastructure (in-
6 cluding rail tunnels used by passenger and
7 freight railroads in high threat urban areas),
8 protection systems, operations, communications
9 systems, employee training, emergency response
10 planning, and any other area identified by the
11 assessment;

12 (F) an assessment of public and private
13 operational recovery plans to expedite, to the
14 maximum extent practicable, the return of an
15 adversely affected freight or passenger rail trans-
16 portation system or facility to its normal per-
17 formance level after a major terrorist attack or
18 other security event on that system or facility;
19 and

20 (G) an account of actions taken or planned
21 by both public and private entities to address
22 identified rail security issues and assess the effec-
23 tive integration of such actions.

24 (2) *RECOMMENDATIONS.*—Based on the assess-
25 ment conducted under paragraph (1), the Secretary,

1 *in consultation with the Secretary of Transportation,*
2 *shall develop prioritized recommendations for improv-*
3 *ing rail security, including any recommendations the*
4 *Secretary has for—*

5 *(A) improving the security of rail tunnels,*
6 *rail bridges, rail switching and car storage*
7 *areas, other rail infrastructure and facilities, in-*
8 *formation systems, and other areas identified by*
9 *the Secretary as posing significant rail-related*
10 *risks to public safety and the movement of inter-*
11 *state commerce, taking into account the impact*
12 *that any proposed security measure might have*
13 *on the provision of rail service or on operations*
14 *served or otherwise affected by rail service;*

15 *(B) deploying equipment and personnel to*
16 *detect security threats, including those posed by*
17 *explosives and hazardous chemical, biological,*
18 *and radioactive substances, and any appropriate*
19 *countermeasures;*

20 *(C) training appropriate railroad or rail-*
21 *road shipper employees in terrorism prevention,*
22 *preparedness, passenger evacuation, and response*
23 *activities;*

24 *(D) conducting public outreach campaigns*
25 *on passenger railroads regarding security;*

1 (E) *deploying surveillance equipment;*

2 (F) *identifying the immediate and long-*
3 *term costs of measures that may be required to*
4 *address those risks; and*

5 (G) *public and private sector sources to*
6 *fund such measures.*

7 (3) *PLANS.—The report required by subsection*
8 *(c) shall include—*

9 (A) *a plan, developed in consultation with*
10 *the freight and intercity passenger railroads, and*
11 *State and local governments, for the Federal*
12 *Government to provide adequate security support*
13 *at high or severe threat levels of alert;*

14 (B) *a plan for coordinating existing and*
15 *planned rail security initiatives undertaken by*
16 *the public and private sectors; and*

17 (C) *a contingency plan, developed in coordi-*
18 *nation with freight and intercity and commuter*
19 *passenger railroads, to ensure the continued*
20 *movement of freight and passengers in the event*
21 *of an attack affecting the railroad system, which*
22 *shall contemplate—*

23 (i) *the possibility of rerouting traffic*
24 *due to the loss of critical infrastructure,*

1 *such as a bridge, tunnel, yard, or station;*

2 *and*

3 *(ii) methods of continuing railroad*
4 *service in the Northeast Corridor in the*
5 *event of a commercial power loss, or catas-*
6 *trophe affecting a critical bridge, tunnel,*
7 *yard, or station.*

8 ***(b) CONSULTATION; USE OF EXISTING RESOURCES.—***

9 *In carrying out the assessment and developing the rec-*
10 *ommendations and plans required by subsection (a), the*
11 *Secretary shall consult with rail management, rail labor,*
12 *owners or lessors of rail cars used to transport hazardous*
13 *materials, first responders, offerers of hazardous materials,*
14 *public safety officials, and other relevant parties. In devel-*
15 *oping the risk assessment required under this section, the*
16 *Secretary shall utilize relevant existing risk assessments de-*
17 *veloped by the Department or other Federal agencies, and,*
18 *as appropriate, assessments developed by other public and*
19 *private stakeholders.*

20 ***(c) REPORT.—***

21 ***(1) CONTENTS.—****Within 1 year after the date of*
22 *enactment of this Act, the Secretary shall transmit to*
23 *the Committee on Commerce, Science, and Transpor-*
24 *tation of the Senate, and the Committee on Transpor-*
25 *tation and Infrastructure and the Committee on*

1 *Homeland Security of the House of Representatives a*
2 *report containing—*

3 *(A) the assessment, prioritized recommenda-*
4 *tions, and plans required by subsection (a); and*
5 *(B) an estimate of the cost to implement*
6 *such recommendations.*

7 *(2) FORMAT.—The Secretary may submit the re-*
8 *port in both classified and redacted formats if the*
9 *Secretary determines that such action is appropriate*
10 *or necessary.*

11 *(d) ANNUAL UPDATES.—The Secretary, in consulta-*
12 *tion with the Secretary of Transportation, shall update the*
13 *assessment and recommendations each year and transmit*
14 *a report, which may be submitted in both classified and*
15 *redacted formats, to the Committees named in subsection*
16 *(c)(1), containing the updated assessment and recommenda-*
17 *tions.*

18 *(e) FUNDING.—Out of funds appropriated pursuant to*
19 *section 114(w) of title 49, United States Code, as amended*
20 *by section 1437 of this title, there shall be made available*
21 *to the Secretary to carry out this section \$5,000,000 for fis-*
22 *cal year 2008.*

23 **SEC. 1422. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

24 *(a) IN GENERAL.—*

1 (1) *GRANTS.*—Subject to subsection (c) the Sec-
2 retary, in consultation with the Assistant Secretary of
3 Homeland Security (Transportation Security Admin-
4 istration), is authorized to make grants to Amtrak in
5 accordance with the provisions of this section.

6 (2) *GENERAL PURPOSES.*—The Secretary may
7 make such grants for the purposes of—

8 (A) *protecting underwater and underground*
9 *assets and systems;*

10 (B) *protecting high risk and high con-*
11 *sequence assets identified through system-wide*
12 *risk assessments;*

13 (C) *providing counter-terrorism training;*

14 (D) *providing both visible and unpredict-*
15 *able deterrence; and*

16 (E) *conducting emergency preparedness*
17 *drills and exercises.*

18 (3) *SPECIFIC PROJECTS.*—The Secretary shall
19 make such grants—

20 (A) *to secure major tunnel access points*
21 *and ensure tunnel integrity in New York, New*
22 *Jersey, Maryland, and Washington, DC;*

23 (B) *to secure Amtrak trains;*

24 (C) *to secure Amtrak stations;*

1 (D) to obtain a watch list identification
2 system approved by the Secretary;

3 (E) to obtain train tracking and interoper-
4 able communications systems that are coordi-
5 nated to the maximum extent possible;

6 (F) to hire additional police officers, special
7 agents, security officers, including canine units,
8 and to pay for other labor costs directly associ-
9 ated with security and terrorism prevention ac-
10 tivities;

11 (G) to expand emergency preparedness ef-
12 forts; and

13 (H) for employee security training.

14 (b) *CONDITIONS.*—The Secretary of Transportation
15 shall disburse funds to Amtrak provided under subsection
16 (a) for projects contained in a systemwide security plan
17 approved by the Secretary. Amtrak shall develop the secu-
18 rity plan in consultation with constituent States and other
19 relevant parties. The plan shall include appropriate meas-
20 ures to address security awareness, emergency response, and
21 passenger evacuation training and shall be consistent with
22 State security plans to the maximum extent practicable.

23 (c) *EQUITABLE GEOGRAPHIC ALLOCATION.*—The Sec-
24 retary shall ensure that, subject to meeting the highest secu-
25 rity needs on Amtrak’s entire system and consistent with

1 *the risk assessment required under section 1421, stations*
2 *and facilities located outside of the Northeast Corridor re-*
3 *ceive an equitable share of the security funds authorized by*
4 *this section.*

5 *(d) AVAILABILITY OF FUNDS.—*

6 *(1) IN GENERAL.—Out of funds appropriated*
7 *pursuant to section 114(w) of title 49, United States*
8 *Code, as amended by section 1437 of this title, there*
9 *shall be made available to the Secretary and the As-*
10 *stant Secretary of Homeland Security (Transpor-*
11 *tation Security Administration) to carry out this*
12 *section—*

13 *(A) \$63,500,000 for fiscal year 2008;*

14 *(B) \$30,000,000 for fiscal year 2009; and*

15 *(C) \$30,000,000 for fiscal year 2010.*

16 *(2) AVAILABILITY OF APPROPRIATED FUNDS.—*

17 *Amounts appropriated pursuant to paragraph (1)*
18 *shall remain available until expended.*

19 **SEC. 1423. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

20 *(a) LIFE-SAFETY NEEDS.—The Secretary of Trans-*
21 *portation, in consultation with the Secretary, is authorized*
22 *to make grants to Amtrak for the purpose of making fire*
23 *and life-safety improvements to Amtrak tunnels on the*
24 *Northeast Corridor in New York, New Jersey, Maryland,*
25 *and Washington, DC.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Out of*
2 *funds appropriated pursuant to section 1437(b) of this title,*
3 *there shall be made available to the Secretary of Transpor-*
4 *tation for the purposes of carrying out subsection (a) the*
5 *following amounts:*

6 (1) *For the 6 New York and New Jersey tunnels*
7 *to provide ventilation, electrical, and fire safety tech-*
8 *nology upgrades, emergency communication and*
9 *lighting systems, and emergency access and egress for*
10 *passengers—*

11 (A) *\$100,000,000 for fiscal year 2008;*

12 (B) *\$100,000,000 for fiscal year 2009;*

13 (C) *\$100,000,000 for fiscal year 2010; and*

14 (D) *\$100,000,000 for fiscal year 2011.*

15 (2) *For the Baltimore & Potomac tunnel and the*
16 *Union tunnel, together, to provide adequate drainage,*
17 *ventilation, communication, lighting, and passenger*
18 *egress upgrades—*

19 (A) *\$10,000,000 for fiscal year 2008;*

20 (B) *\$10,000,000 for fiscal year 2009;*

21 (C) *\$10,000,000 for fiscal year 2010; and*

22 (D) *\$10,000,000 for fiscal year 2011.*

23 (3) *For the Washington, DC, Union Station tun-*
24 *nels to improve ventilation, communication, lighting,*
25 *and passenger egress upgrades—*

1 (A) \$8,000,000 for fiscal year 2008;

2 (B) \$8,000,000 for fiscal year 2009;

3 (C) \$8,000,000 for fiscal year 2010; and

4 (D) \$8,000,000 for fiscal year 2011.

5 (c) *INFRASTRUCTURE UPGRADES.*—Out of funds ap-
6 propriated pursuant to section 1437(b) of this title, there
7 shall be made available to the Secretary of Transportation
8 for fiscal year 2008 \$3,000,000 for the preliminary design
9 of options for a new tunnel on a different alignment to aug-
10 ment the capacity of the existing Baltimore tunnels.

11 (d) *AVAILABILITY OF APPROPRIATED FUNDS.*—
12 Amounts made available pursuant to this section shall re-
13 main available until expended.

14 (e) *PLANS REQUIRED.*—The Secretary of Transpor-
15 tation may not make amounts available to Amtrak for obli-
16 gation or expenditure under subsection (a)—

17 (1) until Amtrak has submitted to the Secretary,
18 and the Secretary has approved, an engineering and
19 financial plan for such projects; and

20 (2) unless, for each project funded pursuant to
21 this section, the Secretary has approved a project
22 management plan prepared by Amtrak addressing
23 appropriate project budget, construction schedule, re-
24 cipient staff organization, document control and
25 record keeping, change order procedure, quality con-

1 *trol and assurance, periodic plan updates, and peri-*
2 *odic status reports.*

3 *(f) REVIEW OF PLANS.—*

4 *(1) IN GENERAL.—The Secretary of Transpor-*
5 *tation shall complete the review of the plans required*
6 *by paragraphs (1) and (2) of subsection (e) and ap-*
7 *prove or disapprove the plans within 45 days after*
8 *the date on which each such plan is submitted by Am-*
9 *trak.*

10 *(2) INCOMPLETE OR DEFICIENT PLAN.—If the*
11 *Secretary determines that a plan is incomplete or de-*
12 *ficient, the Secretary shall notify Amtrak of the in-*
13 *complete items or deficiencies and Amtrak shall, with-*
14 *in 30 days after receiving the Secretary's notification,*
15 *submit a modified plan for the Secretary's review.*

16 *(3) APPROVAL OF PLAN.—Within 15 days after*
17 *receiving additional information on items previously*
18 *included in the plan, and within 45 days after receiv-*
19 *ing items newly included in a modified plan, the Sec-*
20 *retary shall either approve the modified plan, or, if*
21 *the Secretary finds the plan is still incomplete or de-*
22 *ficient, the Secretary shall—*

23 *(A) identify in writing to the Committee on*
24 *Commerce, Science, and Transportation of the*
25 *Senate, and the Committee on Transportation*

1 *and Infrastructure and the Committee on Home-*
2 *land Security of the House of Representatives the*
3 *portions of the plan the Secretary finds incom-*
4 *plete or deficient;*

5 *(B) approve all other portions of the plan;*

6 *(C) obligate the funds associated with those*
7 *other portions; and*

8 *(D) execute an agreement with Amtrak*
9 *within 15 days thereafter on a process for resolv-*
10 *ing the remaining portions of the plan.*

11 *(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL*

12 *USERS.—The Secretary shall, taking into account the need*
13 *for the timely completion of all portions of the tunnel*
14 *projects described in subsection (a)—*

15 *(1) consider the extent to which rail carriers*
16 *other than Amtrak use or plan to use the tunnels;*

17 *(2) consider the feasibility of seeking a financial*
18 *contribution from those other rail carriers toward the*
19 *costs of the projects; and*

20 *(3) obtain financial contributions or commit-*
21 *ments from such other rail carriers at levels reflecting*
22 *the extent of their use or planned use of the tunnels,*
23 *if feasible.*

1 **SEC. 1424. FREIGHT AND PASSENGER RAIL SECURITY UP-**
2 **GRADES.**

3 (a) *SECURITY IMPROVEMENT GRANTS.*—The Sec-
4 retary, in consultation with Assistant Secretary of Home-
5 land Security (Transportation Security Administration)
6 and other appropriate agencies or officials, is authorized
7 to make grants to freight railroads, the Alaska Railroad,
8 hazardous materials offerers, owners of rail cars used in
9 the transportation of hazardous materials, universities, col-
10 leges and research centers, State and local governments (for
11 rail passenger facilities and infrastructure not owned by
12 Amtrak), and to Amtrak for full or partial reimbursement
13 of costs incurred in the conduct of activities to prevent or
14 respond to acts of terrorism, sabotage, or other intercity
15 passenger rail and freight rail security risks identified
16 under section 1421, including—

17 (1) *security and redundancy for critical commu-*
18 *nications, computer, and train control systems essen-*
19 *tial for secure rail operations;*

20 (2) *accommodation of rail cargo or passenger*
21 *screening equipment at the United States-Mexico bor-*
22 *der, the United States-Canada border, or other ports*
23 *of entry;*

24 (3) *the security of hazardous material transpor-*
25 *tation by rail;*

1 (4) *secure intercity passenger rail stations,*
2 *trains, and infrastructure;*

3 (5) *structural modification or replacement of*
4 *rail cars transporting high hazard materials to im-*
5 *prove their resistance to acts of terrorism;*

6 (6) *employee security awareness, preparedness,*
7 *passenger evacuation, and emergency response train-*
8 *ing;*

9 (7) *public security awareness campaigns for pas-*
10 *senger train operations;*

11 (8) *the sharing of intelligence and information*
12 *about security threats;*

13 (9) *to obtain train tracking and interoperable*
14 *communications systems that are coordinated to the*
15 *maximum extent possible;*

16 (10) *to hire additional police and security offi-*
17 *cers, including canine units; and*

18 (11) *other improvements recommended by the re-*
19 *port required by section 1421, including infrastruc-*
20 *ture, facilities, and equipment upgrades.*

21 (b) *ACCOUNTABILITY.*—*The Secretary shall adopt nec-*
22 *essary procedures, including audits, to ensure that grants*
23 *made under this section are expended in accordance with*
24 *the purposes of this title and the priorities and other cri-*
25 *teria developed by the Secretary.*

1 (c) *ALLOCATION.*—*The Secretary shall distribute the*
2 *funds authorized by this section based on risk as determined*
3 *under section 1421, and shall encourage non-Federal finan-*
4 *cial participation in projects funded by grants awarded*
5 *under this section. With respect to grants for intercity pas-*
6 *senger rail security, the Secretary shall also take into ac-*
7 *count passenger volume and whether stations or facilities*
8 *are used by commuter rail passengers as well as intercity*
9 *rail passengers. Not later than 240 days after the date of*
10 *enactment of this Act, the Secretary shall provide a report*
11 *to the Committees on Commerce, Science and Transpor-*
12 *tation and Homeland Security and Governmental Affairs*
13 *in the Senate and the Committee on Homeland Security*
14 *in the House on the feasibility and appropriateness of re-*
15 *quiring a non-federal match for the grants authorized in*
16 *subsection (a).*

17 (d) *CONDITIONS.*—*Grants awarded by the Secretary to*
18 *Amtrak under subsection (a) shall be disbursed to Amtrak*
19 *through the Secretary of Transportation. The Secretary of*
20 *Transportation may not disburse such funds unless Amtrak*
21 *meets the conditions set forth in section 1422(b) of this title.*

22 (e) *ALLOCATION BETWEEN RAILROADS AND OTH-*
23 *ERS.*—*Unless as a result of the assessment required by sec-*
24 *tion 1421 the Secretary determines that critical rail trans-*
25 *portation security needs require reimbursement in greater*

1 amounts to any eligible entity, no grants under this section
2 may be made cumulatively over the period authorized by
3 this title—

4 (1) in excess of \$45,000,000 to Amtrak; or

5 (2) in excess of \$80,000,000 for the purposes de-
6 scribed in paragraphs (3) and (5) of subsection (a).

7 (f) *AUTHORIZATION OF APPROPRIATIONS.*—

8 (1) *IN GENERAL.*—Out of funds appropriated
9 pursuant to section 114(w) of title 49, United States
10 Code, as amended by section 1437 of this title, there
11 shall be made available to the Secretary to carry out
12 this section—

13 (A) \$100,000,000 for fiscal year 2008;

14 (B) \$100,000,000 for fiscal year 2009; and

15 (C) \$100,000,000 for fiscal year 2010.

16 (2) *AVAILABILITY OF APPROPRIATED FUNDS.*—

17 Amounts appropriated pursuant to paragraph (1)
18 shall remain available until expended.

19 **SEC. 1425. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

20 (a) *ESTABLISHMENT OF RESEARCH AND DEVELOP-*
21 *MENT PROGRAM.*—The Secretary, through the Under Sec-
22 retary for Science and Technology and the Assistant Sec-
23 retary of Homeland Security (Transportation Security Ad-
24 ministration), in consultation with the Secretary of Trans-
25 portation shall carry out a research and development pro-

1 *gram for the purpose of improving freight and intercity*
2 *passenger rail security that may include research and devel-*
3 *opment projects to—*

4 (1) *reduce the risk of terrorist attacks on rail*
5 *transportation, including risks posed by explosives*
6 *and hazardous chemical, biological, and radioactive*
7 *substances to intercity rail passengers, facilities, and*
8 *equipment;*

9 (2) *test new emergency response techniques and*
10 *technologies;*

11 (3) *develop improved freight rail security tech-*
12 *nologies, including—*

13 (A) *technologies for sealing rail cars;*

14 (B) *automatic inspection of rail cars;*

15 (C) *communication-based train controls;*

16 *and*

17 (D) *emergency response training;*

18 (4) *test wayside detectors that can detect tam-*
19 *pering with railroad equipment;*

20 (5) *support enhanced security for the transpor-*
21 *tation of hazardous materials by rail, including—*

22 (A) *technologies to detect a breach in a tank*
23 *car or other rail car used to transport hazardous*
24 *materials and transmit information about the*
25 *integrity of cars to the train crew or dispatcher;*

1 (B) *research to improve tank car integrity,*
2 *with a focus on tank cars that carry high hazard*
3 *materials (as defined in section 1411 of this*
4 *title); and*

5 (C) *techniques to transfer hazardous mate-*
6 *rials from rail cars that are damaged or other-*
7 *wise represent an unreasonable risk to human*
8 *life or public safety; and*

9 (6) *other projects that address risks identified*
10 *under section 1421.*

11 (b) *COORDINATION WITH OTHER RESEARCH INITIA-*
12 *TIVES.—The Secretary shall ensure that the research and*
13 *development program authorized by this section is coordi-*
14 *nated with other research and development initiatives at*
15 *the Department of Homeland Security and the Department*
16 *of Transportation. The Secretary shall carry out any re-*
17 *search and development project authorized by this section*
18 *through a reimbursable agreement with the Secretary of*
19 *Transportation, if the Secretary of Transportation—*

20 (1) *is already sponsoring a research and develop-*
21 *ment project in a similar area; or*

22 (2) *has a unique facility or capability that*
23 *would be useful in carrying out the project.*

24 (c) *GRANTS AND ACCOUNTABILITY.—To carry out the*
25 *research and development program, the Secretary may*

1 *award grants to the entities described in section 1424(a)*
2 *and shall adopt necessary procedures, including audits, to*
3 *ensure that grants made under this section are expended*
4 *in accordance with the purposes of this title and the prior-*
5 *ities and other criteria developed by the Secretary.*

6 (d) *AUTHORIZATION OF APPROPRIATIONS.—*

7 (1) *IN GENERAL.—Out of funds appropriated*
8 *pursuant to section 114(w) of title 49, United States*
9 *Code, as amended by section 1437 of this title, there*
10 *shall be made available to the Secretary to carry out*
11 *this section—*

12 (A) *\$33,000,000 for fiscal year 2008;*

13 (B) *\$33,000,000 for fiscal year 2009; and*

14 (C) *\$33,000,000 for fiscal year 2010.*

15 (2) *AVAILABILITY OF APPROPRIATED FUNDS.—*

16 *Amounts appropriated pursuant to paragraph (1)*
17 *shall remain available until expended.*

18 **SEC. 1426. OVERSIGHT AND GRANT PROCEDURES.**

19 (a) *SECRETARIAL OVERSIGHT.—The Secretary may*
20 *award contracts to audit and review the safety, security,*
21 *procurement, management, and financial compliance of a*
22 *recipient of amounts under this title.*

23 (b) *PROCEDURES FOR GRANT AWARD.—The Secretary*
24 *shall, within 180 days after the date of enactment of this*
25 *Act, prescribe procedures and schedules for the awarding*

1 of grants under this title, including application and quali-
 2 fication procedures (including a requirement that the appli-
 3 cant have a security plan), and a record of decision on ap-
 4 plicant eligibility. The procedures shall include the execu-
 5 tion of a grant agreement between the grant recipient and
 6 the Secretary and shall be consistent, to the extent prac-
 7 ticable, with the grant procedures established under section
 8 70107 of title 46, United States Code.

9 (c) *ADDITIONAL AUTHORITY.*—The Secretary may
 10 issue nonbinding letters under similar terms to those issued
 11 pursuant to section 47110(e) of title 49, United States Code,
 12 to sponsors of rail projects funded under this title.

13 **SEC. 1427. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
 14 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
 15 **CIDENTS.**

16 (a) *IN GENERAL.*—Chapter 243 of title 49, United
 17 States Code, is amended by adding at the end the following:
 18 “§24316. **Plans to address needs of families of pas-**
 19 **sengers involved in rail passenger acci-**
 20 **dents**

21 “(a) *SUBMISSION OF PLAN.*—Not later than 6 months
 22 after the date of the enactment of the Transportation Secu-
 23 rity and Interoperable Communication Capabilities Act,
 24 Amtrak shall submit to the Chairman of the National
 25 Transportation Safety Board, the Secretary of Transpor-

1 *tation, and the Secretary of Homeland Security a plan for*
2 *addressing the needs of the families of passengers involved*
3 *in any rail passenger accident involving an Amtrak inter-*
4 *city train and resulting in a loss of life.*

5 “(b) *CONTENTS OF PLANS.—The plan to be submitted*
6 *by Amtrak under subsection (a) shall include, at a min-*
7 *imum, the following:*

8 “(1) *A process by which Amtrak will maintain*
9 *and provide to the National Transportation Safety*
10 *Board, the Secretary of Transportation, and the Sec-*
11 *retary of Homeland Security, immediately upon re-*
12 *quest, a list (which is based on the best available in-*
13 *formation at the time of the request) of the names of*
14 *the passengers aboard the train (whether or not such*
15 *names have been verified), and will periodically up-*
16 *date the list. The plan shall include a procedure, with*
17 *respect to unreserved trains and passengers not hold-*
18 *ing reservations on other trains, for Amtrak to use*
19 *reasonable efforts to ascertain the number and names*
20 *of passengers aboard a train involved in an accident.*

21 “(2) *A plan for creating and publicizing a reli-*
22 *able, toll-free telephone number within 4 hours after*
23 *such an accident occurs, and for providing staff, to*
24 *handle calls from the families of the passengers.*

1 “(3) A process for notifying the families of the
2 passengers, before providing any public notice of the
3 names of the passengers, by suitably trained individ-
4 uals.

5 “(4) A process for providing the notice described
6 in paragraph (2) to the family of a passenger as soon
7 as Amtrak has verified that the passenger was aboard
8 the train (whether or not the names of all of the pas-
9 sengers have been verified).

10 “(5) A process by which the family of each pas-
11 senger will be consulted about the disposition of all
12 remains and personal effects of the passenger within
13 Amtrak’s control; that any possession of the passenger
14 within Amtrak’s control will be returned to the family
15 unless the possession is needed for the accident inves-
16 tigation or any criminal investigation; and that any
17 unclaimed possession of a passenger within Amtrak’s
18 control will be retained by the rail passenger carrier
19 for at least 18 months.

20 “(6) A process by which the treatment of the
21 families of nonrevenue passengers will be the same as
22 the treatment of the families of revenue passengers.

23 “(7) An assurance that Amtrak will provide ade-
24 quate training to its employees and agents to meet the

1 *needs of survivors and family members following an*
2 *accident.*

3 “(c) *USE OF INFORMATION.*—*Neither the National*
4 *Transportation Safety Board, the Secretary of Transpor-*
5 *tation, the Secretary of Homeland Security, nor Amtrak*
6 *may release any personal information on a list obtained*
7 *under subsection (b)(1) but may provide information on the*
8 *list about a passenger to the family of the passenger to the*
9 *extent that the Board or Amtrak considers appropriate.*

10 “(d) *LIMITATION ON LIABILITY.*—*Amtrak shall not be*
11 *liable for damages in any action brought in a Federal or*
12 *State court arising out of the performance of Amtrak under*
13 *this section in preparing or providing a passenger list, or*
14 *in providing information concerning a train reservation,*
15 *pursuant to a plan submitted by Amtrak under subsection*
16 *(b), unless such liability was caused by Amtrak’s conduct.*

17 “(e) *LIMITATION ON STATUTORY CONSTRUCTION.*—
18 *Nothing in this section may be construed as limiting the*
19 *actions that Amtrak may take, or the obligations that Am-*
20 *trak may have, in providing assistance to the families of*
21 *passengers involved in a rail passenger accident.*

22 “(f) *FUNDING.*—*Out of funds appropriated pursuant*
23 *to section 1437(b) of the Transportation Security and Inter-*
24 *operable Communication Capabilities Act, there shall be*
25 *made available to the Secretary of Transportation for the*

1 *use of Amtrak \$500,000 for fiscal year 2008 to carry out*
2 *this section. Amounts made available pursuant to this sub-*
3 *section shall remain available until expended.”.*

4 (b) *CONFORMING AMENDMENT.—The chapter analysis*
5 *for chapter 243 of title 49, United States Code, is amended*
6 *by adding at the end the following:*

“24316. Plan to assist families of passengers involved in rail passenger acci-
dents”.

7 **SEC. 1428. NORTHERN BORDER RAIL PASSENGER REPORT.**

8 *Within 1 year after the date of enactment of this Act,*
9 *the Secretary, in consultation with the Assistant Secretary*
10 *of Homeland Security (Transportation Security Adminis-*
11 *tration), the Secretary of Transportation, heads of other ap-*
12 *propriate Federal departments, and agencies and the Na-*
13 *tional Railroad Passenger Corporation, shall transmit a re-*
14 *port to the Senate Committee on Commerce, Science, and*
15 *Transportation, the House of Representatives Committee on*
16 *Transportation and Infrastructure, and the House of Rep-*
17 *resentatives Committee on Homeland Security that*
18 *contains—*

19 (1) *a description of the current system for*
20 *screening passengers and baggage on passenger rail*
21 *service between the United States and Canada;*

22 (2) *an assessment of the current program to pro-*
23 *vide preclearance of airline passengers between the*
24 *United States and Canada as outlined in “The Agree-*

1 *ment on Air Transport Preclearance between the Gov-*
2 *ernment of Canada and the Government of the United*
3 *States of America”, dated January 18, 2001;*

4 (3) *an assessment of the current program to pro-*
5 *vide preclearance of freight railroad traffic between*
6 *the United States and Canada as outlined in the*
7 *“Declaration of Principle for the Improved Security*
8 *of Rail Shipments by Canadian National Railway*
9 *and Canadian Pacific Railway from Canada to the*
10 *United States”, dated April 2, 2003;*

11 (4) *information on progress by the Department*
12 *of Homeland Security and other Federal agencies to-*
13 *wards finalizing a bilateral protocol with Canada*
14 *that would provide for preclearance of passengers on*
15 *trains operating between the United States and Can-*
16 *ada;*

17 (5) *a description of legislative, regulatory, budg-*
18 *etary, or policy barriers within the United States*
19 *Government to providing pre-screened passenger lists*
20 *for rail passengers traveling between the United*
21 *States and Canada to the Department of Homeland*
22 *Security;*

23 (6) *a description of the position of the Govern-*
24 *ment of Canada and relevant Canadian agencies with*
25 *respect to preclearance of such passengers;*

1 (7) *a draft of any changes in existing Federal*
2 *law necessary to provide for pre-screening of such*
3 *passengers and providing pre-screened passenger lists*
4 *to the Department of Homeland Security; and*

5 (8) *an analysis of the feasibility of reinstating*
6 *in-transit inspections onboard international Amtrak*
7 *trains.*

8 **SEC. 1429. RAIL WORKER SECURITY TRAINING PROGRAM.**

9 (a) *IN GENERAL.*—*Not later than 1 year after the date*
10 *of enactment of this Act, the Secretary, in consultation with*
11 *the Secretary of Transportation, appropriate law enforce-*
12 *ment, security, and terrorism experts, representatives of*
13 *railroad carriers and shippers, and nonprofit employee or-*
14 *ganizations that represent rail workers, shall develop and*
15 *issue detailed guidance for a rail worker security training*
16 *program to prepare front-line workers for potential threat*
17 *conditions. The guidance shall take into consideration any*
18 *current security training requirements or best practices.*

19 (b) *PROGRAM ELEMENTS.*—*The guidance developed*
20 *under subsection (a) shall include elements appropriate to*
21 *passenger and freight rail service that address the following:*

22 (1) *Determination of the seriousness of any oc-*
23 *currence.*

24 (2) *Crew communication and coordination.*

1 (3) *Appropriate responses to defend or protect*
2 *oneself.*

3 (4) *Use of protective devices.*

4 (5) *Evacuation procedures.*

5 (6) *Psychology, behavior, and methods of terror-*
6 *ists, including observation and analysis.*

7 (7) *Situational training exercises regarding var-*
8 *ious threat conditions.*

9 (8) *Any other subject the Secretary considers ap-*
10 *propriate.*

11 (c) *RAILROAD CARRIER PROGRAMS.—Not later than*
12 *90 days after the Secretary issues guidance under subsection*
13 *(a) in final form, each railroad carrier shall develop a rail*
14 *worker security training program in accordance with that*
15 *guidance and submit it to the Secretary for review. Not*
16 *later than 90 days after receiving a railroad carrier's pro-*
17 *gram under this subsection, the Secretary shall review the*
18 *program and transmit comments to the railroad carrier*
19 *concerning any revisions the Secretary considers necessary*
20 *for the program to meet the guidance requirements. A rail-*
21 *road carrier shall respond to the Secretary's comments*
22 *within 90 days after receiving them.*

23 (d) *TRAINING.—Not later than 1 year after the Sec-*
24 *retary reviews the training program developed by a rail-*
25 *road carrier under this section, the railroad carrier shall*

1 *complete the training of all front-line workers in accordance*
2 *with that program. The Secretary shall review implementa-*
3 *tion of the training program of a representative sample of*
4 *railroad carriers and report to the Senate Committee on*
5 *Commerce, Science, and Transportation, the House of Rep-*
6 *resentatives Committee on Transportation and Infrastruc-*
7 *ture, and the House of Representatives Committee on*
8 *Homeland Security on the number of reviews conducted and*
9 *the results. The Secretary may submit the report in both*
10 *classified and redacted formats as necessary.*

11 *(e) UPDATES.—The Secretary shall update the train-*
12 *ing guidance issued under subsection (a) as appropriate to*
13 *reflect new or different security threats. Railroad carriers*
14 *shall revise their programs accordingly and provide addi-*
15 *tional training to their front-line workers within a reason-*
16 *able time after the guidance is updated.*

17 *(f) FRONT-LINE WORKERS DEFINED.—In this section,*
18 *the term “front-line workers” means security personnel, dis-*
19 *patchers, locomotive engineers, conductors, trainmen, other*
20 *onboard employees, maintenance and maintenance support*
21 *personnel, bridge tenders, as well as other appropriate em-*
22 *ployees of railroad carriers, as defined by the Secretary.*

23 *(g) OTHER EMPLOYEES.—The Secretary shall issue*
24 *guidance and best practices for a rail shipper employee se-*

1 *curity program containing the elements listed under sub-*
2 *section (b) as appropriate.*

3 **SEC. 1430. WHISTLEBLOWER PROTECTION PROGRAM.**

4 (a) *IN GENERAL.*—*Subchapter A of chapter 201 of title*
5 *49, United States Code, is amended by inserting after sec-*
6 *tion 20117 the following:*

7 **“§20118. Whistleblower protection for rail Security**
8 ***matters***

9 “(a) *DISCRIMINATION AGAINST EMPLOYEE.*—*A rail-*
10 *road carrier engaged in interstate or foreign commerce may*
11 *not discharge or in any way discriminate against an em-*
12 *ployee because the employee, whether acting for the em-*
13 *ployee or as a representative, has—*

14 “(1) *provided, caused to be provided, or is about*
15 *to provide or cause to be provided, to the employer or*
16 *the Federal Government information relating to a*
17 *reasonably perceived threat, in good faith, to security;*

18 “(2) *provided, caused to be provided, or is about*
19 *to provide or cause to be provided, testimony before*
20 *Congress or at any Federal or State proceeding re-*
21 *garding a reasonably perceived threat, in good faith,*
22 *to security; or*

23 “(3) *refused to violate or assist in the violation*
24 *of any law, rule or regulation related to rail security.*

1 “(b) *DISPUTE RESOLUTION.*—A dispute, grievance, or
2 claim arising under this section is subject to resolution
3 under section 3 of the Railway Labor Act (45 U.S.C. 153).
4 In a proceeding by the National Railroad Adjustment
5 Board, a division or delegate of the Board, or another board
6 of adjustment established under section 3 to resolve the dis-
7 pute, grievance, or claim the proceeding shall be expedited
8 and the dispute, grievance, or claim shall be resolved not
9 later than 180 days after it is filed. If the violation is a
10 form of discrimination that does not involve discharge, sus-
11 pension, or another action affecting pay, and no other rem-
12 edy is available under this subsection, the Board, division,
13 delegate, or other board of adjustment may award the em-
14 ployee reasonable damages, including punitive damages, of
15 not more than \$20,000.

16 “(c) *PROCEDURAL REQUIREMENTS.*—Except as pro-
17 vided in subsection (b), the procedure set forth in section
18 42121(b)(2)(B) of this subtitle, including the burdens of
19 proof, applies to any complaint brought under this section.

20 “(d) *ELECTION OF REMEDIES.*—An employee of a
21 railroad carrier may not seek protection under both this
22 section and another provision of law for the same allegedly
23 unlawful act of the carrier.

24 “(e) *DISCLOSURE OF IDENTITY.*—

1 “(1) *Except as provided in paragraph (2) of this*
2 *subsection, or with the written consent of the em-*
3 *ployee, the Secretary of Transportation or Secretary*
4 *of Homeland Security may not disclose the name of*
5 *an employee of a railroad carrier who has provided*
6 *information about an alleged violation of this section.*

7 “(2) *The Secretary shall disclose to the Attorney*
8 *General the name of an employee described in para-*
9 *graph (1) of this subsection if the matter is referred*
10 *to the Attorney General for enforcement.*

11 “(f) *PROCESS FOR REPORTING PROBLEMS.—*

12 “(1) *ESTABLISHMENT OF REPORTING PROC-*
13 *ESS.—The Secretary shall establish, and provide in-*
14 *formation to the public regarding, a process by which*
15 *any person may submit a report to the Secretary re-*
16 *garding railroad security problems, deficiencies, or*
17 *vulnerabilities.*

18 “(2) *CONFIDENTIALITY.—The Secretary shall*
19 *keep confidential the identity of a person who submits*
20 *a report under paragraph (1) and any such report*
21 *shall be treated as a record containing protected in-*
22 *formation to the extent that it does not consist of pub-*
23 *licly available information.*

24 “(3) *ACKNOWLEDGMENT OF RECEIPT.—If a re-*
25 *port submitted under paragraph (1) identifies the*

1 *person making the report, the Secretary shall respond*
 2 *promptly to such person and acknowledge receipt of*
 3 *the report.*

4 “(4) *STEPS TO ADDRESS PROBLEMS.—The Sec-*
 5 *retary shall review and consider the information pro-*
 6 *vided in any report submitted under paragraph (1)*
 7 *and shall take appropriate steps under this title to*
 8 *address any problems or deficiencies identified.*

9 “(5) *RETALIATION PROHIBITED.—No employer*
 10 *may discharge any employee or otherwise discrimi-*
 11 *nate against any employee with respect to the com-*
 12 *penation to, or terms, conditions, or privileges of the*
 13 *employment of, such employee because the employee*
 14 *(or a person acting pursuant to a request of the em-*
 15 *ployee) made a report under paragraph (1).”.*

16 (b) *CONFORMING AMENDMENT.—The chapter analysis*
 17 *for chapter 201 of title 49, United States Code, is amended*
 18 *by inserting after the item relating to section 20117 the fol-*
 19 *lowing:*

 “20118. *Whistleblower protection for rail security matters”.*

20 **SEC. 1431. HIGH HAZARD MATERIAL SECURITY RISK MITI-**
 21 **GATION PLANS.**

22 (a) *IN GENERAL.—The Secretary, in consultation with*
 23 *the Assistant Secretary of Homeland Security (Transpor-*
 24 *tation Security Administration) and the Secretary of*
 25 *Transportation, shall require rail carriers transporting a*

1 *high hazard material, as defined in section 1411 of this*
2 *title, to develop a high hazard material security risk miti-*
3 *gation plan containing appropriate measures, including al-*
4 *ternative routing and temporary shipment suspension op-*
5 *tions, to address assessed risks to high consequence targets.*
6 *The plan, and any information submitted to the Secretary*
7 *under this section shall be protected as sensitive security*
8 *information under the regulations prescribed under section*
9 *114(s) of title 49, United States Code.*

10 **(b) IMPLEMENTATION.**—*A high hazard material secu-*
11 *rity risk mitigation plan shall be put into effect by a rail*
12 *carrier for the shipment of high hazardous materials by rail*
13 *on the rail carrier’s right-of-way when the threat levels of*
14 *the Homeland Security Advisory System are high or severe*
15 *or specific intelligence of probable or imminent threat exists*
16 *towards—*

17 **(1)** *a high-consequence target that is within the*
18 *catastrophic impact zone of a railroad right-of-way*
19 *used to transport high hazardous material; or*
20 **(2)** *rail infrastructure or operations within the*
21 *immediate vicinity of a high-consequence target.*

22 **(c) COMPLETION AND REVIEW OF PLANS.**—

23 **(1) PLANS REQUIRED.**—*Each rail carrier*
24 *shall—*

1 (A) submit a list of routes used to transport
2 high hazard materials to the Secretary within 60
3 days after the date of enactment of this Act;

4 (B) develop and submit a high hazard ma-
5 terial security risk mitigation plan to the Sec-
6 retary within 180 days after it receives the no-
7 tice of high consequence targets on such routes by
8 the Secretary that includes an operational recov-
9 ery plan to expedite, to the maximum extent
10 practicable, the return of an adversely affected
11 rail system or facility to its normal performance
12 level following a major terrorist attack or other
13 security incident; and

14 (C) submit any subsequent revisions to the
15 plan to the Secretary within 30 days after mak-
16 ing the revisions.

17 (2) *REVIEW AND UPDATES.*—The Secretary, with
18 assistance of the Secretary of Transportation, shall
19 review the plans and transmit comments to the rail-
20 road carrier concerning any revisions the Secretary
21 considers necessary. A railroad carrier shall respond
22 to the Secretary’s comments within 30 days after re-
23 ceiving them. Each rail carrier shall update and re-
24 submit its plan for review not less than every 2 years.

25 (d) *DEFINITIONS.*—In this section:

1 (1) *The term “high-consequence target” means*
2 *property, infrastructure, public space, or natural re-*
3 *source designated by the Secretary that is a viable*
4 *terrorist target of national significance, the attack of*
5 *which could result in—*

6 (A) *catastrophic loss of life;*

7 (B) *significant damage to national security*
8 *or defense capabilities; or*

9 (C) *national economic harm.*

10 (2) *The term “catastrophic impact zone” means*
11 *the area immediately adjacent to, under, or above an*
12 *active railroad right-of-way used to ship high hazard*
13 *materials in which the potential release or explosion*
14 *of the high hazard material being transported would*
15 *likely cause—*

16 (A) *loss of life; or*

17 (B) *significant damage to property or*
18 *structures.*

19 (3) *The term “rail carrier” has the meaning*
20 *given that term by section 10102(5) of title 49,*
21 *United States Code.*

22 **SEC. 1432. ENFORCEMENT AUTHORITY.**

23 (a) *IN GENERAL.—Section 114 of title 49, United*
24 *States Code, as amended by section 902(a) of this title, is*
25 *further amended by adding at the end the following:*

1 “(v) *ENFORCEMENT OF REGULATIONS AND ORDERS*
2 *OF THE SECRETARY OF HOMELAND SECURITY ISSUED*
3 *UNDER THIS TITLE.*—

4 “(1) *APPLICATION OF SUBSECTION.*—

5 “(A) *IN GENERAL.*—*This subsection applies*
6 *to the enforcement of regulations prescribed, and*
7 *orders issued, by the Secretary of Homeland Se-*
8 *curity under a provision of this title other than*
9 *a provision of chapter 449.*

10 “(B) *VIOLATIONS OF CHAPTER 449.*—*The*
11 *penalties for violations of regulations prescribed,*
12 *and orders issued, by the Secretary of Homeland*
13 *Security under chapter 449 of this title are pro-*
14 *vided under chapter 463 of this title.*

15 “(C) *NONAPPLICATION TO CERTAIN VIOLA-*
16 *TIONS.*—

17 “(i) *Paragraphs (2) through (5) of this*
18 *subsection do not apply to violations of reg-*
19 *ulations prescribed, and orders issued, by*
20 *the Secretary of Homeland Security under*
21 *a provision of this title—*

22 “(I) *involving the transportation*
23 *of personnel or shipments of materials*
24 *by contractors where the Department of*

1 *Defense has assumed control and re-*
2 *sponsibility;*

3 “*(II) by a member of the armed*
4 *forces of the United States when per-*
5 *forming official duties; or*

6 “*(III) by a civilian employee of*
7 *the Department of Defense when per-*
8 *forming official duties.*

9 “*(ii) Violations described in subclause*
10 *(I), (II), or (III) of clause (i) shall be sub-*
11 *ject to penalties as determined by the Sec-*
12 *retary of Defense or the Secretary’s des-*
13 *ignee.*

14 “(2) *CIVIL PENALTY.—*

15 “*(A) IN GENERAL.—A person is liable to the*
16 *United States Government for a civil penalty of*
17 *not more than \$10,000 for a violation of a regu-*
18 *lation prescribed, or order issued, by the Sec-*
19 *retary of Homeland Security under this title.*

20 “*(B) REPEAT VIOLATIONS.—A separate vio-*
21 *lation occurs under this paragraph for each day*
22 *the violation continues.*

23 “(3) *ADMINISTRATIVE IMPOSITION OF CIVIL PEN-*
24 *ALTIES.—*

1 “(A) *IN GENERAL.*—*The Secretary of Home-*
2 *land Security may impose a civil penalty for a*
3 *violation of a regulation prescribed, or order*
4 *issued, under this title. The Secretary shall give*
5 *written notice of the finding of a violation and*
6 *the penalty.*

7 “(B) *SCOPE OF CIVIL ACTION.*—*In a civil*
8 *action to collect a civil penalty imposed by the*
9 *Secretary under this subsection, the court may*
10 *not re-examine issues of liability or the amount*
11 *of the penalty.*

12 “(C) *JURISDICTION.*—*The district courts of*
13 *the United States have exclusive jurisdiction of*
14 *civil actions to collect a civil penalty imposed by*
15 *the Secretary under this subsection if—*

16 “(i) *the amount in controversy is more*
17 *than—*

18 “(I) *\$400,000, if the violation was*
19 *committed by a person other than an*
20 *individual or small business concern;*
21 *or*

22 “(II) *\$50,000, if the violation was*
23 *committed by an individual or small*
24 *business concern;*

1 “(ii) *the action is in rem or another*
2 *action in rem based on the same violation*
3 *has been brought; or*

4 “(iii) *another action has been brought*
5 *for an injunction based on the same viola-*
6 *tion.*

7 “(D) *MAXIMUM PENALTY.—The maximum*
8 *penalty the Secretary may impose under this*
9 *paragraph is—*

10 “(i) *\$400,000, if the violation was*
11 *committed by a person other than an indi-*
12 *vidual or small business concern; or*

13 “(ii) *\$50,000, if the violation was com-*
14 *mitted by an individual or small business*
15 *concern.*

16 “(4) *COMPROMISE AND SETOFF.—*

17 “(A) *The Secretary may compromise the*
18 *amount of a civil penalty imposed under this*
19 *subsection. If the Secretary compromises the*
20 *amount of a civil penalty under this subpara-*
21 *graph, the Secretary shall—*

22 “(i) *notify the Senate Committee on*
23 *Commerce, Science, and Transportation*
24 *and the House of Representatives Committee*
25 *on Homeland Security of the compromised*

1 *penalty and explain the rationale therefor;*
2 *and*

3 “(i) *make the explanation available to*
4 *the public to the extent feasible without*
5 *compromising security.*

6 “(B) *The Government may deduct the*
7 *amount of a civil penalty imposed or com-*
8 *promised under this subsection from amounts it*
9 *owes the person liable for the penalty.*

10 “(5) *INVESTIGATIONS AND PROCEEDINGS.—*
11 *Chapter 461 of this title shall apply to investigations*
12 *and proceedings brought under this subsection to the*
13 *same extent that it applies to investigations and pro-*
14 *ceedings brought with respect to aviation security du-*
15 *ties designated to be carried out by the Secretary.*

16 “(6) *DEFINITIONS.—In this subsection:*

17 “(A) *PERSON.—The term ‘person’ does not*
18 *include—*

19 “(i) *the United States Postal Service;*

20 *or*

21 “(ii) *the Department of Defense.*

22 “(B) *SMALL BUSINESS CONCERN.—The*
23 *term ‘small business concern’ has the meaning*
24 *given that term in section 3 of the Small Busi-*
25 *ness Act (15 U.S.C. 632).”.*

1 (b) *CONFORMING AMENDMENT.*—Section 46301(a)(4)
2 of title 49, United States Code is amended by striking “or
3 another requirement under this title administered by the
4 Under Secretary of Transportation for Security”.

5 (c) *RAIL SAFETY REGULATIONS.*—Section 20103(a) of
6 title 49, United States Code, is amended by striking “safe-
7 ty” the first place it appears, and inserting “safety, includ-
8 ing security,”.

9 **SEC. 1433. RAIL SECURITY ENHANCEMENTS.**

10 (a) *RAIL POLICE OFFICERS.*—Section 28101 of title
11 49, United States Code, is amended—

12 (1) by inserting “(a) *IN GENERAL.*—” before
13 “Under”; and

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

15 “(b) *ASSIGNMENT.*—A rail police officer employed by
16 a rail carrier and certified or commissioned as a police offi-
17 cer under the laws of a State may be temporarily assigned
18 to assist a second rail carrier in carrying out law enforce-
19 ment duties upon the request of the second rail carrier, at
20 which time the police officer shall be considered to be an
21 employee of the second rail carrier and shall have authority
22 to enforce the laws of any jurisdiction in which the second
23 rail carrier owns property to the same extent as provided
24 in subsection (a).”.

1 (b) *MODEL STATE LEGISLATION.*—By no later than
2 *September 7, 2007, the Secretary of Transportation shall*
3 *develop model State legislation to address the problem of*
4 *entities that claim to be rail carriers in order to establish*
5 *and run a police force when the entities do not in fact pro-*
6 *vide rail transportation and shall make it available to State*
7 *governments. In developing the model State legislation the*
8 *Secretary shall solicit the input of the States, railroads*
9 *companies, and railroad employees. The Secretary shall re-*
10 *view and, if necessary, revise such model State legislation*
11 *periodically.*

12 **SEC. 1434. PUBLIC AWARENESS.**

13 *Not later than 90 days after the date of enactment of*
14 *this Act, the Secretary, in consultation with the Secretary*
15 *of Transportation, shall develop a national plan for public*
16 *outreach and awareness. Such plan shall be designed to in-*
17 *crease awareness of measures that the general public, rail-*
18 *road passengers, and railroad employees can take to in-*
19 *crease railroad system security. Such plan shall also pro-*
20 *vide outreach to railroad carriers and their employees to*
21 *improve their awareness of available technologies, ongoing*
22 *research and development efforts, and available Federal*
23 *funding sources to improve railroad security. Not later than*
24 *9 months after the date of enactment of this Act, the Sec-*

1 *retary shall implement the plan developed under this sec-*
2 *tion.*

3 **SEC. 1435. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

4 *(a) WIRELESS COMMUNICATIONS.—*

5 *(1) IN GENERAL.—In conjunction with the re-*
6 *search and development program established under*
7 *section 1425 and consistent with the results of re-*
8 *search relating to wireless tracking technologies, the*
9 *Secretary, in consultation with the Assistant Sec-*
10 *retary of Homeland Security (Transportation Secu-*
11 *rity Administration), shall develop a program that*
12 *will encourage the equipping of rail cars transporting*
13 *high hazard materials (as defined in section 1411 of*
14 *this title) with technology that provides—*

15 *(A) car position location and tracking ca-*
16 *pabilities; and*

17 *(B) notification of rail car depressurization,*
18 *breach, unsafe temperature, or release of haz-*
19 *ardous materials.*

20 *(2) COORDINATION.—In developing the program*
21 *required by paragraph (1), the Secretary shall—*

22 *(A) consult with the Secretary of Transpor-*
23 *tation to coordinate the program with any ongo-*
24 *ing or planned efforts for rail car tracking at the*
25 *Department of Transportation; and*

1 (B) ensure that the program is consistent
2 with recommendations and findings of the De-
3 partment of Homeland Security's hazardous ma-
4 terial tank rail car tracking pilot programs.

5 (b) *FUNDING.*—Out of funds appropriated pursuant to
6 section 114(w) of title 49, United States Code, as amended
7 by section 1437 of this title, there shall be made available
8 to the Secretary to carry out this section \$3,000,000 for each
9 of fiscal years 2008, 2009, and 2010.

10 **SEC. 1436. UNIFIED CARRIER REGISTRATION SYSTEM PLAN**
11 **AGREEMENT.**

12 (a) *IN GENERAL.*—Notwithstanding section 4305(a) of
13 the SAFETEA-LU Act (Public Law 109–59)—

14 (1) section 14504 of title 49, United States Code,
15 as that section was in effect on December 31, 2006,
16 is re-enacted, effective as of January 1, 2007; and

17 (2) no fee shall be collected pursuant to section
18 14504a of title 49, United States Code, until 30 days
19 after the date, as determined by the Secretary of
20 Transportation, on which—

21 (A) the unified carrier registration system
22 plan and agreement required by that section has
23 been fully implemented; and

24 (B) the fees have been set by the Secretary
25 under subsection (d)(7)(B) of that section.

1 **(b) REPEAL OF SECTION 14504.**—Section 14504 of
 2 title 49, United States Code, as re-enacted by this Act, is
 3 repealed effective on the date on which fees may be collected
 4 under section 14504a of title 49, United States Code, pursu-
 5 ant to subsection (a)(2) of this section.

6 **SEC. 1437. AUTHORIZATION OF APPROPRIATIONS.**

7 **(a) TRANSPORTATION SECURITY ADMINISTRATION AU-**
 8 **THORIZATION.**—Section 114 of title 49, United States Code,
 9 as amended by section 1432, is amended by adding at the
 10 end thereof the following:

11 “(w) **AUTHORIZATION OF APPROPRIATIONS.**—There
 12 are authorized to be appropriated to the Secretary of Home-
 13 land Security for rail security—

14 “(1) \$205,000,000 for fiscal year 2008;

15 “(2) \$166,000,000 for fiscal year 2009; and

16 “(3) \$166,000,000 for fiscal year 2010.”.

17 **(b) DEPARTMENT OF TRANSPORTATION.**—There are
 18 authorized to be appropriated to the Secretary of Transpor-
 19 tation to carry out this title and sections 20118 and 24316
 20 of title 49, United States Code, as added by this title—

21 (1) \$121,000,000 for fiscal year 2008;

22 (2) \$118,000,000 for fiscal year 2009;

23 (3) \$118,000,000 for fiscal year 2010; and

24 (4) \$118,000,000 for fiscal year 2011.

1 **SEC. 1438. APPLICABILITY OF DISTRICT OF COLUMBIA LAW**
2 **TO CERTAIN AMTRAK CONTRACTS.**

3 *Section 24301 of title 49, United States Code, is*
4 *amended by adding at the end the following:*

5 “(o) *APPLICABILITY OF DISTRICT OF COLUMBIA*
6 *LAW.—Any lease or contract entered into between the Na-*
7 *tional Railroad Passenger Corporation and the State of*
8 *Maryland, or any department or agency of the State of*
9 *Maryland, after the date of the enactment of this subsection*
10 *shall be governed by the laws of the District of Columbia.”.*

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

13 **SEC. 1441. HAZARDOUS MATERIALS HIGHWAY ROUTING.**

14 (a) *ROUTE PLAN GUIDANCE.—Within 1 year after the*
15 *date of enactment of this Act, the Secretary of Transpor-*
16 *tation, in consultation with the Secretary, shall—*

17 (1) *document existing and proposed routes for*
18 *the transportation of radioactive and non-radioactive*
19 *hazardous materials by motor carrier, and develop a*
20 *framework for using a Geographic Information Sys-*
21 *tem-based approach to characterize routes in the Na-*
22 *tional Hazardous Materials Route Registry;*

23 (2) *assess and characterize existing and proposed*
24 *routes for the transportation of radioactive and non-*
25 *radioactive hazardous materials by motor carrier for*

1 *the purpose of identifying measurable criteria for se-*
2 *lecting routes based on safety and security concerns;*

3 *(3) analyze current route-related hazardous ma-*
4 *terials regulations in the United States, Canada, and*
5 *Mexico to identify cross-border differences and con-*
6 *flicting regulations;*

7 *(4) document the concerns of the public, motor*
8 *carriers, and State, local, territorial, and tribal gov-*
9 *ernments about the highway routing of hazardous ma-*
10 *terials for the purpose of identifying and mitigating*
11 *security risks associated with hazardous material*
12 *routes;*

13 *(5) prepare guidance materials for State officials*
14 *to assist them in identifying and reducing both safety*
15 *concerns and security risks when designating highway*
16 *routes for hazardous materials consistent with the 13*
17 *safety-based non-radioactive materials routing cri-*
18 *teria and radioactive materials routing criteria in*
19 *subpart C part 397 of title 49, Code of Federal Regu-*
20 *lations;*

21 *(6) develop a tool that will enable State officials*
22 *to examine potential routes for the highway transpor-*
23 *tation of hazardous material and assess specific secu-*
24 *rity risks associated with each route and explore al-*
25 *ternative mitigation measures; and*

1 (7) *transmit to the Senate Committee on Com-*
2 *merce, Science, and Transportation, and the House of*
3 *Representatives Committee on Transportation and*
4 *Infrastructure a report on the actions taken to fulfill*
5 *paragraphs (1) through (6) of this subsection and any*
6 *recommended changes to the routing requirements for*
7 *the highway transportation of hazardous materials in*
8 *part 397 of title 49, Code of Federal Regulations.*

9 **(b) ROUTE PLANS.—**

10 **(1) ASSESSMENT.—***Within 1 year after the date*
11 *of enactment of this Act, the Secretary of Transpor-*
12 *tation shall complete an assessment of the safety and*
13 *national security benefits achieved under existing re-*
14 *quirements for route plans, in written or electronic*
15 *format, for explosives and radioactive materials. The*
16 *assessment shall, at a minimum—*

17 **(A)** *compare the percentage of Department*
18 *of Transportation recordable incidents and the*
19 *severity of such incidents for shipments of explo-*
20 *sives and radioactive materials for which such*
21 *route plans are required with the percentage of*
22 *recordable incidents and the severity of such in-*
23 *cidents for shipments of explosives and radio-*
24 *active materials not subject to such route plans;*
25 *and*

1 (B) *quantify the security and safety bene-*
2 *fits, feasibility, and costs of requiring each motor*
3 *carrier that is required to have a hazardous ma-*
4 *terial safety permit under part 385 of title 49,*
5 *Code of Federal Regulations, to maintain, follow,*
6 *and carry such a route plan that meets the re-*
7 *quirements of section 397.101 of that title when*
8 *transporting the type and quantity of hazardous*
9 *materials described in section 385.403 of that*
10 *title, taking into account the various segments of*
11 *the trucking industry, including tank truck,*
12 *truckload and less than truckload carriers.*

13 (2) *REPORT.*—*Within 1 year after the date of*
14 *enactment of this Act, the Secretary of Transportation*
15 *shall submit a report to the Senate Committee on*
16 *Commerce, Science, and Transportation, and the*
17 *House of Representatives Committee on Transpor-*
18 *tation and Infrastructure containing the findings and*
19 *conclusions of the assessment.*

20 (c) *REQUIREMENT.*—*The Secretary shall require motor*
21 *carriers that have a hazardous material safety permit*
22 *under part 385 of title 49, Code of Federal Regulations,*
23 *to maintain, follow, and carry a route plan, in written or*
24 *electronic format, that meets the requirements of section*
25 *397.101 of that title when transporting the type and quan-*

1 *tity of hazardous materials described in section 385.403 of*
2 *that title if the Secretary determines, under the assessment*
3 *required in subsection (b), that such a requirement would*
4 *enhance the security and safety of the nation without im-*
5 *posing unreasonable costs or burdens upon motor carriers.*

6 **SEC. 1442. MOTOR CARRIER HIGH HAZARD MATERIAL**
7 **TRACKING.**

8 *(a) COMMUNICATIONS.—*

9 *(1) IN GENERAL.—Consistent with the findings*
10 *of the Transportation Security Administration’s*
11 *Hazmat Truck Security Pilot Program and within 6*
12 *months after the date of enactment of this Act, the*
13 *Secretary, through the Transportation Security Ad-*
14 *ministration and in consultation with the Secretary*
15 *of Transportation, shall develop a program to facili-*
16 *tate the tracking of motor carrier shipments of high*
17 *hazard materials, as defined in this title, and to*
18 *equip vehicles used in such shipments with technology*
19 *that provides—*

20 *(A) frequent or continuous communications;*

21 *(B) vehicle position location and tracking*
22 *capabilities; and*

23 *(C) a feature that allows a driver of such*
24 *vehicles to broadcast an emergency message.*

1 (2) *CONSIDERATIONS.*—*In developing the pro-*
2 *gram required by paragraph (1), the Secretary*
3 *shall—*

4 (A) *consult with the Secretary of Transpor-*
5 *tation to coordinate the program with any ongo-*
6 *ing or planned efforts for motor carrier or high*
7 *hazardous materials tracking at the Department*
8 *of Transportation;*

9 (B) *take into consideration the rec-*
10 *ommendations and findings of the report on the*
11 *Hazardous Material Safety and Security Oper-*
12 *ation Field Test released by the Federal Motor*
13 *Carrier Safety Administration on November 11,*
14 *2004; and*

15 (C) *evaluate—*

16 (i) *any new information related to the*
17 *costs and benefits of deploying, equipping,*
18 *and utilizing tracking technology, including*
19 *portable tracking technology, for motor car-*
20 *riers transporting high hazard materials*
21 *not included in the Hazardous Material*
22 *Safety and Security Operation Field Test*
23 *Report released by the Federal Motor Car-*
24 *rier Safety Administration on November 11,*
25 *2004;*

1 (ii) the ability of tracking technology
2 to resist tampering and disabling;

3 (iii) the capability of tracking tech-
4 nology to collect, display, and store infor-
5 mation regarding the movement of ship-
6 ments of high hazard materials by commer-
7 cial motor vehicles;

8 (iv) the appropriate range of contact
9 intervals between the tracking technology
10 and a commercial motor vehicle trans-
11 porting high hazard materials;

12 (v) technology that allows the installa-
13 tion by a motor carrier of concealed and
14 portable electronic devices on commercial
15 motor vehicles that can be activated by law
16 enforcement authorities to disable the vehi-
17 cle and alert emergency response resources
18 to locate and recover high hazard materials
19 in the event of loss or theft of such mate-
20 rials; and

21 (vi) whether installation of the tech-
22 nology described in clause (v) should be in-
23 corporated into the program under para-
24 graph (1);

1 (vii) *the costs, benefits, and practi-*
2 *cality of such technology described in clause*
3 *(v) in the context of the overall benefit to*
4 *national security, including commerce in*
5 *transportation; and*

6 (viii) *other systems the Secretary deter-*
7 *mines appropriate.*

8 (b) *REGULATIONS.*—*Not later than 1 year after the*
9 *date of the enactment of this Act, the Secretary, through*
10 *the Transportation Security Administration, shall promul-*
11 *gate regulations to carry out the provisions of subsection*
12 *(a).*

13 (c) *FUNDING.*—*There are authorized to be appro-*
14 *priated to the Secretary to carry out this section,*
15 *\$7,000,000 for each of fiscal years 2008, 2009, and 2010,*
16 *of which—*

17 (1) *\$3,000,000 per year may be used for equip-*
18 *ment; and*

19 (2) *\$1,000,000 per year may be used for oper-*
20 *ations.*

21 (d) *REPORT.*—*Within 1 year after the issuance of reg-*
22 *ulations under subsection (b), the Secretary shall issue a*
23 *report to the Senate Committee on Commerce, Science, and*
24 *Transportation, the Senate Committee on Homeland Secu-*
25 *rity and Governmental Affairs and the House Committee*

1 *on Homeland Security on the program developed and eval-*
2 *uation carried out under this section.*

3 (e) *LIMITATION.*—*The Secretary may not mandate the*
4 *installation or utilization of the technology described under*
5 *(a)(2)(C)(v) without additional congressional action on*
6 *that matter.*

7 **SEC. 1443. MEMORANDUM OF AGREEMENT.**

8 *Similar to the other security annexes between the 2*
9 *departments, within 1 year after the date of enactment of*
10 *this Act, the Secretary of Transportation and the Secretary*
11 *shall execute and develop an annex to the memorandum of*
12 *agreement between the 2 departments signed on September*
13 *28, 2004, governing the specific roles, delineations of re-*
14 *sponsibilities, resources and commitments of the Depart-*
15 *ment of Transportation and the Department of Homeland*
16 *Security, respectively, in addressing motor carrier trans-*
17 *portation security matters, including the processes the de-*
18 *partments will follow to promote communications, effi-*
19 *ciency, and nonduplication of effort.*

20 **SEC. 1444. HAZARDOUS MATERIALS SECURITY INSPEC-**
21 **TIONS AND ENFORCEMENT.**

22 (a) *IN GENERAL.*—*The Secretary shall establish a pro-*
23 *gram within the Transportation Security Administration,*
24 *in consultation with the Secretary of Transportation, for*
25 *reviewing hazardous materials security plans required*

1 *under part 172, title 49, Code of Federal Regulations, with-*
2 *in 180 days after the date of enactment of this Act. In estab-*
3 *lishing the program, the Secretary shall ensure that—*

4 (1) *the program does not subject carriers to un-*
5 *necessarily duplicative reviews of their security plans*
6 *by the 2 departments; and*

7 (2) *a common set of standards is used to review*
8 *the security plans.*

9 (b) *CIVIL PENALTY.—The failure, by an offerer, car-*
10 *rier, or other person subject to part 172 of title 49, Code*
11 *of Federal Regulations, to comply with any applicable sec-*
12 *tion of that part within 180 days after being notified by*
13 *the Secretary of such failure to comply, is punishable by*
14 *a civil penalty imposed by the Secretary under title 49,*
15 *United States Code. For purposes of this subsection, each*
16 *day of noncompliance after the 181st day following the date*
17 *on which the offerer, carrier, or other person received notice*
18 *of the failure shall constitute a separate failure.*

19 (c) *COMPLIANCE REVIEW.—In reviewing the compli-*
20 *ance of hazardous materials offerers, carriers, or other per-*
21 *sons subject to part 172 of title 49, Code of Federal Regula-*
22 *tions, with the provisions of that part, the Secretary shall*
23 *utilize risk assessment methodologies to prioritize review*
24 *and enforcement actions of the highest risk hazardous mate-*
25 *rials transportation operations.*

1 (d) *TRANSPORTATION COSTS STUDY.*—Within 1 year
2 after the date of enactment of this Act, the Secretary of
3 Transportation, in conjunction with the Secretary, shall
4 study to what extent the insurance, security, and safety
5 costs borne by railroad carriers, motor carriers, pipeline
6 carriers, air carriers, and maritime carriers associated
7 with the transportation of hazardous materials are reflected
8 in the rates paid by offerers of such commodities as com-
9 pared to the costs and rates respectively for the transpor-
10 tation of non-hazardous materials.

11 (e) *FUNDING.*—There are authorized to be appro-
12 priated to the Secretary to carry out this section—

13 (1) \$2,000,000 for fiscal year 2008;

14 (2) \$2,000,000 for fiscal year 2009; and

15 (3) \$2,000,000 for fiscal year 2010.

16 **SEC. 1445. TRUCK SECURITY ASSESSMENT.**

17 Not later than 1 year after the date of enactment of
18 this Act, the Secretary, in consultation with the Secretary
19 of Transportation, shall transmit to the Senate Committee
20 on Commerce, Science, and Transportation, Senate Com-
21 mittee on Finance, the House of Representatives Committee
22 on Transportation and Infrastructure, the House of Rep-
23 resentatives Committee on Homeland Security, and the
24 House of Representatives Committee on Ways and Means,

1 *a report on security issues related to the trucking industry*
2 *that includes—*

3 *(1) an assessment of actions already taken to ad-*
4 *dress identified security issues by both public and*
5 *private entities;*

6 *(2) an assessment of the economic impact that*
7 *security upgrades of trucks, truck equipment, or truck*
8 *facilities may have on the trucking industry and its*
9 *employees, including independent owner-operators;*

10 *(3) an assessment of ongoing research and the*
11 *need for additional research on truck security;*

12 *(4) an assessment of industry best practices to*
13 *enhance security; and*

14 *(5) an assessment of the current status of secure*
15 *motor carrier parking.*

16 **SEC. 1446. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.**

17 *(a) DEVELOPMENT.—The Secretary, in conjunction*
18 *with the Secretary of Transportation, shall consider the de-*
19 *velopment of a national public sector response system to re-*
20 *ceive security alerts, emergency messages, and other infor-*
21 *mation used to track the transportation of high hazard ma-*
22 *terials which can provide accurate, timely, and actionable*
23 *information to appropriate first responder, law enforcement*
24 *and public safety, and homeland security officials, as ap-*
25 *propriate, regarding accidents, threats, thefts, or other safe-*

1 *ty and security risks or incidents. In considering the devel-*
2 *opment of this system, they shall consult with law enforce-*
3 *ment and public safety officials, hazardous material ship-*
4 *pers, motor carriers, railroads, organizations representing*
5 *hazardous material employees, State transportation and*
6 *hazardous materials officials, private for-profit and non-*
7 *profit emergency response organizations, and commercial*
8 *motor vehicle and hazardous material safety groups. Con-*
9 *sideration of development of the national public sector re-*
10 *sponse system shall be based upon the public sector response*
11 *center developed for the Transportation Security Adminis-*
12 *tration hazardous material truck security pilot program*
13 *and hazardous material safety and security operational*
14 *field test undertaken by the Federal Motor Carrier Safety*
15 *Administration.*

16 **(b) CAPABILITY.**—*The national public sector response*
17 *system to be considered shall be able to receive, as*
18 *appropriate—*

- 19 (1) *negative driver verification alerts;*
20 (2) *out-of-route alerts;*
21 (3) *driver panic or emergency alerts; and*
22 (4) *tampering or release alerts.*

23 **(c) CHARACTERISTICS.**—*The national public sector re-*
24 *sponse system to be considered shall—*

- 25 (1) *be an exception-based system;*

1 (2) *be integrated with other private and public*
2 *sector operation reporting and response systems and*
3 *all Federal homeland security threat analysis systems*
4 *or centers (including the National Response Center);*
5 *and*

6 (3) *provide users the ability to create rules for*
7 *alert notification messages.*

8 (d) *CARRIER PARTICIPATION.—The Secretary shall co-*
9 *ordinate with motor carriers and railroads transporting*
10 *high hazard materials, entities acting on their behalf who*
11 *receive communication alerts from motor carriers or rail-*
12 *roads, or other Federal agencies that receive security and*
13 *emergency related notification regarding high hazard mate-*
14 *rials in transit to facilitate the provisions of the informa-*
15 *tion listed in subsection (b) to the national public sector*
16 *response system to the extent possible if the system is estab-*
17 *lished.*

18 (e) *DATA PRIVACY.—ional public sector response sys-*
19 *tem shall be designed to ensure appropriate protection of*
20 *data and information relating to motor carriers, railroads,*
21 *and employees.*

22 (f) *REPORT.—Not later than 180 days after the date*
23 *of enactment of this Act, the Secretary shall transmit to*
24 *the Senate Committee on Commerce, Science, and Trans-*
25 *portation, the House of Representatives Committee on*

1 *Transportation and Infrastructure, and the House of Rep-*
2 *resentatives Committee on Homeland Security a report on*
3 *whether to establish a national public sector response system*
4 *and the estimated total public and private sector costs to*
5 *establish and annually operate such a system, together with*
6 *any recommendations for generating private sector partici-*
7 *pation and investment in the development and operation*
8 *of such a system.*

9 (g) *FUNDING.*—*There are authorized to be appro-*
10 *priated to the Secretary to carry out this section—*

11 (1) *\$1,000,000 for fiscal year 2008;*

12 (2) *\$1,000,000 for fiscal year 2009; and*

13 (3) *\$1,000,000 for fiscal year 2010.*

14 **SEC. 1447. OVER-THE-ROAD BUS SECURITY ASSISTANCE.**

15 (a) *IN GENERAL.*—*The Secretary shall establish a pro-*
16 *gram within the Transportation Security Administration*
17 *for making grants to private operators of over-the-road*
18 *buses or over-the-road bus terminal operators for the pur-*
19 *poses of emergency preparedness drills and exercises, pro-*
20 *tecting high risk/high consequence assets identified through*
21 *system-wide risk assessment, counter-terrorism training,*
22 *visible/unpredictable deterrence, public awareness and pre-*
23 *paredness campaigns, and including—*

1 (1) *constructing and modifying terminals, ga-*
2 *rages, facilities, or over-the-road buses to assure their*
3 *security;*

4 (2) *protecting or isolating the driver;*

5 (3) *acquiring, upgrading, installing, or oper-*
6 *ating equipment, software, or accessorial services for*
7 *collection, storage, or exchange of passenger and driv-*
8 *er information through ticketing systems or otherwise,*
9 *and information links with government agencies;*

10 (4) *training employees in recognizing and re-*
11 *sponding to security risks, evacuation procedures,*
12 *passenger screening procedures, and baggage inspec-*
13 *tion;*

14 (5) *hiring and training security officers;*

15 (6) *installing cameras and video surveillance*
16 *equipment on over-the-road buses and at terminals,*
17 *garages, and over-the-road bus facilities;*

18 (7) *creating a program for employee identifica-*
19 *tion or background investigation;*

20 (8) *establishing and upgrading emergency com-*
21 *munications tracking and control systems; and*

22 (9) *implementing and operating passenger*
23 *screening programs at terminals and on over-the-road*
24 *buses.*

1 (b) *DUE CONSIDERATION.*—*In making grants under*
2 *this section, the Secretary shall give due consideration to*
3 *private operators of over-the-road buses that have taken*
4 *measures to enhance bus transportation security from those*
5 *in effect before September 11, 2001, and shall prioritize*
6 *grant funding based on the magnitude and severity of the*
7 *security risks to bus passengers and the ability of the funded*
8 *project to reduce, or respond to, that risk.*

9 (c) *GRANT REQUIREMENTS.*—*A grant under this sec-*
10 *tion shall be subject to all the terms and conditions that*
11 *a grant is subject to under section 3038(f) of the Transpor-*
12 *tation Equity Act for the 21st Century (49 U.S.C. 5310*
13 *note; 112 Stat. 393).*

14 (d) *PLAN REQUIREMENT.*—

15 (1) *IN GENERAL.*—*The Secretary may not make*
16 *a grant under this section to a private operator of*
17 *over-the-road buses until the operator has first sub-*
18 *mitted to the Secretary—*

19 (A) *a plan for making security improve-*
20 *ments described in subsection (a) and the Sec-*
21 *retary has reviewed or approved the plan; and*

22 (B) *such additional information as the Sec-*
23 *retary may require to ensure accountability for*
24 *the obligation and expenditure of amounts made*
25 *available to the operator under the grant.*

1 (2) *COORDINATION.*—*To the extent that an ap-*
2 *plication for a grant under this section proposes secu-*
3 *rity improvements within a specific terminal owned*
4 *and operated by an entity other than the applicant,*
5 *the applicant shall demonstrate to the satisfaction of*
6 *the Secretary that the applicant has coordinated the*
7 *security improvements for the terminal with that en-*
8 *tity.*

9 (e) *OVER-THE-ROAD BUS DEFINED.*—*In this section,*
10 *the term “over-the-road bus” means a bus characterized by*
11 *an elevated passenger deck located over a baggage compart-*
12 *ment.*

13 (f) *BUS SECURITY ASSESSMENT.*—

14 (1) *IN GENERAL.*—*Not later than 1 year after*
15 *the date of enactment of this Act, the Secretary shall*
16 *transmit to the Senate Committee on Commerce,*
17 *Science, and Transportation, the House of Represent-*
18 *atives Committee on Transportation and Infrastruc-*
19 *ture, and the House of Representatives Committee on*
20 *Homeland Security a report in accordance with the*
21 *requirements of this section.*

22 (2) *CONTENTS OF REPORT.*—*The report shall*
23 *include—*

24 (A) *an assessment of the over-the-road bus*
25 *security grant program;*

1 (B) an assessment of actions already taken
2 to address identified security issues by both pub-
3 lic and private entities and recommendations on
4 whether additional safety and security enforce-
5 ment actions are needed;

6 (C) an assessment of whether additional leg-
7 islation is needed to provide for the security of
8 Americans traveling on over-the-road buses;

9 (D) an assessment of the economic impact
10 that security upgrades of buses and bus facilities
11 may have on the over-the-road bus transpor-
12 tation industry and its employees;

13 (E) an assessment of ongoing research and
14 the need for additional research on over-the-road
15 bus security, including engine shut-off mecha-
16 nisms, chemical and biological weapon detection
17 technology, and the feasibility of
18 compartmentalization of the driver;

19 (F) an assessment of industry best practices
20 to enhance security; and

21 (G) an assessment of school bus security, if
22 the Secretary deems it appropriate.

23 (3) *CONSULTATION WITH INDUSTRY, LABOR, AND*
24 *OTHER GROUPS.*—In carrying out this section, the
25 Secretary shall consult with over-the-road bus man-

1 *agement and labor representatives, public safety and*
2 *law enforcement officials, and the National Academy*
3 *of Sciences.*

4 *(g) FUNDING.—*

5 *(1) IN GENERAL.—There are authorized to be ap-*
6 *propriated to the Secretary to carry out this section—*

7 *(A) \$12,000,000 for fiscal year 2008;*

8 *(B) \$25,000,000 for fiscal year 2009; and*

9 *(C) \$25,000,000 for fiscal year 2010.*

10 *(2) AVAILABILITY OF APPROPRIATED FUNDS.—*

11 *Amounts appropriated pursuant to paragraph (1)*
12 *shall remain available until expended.*

13 **SEC. 1448. PIPELINE SECURITY AND INCIDENT RECOVERY**

14 **PLAN.**

15 *(a) IN GENERAL.—The Secretary, in consultation with*
16 *the Secretary of Transportation and the Pipeline and Haz-*
17 *ardous Materials Safety Administration, and in accordance*
18 *with the Memorandum of Understanding Annex executed*
19 *on August 9, 2006, shall develop a Pipeline Security and*
20 *Incident Recovery Protocols Plan. The plan shall include—*

21 *(1) a plan for the Federal Government to provide*
22 *increased security support to the most critical inter-*
23 *state and intrastate natural gas and hazardous liquid*
24 *transmission pipeline infrastructure and operations*
25 *as determined under section 1449—*

1 (A) at severe security threat levels of alert;

2 or

3 (B) when specific security threat informa-
4 tion relating to such pipeline infrastructure or
5 operations exists; and

6 (2) an incident recovery protocol plan, developed
7 in conjunction with interstate and intrastate trans-
8 mission and distribution pipeline operators and ter-
9 minals and facilities operators connected to pipelines,
10 to develop protocols to ensure the continued transpor-
11 tation of natural gas and hazardous liquids to essen-
12 tial markets and for essential public health or na-
13 tional defense uses in the event of an incident affect-
14 ing the interstate and intrastate natural gas and haz-
15 ardous liquid transmission and distribution pipeline
16 system, which shall include protocols for granting ac-
17 cess to pipeline operators for pipeline infrastructure
18 repair, replacement or bypass following an incident.

19 (b) *EXISTING PRIVATE AND PUBLIC SECTOR EF-*
20 *FORTS.*—The plan shall take into account actions taken or
21 planned by both private and public entities to address iden-
22 tified pipeline security issues and assess the effective inte-
23 gration of such actions.

24 (c) *CONSULTATION.*—In developing the plan under
25 subsection (a), the Secretary shall consult with the Sec-

1 *retary of Transportation, interstate and intrastate trans-*
2 *mission and distribution pipeline operators, pipeline labor,*
3 *first responders, shippers, State pipeline safety agencies,*
4 *public safety officials, and other relevant parties.*

5 (d) *REPORT.—*

6 (1) *CONTENTS.—Not later than 2 years after the*
7 *date of enactment of this Act, the Secretary shall*
8 *transmit to the Committee on Commerce, Science,*
9 *and Transportation of the Senate, the Committee on*
10 *Homeland Security of the House of Representatives,*
11 *and the Committee on Transportation and Infrastruc-*
12 *ture of the House of Representatives a report con-*
13 *taining the plan required by subsection (a), along*
14 *with an estimate of the private and public sector costs*
15 *to implement any recommendations.*

16 (2) *FORMAT.—The Secretary may submit the re-*
17 *port in both classified and redacted formats if the*
18 *Secretary determines that such action is appropriate*
19 *or necessary.*

20 **SEC. 1449. PIPELINE SECURITY INSPECTIONS AND EN-**
21 **FORCEMENT.**

22 (a) *IN GENERAL.—Within 1 year after the date of en-*
23 *actment of this Act, the Secretary, in consultation with the*
24 *Secretary of Transportation, shall establish a program for*
25 *reviewing pipeline operator adoption of recommendations*

1 *in the September 5, 2002, Department of Transportation*
2 *Research and Special Programs Administration Pipeline*
3 *Security Information Circular, including the review of*
4 *pipeline security plans and critical facility inspections.*

5 (b) *REVIEW AND INSPECTION.*—*Within 9 months after*
6 *the date of enactment of this Act, the Secretary and the Sec-*
7 *retary of Transportation shall develop and implement a*
8 *plan for reviewing the pipeline security plan and an in-*
9 *spection of the critical facilities of the 100 most critical*
10 *pipeline operators covered by the September 5, 2002, cir-*
11 *cular, where such facilities have not been inspected for secu-*
12 *rity purposes since September 5, 2002, by either the Depart-*
13 *ment of Homeland Security or the Department of Transpor-*
14 *tation.*

15 (c) *COMPLIANCE REVIEW METHODOLOGY.*—*In review-*
16 *ing pipeline operator compliance under subsections (a) and*
17 *(b), risk assessment methodologies shall be used to prioritize*
18 *risks and to target inspection and enforcement actions to*
19 *the highest risk pipeline assets.*

20 (d) *REGULATIONS.*—*Within 1 year after the date of*
21 *enactment of this Act, the Secretary and the Secretary of*
22 *Transportation shall develop and transmit to pipeline oper-*
23 *ators security recommendations for natural gas and haz-*
24 *ardous liquid pipelines and pipeline facilities. If the Sec-*
25 *retary determines that regulations are appropriate, the Sec-*

1 *retary shall consult with the Secretary of Transportation*
2 *on the extent of risk and appropriate mitigation measures,*
3 *and the Secretary or the Secretary of Transportation, con-*
4 *sistent with the memorandum of understanding annex*
5 *signed on August 9, 2006, shall promulgate such regulations*
6 *and carry out necessary inspection and enforcement ac-*
7 *tions. Any regulations should incorporate the guidance pro-*
8 *vided to pipeline operators by the September 5, 2002, De-*
9 *partment of Transportation Research and Special Pro-*
10 *grams Administration’s Pipeline Security Information Cir-*
11 *cular and contain additional requirements as necessary*
12 *based upon the results of the inspections performed under*
13 *subsection (b). The regulations shall include the imposition*
14 *of civil penalties for non-compliance.*

15 (e) *FUNDING.—There are authorized to be appro-*
16 *priated to the Secretary to carry out this section—*

17 (1) *\$2,000,000 for fiscal year 2008; and*

18 (2) *\$2,000,000 for fiscal year 2009.*

19 **SEC. 1450. TECHNICAL CORRECTIONS.**

20 *Section 5103a of title 49, United States Code, is*
21 *amended—*

22 (1) *by inserting “of Homeland Security” after*
23 *“Secretary” each place it appears in subsections*
24 *(a)(1), (d)(1)(b), and (e); and*

1 (2) by redesignating subsection (h) as subsection
2 (i), and inserting the following after subsection (g):

3 “(h) *RELATIONSHIP TO TRANSPORTATION SECURITY*
4 *CARDS.*—Upon application, a State shall issue to an indi-
5 vidual a license to operate a motor vehicle transporting in
6 commerce a hazardous material without the security assess-
7 ment required by this section, provided the individual meets
8 all other applicable requirements for such a license, if the
9 Secretary of Homeland Security has previously determined,
10 under section 70105 of title 46, United States Code, that
11 the individual does not pose a security risk.”.

12 **SEC. 1451. CERTAIN PERSONNEL LIMITATIONS NOT TO**
13 **APPLY.**

14 Any statutory limitation on the number of employees
15 in the Transportation Security Administration of the De-
16 partment of Transportation, before or after its transfer to
17 the Department of Homeland Security, does not apply to
18 the extent that any such employees are responsible for im-
19 plementing the provisions of this title.

20 **SEC. 1452. MARITIME AND SURFACE TRANSPORTATION SE-**
21 **CURITY USER FEE STUDY.**

22 (a) *IN GENERAL.*—The Secretary of Homeland Secu-
23 rity shall conduct a study of the need for, and feasibility
24 of, establishing a system of maritime and surface transpor-
25 tation-related user fees that may be imposed and collected

1 *as a dedicated revenue source, on a temporary or con-*
2 *tinuing basis, to provide necessary funding for legitimate*
3 *improvements to, and maintenance of, maritime and sur-*
4 *face transportation security. In developing the study, the*
5 *Secretary shall consult with maritime and surface trans-*
6 *portation carriers, shippers, passengers, facility owners and*
7 *operators, and other persons as determined by the Sec-*
8 *retary. Not later than 1 year after the date of the enactment*
9 *of this Act, the Secretary shall submit a report to the appro-*
10 *priate congressional committees that contains—*

11 (1) *the results of the study;*

12 (2) *an assessment of the annual sources of fund-*
13 *ing collected through maritime and surface transpor-*
14 *tation at ports of entry and a detailed description of*
15 *the distribution and use of such funds, including the*
16 *amount and percentage of such sources that are dedi-*
17 *cated to improve and maintain security;*

18 (3)(A) *an assessment of the fees, charges, and*
19 *standards imposed on United States ports, port ter-*
20 *минаl operators, shippers, carriers, and other persons*
21 *who use United States ports of entry compared with*
22 *the fees and charges imposed on Canadian and Mexi-*
23 *can ports, Canadian and Mexican port terminal op-*
24 *erators, shippers, carriers, and other persons who use*
25 *Canadian or Mexican ports of entry; and*

1 (B) *an assessment of the impact of such fees,*
2 *charges, and standards on the competitiveness of*
3 *United States ports, port terminal operators, rail-*
4 *roads, motor carriers, pipelines, other transportation*
5 *modes, and shippers;*

6 (4) *an assessment of private efforts and invest-*
7 *ments to secure maritime and surface transportation*
8 *modes, including those that are operational and those*
9 *that are planned; and*

10 (5) *the Secretary's recommendations based upon*
11 *the study, and an assessment of the consistency of*
12 *such recommendations with the international obliga-*
13 *tions and commitments of the United States.*

14 (b) *DEFINITIONS.—In this section:*

15 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.—The term “appropriate congressional commit-*
17 *tees” has the meaning given that term by section 2(1)*
18 *of the SAFE Port Act (6 U.S.C. 901(1)).*

19 (2) *PORT OF ENTRY.—The term “port of entry”*
20 *means any port or other facility through which for-*
21 *oreign goods are permitted to enter the customs terri-*
22 *tory of a country under official supervision.*

23 (3) *MARITIME AND SURFACE TRANSPOR-*
24 *TATION.—The term “maritime and surface transpor-*

1 **SEC. 1454. PROHIBITION OF ISSUANCE OF TRANSPOR-**
2 **TATION SECURITY CARDS TO CONVICTED**
3 **FELONS.**

4 (a) *IN GENERAL.*—Section 70105 of title 46, United
5 States Code, is amended—

6 (1) *in subsection (b)(1), by striking “decides that*
7 *the individual poses a security risk under subsection*
8 *(c)” and inserting “determines under subsection (c)*
9 *that the individual poses a security risk”;* and

10 (2) *in subsection (c), by amending paragraph*
11 *(1) to read as follows:*

12 “(1) *DISQUALIFICATIONS.*—

13 “(A) *PERMANENT DISQUALIFYING CRIMINAL*
14 *OFFENSES.*—*Except as provided under para-*
15 *graph (2), an individual is permanently dis-*
16 *qualified from being issued a biometric transpor-*
17 *tation security card under subsection (b) if the*
18 *individual has been convicted, or found not*
19 *guilty by reason of insanity, in a civilian or*
20 *military jurisdiction of any of the following felo-*
21 *nies:*

22 “(i) *Espionage or conspiracy to com-*
23 *mit espionage.*

24 “(ii) *Sedition or conspiracy to commit*
25 *sedition.*

1 “(iii) *Treason or conspiracy to commit*
2 *treason.*

3 “(iv) *A Federal crime of terrorism (as*
4 *defined in section 2332b(g) of title 18), a*
5 *comparable State law, or conspiracy to*
6 *commit such crime.*

7 “(v) *A crime involving a transpor-*
8 *tation security incident.*

9 “(vi) *Improper transportation of a*
10 *hazardous material under section 5124 of*
11 *title 49, or a comparable State law.*

12 “(vii) *Unlawful possession, use, sale,*
13 *distribution, manufacture, purchase, re-*
14 *ceipt, transfer, shipping, transporting, im-*
15 *port, export, storage of, or dealing in an ex-*
16 *plosive or explosive device. In this clause,*
17 *an explosive or explosive device includes—*

18 “(I) *an explosive (as defined in*
19 *sections 232(5) and 844(j) of title 18);*

20 “(II) *explosive materials (as de-*
21 *defined in subsections (c) through (f) of*
22 *section 841 of title 18); and*

23 “(III) *a destructive device (as de-*
24 *defined in 921(a)(4) of title 18 and sec-*

1 *tion 5845(f) of the Internal Revenue*
2 *Code of 1986).*

3 *“(viii) Murder.*

4 *“(ix) Making any threat, or mali-*
5 *ciously conveying false information know-*
6 *ing the same to be false, concerning the de-*
7 *liverance, placement, or detonation of an*
8 *explosive or other lethal device in or against*
9 *a place of public use, a State or other gov-*
10 *ernment facility, a public transportation*
11 *system, or an infrastructure facility.*

12 *“(x) A violation of the Racketeer Influ-*
13 *enced and Corrupt Organizations Act (18*
14 *U.S.C. 1961 et seq.), or a comparable State*
15 *law, if 1 of the predicate acts found by a*
16 *jury or admitted by the defendant consists*
17 *of 1 of the crimes listed in this subpara-*
18 *graph.*

19 *“(xi) Attempt to commit any of the*
20 *crimes listed in clauses (i) through (iv).*

21 *“(xii) Conspiracy or attempt to com-*
22 *mit any of the crimes described in clauses*
23 *(v) through (x).*

24 *“(B) INTERIM DISQUALIFYING CRIMINAL OF-*
25 *FENSES.—Except as provided under paragraph*

1 (2), *an individual is disqualified from being*
2 *issued a biometric transportation security card*
3 *under subsection (b) if the individual has been*
4 *convicted, or found not guilty by reason of in-*
5 *sanity, during the 7-year period ending on the*
6 *date on which the individual applies for such*
7 *card, or was released from incarceration during*
8 *the 5-year period ending on the date on which*
9 *the individual applies for such card, of any of*
10 *the following felonies:*

11 “(i) *Unlawful possession, use, sale,*
12 *manufacture, purchase, distribution, re-*
13 *ceipt, transfer, shipping, transporting, de-*
14 *livery, import, export of, or dealing in a*
15 *firearm or other weapon. In this clause, a*
16 *firearm or other weapon includes—*

17 “(I) *firearms (as defined in sec-*
18 *tion 921(a)(3) of title 18 and section*
19 *5845(a) of the Internal Revenue Code*
20 *of 1986); and*

21 “(II) *items contained on the*
22 *United States Munitions Import List*
23 *under section 447.21 of title 27, Code*
24 *of Federal Regulations.*

25 “(ii) *Extortion.*

1 “(iii) *Dishonesty, fraud, or misrepresentation,* including identity fraud and
2 *money laundering if the money laundering*
3 *is related to a crime described in this sub-*
4 *paragraph or subparagraph (A). In this*
5 *clause, welfare fraud and passing bad*
6 *checks do not constitute dishonesty, fraud,*
7 *or misrepresentation.*

8 “(iv) *Bribery.*

9 “(v) *Smuggling.*

10 “(vi) *Immigration violations.*

11 “(vii) *Distribution of, possession with*
12 *intent to distribute, or importation of a*
13 *controlled substance.*

14 “(viii) *Arson.*

15 “(ix) *Kidnapping or hostage taking.*

16 “(x) *Rape or aggravated sexual abuse.*

17 “(xi) *Assault with intent to kill.*

18 “(xii) *Robbery.*

19 “(xiii) *Conspiracy or attempt to com-*
20 *mit any of the crimes listed in this sub-*
21 *paragraph.*

22 “(xiv) *Fraudulent entry into a seaport*
23 *under section 1036 of title 18, or a com-*
24 *parable State law.*

1 “(xv) *A violation of the Racketeer In-*
2 *fluenced and Corrupt Organizations Act (18*
3 *U.S.C. 1961 et seq.) or a comparable State*
4 *law, other than any of the violations listed*
5 *in subparagraph (A)(x).*

6 “(C) *UNDER WANT WARRANT, OR INDICT-*
7 *MENT.—An applicant who is wanted, or under*
8 *indictment, in any civilian or military jurisdic-*
9 *tion for a felony listed in this paragraph, is dis-*
10 *qualified from being issued a biometric transpor-*
11 *tation security card under subsection (b) until*
12 *the want or warrant is released or the indict-*
13 *ment is dismissed.*

14 “(D) *DETERMINATION OF ARREST STA-*
15 *TUS.—*

16 “(i) *IN GENERAL.—If a fingerprint-*
17 *based check discloses an arrest for a dis-*
18 *qualifying crime listed in this section with-*
19 *out indicating a disposition, the Transpor-*
20 *tation Security Administration shall notify*
21 *the applicant of such disclosure and provide*
22 *the applicant with instructions on how the*
23 *applicant can clear the disposition, in ac-*
24 *cordance with clause (ii).*

1 “(ii) *BURDEN OF PROOF.*—*In order to*
2 *clear a disposition under this subpara-*
3 *graph, an applicant shall submit written*
4 *proof to the Transportation Security Ad-*
5 *ministration, not later than 60 days after*
6 *receiving notification under clause (i), that*
7 *the arrest did not result in conviction for*
8 *the disqualifying criminal offense.*

9 “(iii) *NOTIFICATION OF DISQUALIFICA-*
10 *TION.*—*If the Transportation Security Ad-*
11 *ministration does not receive proof in ac-*
12 *cordance with the Transportation Security*
13 *Administration’s procedures for waiver of*
14 *criminal offenses and appeals, the Trans-*
15 *portation Security Administration shall*
16 *notify—*

17 “(I) *the applicant that he or she*
18 *is disqualified from being issued a bio-*
19 *metric transportation security card*
20 *under subsection (b);*

21 “(II) *the State that the applicant*
22 *is disqualified, in the case of a haz-*
23 *ardous materials endorsement; and*

1 “(III) the Coast Guard that the
2 applicant is disqualified, if the appli-
3 cant is a mariner.

4 “(E) OTHER POTENTIAL DISQUALIFICA-
5 TIONS.—Except as provided under subpara-
6 graphs (A) through (C), an individual may not
7 be denied a transportation security card under
8 subsection (b) unless the Secretary determines
9 that individual—

10 “(i) has been convicted within the pre-
11 ceding 7-year period of a felony or found
12 not guilty by reason of insanity of a
13 felony—

14 “(I) that the Secretary believes
15 could cause the individual to be a ter-
16 rorism security risk to the United
17 States; or

18 “(II) for causing a severe trans-
19 portation security incident;

20 “(ii) has been released from incarcer-
21 ation within the preceding 5-year period for
22 committing a felony described in clause (i);

23 “(iii) may be denied admission to the
24 United States or removed from the United

1 *States under the Immigration and Nation-*
 2 *ality Act (8 U.S.C. 1101 et seq.); or*

3 *“(iv) otherwise poses a terrorism secu-*
 4 *rity risk to the United States.*

5 *“(F) MODIFICATION OF LISTED OF-*
 6 *FENSES.—The Secretary may, by rulemaking,*
 7 *add or modify the offenses described in para-*
 8 *graph (1)(A) or (B).”.*

9 *(b) CONFORMING AMENDMENT.—Section 70101 of title*
 10 *49, United States Code, is amended—*

11 *(1) by redesignating paragraphs (2) through (6)*
 12 *as paragraphs (3) through (7); and*

13 *(2) by inserting after paragraph (1) the fol-*
 14 *lowing:*

15 *“(2) The term ‘economic disruption’ does not in-*
 16 *clude a work stoppage or other employee-related ac-*
 17 *tion not related to terrorism and resulting from an*
 18 *employer-employee dispute.”.*

19 **SEC. 1455. PROHIBITION OF ISSUANCE OF TRANSPOR-**
 20 **TATION SECURITY CARDS TO CONVICTED**
 21 **FELONS.**

22 *(a) IN GENERAL.—Section 70105 of title 46, United*
 23 *States Code, is amended—*

24 *(1) in subsection (b)(1), by striking “decides that*
 25 *the individual poses a security risk under subsection*

1 (c)” and inserting “determines under subsection (c)
2 that the individual poses a security risk”; and

3 (2) in subsection (c), by amending paragraph
4 (1) to read as follows:

5 “(1) *DISQUALIFICATIONS.*—

6 “(A) *PERMANENT DISQUALIFYING CRIMINAL*
7 *OFFENSES.*—*Except as provided under para-*
8 *graph (2), an individual is permanently dis-*
9 *qualified from being issued a biometric transpor-*
10 *tation security card under subsection (b) if the*
11 *individual has been convicted, or found not*
12 *guilty by reason of insanity, in a civilian or*
13 *military jurisdiction of any of the following felo-*
14 *nies:*

15 “(i) *Espionage or conspiracy to com-*
16 *mit espionage.*

17 “(ii) *Sedition or conspiracy to commit*
18 *sedition.*

19 “(iii) *Treason or conspiracy to commit*
20 *treason.*

21 “(iv) *A Federal crime of terrorism (as*
22 *defined in section 2332b(g) of title 18), a*
23 *comparable State law, or conspiracy to*
24 *commit such crime.*

1 “(v) *A crime involving a transpor-*
2 *tation security incident.*

3 “(vi) *Improper transportation of a*
4 *hazardous material under section 5124 of*
5 *title 49, or a comparable State law.*

6 “(vii) *Unlawful possession, use, sale,*
7 *distribution, manufacture, purchase, re-*
8 *ceipt, transfer, shipping, transporting, im-*
9 *port, export, storage of, or dealing in an ex-*
10 *plosive or explosive device. In this clause,*
11 *an explosive or explosive device includes—*

12 “(I) *an explosive (as defined in*
13 *sections 232(5) and 844(j) of title 18);*

14 “(II) *explosive materials (as de-*
15 *fined in subsections (c) through (f) of*
16 *section 841 of title 18); and*

17 “(III) *a destructive device (as de-*
18 *fined in 921(a)(4) of title 18 and sec-*
19 *tion 5845(f) of the Internal Revenue*
20 *Code of 1986).*

21 “(viii) *Murder.*

22 “(ix) *Making any threat, or mali-*
23 *ciously conveying false information know-*
24 *ing the same to be false, concerning the de-*
25 *liverance, placement, or detonation of an*

1 *explosive or other lethal device in or against*
2 *a place of public use, a State or other gov-*
3 *ernment facility, a public transportation*
4 *system, or an infrastructure facility.*

5 “(x) *A violation of the Racketeer Influ-*
6 *enced and Corrupt Organizations Act (18*
7 *U.S.C. 1961 et seq.), or a comparable State*
8 *law, if 1 of the predicate acts found by a*
9 *jury or admitted by the defendant consists*
10 *of 1 of the crimes listed in this subpara-*
11 *graph.*

12 “(xi) *Attempt to commit any of the*
13 *crimes listed in clauses (i) through (iv).*

14 “(xii) *Conspiracy or attempt to com-*
15 *mit any of the crimes described in clauses*
16 *(v) through (x).*

17 “(B) *INTERIM DISQUALIFYING CRIMINAL OF-*
18 *FENSES.—Except as provided under paragraph*
19 *(2), an individual is disqualified from being*
20 *issued a biometric transportation security card*
21 *under subsection (b) if the individual has been*
22 *convicted, or found not guilty by reason of in-*
23 *sanity, during the 7-year period ending on the*
24 *date on which the individual applies for such*
25 *card, or was released from incarceration during*

1 *the 5-year period ending on the date on which*
2 *the individual applies for such card, of any of*
3 *the following felonies:*

4 *“(i) Unlawful possession, use, sale,*
5 *manufacture, purchase, distribution, re-*
6 *ceipt, transfer, shipping, transporting, de-*
7 *livery, import, export of, or dealing in a*
8 *firearm or other weapon. In this clause, a*
9 *firearm or other weapon includes—*

10 *“(I) firearms (as defined in sec-*
11 *tion 921(a)(3) of title 18 and section*
12 *5845(a) of the Internal Revenue Code*
13 *of 1986); and*

14 *“(II) items contained on the*
15 *United States Munitions Import List*
16 *under section 447.21 of title 27, Code*
17 *of Federal Regulations.*

18 *“(ii) Extortion.*

19 *“(iii) Dishonesty, fraud, or misrepre-*
20 *sentation, including identity fraud and*
21 *money laundering if the money laundering*
22 *is related to a crime described in this sub-*
23 *paragraph or subparagraph (A). In this*
24 *clause, welfare fraud and passing bad*

1 *checks do not constitute dishonesty, fraud,*
2 *or misrepresentation.*

3 “(iv) *Bribery.*

4 “(v) *Smuggling.*

5 “(vi) *Immigration violations.*

6 “(vii) *Distribution of, possession with*
7 *intent to distribute, or importation of a*
8 *controlled substance.*

9 “(viii) *Arson.*

10 “(ix) *Kidnapping or hostage taking.*

11 “(x) *Rape or aggravated sexual abuse.*

12 “(xi) *Assault with intent to kill.*

13 “(xii) *Robbery.*

14 “(xiii) *Conspiracy or attempt to com-*
15 *mit any of the crimes listed in this sub-*
16 *paragraph.*

17 “(xiv) *Fraudulent entry into a seaport*
18 *under section 1036 of title 18, or a com-*
19 *parable State law.*

20 “(xv) *A violation of the Racketeer In-*
21 *fluenced and Corrupt Organizations Act (18*
22 *U.S.C. 1961 et seq.) or a comparable State*
23 *law, other than any of the violations listed*
24 *in subparagraph (A)(x).*

1 “(C) *UNDER WANT WARRANT, OR INDICT-*
2 *MENT.—An applicant who is wanted, or under*
3 *indictment, in any civilian or military jurisdic-*
4 *tion for a felony listed in this paragraph, is dis-*
5 *qualified from being issued a biometric transpor-*
6 *tation security card under subsection (b) until*
7 *the want or warrant is released or the indict-*
8 *ment is dismissed.*

9 “(D) *DETERMINATION OF ARREST STA-*
10 *TUS.—*

11 “(i) *IN GENERAL.—If a fingerprint-*
12 *based check discloses an arrest for a dis-*
13 *qualifying crime listed in this section with-*
14 *out indicating a disposition, the Transpor-*
15 *tation Security Administration shall notify*
16 *the applicant of such disclosure and provide*
17 *the applicant with instructions on how the*
18 *applicant can clear the disposition, in ac-*
19 *cordance with clause (ii).*

20 “(ii) *BURDEN OF PROOF.—In order to*
21 *clear a disposition under this subpara-*
22 *graph, an applicant shall submit written*
23 *proof to the Transportation Security Ad-*
24 *ministration, not later than 60 days after*
25 *receiving notification under clause (i), that*

1 *the arrest did not result in conviction for*
2 *the disqualifying criminal offense.*

3 “(iii) *NOTIFICATION OF DISQUALIFICA-*
4 *TION.—If the Transportation Security Ad-*
5 *ministration does not receive proof in ac-*
6 *cordance with the Transportation Security*
7 *Administration’s procedures for waiver of*
8 *criminal offenses and appeals, the Trans-*
9 *portation Security Administration shall*
10 *notify—*

11 “(I) *the applicant that he or she*
12 *is disqualified from being issued a bio-*
13 *metric transportation security card*
14 *under subsection (b);*

15 “(II) *the State that the applicant*
16 *is disqualified, in the case of a haz-*
17 *ardous materials endorsement; and*

18 “(III) *the Coast Guard that the*
19 *applicant is disqualified, if the appli-*
20 *cant is a mariner.*

21 “(E) *OTHER POTENTIAL DISQUALIFICA-*
22 *TIONS.—Except as provided under subpara-*
23 *graphs (A) through (C), an individual may not*
24 *be denied a transportation security card under*

1 *subsection (b) unless the Secretary determines*
2 *that individual—*

3 *“(i) has been convicted within the pre-*
4 *ceding 7-year period of a felony or found*
5 *not guilty by reason of insanity of a*
6 *felony—*

7 *“(I) that the Secretary believes*
8 *could cause the individual to be a ter-*
9 *rorism security risk to the United*
10 *States; or*

11 *“(II) for causing a severe trans-*
12 *portation security incident;*

13 *“(ii) has been released from incarcer-*
14 *ation within the preceding 5-year period for*
15 *committing a felony described in clause (i);*

16 *“(iii) may be denied admission to the*
17 *United States or removed from the United*
18 *States under the Immigration and Nation-*
19 *ality Act (8 U.S.C. 1101 et seq.); or*

20 *“(iv) otherwise poses a terrorism secu-*
21 *rity risk to the United States.*

22 *“(F) MODIFICATION OF LISTED OF-*
23 *FENSES.—The Secretary may, by rulemaking,*
24 *add to the offenses described in paragraph (1)(A)*
25 *or (B).”.*

1 **(b) CONFORMING AMENDMENT.**—Section 70101 of title
2 49, United States Code, is amended—

3 (1) by redesignating paragraphs (2) through (6)
4 as paragraphs (3) through (7); and

5 (2) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) The term ‘economic disruption’ does not in-
8 clude a work stoppage or other employee-related ac-
9 tion not related to terrorism and resulting from an
10 employer-employee dispute.”.

11 **Subtitle B—Aviation Security**
12 **Improvement**

13 **SEC. 1461. EXTENSION OF AUTHORIZATION FOR AVIATION**
14 **SECURITY FUNDING.**

15 Section 48301(a) of title 49, United States Code, is
16 amended by striking “and 2006” and inserting “2006,
17 2007, 2008, and 2009”.

18 **SEC. 1462. PASSENGER AIRCRAFT CARGO SCREENING.**

19 **(a) IN GENERAL.**—Section 44901 of title 49, United
20 States Code, is amended—

21 (1) by redesignating subsections (g) and (h) as
22 subsections (h) and (i), respectively; and

23 (2) by inserting after subsection (f) the following:

24 “(g) **AIR CARGO ON PASSENGER AIRCRAFT.**—

1 “(1) *IN GENERAL.*—Not later than 3 years after
2 the date of enactment of the Transportation Security
3 and Interoperable Communication Capabilities Act,
4 the Secretary of Homeland Security, acting through
5 the Administrator of the Transportation Security Ad-
6 ministration, shall establish a system to screen all
7 cargo transported on passenger aircraft operated by
8 an air carrier or foreign air carrier in air transpor-
9 tation or intrastate air transportation to ensure the
10 security of all such passenger aircraft carrying cargo.

11 “(2) *MINIMUM STANDARDS.*—The system referred
12 to in paragraph (1) shall require, at a minimum,
13 that the equipment, technology, procedures, personnel,
14 or other methods determined by the Administrator of
15 the Transportation Security Administration, provide
16 a level of security comparable to the level of security
17 in effect for passenger checked baggage.

18 “(3) *REGULATIONS.*—

19 “(A) *INTERIM FINAL RULE.*—The Secretary
20 of Homeland Security may issue an interim
21 final rule as a temporary regulation to imple-
22 ment this subsection without regard to the provi-
23 sions of chapter 5 of title 5.

24 “(B) *FINAL RULE.*—

1 “(i) *IN GENERAL.*—If the Secretary
2 issues an interim final rule under subpara-
3 graph (A), the Secretary shall issue, not
4 later than 1 year after the effective date of
5 the interim final rule, a final rule as a per-
6 manent regulation to implement this sub-
7 section in accordance with the provisions of
8 chapter 5 of title 5.

9 “(ii) *FAILURE TO ACT.*—If the Sec-
10 retary does not issue a final rule in accord-
11 ance with clause (i) on or before the last
12 day of the 1-year period referred to in
13 clause (i), the Secretary shall submit a re-
14 port to the Congress explaining why the
15 final rule was not timely issued and pro-
16 viding an estimate of the earliest date on
17 which the final rule will be issued. The Sec-
18 retary shall submit the first such report
19 within 10 days after such last day and sub-
20 mit a report to the Congress containing up-
21 dated information every 60 days thereafter
22 until the final rule is issued.

23 “(iii) *SUPERSEDING OF INTERIM FINAL*
24 *RULE.*—The final rule issued in accordance
25 with this subparagraph shall supersede the

1 *interim final rule issued under subpara-*
2 *graph (A).*

3 “(4) *REPORT.*—*Not later than 1 year after the*
4 *date on which the system required by paragraph (1)*
5 *is established, the Secretary shall transmit a report to*
6 *Congress that details and explains the system.”.*

7 **(b) ASSESSMENT OF EXEMPTIONS.**—

8 **(1) TSA ASSESSMENT OF EXEMPTIONS.**—

9 **(A) IN GENERAL.**—*Not later than 180 days*
10 *after the date of enactment of this Act, the Sec-*
11 *retary of Homeland Security, through the Ad-*
12 *ministrator of the Transportation Security Ad-*
13 *ministration, shall submit a report to Congress*
14 *and to the Comptroller General containing an*
15 *assessment of each exemption granted under sec-*
16 *tion 44901(i) of title 49, United States Code, for*
17 *the screening required by section 44901(g)(1) of*
18 *that title for cargo transported on passenger air-*
19 *craft and an analysis to assess the risk of main-*
20 *taining such exemption. The Secretary may sub-*
21 *mit the report in both classified and redacted*
22 *formats if the Secretary determines that such ac-*
23 *tion is appropriate or necessary.*

24 **(B) CONTENTS.**—*The report shall include—*

25 *(i) the rationale for each exemption;*

1 (ii) a statement of the percentage of
2 cargo that is not screened as a result of each
3 exemption;

4 (iii) the impact of each exemption on
5 aviation security;

6 (iv) the projected impact on the flow of
7 commerce of eliminating such exemption;
8 and

9 (v) a statement of any plans, and the
10 rationale, for maintaining, changing, or
11 eliminating each exemption.

12 (2) *GAO ASSESSMENT.*—Not later than 120 days
13 after the date on which the report required under
14 paragraph (1) is submitted, the Comptroller General
15 shall review the report and provide to Congress an as-
16 sessment of the methodology used for determinations
17 made by the Secretary for maintaining, changing, or
18 eliminating an exemption.

19 **SEC. 1463. BLAST-RESISTANT CARGO CONTAINERS.**

20 Section 44901 of title 49, United States Code, as
21 amended by section 1462, is amended by adding at the end
22 the following:

23 “(j) *BLAST-RESISTANT CARGO CONTAINERS.*—

1 “(1) *IN GENERAL.*—*Before January 1, 2008, the*
2 *Administrator of the Transportation Security Admin-*
3 *istration shall—*

4 “(A) *evaluate the results of the blast-resist-*
5 *ant cargo container pilot program instituted be-*
6 *fore the date of enactment of the Transportation*
7 *Security and Interoperable Communication Ca-*
8 *pabilities Act;*

9 “(B) *based on that evaluation, begin the ac-*
10 *quisition of a sufficient number of blast-resistant*
11 *cargo containers to meet the requirements of the*
12 *Transportation Security Administration’s cargo*
13 *security program under subsection (g); and*

14 “(C) *develop a system under which the*
15 *Administrator—*

16 “(i) *will make such containers avail-*
17 *able for use by passenger aircraft operated*
18 *by air carriers or foreign air carriers in air*
19 *transportation or intrastate air transpor-*
20 *tation on a random or risk-assessment basis*
21 *as determined by the Administrator, in suf-*
22 *ficient number to enable the carriers to meet*
23 *the requirements of the Administration’s*
24 *cargo security system; and*

1 “(ii) provide for the storage, mainte-
2 nance, and distribution of such containers.

3 “(2) *DISTRIBUTION TO AIR CARRIERS.*—Within
4 90 days after the date on which the Administrator
5 completes development of the system required by para-
6 graph (1)(C), the Administrator of the Transpor-
7 tation Security Administration shall implement that
8 system and begin making blast-resistant cargo con-
9 tainers available to such carriers as necessary.”.

10 **SEC. 1464. PROTECTION OF AIR CARGO ON PASSENGER**
11 **PLANES FROM EXPLOSIVES.**

12 (a) *TECHNOLOGY RESEARCH AND PILOT PROJECTS.*—

13 (1) *RESEARCH AND DEVELOPMENT.*—The Sec-
14 retary of Homeland Security shall expedite research
15 and development for technology that can disrupt or
16 prevent an explosive device from being introduced
17 onto a passenger plane or from damaging a passenger
18 plane while in flight or on the ground. The research
19 shall include blast resistant cargo containers and
20 other promising technology and will be used in con-
21 cert with implementation of section 44901(j) of title
22 49, United States Code, as amended by section 1463
23 of this title.

1 (2) *PILOT PROJECTS.*—*The Secretary, in con-*
2 *junction with the Secretary of Transportation, shall*
3 *establish a grant program to fund pilot projects—*

4 (A) *to deploy technologies described in*
5 *paragraph (1); and*

6 (B) *to test technology to expedite the recov-*
7 *ery, development, and analysis of information*
8 *from aircraft accidents to determine the cause of*
9 *the accident, including deployable flight deck*
10 *and voice recorders and remote location record-*
11 *ing devices.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
13 *authorized to be appropriated to the Secretary of Homeland*
14 *Security for fiscal year 2008 such sums as may be necessary*
15 *to carry out this section, such funds to remain available*
16 *until expended.*

17 **SEC. 1465. IN-LINE BAGGAGE SCREENING.**

18 (a) *EXTENSION OF AUTHORIZATION.*—*Section*
19 *44923(i)(1) of title 49, United States Code, is amended by*
20 *striking “2007.” and inserting “2007, and \$450,000,000 for*
21 *each of fiscal years 2008 and 2009.”.*

22 (b) *REPORT.*—*Within 30 days after the date of enact-*
23 *ment of this Act, the Secretary of Homeland Security shall*
24 *submit the report the Secretary was required by section*
25 *4019(d) of the Intelligence Reform and Terrorism Preven-*

1 *tion Act of 2004 (49 U.S.C. 44901 note) to have submitted*
2 *in conjunction with the submission of the budget for fiscal*
3 *year 2006.*

4 **SEC. 1466. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.**

5 *(a) IN GENERAL.—Section 44923 of title 49, United*
6 *States Code, is amended—*

7 *(1) by striking “may” in subsection (a) and in-*
8 *serting “shall”;*

9 *(2) by striking “may” in subsection (d)(1) and*
10 *inserting “shall”;*

11 *(3) by striking “2007” in subsection (h)(1) and*
12 *inserting “2028”;*

13 *(4) by striking paragraphs (2) and (3) of sub-*
14 *section (h) and inserting the following:*

15 *“(2) ALLOCATION.—Of the amount made avail-*
16 *able under paragraph (1) for a fiscal year, not less*
17 *than \$200,000,000 shall be allocated to fulfill letters*
18 *of intent issued under subsection (d).*

19 *“(3) DISCRETIONARY GRANTS.—Of the amount*
20 *made available under paragraph (1) for a fiscal year,*
21 *up to \$50,000,000 shall be used to make discretionary*
22 *grants, with priority given to small hub airports and*
23 *non-hub airports.”; and*

24 *(5) by redesignating subsection (i) as subsection*
25 *(j), and inserting after subsection (h) the following:*

1 “(i) *LEVERAGED FUNDING.*—For purposes of this sec-
2 tion, a grant under subsection (a) to an airport sponsor
3 to service an obligation issued by or on behalf of that spon-
4 sor to fund a project described in subsection (a) shall be
5 considered to be a grant for that project.”.

6 (b) *PRIORITIZATION OF PROJECTS.*—

7 (1) *IN GENERAL.*—The Administrator shall cre-
8 ate a prioritization schedule for airport security im-
9 provement projects described in section 44923(b) of
10 title 49, United States Code, based on risk and other
11 relevant factors, to be funded under the grant pro-
12 gram provided by that section. The schedule shall in-
13 clude both hub airports (as defined in section
14 41731(a)(3) of title 49, United States Code) and
15 nonhub airports (as defined in section 41731(a)4) of
16 title 49, United States Code).

17 (2) *AIRPORTS THAT HAVE COMMENCED*
18 *PROJECTS.*—The schedule shall include airports that
19 have incurred eligible costs associated with develop-
20 ment of partial in-line baggage systems before the
21 date of enactment of this Act in reasonable anticipa-
22 tion of receiving a grant under section 44923 of title
23 49, United States Code, in reimbursement of those
24 costs but that have not received such a grant.

1 (3) *REPORT.*—*Within 180 days after the date of*
2 *enactment of this Act, the Administrator shall provide*
3 *a copy of the prioritization schedule, a corresponding*
4 *timeline, and a description of the funding allocation*
5 *under section 44923 of title 49, United States Code,*
6 *to the Senate Committee on Commerce, Science, and*
7 *Transportation and the House of Representatives*
8 *Committee on Homeland Security.*

9 **SEC. 1467. RESEARCH AND DEVELOPMENT OF AVIATION**
10 **TRANSPORTATION SECURITY TECHNOLOGY.**

11 *Section 137(a) of the Aviation and Transportation Se-*
12 *curity Act (49 U.S.C. 44912 note) is amended—*

13 (1) *by striking “2002 through 2006,” and insert-*
14 *ing “2006 through 2009,”;*

15 (2) *by striking “aviation” and inserting “trans-*
16 *portation”;* and

17 (3) *by striking “2002 and 2003” and inserting*
18 *“2006 through 2009”.*

19 **SEC. 1468. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO**
20 **APPLY.**

21 (a) *IN GENERAL.*—*Notwithstanding any provision of*
22 *law to the contrary, any statutory limitation on the number*
23 *of employees in the Transportation Security Administra-*
24 *tion, before or after its transfer to the Department of Home-*

1 *land Security from the Department of Transportation, does*
2 *not apply after fiscal year 2007.*

3 **(b) AVIATION SECURITY.**—*Notwithstanding any provi-*
4 *sion of law imposing a limitation on the recruiting or hir-*
5 *ing of personnel into the Transportation Security Adminis-*
6 *tration to a maximum number of permanent positions, the*
7 *Secretary of Homeland Security shall recruit and hire such*
8 *personnel into the Administration as may be necessary—*

9 (1) *to provide appropriate levels of aviation se-*
10 *curity; and*

11 (2) *to accomplish that goal in such a manner*
12 *that the average aviation security-related delay expe-*
13 *rienced by airline passengers is reduced to a level of*
14 *less than 10 minutes.*

15 **SEC. 1469. SPECIALIZED TRAINING.**

16 *The Administrator of the Transportation Security Ad-*
17 *ministration shall provide advanced training to transpor-*
18 *tation security officers for the development of specialized se-*
19 *curity skills, including behavior observation and analysis,*
20 *explosives detection, and document examination, in order*
21 *to enhance the effectiveness of layered transportation secu-*
22 *rity measures.*

1 **SEC. 1470. EXPLOSIVE DETECTION AT PASSENGER SCREEN-**
2 **ING CHECKPOINTS.**

3 (a) *IN GENERAL.*—Within 90 days after the date of
4 enactment of this Act, the Secretary of Homeland Security
5 shall issue the strategic plan the Secretary was required by
6 section 44925(a) of title 49, United States Code, to have
7 issued within 90 days after the date of enactment of the
8 Intelligence Reform and Terrorism Prevention Act of 2004.

9 (b) *DEPLOYMENT.*—Section 44925(b) of title 49,
10 United States Code, is amended by adding at the end the
11 following:

12 “(3) *FULL DEPLOYMENT.*—The Secretary shall
13 begin full implementation of the strategic plan within
14 1 year after the date of enactment of the Transpor-
15 tation Security and Interoperable Communication
16 Capabilities Act.”.

17 **SEC. 1471. APPEAL AND REDRESS PROCESS FOR PAS-**
18 **SENGERS WRONGLY DELAYED OR PROHIB-**
19 **ITED FROM BOARDING A FLIGHT.**

20 (a) *IN GENERAL.*—Subtitle C of title IV of the Home-
21 land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended
22 by adding at the end the following:

1 **“SEC. 432. APPEAL AND REDRESS PROCESS FOR PAS-**
2 **SENGERS WRONGLY DELAYED OR PROHIB-**
3 **ITED FROM BOARDING A FLIGHT.**

4 “(a) *IN GENERAL.*—*The Secretary shall establish a*
5 *timely and fair process for individuals who believe they*
6 *have been delayed or prohibited from boarding a commer-*
7 *cial aircraft because they were wrongly identified as a*
8 *threat under the regimes utilized by the Transportation Se-*
9 *curity Administration, the Bureau of Customs and Border*
10 *Protection, or any other Department entity.*

11 “(b) *OFFICE OF APPEALS AND REDRESS.*—

12 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
13 *tablish an Office of Appeals and Redress to imple-*
14 *ment, coordinate, and execute the process established*
15 *by the Secretary pursuant to subsection (a). The Of-*
16 *fice shall include representatives from the Transpor-*
17 *tation Security Administration, U.S. Customs and*
18 *Border Protection, and other agencies or offices as ap-*
19 *propriate.*

20 “(2) *RECORDS.*—*The process established by the*
21 *Secretary pursuant to subsection (a) shall include the*
22 *establishment of a method by which the Office of Ap-*
23 *peals and Redress, under the direction of the Sec-*
24 *retary, will be able to maintain a record of air car-*
25 *rier passengers and other individuals who have been*

1 *misidentified and have corrected erroneous informa-*
2 *tion.*

3 “(3) *INFORMATION.*—*To prevent repeated delays*
4 *of an misidentified passenger or other individual, the*
5 *Office of Appeals and Redress shall—*

6 “(A) *ensure that the records maintained*
7 *under this subsection contain information deter-*
8 *mined by the Secretary to authenticate the iden-*
9 *tity of such a passenger or individual;*

10 “(B) *furnish to the Transportation Security*
11 *Administration, the Bureau of Customs and Bor-*
12 *der Protection, or any other appropriate Depart-*
13 *ment entity, upon request, such information as*
14 *may be necessary to allow such agencies to assist*
15 *air carriers in improving their administration*
16 *of the advanced passenger prescreening system*
17 *and reduce the number of false positives; and*

18 “(C) *require air carriers and foreign air*
19 *carriers take action to properly and automati-*
20 *cally identify passengers determined, under the*
21 *process established under subsection (a), to have*
22 *been wrongly identified.”.*

23 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
24 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by inserting after the item relating to section 431*
2 *the following:*

“Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight”.

3 **SEC. 1472. STRATEGIC PLAN TO TEST AND IMPLEMENT AD-**
4 **VANCED PASSENGER PRESCREENING SYS-**
5 **TEM.**

6 *(a) IN GENERAL.—Not later than 180 days after the*
7 *date of enactment of this Act, the Secretary of Homeland*
8 *Security, in consultation with the Administrator of the*
9 *Transportation Security Administration, shall submit to*
10 *the Congress a plan that—*

11 *(1) describes the system to be utilized by the De-*
12 *partment of Homeland Security to assume the per-*
13 *formance of comparing passenger information, as de-*
14 *finied by the Administrator of the Transportation Se-*
15 *curity Administration, to the automatic selectee and*
16 *no-fly lists, as well as the consolidated and integrated*
17 *terrorist watchlist maintained by the Federal Govern-*
18 *ment;*

19 *(2) provides a projected timeline for each phase*
20 *of testing and implementation of the system;*

21 *(3) explains how the system will be integrated*
22 *with the prescreening system for passengers on inter-*
23 *national flights; and*

1 (4) describes how the system complies with sec-
2 tion 552a of title 5, United States Code.

3 (b) GAO ASSESSMENT.—No later than 90 days after
4 the date of enactment of this Act, the Comptroller General
5 shall submit a report to the Senate Committee on Com-
6 merce, Science, and Transportation and the House Com-
7 mittee on Homeland Security that—

8 (1) describes the progress made by the Transpor-
9 tation Security Administration in implementing the
10 Secure Flight passenger pre-screening program;

11 (2) describes the effectiveness of the current ap-
12 peals process for passengers wrongly assigned to the
13 no-fly and terrorist watch lists;

14 (3) describes the Transportation Security Ad-
15 ministration’s plan to protect private passenger infor-
16 mation and progress made in integrating the system
17 with the pre-screening program for international
18 flights operated by the Bureau of Customs and Border
19 Protection;

20 (4) provides a realistic determination of when
21 the system will be completed; and

22 (5) includes any other relevant observations or
23 recommendations the Comptroller General deems ap-
24 propriate.

1 **SEC. 1473. REPAIR STATION SECURITY.**

2 (a) *CERTIFICATION OF FOREIGN REPAIR STATIONS*
3 *SUSPENSION.*—*If the regulations required by section*
4 *44924(f) of title 49, United States Code, are not issued*
5 *within 90 days after the date of enactment of this Act, the*
6 *Administrator of the Federal Aviation Administration may*
7 *not certify any foreign repair station under part 145 of*
8 *title 14, Code of Federal Regulations, after such 90th day*
9 *unless the station was previously certified by the Adminis-*
10 *tration under that part.*

11 (b) *6-MONTH DEADLINE FOR SECURITY REVIEW AND*
12 *AUDIT.*—*Subsections (a) and (d) of section 44924 of title*
13 *49, United States Code, are each amended by striking “18*
14 *months” and inserting “6 months”.*

15 **SEC. 1474. GENERAL AVIATION SECURITY.**

16 Section 44901 of title 49, United States Code, as
17 amended by section 1463, is amended by adding at the end
18 the following:

19 “(k) *GENERAL AVIATION AIRPORT SECURITY PRO-*
20 *GRAM.*—

21 “(1) *IN GENERAL.*—*Within 1 year after the date*
22 *of enactment of the Transportation Security and*
23 *Interoperable Communication Capabilities Act, the*
24 *Administrator of the Transportation Security Admin-*
25 *istration shall—*

1 “(A) *develop a standardized threat and vul-*
2 *nerability assessment program for general avia-*
3 *tion airports (as defined in section 47134(m));*
4 *and*

5 “(B) *implement a program to perform such*
6 *assessments on a risk-assessment basis at general*
7 *aviation airports.*

8 “(2) *GRANT PROGRAM.—Within 6 months after*
9 *date of enactment of the Transportation Security and*
10 *Interoperable Communication Capabilities Act, the*
11 *Administrator shall initiate and complete a study of*
12 *the feasibility of a program, based on a risk-managed*
13 *approach, to provide grants to general aviation air-*
14 *port operators for projects to upgrade security at gen-*
15 *eral aviation airports (as defined in section*
16 *47134(m)). If the Administrator determines that such*
17 *a program is feasible, the Administrator shall estab-*
18 *lish such a program.*

19 “(3) *APPLICATION TO FOREIGN-REGISTERED*
20 *GENERAL AVIATION AIRCRAFT.—Within 180 days*
21 *after the date of enactment of the Transportation Se-*
22 *curity and Interoperable Communication Capabilities*
23 *Act, the Administrator shall develop a risk-based sys-*
24 *tem under which—*

1 “(A) foreign-registered general aviation air-
2 craft, as identified by the Administrator, in co-
3 ordination with the Administrator of the Federal
4 Aviation Administration, are required to submit
5 passenger information at the same time as, and
6 in conjunction with, advance notification re-
7 quirements for Customs and Border Protection
8 before entering United States airspace; and

9 “(B) such information is checked against
10 appropriate databases maintained by the Trans-
11 portation Security Administration.

12 “(4) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Sec-
14 retary of Homeland Security such sums as may be
15 necessary to carry out any program established under
16 paragraph (2).”.

17 **SEC. 1475. SECURITY CREDENTIALS FOR AIRLINE CREWS.**

18 Within 180 days after the date of enactment of this
19 Act, the Administrator of the Transportation Security Ad-
20 ministration shall, after consultation with airline, airport,
21 and flight crew representatives, transmit a report to the
22 Senate Committee on Commerce, Science, and Transpor-
23 tation and the House of Representatives Committee on
24 Transportation and Infrastructure on the status of its ef-
25 forts to institute a sterile area access system or method that

1 *will enhance security by properly identifying authorized*
2 *airline flight deck and cabin crew members at screening*
3 *checkpoints and granting them expedited access through*
4 *screening checkpoints. The Administrator shall include in*
5 *the report recommendations on the feasibility of imple-*
6 *menting the system for the domestic aviation industry be-*
7 *ginning 1 year after the date on which the report is sub-*
8 *mitted. The Administrator shall begin full implementation*
9 *of the system or method not later than 1 year after the date*
10 *on which the Administrator transmits the report.*

11 **SEC. 1476. NATIONAL EXPLOSIVES DETECTION CANINE**
12 **TEAM TRAINING CENTER.**

13 (a) *IN GENERAL.*—

14 (1) *INCREASED TRAINING CAPACITY.*—*Within*
15 *180 days after the date of enactment of this Act, the*
16 *Secretary of Homeland Security shall begin to in-*
17 *crease the capacity of the Department of Homeland*
18 *Security's National Explosives Detection Canine*
19 *Team Program at Lackland Air Force Base to accom-*
20 *modate the training of up to 200 canine teams annu-*
21 *ally by the end of calendar year 2008.*

22 (2) *EXPANSION DETAILED REQUIREMENTS.*—*The*
23 *expansion shall include upgrading existing facilities,*
24 *procurement of additional canines, and increasing*
25 *staffing and oversight commensurate with the in-*

1 *creased training and deployment capabilities required*
2 *by paragraph (1).*

3 (3) *ULTIMATE EXPANSION.—The Secretary shall*
4 *continue to increase the training capacity and all*
5 *other necessary program expansions so that by De-*
6 *cember 31, 2009, the number of canine teams suffi-*
7 *cient to meet the Secretary’s homeland security mis-*
8 *sion, as determined by the Secretary on an annual*
9 *basis, may be trained at this facility.*

10 (b) *ALTERNATIVE TRAINING CENTERS.—Based on fea-*
11 *sibility and to meet the ongoing demand for quality explo-*
12 *sives detection canines teams, the Secretary shall explore*
13 *the options of creating the following:*

14 (1) *A standardized Transportation Security Ad-*
15 *ministration approved canine program that private*
16 *sector entities could use to provide training for addi-*
17 *tional explosives detection canine teams. For any such*
18 *program, the Secretary—*

19 (A) *may coordinate with key stakeholders,*
20 *including international, Federal, State, local,*
21 *private sector and academic entities, to develop*
22 *best practice guidelines for such a standardized*
23 *program;*

1 (B) shall require specific training criteria
2 to which private sector entities must adhere as a
3 condition of participating in the program; and

4 (C) shall review the status of these private
5 sector programs on at least an annual basis.

6 (2) Expansion of explosives detection canine
7 team training to at least 2 additional national train-
8 ing centers, to be modeled after the Center of Excel-
9 lence established at Lackland Air Force Base.

10 (c) DEPLOYMENT.—The Secretary—

11 (1) shall use the additional explosives detection
12 canine teams as part of the Department’s layers of
13 enhanced mobile security across the Nation’s trans-
14 portation network and to support other homeland se-
15 curity programs, as deemed appropriate by the Sec-
16 retary; and

17 (2) may make available explosives detection ca-
18 nine teams to all modes of transportation, for areas
19 of high risk or to address specific threats, on an as-
20 needed basis and as otherwise deemed appropriate by
21 the Secretary.

22 **SEC. 1477. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.**

23 (a) IN GENERAL.—Paragraph (6) of section 44903(h)
24 of title 49, United States Code, is amended to read as fol-
25 lows:

1 “(6) *USE OF BIOMETRIC TECHNOLOGY FOR*
2 *ARMED LAW ENFORCEMENT TRAVEL.*—

3 “(A) *IN GENERAL.*—*Not later than 1 year*
4 *after the date of enactment of the Improving*
5 *America’s Security Act of 2007, the Secretary of*
6 *Homeland Security shall—*

7 “(i) *consult with the Attorney General*
8 *concerning implementation of this para-*
9 *graph;*

10 “(ii) *issue any necessary rulemaking to*
11 *implement this paragraph; and*

12 “(iii) *establishing a national registered*
13 *armed law enforcement program for law en-*
14 *forcement officers needing to be armed when*
15 *traveling by air.*

16 “(B) *PROGRAM REQUIREMENTS.*—*The pro-*
17 *gram shall—*

18 “(i) *establish a credential or a system*
19 *that incorporates biometric technology and*
20 *other applicable technologies;*

21 “(ii) *provide a flexible solution for law*
22 *enforcement officers who need to be armed*
23 *when traveling by air on a regular basis*
24 *and for those who need to be armed during*
25 *temporary travel assignments;*

1 “(iii) be coordinated with other uni-
2 form credentialing initiatives including the
3 Homeland Security Presidential Directive
4 12;

5 “(iv) be applicable for all Federal,
6 State, local, tribal and territorial govern-
7 ment law enforcement agencies; and

8 “(v) establish a process by which the
9 travel credential or system may be used to
10 verify the identity, using biometric tech-
11 nology, of a Federal, State, local, tribal, or
12 territorial law enforcement officer seeking to
13 carry a weapon on board an aircraft, with-
14 out unnecessarily disclosing to the public
15 that the individual is a law enforcement of-
16 ficer.

17 “(C) PROCEDURES.—In establishing the
18 program, the Secretary shall develop
19 procedures—

20 “(i) to ensure that only Federal, State,
21 local, tribal, and territorial government law
22 enforcement officers with a specific need to
23 be armed when traveling by air are issued
24 a law enforcement travel credential;

1 “(ii) to preserve the anonymity of the
2 armed law enforcement officer without call-
3 ing undue attention to the individual’s
4 identity;

5 “(iii) to resolve failures to enroll, false
6 matches, and false non-matches relating to
7 use of the law enforcement travel credential
8 or system; and

9 “(iv) to invalidate any law enforce-
10 ment travel credential or system that is lost,
11 stolen, or no longer authorized for use.”.

12 (b) *REPORT.*—Within 180 days after implementing the
13 national registered armed law enforcement program re-
14 quired by section 44903(h)(6) of title 49, United States
15 Code, the Secretary of Homeland Security shall transmit
16 a report to the Senate Committee on Commerce, Science,
17 and Transportation. If the Secretary has not implemented
18 the program within 180 days after the date of enactment
19 of this Act, the Secretary shall issue a report to the Com-
20 mittee within 180 days explaining the reasons for the fail-
21 ure to implement the program within the time required by
22 that section, and a further report within each successive
23 180-day period until the program is implemented explain-
24 ing the reasons for such further delays in implementation
25 until the program is implemented. The Secretary shall sub-

1 mit each report required by this subsection in classified for-
2 mat.

3 **SEC. 1478. EMPLOYEE RETENTION INTERNSHIP PROGRAM.**

4 *The Assistant Secretary of Homeland Security (Trans-*
5 *portation Security Administration), shall establish a pilot*
6 *program at a small hub airport, a medium hub airport,*
7 *and a large hub airport (as those terms are defined in para-*
8 *graphs (42), (31), and (29), respectively, of section 40102*
9 *of title 49, United States Code) for training students to per-*
10 *form screening of passengers and property under section*
11 *44901 of title 49, United States Code. The program shall*
12 *be an internship for pre-employment training of final-year*
13 *students from public and private secondary schools located*
14 *in nearby communities. Under the program, participants*
15 *shall perform only those security responsibilities determined*
16 *to be appropriate for their age and in accordance with ap-*
17 *plicable law and shall be compensated for training and*
18 *services time while participating in the program.*

19 **SEC. 1479. PILOT PROJECT TO REDUCE THE NUMBER OF**
20 **TRANSPORTATION SECURITY OFFICERS AT**
21 **AIRPORT EXIT LANES.**

22 *(a) IN GENERAL.—The Administrator of the Trans-*
23 *portation Security Administration (referred to in this sec-*
24 *tion as the “Administrator”) shall conduct a pilot program*
25 *to identify technological solutions for reducing the number*

1 *of Transportation Security Administration employees at*
2 *airport exit lanes.*

3 (b) *PROGRAM COMPONENTS.—In conducting the pilot*
4 *program under this section, the Administrator shall—*

5 (1) *utilize different technologies that protect the*
6 *integrity of the airport exit lanes from unauthorized*
7 *entry; and*

8 (2) *work with airport officials to deploy such*
9 *technologies in multiple configurations at a selected*
10 *airport or airports at which some of the exits are not*
11 *co-located with a screening checkpoint.*

12 (c) *REPORTS.—*

13 (1) *INITIAL BRIEFING.—Not later than 180 days*
14 *after the enactment of this Act, the Administrator*
15 *shall conduct a briefing to the congressional commit-*
16 *tees set forth in paragraph (3) that describes—*

17 (A) *the airports selected to participate in*
18 *the pilot program;*

19 (B) *the potential savings from imple-*
20 *menting the technologies at selected airport exits;*

21 (C) *the types of configurations expected to*
22 *be deployed at such airports; and*

23 (D) *the expected financial contribution from*
24 *each airport.*

1 (2) *FINAL REPORT.*—Not later than 1 year after
2 the technologies are deployed at the airports partici-
3 pating in the pilot program, the Administrator shall
4 submit a final report to the congressional committees
5 described in paragraph (3) that describes—

6 (A) the security measures deployed;

7 (B) the projected cost savings; and

8 (C) the efficacy of the program and its ap-
9 plicability to other airports in the United States.

10 (3) *CONGRESSIONAL COMMITTEES.*—The reports
11 required under this subsection shall be submitted to—

12 (A) the Committee on Commerce, Science,
13 and Transportation of the Senate;

14 (B) the Committee on Appropriations of the
15 Senate;

16 (C) the Committee on Homeland Security
17 and Governmental Affairs of the Senate;

18 (D) the Committee on Homeland Security
19 of the House of Representatives; and

20 (E) the Committee on Appropriations of the
21 House of Representatives.

22 (d) *USE OF EXISTING FUNDS.*—Provisions contained
23 within this section will be executed using existing funds.

1 ***Subtitle C—Interoperable***
2 ***Emergency Communications***

3 **SEC. 1481. INTEROPERABLE EMERGENCY COMMUNICA-**
4 ***TIONS.***

5 (a) *IN GENERAL.*—Section 3006 of Public Law 109–
6 171 (47 U.S.C. 309 note) is amended—

7 (1) *by striking paragraphs (1) and (2) of sub-*
8 *section (a) and inserting the following:*

9 “(1) *may take such administrative action as is*
10 *necessary to establish and implement a grant pro-*
11 *gram to assist public safety agencies—*

12 “(A) *in conducting statewide or regional*
13 *planning and coordination to improve the inter-*
14 *operability of emergency communications;*

15 “(B) *in supporting the design and engineer-*
16 *ing of interoperable emergency communications*
17 *systems;*

18 “(C) *in supporting the acquisition or de-*
19 *ployment of interoperable communications*
20 *equipment, software, or systems that improve or*
21 *advance the interoperability with public safety*
22 *communications systems;*

23 “(D) *in obtaining technical assistance and*
24 *conducting training exercises related to the use of*

1 *interoperable emergency communications equip-*
2 *ment and systems; and*

3 *“(E) in establishing and implementing a*
4 *strategic technology reserve to pre-position or se-*
5 *ecure interoperable communications in advance*
6 *for immediate deployment in an emergency or*
7 *major disaster (as defined in section 102(2) of*
8 *Public Law 93–288 (42 U.S.C. 5122)); and*

9 *“(2) shall make payments of not to exceed*
10 *\$1,000,000,000, in the aggregate, through fiscal year*
11 *2010 from the Digital Television Transition and Pub-*
12 *lic Safety Fund established under section 309(j)(8)(E)*
13 *of the Communications Act of 1934 (47 U.S.C.*
14 *309(j)(8)(E)) to carry out the grant program estab-*
15 *lished under paragraph (1), of which not more than*
16 *\$100,000,000, in the aggregate, may be allocated for*
17 *grants under paragraph (1)(E).”;*

18 *(2) by redesignating subsections (b), (c), and (d)*
19 *as subsections (l), (m), and (n), respectively, and in-*
20 *serting after subsection (a) the following:*

21 *“(b) EXPEDITED IMPLEMENTATION.—Pursuant to sec-*
22 *tion 4 of the Call Home Act of 2006, no less than*
23 *\$1,000,000,000 shall be awarded for grants under subsection*
24 *(a) no later than September 30, 2007, subject to the receipt*

1 *of qualified applications as determined by the Assistant*
2 *Secretary.*

3 “(c) *ALLOCATION OF FUNDS.—In awarding grants*
4 *under subparagraphs (A) through (D) of subsection (a)(1),*
5 *the Assistant Secretary shall ensure that grant awards—*

6 “(1) *result in distributions to public safety enti-*
7 *ties among the several States that are consistent with*
8 *section 1014(c)(3) of the USA PATRIOT ACT (42*
9 *U.S.C. 3714(c)(3)); and*

10 “(2) *are prioritized based upon threat and risk*
11 *factors that reflect an all-hazards approach to com-*
12 *munications preparedness and that takes into account*
13 *the risks associated with, and the likelihood of the oc-*
14 *currence of, terrorist attacks or natural catastrophes*
15 *(including, but not limited to, hurricanes, tornados,*
16 *storms, high water, winddriven water, tidal waves,*
17 *tsunami, earthquakes, volcanic eruptions, landslides,*
18 *mudslides, snow and ice storms, forest fires, or*
19 *droughts) in a State.*

20 “(d) *ELIGIBILITY.—To be eligible for assistance under*
21 *the grant program established under subsection (a), an ap-*
22 *plicant shall submit an application, at such time, in such*
23 *form, and containing such information as the Assistant*
24 *Secretary may require, including—*

1 “(1) a detailed explanation of how assistance re-
2 ceived under the program would be used to improve
3 regional, State, or local communications interoper-
4 ability and ensure interoperability with other appro-
5 priate public safety agencies in an emergency or a
6 major disaster; and

7 “(2) assurance that the equipment and system
8 would—

9 “(A) be compatible with the communica-
10 tions architecture developed under section
11 7303(a)(1)(E) of the Intelligence Reform and
12 Terrorism Prevention Act of 2004 (6 U.S.C.
13 194(a)(1)(E));

14 “(B) meet any voluntary consensus stand-
15 ards developed under section 7303(a)(1)(D) of
16 that Act (6 U.S.C. 194(a)(1)(D)) to the extent
17 that such standards exist for a given category of
18 equipment; and

19 “(C) be consistent with the common grant
20 guidance established under section 7303(a)(1)(H)
21 of that Act (6 U.S.C. 194(a)(1)(H)).

22 “(e) *CRITERIA FOR CERTAIN GRANTS.*—In awarding
23 grants under subparagraphs (A) through (D) of subsection
24 (a)(1), the Assistant Secretary shall ensure that all grants
25 funded are consistent with Federal grant guidance estab-

1 *lished by the SAFECOM Program within the Department*
2 *of Homeland Security.*

3 “(f) *CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE*
4 *GRANTS.*—

5 “(1) *IN GENERAL.*—*In awarding grants under*
6 *subsection (a)(1)(E), the Assistant Secretary shall*
7 *consider the continuing technological evolution of*
8 *communications technologies and devices, with its im-*
9 *PLICIT risk of obsolescence, and shall ensure, to the*
10 *maximum extent feasible, that a substantial part of*
11 *the reserve involves prenegotiated contracts and other*
12 *arrangements for rapid deployment of equipment,*
13 *supplies, and systems (and communications service*
14 *related to such equipment, supplies, and systems),*
15 *rather than the warehousing or storage of equipment*
16 *and supplies currently available at the time the re-*
17 *serve is established.*

18 “(2) *REQUIREMENTS AND CHARACTERISTICS.*—*A*
19 *reserve established under paragraph (1) shall—*

20 “(A) *be capable of re-establishing commu-*
21 *nications when existing infrastructure is dam-*
22 *aged or destroyed in an emergency or a major*
23 *disaster;*

24 “(B) *include appropriate current, widely-*
25 *used equipment, such as Land Mobile Radio Sys-*

1 *tems, cellular telephones and satellite-enabled*
2 *equipment (and related communications service),*
3 *Cells-On-Wheels, Cells-On-Light-Trucks, or other*
4 *self-contained mobile cell sites that can be towed,*
5 *backup batteries, generators, fuel, and computers;*

6 *“(C) include equipment on hand for the*
7 *Governor of each State, key emergency response*
8 *officials, and appropriate State or local per-*
9 *sonnel;*

10 *“(D) include contracts (including*
11 *prenegotiated contracts) for rapid delivery of the*
12 *most current technology available from commer-*
13 *cial sources; and*

14 *“(E) include arrangements for training to*
15 *ensure that personnel are familiar with the oper-*
16 *ation of the equipment and devices to be deliv-*
17 *ered pursuant to such contracts.*

18 *“(3) ADDITIONAL CHARACTERISTICS.—Portions*
19 *of the reserve may be virtual and may include items*
20 *donated on an in-kind contribution basis.*

21 *“(4) CONSULTATION.—In developing the reserve,*
22 *the Assistant Secretary shall seek advice from the Sec-*
23 *retary of Defense and the Secretary of Homeland Se-*
24 *curity, as well as national public safety organiza-*
25 *tions, emergency managers, State, local, and tribal*

1 *governments, and commercial providers of such sys-*
2 *tems and equipment.*

3 “(5) *ALLOCATION AND USE OF FUNDS.—The As-*
4 *stant Secretary shall allocate—*

5 “(A) *a portion of the reserve’s funds for*
6 *block grants to States to enable each State to es-*
7 *tablish a strategic technology reserve within its*
8 *borders in a secure location to allow immediate*
9 *deployment; and*

10 “(B) *a portion of the reserve’s funds for re-*
11 *gional Federal strategic technology reserves to fa-*
12 *facilitate any Federal response when necessary, to*
13 *be held in each of the Federal Emergency Man-*
14 *agement Agency’s regional offices, including Bos-*
15 *ton, Massachusetts (Region 1), New York, New*
16 *York (Region 2), Philadelphia, Pennsylvania*
17 *(Region 3), Atlanta, Georgia (Region 4), Chi-*
18 *cago, Illinois (Region 5), Denton, Texas (Region*
19 *6), Kansas City, Missouri (Region 7), Denver,*
20 *Colorado (Region 8), Oakland, California (Re-*
21 *gion 9), Bothell, Washington (Region 10), and*
22 *each of the noncontiguous States for immediate*
23 *deployment.*

24 “(g) *VOLUNTARY CONSENSUS STANDARDS.—In car-*
25 *rying out this section, the Assistant Secretary, in coopera-*

1 *tion with the Secretary of Homeland Security shall identify*
2 *and, if necessary, encourage the development and imple-*
3 *mentation of, voluntary consensus standards for interoper-*
4 *able communications systems to the greatest extent prac-*
5 *ticable, but shall not require any such standard.*

6 “(h) *USE OF ECONOMY ACT.*—*In implementing the*
7 *grant program established under subsection (a)(1), the As-*
8 *stant Secretary may seek assistance from other Federal*
9 *agencies in accordance with section 1535 of title 31, United*
10 *States Code.*

11 “(i) *INSPECTOR GENERAL REPORT.*—*Beginning with*
12 *the first fiscal year beginning after the date of enactment*
13 *of the Transportation Security and Interoperable Commu-*
14 *nication Capabilities Act, the Inspector General of the De-*
15 *partment of Commerce shall conduct an annual assessment*
16 *of the management of the grant program implemented*
17 *under subsection (a)(1) and transmit a report containing*
18 *the findings of that assessment and any recommendations*
19 *related thereto to the Senate Committee on Commerce,*
20 *Science, and Transportation and the House of Representa-*
21 *tives Committee on Energy and Commerce.*

22 “(j) *DEADLINE FOR IMPLEMENTATION PROGRAM*
23 *RULES.*—*Within 90 days after the date of enactment of the*
24 *Transportation Security and Interoperable Communication*
25 *Capabilities Act, the Assistant Secretary, in consultation*

1 *with the Secretary of Homeland Security and the Federal*
2 *Communications Commission, shall promulgate final pro-*
3 *gram rules for the implementation of this section.*

4 “(k) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
5 *tion shall be construed or interpreted to preclude the use*
6 *of funds under this section by any public safety agency for*
7 *interim or long-term Internet Protocol-based interoperable*
8 *solutions, notwithstanding compliance with the Project 25*
9 *standard.”; and*

10 (3) *by striking paragraph (3) of subsection (n),*
11 *as so redesignated.*

12 (b) *FCC REPORT ON EMERGENCY COMMUNICATIONS*
13 *BACK-UP SYSTEM.*—

14 (1) *IN GENERAL.*—*Not later than 1 year after*
15 *the date of enactment of this Act, the Federal Commu-*
16 *nications Commission, in coordination with the As-*
17 *stant Secretary of Commerce for Communications*
18 *and Information and the Secretary of Homeland Se-*
19 *curity, shall evaluate the technical feasibility of cre-*
20 *ating a back-up emergency communications system*
21 *that complements existing communications resources*
22 *and takes into account next generation and advanced*
23 *telecommunications technologies. The overriding objec-*
24 *tive for the evaluation shall be providing a framework*
25 *for the development of a resilient interoperable com-*

1 *munications system for emergency responders in an*
2 *emergency. The Commission shall evaluate all reason-*
3 *able options, including satellites, wireless, and terres-*
4 *trial-based communications systems and other alter-*
5 *native transport mechanisms that can be used in tan-*
6 *dem with existing technologies.*

7 (2) *FACTORS TO BE EVALUATED.*—*The evalua-*
8 *tion under paragraph (1) shall include—*

9 (A) *a survey of all Federal agencies that use*
10 *terrestrial or satellite technology for communica-*
11 *tions security and an evaluation of the feasi-*
12 *bility of using existing systems for the purpose*
13 *of creating such an emergency back-up public*
14 *safety communications system;*

15 (B) *the feasibility of using private satellite,*
16 *wireless, or terrestrial networks for emergency*
17 *communications;*

18 (C) *the technical options, cost, and deploy-*
19 *ment methods of software, equipment, handsets*
20 *or desktop communications devices for public*
21 *safety entities in major urban areas, and nation-*
22 *wide; and*

23 (D) *the feasibility and cost of necessary*
24 *changes to the network operations center of ter-*
25 *restrial-based or satellite systems to enable the*

1 *centers to serve as emergency back-up commu-*
2 *nications systems.*

3 (3) *REPORT.*—*Upon the completion of the eval-*
4 *uation under subsection (a), the Commission shall*
5 *submit a report to Congress that details the findings*
6 *of the evaluation, including a full inventory of exist-*
7 *ing public and private resources most efficiently ca-*
8 *pable of providing emergency communications.*

9 (c) *JOINT ADVISORY COMMITTEE ON COMMUNICATIONS*
10 *CAPABILITIES OF EMERGENCY MEDICAL CARE FACILI-*
11 *TIES.*—

12 (1) *ESTABLISHMENT.*—*The Assistant Secretary*
13 *of Commerce for Communications and Information*
14 *and the Chairman of Federal Communications Com-*
15 *mission, in consultation with the Secretary of Home-*
16 *land Security and the Secretary of Health and*
17 *Human Services, shall establish a joint advisory com-*
18 *mittee to examine the communications capabilities*
19 *and needs of emergency medical care facilities. The*
20 *joint advisory committee shall be composed of indi-*
21 *viduals with expertise in communications technologies*
22 *and emergency medical care, including representa-*
23 *tives of Federal, State and local governments, indus-*
24 *try and non-profit health organizations, and aca-*
25 *demia and educational institutions.*

1 (2) *DUTIES.*—*The joint advisory committee*
2 *shall—*

3 (A) *assess specific communications capabili-*
4 *ties and needs of emergency medical care facili-*
5 *ties, including the including improvement of*
6 *basic voice, data, and broadband capabilities;*

7 (B) *assess options to accommodate growth of*
8 *basic and emerging communications services*
9 *used by emergency medical care facilities;*

10 (C) *assess options to improve integration of*
11 *communications systems used by emergency med-*
12 *ical care facilities with existing or future emer-*
13 *gency communications networks; and*

14 (D) *report its findings to the Senate Com-*
15 *mittee on Commerce, Science, and Transpor-*
16 *tation and the House of Representatives Com-*
17 *mittee on Energy and Commerce, within 6*
18 *months after the date of enactment of this Act.*

19 (d) *AUTHORIZATION OF EMERGENCY MEDICAL COM-*
20 *MUNICATIONS PILOT PROJECTS.*—

21 (1) *IN GENERAL.*—*The Assistant Secretary of*
22 *Commerce for Communications and Information may*
23 *establish not more than 10 geographically dispersed*
24 *project grants to emergency medical care facilities to*

1 *improve the capabilities of emergency communica-*
2 *tions systems in emergency medical care facilities.*

3 (2) *MAXIMUM AMOUNT.—The Assistant Secretary*
4 *may not provide more than \$2,000,000 in Federal as-*
5 *sistance under the pilot program to any applicant.*

6 (3) *COST SHARING.—The Assistant Secretary*
7 *may not provide more than 50 percent of the cost, in-*
8 *curring during the period of the grant, of any project*
9 *under the pilot program.*

10 (4) *MAXIMUM PERIOD OF GRANTS.—The Assist-*
11 *ant Secretary may not fund any applicant under the*
12 *pilot program for more than 3 years.*

13 (5) *DEPLOYMENT AND DISTRIBUTION.—The As-*
14 *stant Secretary shall seek to the maximum extent*
15 *practicable to ensure a broad geographic distribution*
16 *of project sites.*

17 (6) *TRANSFER OF INFORMATION AND KNOWL-*
18 *EDGE.—The Assistant Secretary shall establish mech-*
19 *anisms to ensure that the information and knowledge*
20 *gained by participants in the pilot program are*
21 *transferred among the pilot program participants*
22 *and to other interested parties, including other appli-*
23 *cants that submitted applications.*

1 **SEC. 1482. RULE OF CONSTRUCTION.**

2 (a) *IN GENERAL.*—*Title VI of the Post-Katrina Emer-*
3 *gency Management Reform Act of 2006 (Public Law 109–*
4 *295) is amended by adding at the end the following:*

5 **“SEC. 699B. RULE OF CONSTRUCTION.**

6 *“Nothing in this title, including the amendments made*
7 *by this title, may be construed to reduce or otherwise limit*
8 *the authority of the Department of Commerce or the Federal*
9 *Communications Commission.”.*

10 (b) *EFFECTIVE DATE.*—*The amendment made by this*
11 *section shall take effect as though enacted as part of the*
12 *Department of Homeland Security Appropriations Act,*
13 *2007.*

14 **SEC. 1483. CROSS BORDER INTEROPERABILITY REPORTS.**

15 (a) *IN GENERAL.*—*Not later than 90 days after the*
16 *date of enactment of this Act, the Federal Communications*
17 *Commission, in conjunction with the Department of Home-*
18 *land Security, the Office of Management of Budget, and the*
19 *Department of State shall report to the Senate Committee*
20 *on Commerce, Science, and Transportation and the House*
21 *of Representatives Committee on Energy and Commerce*
22 *on—*

23 (1) *the status of the mechanism established by*
24 *the President under section 7303(c) of the Intelligence*
25 *Reform and Terrorism Prevention Act of 2004 (6*

1 *U.S.C. 194(c) for coordinating cross border inter-*
2 *operability issues between—*

3 *(A) the United States and Canada; and*

4 *(B) the United States and Mexico;*

5 *(2) the status of treaty negotiations with Canada*
6 *and Mexico regarding the coordination of the re-band-*
7 *ing of 800 megahertz radios, as required under the*
8 *final rule of the Federal Communication Commission*
9 *in the “Private Land Mobile Services; 800 MHz Pub-*
10 *lic Safety Interface Proceeding” (WT Docket No. 02–*
11 *55; ET Docket No. 00–258; ET Docket No. 95–18,*
12 *RM–9498; RM–10024; FCC 04–168,) including the*
13 *status of any outstanding issues in the negotiations*
14 *between—*

15 *(A) the United States and Canada; and*

16 *(B) the United States and Mexico;*

17 *(3) communications between the Commission*
18 *and the Department of State over possible amend-*
19 *ments to the bilateral legal agreements and protocols*
20 *that govern the coordination process for license appli-*
21 *cations seeking to use channels and frequencies above*
22 *Line A;*

23 *(4) the annual rejection rate for the last 5 years*
24 *by the United States of applications for new channels*

1 *and frequencies by Canadian private and public enti-*
2 *ties; and*

3 *(5) any additional procedures and mechanisms*
4 *that can be taken by the Commission to decrease the*
5 *rejection rate for applications by United States pri-*
6 *vate and public entities seeking licenses to use chan-*
7 *nels and frequencies above Line A.*

8 *(b) UPDATED REPORTS TO BE FILED ON THE STATUS*
9 *OF TREATY OF NEGOTIATIONS.—The Federal Communica-*
10 *tions Commission, in conjunction with the Department of*
11 *Homeland Security, the Office of Management of Budget,*
12 *and the Department of State shall continually provide up-*
13 *dated reports to the Committee on Commerce, Science, and*
14 *Transportation of the Senate and the Committee on Energy*
15 *and Commerce of the House of Representatives on the status*
16 *of treaty negotiations under subsection (a)(2) until the ap-*
17 *propriate United States treaty has been revised with each*
18 *of—*

19 *(1) Canada; and*

20 *(2) Mexico.*

21 *(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITU-*
22 *ATION.—Not later than 90 days after the date of enactment*
23 *of this Act, the Secretary of the Department of State shall*
24 *report to Congress on—*

1 *Science, and Transportation of the Senate shall receive the*
2 *reports required by the following provisions of law in the*
3 *same manner and to the same extent that the reports are*
4 *to be received by the Committee on Homeland Security and*
5 *Governmental Affairs of the Senate:*

6 (1) *Section 1016(j)(1) of the Intelligence Reform*
7 *and Terrorist Prevention Act of 2004 (6 U.S.C.*
8 *485(j)(1)).*

9 (2) *Section 121(c) of this Act.*

10 (3) *Section 2002(d)(3) of the Homeland Security*
11 *Act of 2002, as added by section 202 of this Act.*

12 (4) *Subsections (a) and (b)(5) of section 2009 of*
13 *the Homeland Security Act of 2002, as added by sec-*
14 *tion 202 of this Act.*

15 (5) *Section 302(d) of this Act.*

16 (6) *Section 7215(d) of the Intelligence Reform*
17 *and Terrorism Prevention Act of 2004 (6 U.S.C.*
18 *123(d)).*

19 (7) *Section 7209(b)(1)(C) of the Intelligence Re-*
20 *form and Terrorism Prevention Act of 2004 (8 U.S.C.*
21 *1185 note).*

22 (8) *Section 604(c) of this Act.*

23 (9) *Section 806 of this Act.*

24 (10) *Section 903(d) of this Act.*

1 (11) *Section 510(a)(7) of the Homeland Security*
2 *Act of 2002 (6 U.S.C. 320(a)(7)).*

3 (12) *Section 510(b)(7) of the Homeland Security*
4 *Act of 2002 (6 U.S.C. 320(b)(7)).*

5 (13) *Section 1102(b) of this Act.*

6 **(b) SENATE COMMITTEE ON HOMELAND SECURITY**
7 **AND GOVERNMENTAL AFFAIRS.**—*The Committee on Home-*
8 *land Security and Governmental Affairs of the Senate shall*
9 *receive the reports required by the following provisions of*
10 *law in the same manner and to the same extent that the*
11 *reports are to be received by the Committee on Commerce,*
12 *Science, and Transportation of the Senate:*

13 (1) *Section 1421(c) of this Act.*

14 (2) *Section 1423(f)(3)(A) of this Act.*

15 (3) *Section 1428 of this Act.*

16 (4) *Section 1429(d) of this Act.*

17 (5) *Section 114(v)(4)(A)(i) of title 49, United*
18 *States Code.*

19 (6) *Section 1441(a)(7) of this Act.*

20 (7) *Section 1441(b)(2) of this Act.*

21 (8) *Section 1445 of this Act.*

22 (9) *Section 1446(f) of this Act.*

23 (10) *Section 1447(f)(1) of this Act.*

24 (11) *Section 1448(d)(1) of this Act.*

25 (12) *Section 1466(b)(3) of this Act.*

1 (13) *Section 1472(b) of this Act.*

2 (14) *Section 1475 of this Act.*

3 (15) *Section 3006(i) of the Digital Television*
4 *Transition and Public Safety Act of 2005 (47 U.S.C.*
5 *309 note).*

6 (16) *Section 1481(c) of this Act.*

7 (17) *Subsections (a) and (b) of section 1483 of*
8 *this Act.*

9 **TITLE XV—PUBLIC TRANSPORTATION**
10 **TERRORISM PREVEN-**
11 **TION**

12 **SEC. 1501. SHORT TITLE.**

13 *This title may be cited as the “Public Transportation*
14 *Terrorism Prevention Act of 2007”.*

15 **SEC. 1502. FINDINGS.**

16 *Congress finds that—*

17 (1) *182 public transportation systems throughout*
18 *the world have been primary target of terrorist at-*
19 *tacks;*

20 (2) *more than 6,000 public transportation agen-*
21 *cies operate in the United States;*

22 (3) *people use public transportation vehicles*
23 *33,000,000 times each day;*

1 (4) *the Federal Transit Administration has in-*
2 *vested \$84,800,000,000 since 1992 for construction*
3 *and improvements;*

4 (5) *the Federal Government appropriately in-*
5 *vested nearly \$24,000,000,000 in fiscal years 2002*
6 *through 2006 to protect our Nation's aviation system;*

7 (6) *the Federal Government has allocated*
8 *\$386,000,000 in fiscal years 2003 through 2006 to*
9 *protect public transportation systems in the United*
10 *States; and*

11 (7) *the Federal Government has invested \$7.53*
12 *in aviation security improvements per passenger*
13 *boarding, but only \$0.008 in public transportation se-*
14 *curity improvements per passenger boarding.*

15 **SEC. 1503. SECURITY ASSESSMENTS.**

16 (a) **PUBLIC TRANSPORTATION SECURITY ASSESS-**
17 **MENTS.—**

18 (1) **SUBMISSION.—***Not later than 30 days after*
19 *the date of the enactment of this Act, the Federal*
20 *Transit Administration of the Department of Trans-*
21 *portation shall submit all public transportation secu-*
22 *rity assessments and all other relevant information to*
23 *the Secretary.*

1 (2) *REVIEW.*—Not later than July 31, 2007, the
2 Secretary shall review and augment the security as-
3 sessments received under paragraph (1).

4 (3) *ALLOCATIONS.*—The Secretary shall use the
5 security assessments received under paragraph (1) as
6 the basis for allocating grant funds under section
7 1504, unless the Secretary notifies the Committee on
8 Banking, Housing, and Urban Affairs of the Senate
9 that the Secretary has determined an adjustment is
10 necessary to respond to an urgent threat or other sig-
11 nificant factors.

12 (4) *SECURITY IMPROVEMENT PRIORITIES.*—Not
13 later than September 30, 2007, the Secretary, after
14 consultation with the management and employee rep-
15 resentatives of each public transportation system for
16 which a security assessment has been received under
17 paragraph (1) and with appropriate State and local
18 officials, shall establish security improvement prior-
19 ities that will be used by public transportation agen-
20 cies for any funding provided under section 1504.

21 (5) *UPDATES.*—Not later than July 31, 2008,
22 and annually thereafter, the Secretary shall—

23 (A) update the security assessments referred
24 to in this subsection; and

1 (B) conduct security assessments of all pub-
2 lic transportation agencies considered to be at
3 greatest risk of a terrorist attack.

4 (b) *USE OF SECURITY ASSESSMENT INFORMATION.*—
5 The Secretary shall use the information collected under sub-
6 section (a)—

7 (1) to establish the process for developing secu-
8 rity guidelines for public transportation security; and

9 (2) to design a security improvement strategy
10 that—

11 (A) minimizes terrorist threats to public
12 transportation systems; and

13 (B) maximizes the efforts of public trans-
14 portation systems to mitigate damage from ter-
15 rorist attacks.

16 (c) *BUS AND RURAL PUBLIC TRANSPORTATION SYS-*
17 *TEMS.*—Not later than July 31, 2007, the Secretary shall
18 conduct security assessments, appropriate to the size and
19 nature of each system, to determine the specific needs of—

20 (1) local bus-only public transportation systems;
21 and

22 (2) selected public transportation systems that
23 receive funds under section 5311 of title 49, United
24 States Code.

1 **SEC. 1504. SECURITY ASSISTANCE GRANTS.**

2 (a) *CAPITAL SECURITY ASSISTANCE PROGRAM.—*

3 (1) *IN GENERAL.—The Secretary shall award*
4 *grants directly to public transportation agencies for*
5 *allowable capital security improvements based on the*
6 *priorities established under section 1503(a)(4).*

7 (2) *ALLOWABLE USE OF FUNDS.—Grants award-*
8 *ed under paragraph (1) may be used for—*

9 (A) *tunnel protection systems;*

10 (B) *perimeter protection systems;*

11 (C) *redundant critical operations control*
12 *systems;*

13 (D) *chemical, biological, radiological, or ex-*
14 *plosive detection systems;*

15 (E) *surveillance equipment;*

16 (F) *communications equipment;*

17 (G) *emergency response equipment;*

18 (H) *fire suppression and decontamination*
19 *equipment;*

20 (I) *global positioning or automated vehicle*
21 *locator type system equipment;*

22 (J) *evacuation improvements; and*

23 (K) *other capital security improvements.*

24 (b) *OPERATIONAL SECURITY ASSISTANCE PROGRAM.—*

25 (1) *IN GENERAL.—The Secretary shall award*
26 *grants directly to public transportation agencies for*

1 *allowable operational security improvements based on*
2 *the priorities established under section 1503(a)(4).*

3 (2) *ALLOWABLE USE OF FUNDS.—Grants award-*
4 *ed under paragraph (1) may be used for—*

5 (A) *security training for public transpor-*
6 *tation employees, including bus and rail opera-*
7 *tors, mechanics, customer service, maintenance*
8 *employees, transit police, and security personnel;*

9 (B) *live or simulated drills;*

10 (C) *public awareness campaigns for en-*
11 *hanced public transportation security;*

12 (D) *canine patrols for chemical, biological,*
13 *or explosives detection;*

14 (E) *overtime reimbursement for enhanced*
15 *security personnel during significant national*
16 *and international public events, consistent with*
17 *the priorities established under section*
18 *1503(a)(4); and*

19 (F) *other appropriate security improve-*
20 *ments identified under section 1503(a)(4), ex-*
21 *cluding routine, ongoing personnel costs.*

22 (c) *COORDINATION WITH STATE HOMELAND SECU-*
23 *RITY PLANS.—In establishing security improvement prior-*
24 *ities under section 1503(a)(4) and in awarding grants for*
25 *capital security improvements and operational security im-*

1 *provements under subsections (a) and (b), respectively, the*
2 *Secretary shall ensure that the actions of the Secretary are*
3 *consistent with relevant State homeland security plans.*

4 (d) *MULTI-STATE TRANSPORTATION SYSTEMS.—In*
5 *cases where a public transportation system operates in more*
6 *than 1 State, the Secretary shall give appropriate consider-*
7 *ation to the risks of the entire system, including those por-*
8 *tions of the States into which the system crosses, in estab-*
9 *lishing security improvement priorities under section*
10 *1503(a)(4), and in awarding grants for capital security im-*
11 *provements and operational security improvements under*
12 *subsections (a) and (b), respectively.*

13 (e) *CONGRESSIONAL NOTIFICATION.—Not later than 3*
14 *days before the award of any grant under this section, the*
15 *Secretary shall notify the Committee on Homeland Security*
16 *and Governmental Affairs and the Committee on Banking,*
17 *Housing, and Urban Affairs of the Senate of the intent to*
18 *award such grant.*

19 (f) *PUBLIC TRANSPORTATION AGENCY RESPONSIBIL-*
20 *ITIES.—Each public transportation agency that receives a*
21 *grant under this section shall—*

22 (1) *identify a security coordinator to coordinate*
23 *security improvements;*

24 (2) *develop a comprehensive plan that dem-*
25 *onstrates the agency's capacity for operating and*

1 **(b) PROGRAM ELEMENTS.**—*The regulations developed*
2 *under subsection (a) shall require such a program to in-*
3 *clude, at a minimum, elements that address the following:*

4 (1) *Determination of the seriousness of any oc-*
5 *currence.*

6 (2) *Crew and passenger communication and co-*
7 *ordination.*

8 (3) *Appropriate responses to defend oneself.*

9 (4) *Use of protective devices.*

10 (5) *Evacuation procedures (including passengers,*
11 *workers, the elderly and those with disabilities).*

12 (6) *Psychology of terrorists to cope with hijacker*
13 *behavior and passenger responses.*

14 (7) *Live situational training exercises regarding*
15 *various threat conditions, including tunnel evacu-*
16 *ation procedures.*

17 (8) *Any other subject the Secretary considers ap-*
18 *propriate.*

19 **(c) REQUIRED PROGRAMS.**—

20 (1) **IN GENERAL.**—*Not later than 90 days after*
21 *the Secretary issues regulations under subsection (a)*
22 *in final form, each public transportation system that*
23 *receives a grant under this title shall develop a public*
24 *transportation worker security training program in*

1 *accordance with those regulations and submit it to the*
2 *Secretary for approval.*

3 (2) *APPROVAL.—Not later than 30 days after re-*
4 *ceiving a public transportation system’s program*
5 *under paragraph (1), the Secretary shall review the*
6 *program and approve it or require the public trans-*
7 *portation system to make any revisions the Secretary*
8 *considers necessary for the program to meet the regu-*
9 *lations requirements. A public transit agency shall re-*
10 *spond to the Secretary’s comments within 30 days*
11 *after receiving them.*

12 (d) *TRAINING.—*

13 (1) *IN GENERAL.—Not later than 1 year after*
14 *the Secretary approves the training program devel-*
15 *oped by a public transportation system under sub-*
16 *section (c), the public transportation system owner or*
17 *operator shall complete the training of all public*
18 *transportation workers in accordance with that pro-*
19 *gram.*

20 (2) *REPORT.—The Secretary shall review imple-*
21 *mentation of the training program of a representative*
22 *sample of public transportation systems and report to*
23 *the Senate Committee on Banking, Housing and*
24 *Urban Affairs, House of Representatives Committee*
25 *on Transportation and Infrastructure, the Senate*

1 *Homeland Security and Government Affairs Com-*
2 *mittee and the House of Representatives Committee*
3 *on Homeland Security, on the number of reviews con-*
4 *ducted and the results. The Secretary may submit the*
5 *report in both classified and redacted formats as nec-*
6 *essary.*

7 *(e) UPDATES.—*

8 *(1) IN GENERAL.—The Secretary shall update*
9 *the training regulations issued under subsection (a)*
10 *from time to time to reflect new or different security*
11 *threats, and require public transportation systems to*
12 *revise their programs accordingly and provide addi-*
13 *tional training to their workers.*

14 *(2) PROGRAM REVISIONS.—Each public transit*
15 *operator shall revise their program in accordance*
16 *with any regulations under paragraph (1) and pro-*
17 *vide additional training to their front-line workers*
18 *within a reasonable time after the regulations are up-*
19 *dated.*

20 **SEC. 1506. INTELLIGENCE SHARING.**

21 *(a) INTELLIGENCE SHARING.—The Secretary shall en-*
22 *sure that the Department of Transportation receives appro-*
23 *priate and timely notification of all credible terrorist*
24 *threats against public transportation assets in the United*
25 *States.*

1 (b) *INFORMATION SHARING ANALYSIS CENTER.*—

2 (1) *ESTABLISHMENT.*—*The Secretary shall pro-*
3 *vide sufficient financial assistance for the reasonable*
4 *costs of the Information Sharing and Analysis Center*
5 *for Public Transportation (referred to in this sub-*
6 *section as the “ISAC”)* *established pursuant to Presi-*
7 *dential Directive 63, to protect critical infrastructure.*

8 (2) *PUBLIC TRANSPORTATION AGENCY PARTICI-*
9 *PATION.*—*The Secretary—*

10 (A) *shall require those public transportation*
11 *agencies that the Secretary determines to be at*
12 *significant risk of terrorist attack to participate*
13 *in the ISAC;*

14 (B) *shall encourage all other public trans-*
15 *portation agencies to participate in the ISAC;*
16 *and*

17 (C) *shall not charge a fee to any public*
18 *transportation agency for participating in the*
19 *ISAC.*

20 **SEC. 1507. RESEARCH, DEVELOPMENT, AND DEMONSTRA-**
21 **TION GRANTS AND CONTRACTS.**

22 (a) *GRANTS AND CONTRACTS AUTHORIZED.*—*The Sec-*
23 *retary, through the Homeland Security Advanced Research*
24 *Projects Agency in the Science and Technology Directorate*
25 *and in consultation with the Federal Transit Administra-*

1 *tion, shall award grants or contracts to public or private*
2 *entities to conduct research into, and demonstrate tech-*
3 *nologies and methods to reduce and deter terrorist threats*
4 *or mitigate damages resulting from terrorist attacks against*
5 *public transportation systems.*

6 *(b) USE OF FUNDS.—Grants or contracts awarded*
7 *under subsection (a)—*

8 *(1) shall be coordinated with Homeland Security*
9 *Advanced Research Projects Agency activities; and*

10 *(2) may be used to—*

11 *(A) research chemical, biological, radio-*
12 *logical, or explosive detection systems that do not*
13 *significantly impede passenger access;*

14 *(B) research imaging technologies;*

15 *(C) conduct product evaluations and test-*
16 *ing; and*

17 *(D) research other technologies or methods*
18 *for reducing or deterring terrorist attacks*
19 *against public transportation systems, or miti-*
20 *gating damage from such attacks.*

21 *(c) REPORTING REQUIREMENT.—Each entity that is*
22 *awarded a grant or contract under this section shall report*
23 *annually to the Department on the use of grant or contract*
24 *funds received under this section.*

1 (d) *RETURN OF MISSPENT GRANT OR CONTRACT*
2 *FUNDS.*—*If the Secretary determines that a grantee or con-*
3 *tractor used any portion of the grant or contract funds re-*
4 *ceived under this section for a purpose other than the allow-*
5 *able uses specified under subsection (b), the grantee or con-*
6 *tractor shall return any amount so used to the Treasury*
7 *of the United States.*

8 **SEC. 1508. REPORTING REQUIREMENTS.**

9 (a) *SEMI-ANNUAL REPORT TO CONGRESS.*—

10 (1) *IN GENERAL.*—*Not later than March 31 and*
11 *September 30 each year, the Secretary shall submit a*
12 *report, containing the information described in para-*
13 *graph (2), to—*

14 (A) *the Committee on Banking, Housing,*
15 *and Urban Affairs of the Senate;*

16 (B) *the Committee on Homeland Security*
17 *and Governmental Affairs of the Senate; and*

18 (C) *the Committee on Appropriations of the*
19 *Senate.*

20 (2) *CONTENTS.*—*The report submitted under*
21 *paragraph (1) shall include—*

22 (A) *a description of the implementation of*
23 *the provisions of sections 1503 through 1506;*

24 (B) *the amount of funds appropriated to*
25 *carry out the provisions of each of sections 1503*

1 *through 1506 that have not been expended or ob-*
2 *ligated; and*

3 *(C) the state of public transportation secu-*
4 *rity in the United States.*

5 **(b) ANNUAL REPORT TO GOVERNORS.—**

6 **(1) IN GENERAL.—***Not later than March 31 of*
7 *each year, the Secretary shall submit a report to the*
8 *Governor of each State with a public transportation*
9 *agency that has received a grant under this title.*

10 **(2) CONTENTS.—***The report submitted under*
11 *paragraph (1) shall specify—*

12 **(A)** *the amount of grant funds distributed*
13 *to each such public transportation agency; and*

14 **(B)** *the use of such grant funds.*

15 **SEC. 1509. AUTHORIZATION OF APPROPRIATIONS.**

16 **(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—**
17 *There are authorized to be appropriated to carry out the*
18 *provisions of section 1504(a) and remain available until*
19 *expended—*

20 **(1)** *such sums as are necessary in fiscal year*
21 *2007;*

22 **(2)** *\$536,000,000 for fiscal year 2008;*

23 **(3)** *\$772,000,000 for fiscal year 2009; and*

24 **(4)** *\$1,062,000,000 for fiscal year 2010.*

1 **(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.**—
2 *There are authorized to be appropriated to carry out the*
3 *provisions of section 1504(b)—*

4 (1) *such sums as are necessary in fiscal year*
5 *2007;*

6 (2) *\$534,000,000 for fiscal year 2008;*

7 (3) *\$333,000,000 for fiscal year 2009; and*

8 (4) *\$133,000,000 for fiscal year 2010.*

9 **(c) INTELLIGENCE.**—*There are authorized to be appro-*
10 *priated such sums as may be necessary to carry out the*
11 *provisions of section 1505.*

12 **(d) RESEARCH.**—*There are authorized to be appro-*
13 *priated to carry out the provisions of section 1507 and re-*
14 *main available until expended—*

15 (1) *such sums as are necessary in fiscal year*
16 *2007;*

17 (2) *\$30,000,000 for fiscal year 2008;*

18 (3) *\$45,000,000 for fiscal year 2009; and*

19 (4) *\$55,000,000 for fiscal year 2010.*

20 **SEC. 1510. SUNSET PROVISION.**

21 *The authority to make grants under this title shall ex-*
22 *pire on October 1, 2011.*

1 **TITLE XVI—MISCELLANEOUS**
 2 **PROVISIONS**

3 **SEC. 1601. DEPUTY SECRETARY OF HOMELAND SECRETARY**
 4 **FOR MANAGEMENT.**

5 (a) *ESTABLISHMENT AND SUCCESSION.*—Section 103
 6 of the Homeland Security Act of 2002 (6 U.S.C. 113) is
 7 amended—

8 (1) in subsection (a)—

9 (A) in the subsection heading, by striking
 10 “DEPUTY SECRETARY” and inserting “DEPUTY
 11 SECRETARIES”;

12 (B) by striking paragraph (6);

13 (C) by redesignating paragraphs (2)
 14 through (5) as paragraphs (3) through (6), re-
 15 spectively; and

16 (D) by striking paragraph (1) and insert-
 17 ing the following:

18 “(1) A Deputy Secretary of Homeland Security.

19 “(2) A Deputy Secretary of Homeland Security
 20 for Management.”; and

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

22 “(g) *VACANCIES.*—

23 “(1) *VACANCY IN OFFICE OF SECRETARY.*—

24 “(A) *DEPUTY SECRETARY.*—In case of a va-
 25 cancy in the office of the Secretary, or of the ab-

1 *sence or disability of the Secretary, the Deputy*
2 *Secretary of Homeland Security may exercise all*
3 *the duties of that office, and for the purpose of*
4 *section 3345 of title 5, United States Code, the*
5 *Deputy Secretary of Homeland Security is the*
6 *first assistant to the Secretary.*

7 “(B) *DEPUTY SECRETARY FOR MANAGE-*
8 *MENT.—When by reason of absence, disability, or*
9 *vacancy in office, neither the Secretary nor the*
10 *Deputy Secretary of Homeland Security is*
11 *available to exercise the duties of the office of the*
12 *Secretary, the Deputy Secretary of Homeland*
13 *Security for Management shall act as Secretary.*

14 “(2) *VACANCY IN OFFICE OF DEPUTY SEC-*
15 *RETARY.—In the case of a vacancy in the office of the*
16 *Deputy Secretary of Homeland Security, or of the ab-*
17 *sence or disability of the Deputy Secretary of Home-*
18 *land Security, the Deputy Secretary of Homeland Se-*
19 *curity for Management may exercise all the duties of*
20 *that office.*

21 “(3) *FURTHER ORDER OF SUCCESSION.—The*
22 *Secretary may designate such other officers of the De-*
23 *partment in further order of succession to act as Sec-*
24 *retary.”.*

1 **(b) RESPONSIBILITIES.**—*Section 701 of the Homeland*
2 *Security Act of 2002 (6 U.S.C. 341) is amended—*

3 *(1) in the section heading, by striking “UNDER*
4 *SECRETARY” and inserting “DEPUTY SECRETARY*
5 *OF HOMELAND SECURITY”;*

6 *(2) in subsection (a)—*

7 *(A) by inserting “The Deputy Secretary of*
8 *Homeland Security for Management shall serve*
9 *as the Chief Management Officer and principal*
10 *advisor to the Secretary on matters related to the*
11 *management of the Department, including man-*
12 *agement integration and transformation in sup-*
13 *port of homeland security operations and pro-*
14 *grams.” before “The Secretary”;*

15 *(B) by striking “Under Secretary for Man-*
16 *agement” and inserting “Deputy Secretary of*
17 *Homeland Security for Management”;*

18 *(C) by striking paragraph (7) and inserting*
19 *the following:*

20 *“(7) Strategic planning and annual performance*
21 *planning and identification and tracking of perform-*
22 *ance measures relating to the responsibilities of the*
23 *Department.”; and*

24 *(D) by striking paragraph (9), and insert-*
25 *ing the following:*

1 “(9) *The integration and transformation process,*
2 *to ensure an efficient and orderly consolidation of*
3 *functions and personnel to the Department, including*
4 *the development of a management integration strategy*
5 *for the Department.*”; and

6 (3) *in subsection (b)—*

7 (A) *in paragraph (1), by striking “Under*
8 *Secretary for Management” and inserting “Dep-*
9 *uty Secretary of Homeland Security for Manage-*
10 *ment”;* and

11 (B) *in paragraph (2), by striking “Under*
12 *Secretary for Management” and inserting “Dep-*
13 *uty Secretary of Homeland Security for Manage-*
14 *ment”.*

15 (c) *APPOINTMENT, EVALUATION, AND REAPPOINT-*
16 *MENT.—Section 701 of the Homeland Security Act of 2002*
17 *(6 U.S.C. 341) is amended by adding at the end the fol-*
18 *lowing:*

19 “(c) *APPOINTMENT, EVALUATION, AND REAPPOINT-*
20 *MENT.—The Deputy Secretary of Homeland Security for*
21 *Management—*

22 *“(1) shall be appointed by the President, by and*
23 *with the advice and consent of the Senate, from*
24 *among persons who have—*

1 “(A) *extensive executive level leadership and*
2 *management experience in the public or private*
3 *sector;*

4 “(B) *strong leadership skills;*

5 “(C) *a demonstrated ability to manage*
6 *large and complex organizations; and*

7 “(D) *a proven record in achieving positive*
8 *operational results;*

9 “(2) *shall—*

10 “(A) *serve for a term of 5 years; and*

11 “(B) *be subject to removal by the President*
12 *if the President—*

13 “(i) *finds that the performance of the*
14 *Deputy Secretary of Homeland Security for*
15 *Management is unsatisfactory; and*

16 “(ii) *communicates the reasons for re-*
17 *moving the Deputy Secretary of Homeland*
18 *Security for Management to Congress before*
19 *such removal;*

20 “(3) *may be reappointed in accordance with*
21 *paragraph (1), if the Secretary has made a satisfac-*
22 *tory determination under paragraph (5) for the 3*
23 *most recent performance years;*

1 “(4) shall enter into an annual performance
2 agreement with the Secretary that shall set forth
3 measurable individual and organizational goals; and

4 “(5) shall be subject to an annual performance
5 evaluation by the Secretary, who shall determine as
6 part of each such evaluation whether the Deputy Sec-
7 retary of Homeland Security for Management has
8 made satisfactory progress toward achieving the goals
9 set out in the performance agreement required under
10 paragraph (4).”.

11 (d) *INCUMBENT.*—*The individual who serves in the po-*
12 *sition of Under Secretary for Management of the Depart-*
13 *ment of Homeland Security on the date of enactment of this*
14 *Act—*

15 (1) *may perform all the duties of the Deputy*
16 *Secretary of Homeland Security for Management at*
17 *the pleasure of the President, until a Deputy Sec-*
18 *retary of Homeland Security for Management is ap-*
19 *pointed in accordance with subsection (c) of section*
20 *701 of the Homeland Security Act of 2002 (6 U.S.C.*
21 *341), as added by this Act; and*

22 (2) *may be appointed Deputy Secretary of*
23 *Homeland Security for Management, if such appoint-*
24 *ment is otherwise in accordance with sections 103*

1 *and 701 of the Homeland Security Act of 2002 (6*
2 *U.S.C. 113 and 341), as amended by this Act.*

3 *(e) REFERENCES.—References in any other Federal*
4 *law, Executive order, rule, regulation, or delegation of au-*
5 *thority, or any document of or relating to the Under Sec-*
6 *retary for Management of the Department of Homeland Se-*
7 *curity shall be deemed to refer to the Deputy Secretary of*
8 *Homeland Security for Management.*

9 *(f) TECHNICAL AND CONFORMING AMENDMENTS.—*

10 *(1) OTHER REFERENCE.—Section 702(a) of the*
11 *Homeland Security Act of 2002 (6 U.S.C. 342(a)) is*
12 *amended by striking “Under Secretary for Manage-*
13 *ment” and inserting “Deputy Secretary of Homeland*
14 *Security for Management”.*

15 *(2) TABLE OF CONTENTS.—The table of contents*
16 *in section 1(b) of the Homeland Security Act of 2002*
17 *(6 U.S.C. 101(b)) is amended by striking the item re-*
18 *lating to section 701 and inserting the following:*

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

19 *(3) EXECUTIVE SCHEDULE.—Section 5313 of*
20 *title 5, United States Code, is amended by inserting*
21 *after the item relating to the Deputy Secretary of*
22 *Homeland Security the following:*

23 *“Deputy Secretary of Homeland Security for*
24 *Management.”.*

1 **SEC. 1602. SENSE OF THE SENATE REGARDING COMBATING**
2 **DOMESTIC RADICALIZATION.**

3 (a) *FINDINGS.*—*The Senate finds the following:*

4 (1) *The United States is engaged in a struggle*
5 *against a transnational terrorist movement of radical*
6 *extremists seeking to exploit the religion of Islam*
7 *through violent means to achieve ideological ends.*

8 (2) *The radical jihadist movement transcends*
9 *borders and has been identified as a potential threat*
10 *within the United States.*

11 (3) *Radicalization has been identified as a pre-*
12 *cursor to terrorism.*

13 (4) *Countering the threat of violent extremists*
14 *domestically, as well as internationally, is a critical*
15 *element of the plan of the United States for success*
16 *in the war on terror.*

17 (5) *United States law enforcement agencies have*
18 *identified radicalization as an emerging threat and*
19 *have in recent years identified cases of “homegrown”*
20 *extremists operating inside the United States with the*
21 *intent to provide support for, or directly commit, a*
22 *terrorist attack.*

23 (6) *The alienation of Muslim populations in the*
24 *Western world has been identified as a factor in the*
25 *spread of radicalization.*

1 (7) *Radicalization cannot be prevented solely*
2 *through law enforcement and intelligence measures.*

3 (b) *SENSE OF SENATE.—It is the sense of the Senate*
4 *that the Secretary, in consultation with other relevant Fed-*
5 *eral agencies, should make a priority of countering domestic*
6 *radicalization and extremism by—*

7 (1) *using intelligence analysts and other experts*
8 *to better understand the process of radicalization from*
9 *sympathizer to activist to terrorist;*

10 (2) *recruiting employees with diverse worldviews,*
11 *skills, languages, and cultural backgrounds and exper-*
12 *tise;*

13 (3) *consulting with experts to ensure that the*
14 *lexicon used within public statements is precise and*
15 *appropriate and does not aid extremists by offending*
16 *the American Muslim community;*

17 (4) *developing and implementing, in concert*
18 *with the Attorney General and State and local correc-*
19 *tions officials, a program to address prisoner*
20 *radicalization and post-sentence reintegration;*

21 (5) *pursuing broader avenues of dialogue with*
22 *the Muslim community to foster mutual respect, un-*
23 *derstanding, and trust; and*

24 (6) *working directly with State, local, and com-*
25 *munity leaders to—*

1 (A) educate these leaders on the threat of
2 radicalization and the necessity of taking pre-
3 ventative action at the local level; and

4 (B) facilitate the sharing of best practices
5 from other countries and communities to encour-
6 age outreach to the American Muslim commu-
7 nity and develop partnerships between all faiths,
8 including Islam.

9 **SEC. 1603. SENSE OF THE SENATE REGARDING OVERSIGHT**
10 **OF HOMELAND SECURITY.**

11 (a) *FINDINGS.*—*The Senate finds the following:*

12 (1) *The Senate recognizes the importance and*
13 *need to implement the recommendations offered by the*
14 *National Commission on Terrorist Attacks Upon the*
15 *United States (in this section referred to as the “Com-*
16 *mission”).*

17 (2) *Congress considered and passed the National*
18 *Security Intelligence Reform Act of 2004 (Public Law*
19 *108–458; 118 Stat. 3643) to implement the rec-*
20 *ommendations of the Commission.*

21 (3) *Representatives of the Department testified at*
22 *165 Congressional hearings in calendar year 2004,*
23 *and 166 Congressional hearings in calendar year*
24 *2005.*

1 (4) *The Department had 268 representatives tes-*
2 *tify before 15 committees and 35 subcommittees of the*
3 *House of Representatives and 9 committees and 12*
4 *subcommittees of the Senate at 206 congressional*
5 *hearings in calendar year 2006.*

6 (5) *The Senate has been unwilling to reform*
7 *itself in accordance with the recommendation of the*
8 *Commission to provide better and more streamlined*
9 *oversight of the Department.*

10 (b) *SENSE OF SENATE.—It is the sense of the Senate*
11 *that the Senate should implement the recommendation of*
12 *the Commission to “create a single, principal point of over-*
13 *sight and review for homeland security.”.*

14 **SEC. 1604. REPORT REGARDING BORDER SECURITY.**

15 (a) *IN GENERAL. Not later than 180 days after the*
16 *date of enactment of this Act, the Secretary shall submit*
17 *a report to Congress regarding ongoing initiatives of the*
18 *Department to improve security along the northern border*
19 *of the United States.*

20 (b) *CONTENTS. The report submitted under sub-section*
21 (a) shall

22 (1) *address the vulnerabilities along the northern*
23 *border of the United States; and*

1 (2) *provide recommendations to address such*
2 *vulnerabilities, including required resources needed to*
3 *protect the northern border of the United States.*

4 (c) *GOVERNMENT ACCOUNTABILITY OFFICE.* *Not later*
5 *than 270 days after the date of the submission of the report*
6 *under subsection (a), the Comptroller General of the United*
7 *States shall submit a report to Congress that—*

8 (1) *reviews and comments on the report under*
9 *subsection (a); and*

10 (2) *provides recommendations regarding any ad-*
11 *ditional actions necessary to protect the northern bor-*
12 *der of the United States.*

13 **SEC. 1605. LAW ENFORCEMENT ASSISTANCE FORCE.**

14 (a) *ESTABLISHMENT.*—*The Secretary shall establish a*
15 *Law Enforcement Assistance Force to facilitate the con-*
16 *tributions of retired law enforcement officers and agents*
17 *during major disasters.*

18 (b) *ELIGIBLE PARTICIPANTS.*—*An individual may*
19 *participate in the Law Enforcement Assistance Force if*
20 *that individual—*

21 (1) *has experience working as an officer or agent*
22 *for a public law enforcement agency and left that*
23 *agency in good standing;*

1 (2) *holds current certifications for firearms, first*
2 *aid, and such other skills determined necessary by the*
3 *Secretary;*

4 (3) *submits to the Secretary an application, at*
5 *such time, in such manner, and accompanied by such*
6 *information as the Secretary may reasonably require,*
7 *that authorizes the Secretary to review the law en-*
8 *forcement service record of that individual; and*

9 (4) *meets such other qualifications as the Sec-*
10 *retary may require.*

11 (c) *LIABILITY; SUPERVISION.—Each eligible partici-*
12 *pant shall, upon acceptance of an assignment under this*
13 *section—*

14 (A) *be detailed to a Federal, State, or local*
15 *government law enforcement agency; and*

16 (B) *work under the direct supervision of an*
17 *officer or agent of that agency.*

18 (d) *MOBILIZATION.—*

19 (1) *IN GENERAL.—In the event of a major dis-*
20 *aster, the Secretary, after consultation with appro-*
21 *priate Federal, State, and local government law en-*
22 *forcement agencies, may request eligible participants*
23 *to volunteer to assist the efforts of those agencies re-*
24 *sponding to such emergency and assign each willing*
25 *participant to a specific law enforcement agency.*

1 (2) *ACCEPTANCE.*—*If the eligible participant ac-*
2 *cepts an assignment under this subsection, that eligi-*
3 *ble participant shall agree to remain in such assign-*
4 *ment for a period equal to not less than the shorter*
5 *of—*

6 (A) *the period during which the law en-*
7 *forcement agency needs the services of such par-*
8 *ticipant;*

9 (B) *30 days;*

10 (C) *such other period of time agreed to be-*
11 *tween the Secretary and the eligible participant.*

12 (3) *REFUSAL.*—*An eligible participant may*
13 *refuse an assignment under this subsection without*
14 *any adverse consequences.*

15 (e) *EXPENSES.*—

16 (1) *IN GENERAL.*—*Each eligible participant*
17 *shall be allowed travel expenses, including per diem*
18 *in lieu of subsistence, at rates authorized for employ-*
19 *ees of agencies under subchapter I of chapter 57 of*
20 *title 5, United States Code, while carrying out an as-*
21 *ignment under subsection (d).*

22 (2) *SOURCE OF FUNDS.*—*Expenses incurred*
23 *under paragraph (1) shall be paid from amounts ap-*
24 *propriated to the Federal Emergency Management*
25 *Agency.*

1 (f) *TERMINATION OF ASSISTANCE.*—*The availability of*
2 *eligible participants of the Law Enforcement Assistance*
3 *Force shall continue for a period equal to the shorter of—*

4 (1) *the period of the major disaster; or*

5 (2) *1 year.*

6 (g) *DEFINITIONS.*—*In this section—*

7 (1) *the term “eligible participant” means an in-*
8 *dividual participating in the Law Enforcement As-*
9 *sistance Force;*

10 (2) *the term “Law Enforcement Assistance*
11 *Force” means the Law Enforcement Assistance Force*
12 *established under subsection (a); and*

13 (3) *the term “major disaster” has the meaning*
14 *given that term in section 102 of the Robert T. Staf-*
15 *ford Disaster Relief and Emergency Assistance Act*
16 *(42 U.S.C. 5122).*

17 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
18 *authorized to be appropriated such sums as may be nec-*
19 *essary to carry out this section.*

20 **SEC. 1606. QUADRENNIAL HOMELAND SECURITY REVIEW.**

21 (a) *IN GENERAL.*—

22 (1) *ESTABLISHMENT.*—*Not later than the end of*
23 *fiscal year 2008, the Secretary shall establish a na-*
24 *tional homeland security strategy.*

1 (2) *REVIEW.*—*Four years after the establishment*
2 *of the national homeland security strategy, and every*
3 *4 years thereafter, the Secretary shall conduct a com-*
4 *prehensive examination of the national homeland se-*
5 *curity strategy.*

6 (3) *SCOPE.*—*In establishing or reviewing the na-*
7 *tional homeland security strategy under this sub-*
8 *section, the Secretary shall conduct a comprehensive*
9 *examination of interagency cooperation, preparedness*
10 *of Federal response assets, infrastructure, budget plan,*
11 *and other elements of the homeland security program*
12 *and policies of the United States with a view toward*
13 *determining and expressing the homeland security*
14 *strategy of the United States and establishing a home-*
15 *land security program for the 20 years following that*
16 *examination.*

17 (4) *REFERENCE.*—*The establishment or review of*
18 *the national homeland security strategy under this*
19 *subsection shall be known as the “quadrennial home-*
20 *land security review”.*

21 (5) *CONSULTATION.*—*Each quadrennial home-*
22 *land security review under this subsection shall be*
23 *conducted in consultation with the Attorney General*
24 *of the United States, the Secretary of State, the Sec-*

1 *retary of Defense, the Secretary of Health and*
2 *Human Services, and the Secretary of the Treasury.*

3 *(b) CONTENTS OF REVIEW.—Each quadrennial home-*
4 *land security review shall—*

5 *(1) delineate a national homeland security strat-*
6 *egy consistent with the most recent National Response*
7 *Plan prepared under Homeland Security Presidential*
8 *Directive-5 or any directive meant to replace or aug-*
9 *ment that directive;*

10 *(2) describe the interagency cooperation, pre-*
11 *paredness of Federal response assets, infrastructure,*
12 *budget plan, and other elements of the homeland secu-*
13 *rity program and policies of the United States associ-*
14 *ated with the national homeland security strategy re-*
15 *quired to execute successfully the full range of mis-*
16 *sions called for in the national homeland security*
17 *strategy delineated under paragraph (1); and*

18 *(3) identify—*

19 *(A) the budget plan required to provide suf-*
20 *ficient resources to successfully execute the full*
21 *range of missions called for in that national*
22 *homeland security strategy at a low-to-moderate*
23 *level of risk; and*

24 *(B) any additional resources required to*
25 *achieve such a level of risk.*

1 (c) *LEVEL OF RISK.*—*The assessment of the level of*
2 *risk for purposes of subsection (b)(3) shall be conducted by*
3 *the Director of National Intelligence.*

4 (d) *REPORTING.*—

5 (1) *IN GENERAL.*—*The Secretary shall submit a*
6 *report regarding each quadrennial homeland security*
7 *review to Congress and shall make the report publicly*
8 *available on the Internet. Each such report shall be*
9 *submitted and made available on the Internet not*
10 *later than September 30 of the year in which the re-*
11 *view is conducted.*

12 (2) *CONTENTS OF REPORT.*—*Each report sub-*
13 *mitted under paragraph (1) shall include—*

14 (A) *the results of the quadrennial homeland*
15 *security review;*

16 (B) *the threats to the assumed or defined*
17 *national homeland security interests of the*
18 *United States that were examined for the pur-*
19 *poses of the review and the scenarios developed*
20 *in the examination of those threats;*

21 (C) *the status of cooperation among Federal*
22 *agencies in the effort to promote national home-*
23 *land security;*

24 (D) *the status of cooperation between the*
25 *Federal Government and State governments in*

1 *preparing for emergency response to threats to*
2 *national homeland security; and*

3 *(E) any other matter the Secretary con-*
4 *siders appropriate.*

5 *(e) RESOURCE PLAN.—*

6 *Not later than 30 days after the date of enactment of*
7 *this Act, the Secretary shall provide to Congress and make*
8 *publicly available on the Internet a detailed resource plan*
9 *specifying the estimated budget and number of staff mem-*
10 *bers that will be required for preparation of the initial*
11 *quadrennial homeland security review.*

12 **SEC. 1607. INTEGRATION OF DETECTION EQUIPMENT AND**
13 **TECHNOLOGIES.**

14 *(a) IN GENERAL.—The Secretary shall have responsi-*
15 *bility for ensuring that chemical, biological, radiological,*
16 *and nuclear detection equipment and technologies are inte-*
17 *grated as appropriate with other border security systems*
18 *and detection technologies.*

19 *(b) REPORT.—Not later than 6 months after the date*
20 *of enactment of this Act, the Secretary shall submit a report*
21 *to Congress that contains a plan to develop a departmental*
22 *technology assessment process to determine and certify the*
23 *technology readiness levels of chemical, biological, radio-*
24 *logical, and nuclear detection technologies before the full de-*
25 *ployment of such technologies within the United States.*

1 **TITLE XVII—911**
2 **MODERNIZATION**

3 **SEC. 1701. SHORT TITLE.**

4 *This title may be cited as the “911 Modernization*
5 *Act”.*

6 **SEC. 1702. FUNDING FOR PROGRAM.**

7 *Section 3011 of Public Law 109–171 (47 U.S.C. 309*
8 *note) is amended—*

9 (1) *by striking “The” and inserting:*

10 “*(a) IN GENERAL.—The*”; *and*

11 (2) *by adding at the end the following:*

12 “*(b) CREDIT.—The Assistant Secretary may borrow*
13 *from the Treasury, upon enactment of this provision, such*
14 *sums as necessary, but not to exceed \$43,500,000 to imple-*
15 *ment this section. The Assistant Secretary shall reimburse*
16 *the Treasury, without interest, as funds are deposited into*
17 *the Digital Television Transition and Public Safety*
18 *Fund.”.*

19 **SEC. 1703. NTIA COORDINATION OF E-911 IMPLEMENTA-**
20 **TION.**

21 *Section 158(b)(4) of the National Telecommunications*
22 *and Information Administration Organization Act (47*
23 *U.S.C. 942(b)(4)) is amended by adding at the end thereof*
24 *the following: “Within 180 days after the date of enactment*
25 *of the 911 Modernization Act, the Assistant Secretary and*

1 *the Administrator shall jointly issue regulations updating*
2 *the criteria to provide priority for public safety answering*
3 *points not capable, as of the date of enactment of that Act,*
4 *of receiving 911 calls.”.*

5 **TITLE XVIII—MODERNIZATION**
6 **OF THE AMERICAN NATIONAL**
7 **RED CROSS**

8 **SEC. 1801. SHORT TITLE.**

9 *This title may be cited as the “The American National*
10 *Red Cross Governance Modernization Act of 2007”.*

11 **SEC. 1802. FINDINGS; SENSE OF CONGRESS.**

12 *(a) FINDINGS.—Congress makes the following findings:*

13 *(1) Substantive changes to the Congressional*
14 *Charter of The American National Red Cross have*
15 *not been made since 1947.*

16 *(2) In February 2006, the board of governors of*
17 *The American National Red Cross (the “Board of*
18 *Governors”) commissioned an independent review*
19 *and analysis of the Board of Governors’ role, composi-*
20 *tion, size, relationship with management, governance*
21 *relationship with chartered units of The American*
22 *National Red Cross, and whistleblower and audit*
23 *functions.*

24 *(3) In an October 2006 report of the Board of*
25 *Governors, entitled “American Red Cross Governance*

1 *for the 21st Century” (the “Governance Report”), the*
2 *Board of Governors recommended changes to the Con-*
3 *gressional Charter, bylaws, and other governing docu-*
4 *ments of The American National Red Cross to mod-*
5 *ernize and enhance the effectiveness of the Board of*
6 *Governors and governance structure of The American*
7 *National Red Cross.*

8 (4) *It is in the national interest to create a more*
9 *efficient governance structure of The American Na-*
10 *tional Red Cross and to enhance the Board of Gov-*
11 *ernors’ ability to support the critical mission of The*
12 *American National Red Cross in the 21st century.*

13 (5) *It is in the national interest to clarify the*
14 *role of the Board of Governors as a governance and*
15 *strategic oversight board and for The American Na-*
16 *tional Red Cross to amend its bylaws, consistent with*
17 *the recommendations described in the Governance Re-*
18 *port, to clarify the role of the Board of Governors and*
19 *to outline the areas of its responsibility, including—*

20 (A) *reviewing and approving the mission*
21 *statement for The American National Red Cross;*

22 (B) *approving and overseeing the corpora-*
23 *tion’s strategic plan and maintaining strategic*
24 *oversight of operational matters;*

1 (C) selecting, evaluating, and determining
2 the level of compensation of the corporation's
3 chief executive officer;

4 (D) evaluating the performance and estab-
5 lishing the compensation of the senior leadership
6 team and providing for management succession;

7 (E) overseeing the financial reporting and
8 audit process, internal controls, and legal com-
9 pliance;

10 (F) holding management accountable for
11 performance;

12 (G) providing oversight of the financial sta-
13 bility of the corporation;

14 (H) ensuring the inclusiveness and diversity
15 of the corporation;

16 (I) providing oversight of the protection of
17 the brand of the corporation; and

18 (J) assisting with fundraising on behalf of
19 the corporation.

20 (6)(A) The selection of members of the Board of
21 Governors is a critical component of effective govern-
22 ance for The American National Red Cross, and, as
23 such, it is in the national interest that The American
24 National Red Cross amend its bylaws to provide a

1 *method of selection consistent with that described in*
2 *the Governance Report.*

3 *(B) The new method of selection should replace*
4 *the current process by which—*

5 *(i) 30 chartered unit-elected members of the*
6 *Board of Governors are selected by a non-Board*
7 *committee which includes 2 members of the*
8 *Board of Governors and other individuals elected*
9 *by the chartered units themselves;*

10 *(ii) 12 at-large members of the Board of*
11 *Governors are nominated by a Board committee*
12 *and elected by the Board of Governors; and*

13 *(iii) 8 members of the Board of Governors*
14 *are appointed by the President of the United*
15 *States.*

16 *(C) The new method of selection described in the*
17 *Governance Report reflects the single category of*
18 *members of the Board of Governors that will result*
19 *from the implementation of this title:*

20 *(i) All Board members (except for the chair-*
21 *man of the Board of Governors) would be nomi-*
22 *nated by a single committee of the Board of Gov-*
23 *ernors taking into account the criteria outlined*
24 *in the Governance Report to assure the expertise,*
25 *skills, and experience of a governing board.*

1 (ii) *The nominated members would be con-*
2 *sidered for approval by the full Board of Gov-*
3 *ernors and then submitted to The American Na-*
4 *tional Red Cross annual meeting of delegates for*
5 *election, in keeping with the standard corporate*
6 *practice whereby shareholders of a corporation*
7 *elect members of a board of directors at its an-*
8 *nual meeting.*

9 (7) *The United States Supreme Court held The*
10 *American National Red Cross to be an instrumen-*
11 *tality of the United States, and it is in the national*
12 *interest that the Congressional Charter confirm that*
13 *status and that any changes to the Congressional*
14 *Charter do not affect the rights and obligations of The*
15 *American National Red Cross to carry out its pur-*
16 *poses.*

17 (8) *Given the role of The American National Red*
18 *Cross in carrying out its services, programs, and ac-*
19 *tivities, and meeting its various obligations, the effec-*
20 *tiveness of The American National Red Cross will be*
21 *promoted by the creation of an organizational om-*
22 *budsman who—*

23 (A) *will be a neutral or impartial dispute*
24 *resolution practitioner whose major function will*
25 *be to provide confidential and informal assist-*

1 *ance to the many internal and external stake-*
2 *holders of The American National Red Cross;*

3 *(B) will report to the chief executive officer*
4 *and the audit committee of the Board of Gov-*
5 *ernors; and*

6 *(C) will have access to anyone and any doc-*
7 *uments in The American National Red Cross.*

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

10 *(1) charitable organizations are an indispensable*
11 *part of American society, but these organizations can*
12 *only fulfill their important roles by maintaining the*
13 *trust of the American public;*

14 *(2) trust is fostered by effective governance and*
15 *transparency, which are the principal goals of the*
16 *recommendations of the Board of Governors in the*
17 *Governance Report and this title;*

18 *(3) Federal and State action play an important*
19 *role in ensuring effective governance and trans-*
20 *parency by setting standards, rooting out violations,*
21 *and informing the public; and*

22 *(4) while The American National Red Cross is*
23 *and will remain a Federally chartered instrumen-*
24 *tality of the United States, and it has the rights and*
25 *obligations consistent with that status, The American*

1 *National Red Cross nevertheless should maintain ap-*
2 *propriate communications with State regulators of*
3 *charitable organizations and should cooperate with*
4 *them as appropriate in specific matters as they arise*
5 *from time to time.*

6 **SEC. 1803. ORGANIZATION.**

7 *Section 300101 of title 36, United States Code, is*
8 *amended—*

9 *(1) in subsection (a), by inserting “a Federally*
10 *chartered instrumentality of the United States and”*
11 *before “a body corporate and politic”; and*

12 *(2) in subsection (b), by inserting at the end the*
13 *following new sentence: “The corporation may con-*
14 *duct its business and affairs, and otherwise hold itself*
15 *out, as the ‘American Red Cross’ in any jurisdic-*
16 *tion.”.*

17 **SEC. 1804. PURPOSES.**

18 *Section 300102 of title 36, United States Code, is*
19 *amended—*

20 *(1) by striking “and” at the end of paragraph*
21 *(3);*

22 *(2) by striking the period at the end of para-*
23 *graph (4) and inserting “; and”; and*

24 *(3) by adding at the end the following para-*
25 *graph:*

1 “(5) to conduct other activities consistent with
2 the foregoing purposes.”.

3 **SEC. 1805. MEMBERSHIP AND CHAPTERS.**

4 Section 300103 of title 36, United States Code, is
5 amended—

6 (1) in subsection (a), by inserting “, or as other-
7 wise provided,” before “in the bylaws”;

8 (2) in subsection (b)(1)—

9 (A) by striking “board of governors” and
10 inserting “corporation”; and

11 (B) by inserting “policies and” before “reg-
12 ulations related”; and

13 (3) in subsection (b)(2)—

14 (A) by inserting “policies and” before “reg-
15 ulations shall require”; and

16 (B) by striking “national convention” and
17 inserting “annual meeting”.

18 **SEC. 1806. BOARD OF GOVERNORS.**

19 Section 300104 of title 36, United States Code, is
20 amended to read as follows:

21 **“§ 300104. Board of governors**

22 “(a) BOARD OF GOVERNORS.—

23 “(1) IN GENERAL.—The board of governors is the
24 governing body of the corporation with all powers of
25 governing and directing, and of overseeing the man-

1 *agement of the business and affairs of, the corpora-*
2 *tion.*

3 “(2) *NUMBER.—The board of governors shall fix*
4 *by resolution, from time to time, the number of mem-*
5 *bers constituting the entire board of governors, pro-*
6 *vided that—*

7 “(A) *as of March 31, 2009, and thereafter,*
8 *there shall be no fewer than 12 and no more*
9 *than 25 members; and*

10 “(B) *as of March 31, 2012, and thereafter,*
11 *there shall be no fewer than 12 and no more*
12 *than 20 members constituting the entire board.*

13 *Procedures to implement the preceding sentence shall*
14 *be provided in the bylaws.*

15 “(3) *APPOINTMENT.—The governors shall be ap-*
16 *pointed or elected in the following manner:*

17 “(A) *CHAIRMAN.—*

18 “(i) *IN GENERAL.—The board of gov-*
19 *ernors, in accordance with procedures pro-*
20 *vided in the bylaws, shall recommend to the*
21 *President an individual to serve as chair-*
22 *man of the board of governors. If such rec-*
23 *ommendation is approved by the President,*
24 *the President shall appoint such individual*

1 *to serve as chairman of the board of gov-*
2 *ernors.*

3 “(ii) *VACANCIES.*—*Vacancies in the of-*
4 *fice of the chairman, including vacancies re-*
5 *sulting from the resignation, death, or re-*
6 *moval by the President of the chairman,*
7 *shall be filled in the same manner described*
8 *in clause (i).*

9 “(iii) *DUTIES.*—*The chairman shall be*
10 *a member of the board of governors and,*
11 *when present, shall preside at meetings of*
12 *the board of governors and shall have such*
13 *other duties and responsibilities as may be*
14 *provided in the bylaws or a resolution of the*
15 *board of governors.*

16 “(B) *OTHER MEMBERS.*—

17 “(i) *IN GENERAL.*—*Members of the*
18 *board of governors other than the chairman*
19 *shall be elected at the annual meeting of the*
20 *corporation in accordance with such proce-*
21 *dures as may be provided in the bylaws.*

22 “(ii) *VACANCIES.*—*Vacancies in any*
23 *such elected board position and in any*
24 *newly created board position may be filled*
25 *by a vote of the remaining members of the*

1 *board of governors in accordance with such*
2 *procedures as may be provided in the by-*
3 *laws.*

4 “(b) *TERMS OF OFFICE.—*

5 “(1) *IN GENERAL.—The term of office of each*
6 *member of the board of governors shall be 3 years, ex-*
7 *cept that—*

8 “(A) *the board of governors may provide*
9 *under the bylaws that the terms of office of mem-*
10 *bers of the board of governors elected to the board*
11 *of governors before March 31, 2012, may be less*
12 *than 3 years in order to implement the provi-*
13 *sions of subparagraphs (A) and (B) of subsection*
14 *(a)(2); and*

15 “(B) *any member of the board of governors*
16 *elected by the board to fill a vacancy in a board*
17 *position arising before the expiration of its term*
18 *may, as determined by the board, serve for the*
19 *remainder of that term or until the next annual*
20 *meeting of the corporation.*

21 “(2) *STAGGERED TERMS.—The terms of office of*
22 *members of the board of governors (other than the*
23 *chairman) shall be staggered such that, by March 31,*
24 *2012, and thereafter, $\frac{1}{3}$ of the entire board (or as*
25 *near to $\frac{1}{3}$ as practicable) shall be elected at each suc-*

1 *cessive annual meeting of the corporation with the*
2 *term of office of each member of the board of gov-*
3 *ernors elected at an annual meeting expiring at the*
4 *third annual meeting following the annual meeting at*
5 *which such member was elected.*

6 “(3) *TERM LIMITS.*—*No person may serve as a*
7 *member of the board of governors for more than such*
8 *number of terms of office or years as may be provided*
9 *in the bylaws.*

10 “(c) *COMMITTEES AND OFFICERS.*—*The board—*

11 “(1) *may appoint, from its own members, an ex-*
12 *ecutive committee to exercise such powers of the board*
13 *when the board is not in session as may be provided*
14 *in the bylaws;*

15 “(2) *may appoint such other committees or advi-*
16 *sory councils with such powers as may be provided in*
17 *the bylaws or a resolution of the board of governors;*

18 “(3) *shall appoint such officers of the corpora-*
19 *tion, including a chief executive officer, with such du-*
20 *ties, responsibilities, and terms of office as may be*
21 *provided in the bylaws or a resolution of the board*
22 *of governors; and*

23 “(4) *may remove members of the board of gov-*
24 *ernors (other than the chairman), officers, and em-*

1 *ployees under such procedures as may be provided in*
2 *the bylaws or a resolution of the board of governors.*

3 *“(d) ADVISORY COUNCIL.—*

4 *“(1) ESTABLISHMENT.—There shall be an advi-*
5 *sory council to the board of governors.*

6 *“(2) MEMBERSHIP; APPOINTMENT BY PRESI-*
7 *DENT.—*

8 *“(A) IN GENERAL.—The advisory council*
9 *shall be composed of no fewer than 8 and no*
10 *more than 10 members, each of whom shall be*
11 *appointed by the President from principal offi-*
12 *cers of the executive departments and senior offi-*
13 *cers of the Armed Forces whose positions and in-*
14 *terests qualify them to contribute to carrying out*
15 *the programs and purposes of the corporation.*

16 *“(B) MEMBERS FROM THE ARMED*
17 *FORCES.—At least 1, but not more than 3, of the*
18 *members of the advisory council shall be selected*
19 *from the Armed Forces.*

20 *“(3) DUTIES.—The advisory council shall advise,*
21 *report directly to, and meet, at least 1 time per year*
22 *with the board of governors, and shall have such*
23 *name, functions and be subject to such procedures as*
24 *may be provided in the bylaws.*

1 “(e) *ACTION WITHOUT MEETING.*—Any action re-
2 quired or permitted to be taken at any meeting of the board
3 of governors or of any committee thereof may be taken with-
4 out a meeting if all members of the board or committee,
5 as the case may be, consent thereto in writing, or by elec-
6 tronic transmission and the writing or writings or elec-
7 tronic transmission or transmissions are filed with the min-
8 utes of proceedings of the board or committee. Such filing
9 shall be in paper form if the minutes are maintained in
10 paper form and shall be in electronic form if the minutes
11 are maintained in electronic form.

12 “(f) *VOTING BY PROXY.*—

13 “(1) *IN GENERAL.*—Voting by proxy is not al-
14 lowed at any meeting of the board, at the annual
15 meeting, or at any meeting of a chapter.

16 “(2) *EXCEPTION.*—The board may allow the elec-
17 tion of governors by proxy during any emergency.

18 “(g) *BYLAWS.*—

19 “(1) *IN GENERAL.*—The board of governors
20 may—

21 “(A) at any time adopt bylaws; and

22 “(B) at any time adopt bylaws to be effec-
23 tive only in an emergency.

24 “(2) *EMERGENCY BYLAWS.*—Any bylaws adopted
25 pursuant to paragraph (1)(B) may provide special

1 *procedures necessary for managing the corporation*
2 *during the emergency. All provisions of the regular*
3 *bylaws consistent with the emergency bylaws remain*
4 *effective during the emergency.*

5 “(h) *DEFINITIONS.*—*For purposes of this section—*

6 “(1) *the term ‘entire board’ means the total*
7 *number of members of the board of governors that the*
8 *corporation would have if there were no vacancies;*
9 *and*

10 “(2) *the term ‘emergency’ shall have such mean-*
11 *ing as may be provided in the bylaws.”.*

12 **SEC. 1807. POWERS.**

13 *Paragraph (a)(1) of section 300105 of title 36, United*
14 *States Code, is amended by striking “bylaws” and inserting*
15 *“policies”.*

16 **SEC. 1808. ANNUAL MEETING.**

17 *Section 300107 of title 36, United States Code, is*
18 *amended to read as follows:*

19 **“§ 300107. Annual meeting**

20 “(a) *IN GENERAL.*—*The annual meeting of the cor-*
21 *poration is the annual meeting of delegates of the chapters.*

22 “(b) *TIME OF MEETING.*—*The annual meeting shall*
23 *be held as determined by the board of governors.*

24 “(c) *PLACE OF MEETING.*—*The board of governors is*
25 *authorized to determine that the annual meeting shall not*

1 *be held at any place, but may instead be held solely by*
2 *means of remote communication subject to such procedures*
3 *as are provided in the bylaws.*

4 “(d) *VOTING.—*

5 “(1) *IN GENERAL.—In matters requiring a vote*
6 *at the annual meeting, each chapter is entitled to at*
7 *least 1 vote, and voting on all matters may be con-*
8 *ducted by mail, telephone, telegram, cablegram, elec-*
9 *tronic mail, or any other means of electronic or tele-*
10 *phone transmission, provided that the person voting*
11 *shall state, or submit information from which it can*
12 *be determined, that the method of voting chosen was*
13 *authorized by such person.*

14 “(2) *ESTABLISHMENT OF NUMBER OF VOTES.—*

15 “(A) *IN GENERAL.—The board of governors*
16 *shall determine on an equitable basis the number*
17 *of votes that each chapter is entitled to cast, tak-*
18 *ing into consideration the size of the membership*
19 *of the chapters, the populations served by the*
20 *chapters, and such other factors as may be deter-*
21 *mined by the board.*

22 “(B) *PERIODIC REVIEW.—The board of gov-*
23 *ernors shall review the allocation of votes at least*
24 *every 5 years.”.*

1 **SEC. 1809. ENDOWMENT FUND.**

2 *Section 300109 of title 36, United States Code is*
3 *amended—*

4 *(1) by striking “nine” from the first sentence*
5 *thereof; and*

6 *(2) by striking the second sentence and inserting*
7 *the following: “The corporation shall prescribe policies*
8 *and regulations on terms and tenure of office, ac-*
9 *countability, and expenses of the board of trustees.”.*

10 **SEC. 1810. ANNUAL REPORT AND AUDIT.**

11 *Subsection (a) of section 300110 of title 36, United*
12 *States Code, is amended to read as follows:*

13 *“(a) SUBMISSION OF REPORT.—As soon as practicable*
14 *after the end of the corporation’s fiscal year, which may*
15 *be changed from time to time by the board of governors,*
16 *the corporation shall submit a report to the Secretary of*
17 *Defense on the activities of the corporation during such fis-*
18 *cal year, including a complete, itemized report of all re-*
19 *ceipts and expenditures.”.*

20 **SEC. 1811. COMPTROLLER GENERAL OF THE UNITED**
21 **STATES AND OFFICE OF THE OMBUDSMAN.**

22 *(a) IN GENERAL.—Chapter 3001 of title 36, United*
23 *States Code, is amended by redesignating section 300111*
24 *as section 300113 and by inserting after section 300110 the*
25 *following new sections:*

1 **“§ 300111. Authority of the Comptroller General of the**
2 **United States**

3 *“The Comptroller General of the United States is au-*
4 *thorized to review the corporation’s involvement in any*
5 *Federal program or activity the Government carries out*
6 *under law.*

7 **“§ 300112. Office of the Ombudsman**

8 *“(a) ESTABLISHMENT.—The corporation shall estab-*
9 *lish an Office of the Ombudsman with such duties and re-*
10 *sponsibilities as may be provided in the bylaws or a resolu-*
11 *tion of the board of governors.*

12 *“(b) REPORT.—*

13 *“(1) IN GENERAL.—The Office of the Ombuds-*
14 *man shall submit annually to the appropriate Con-*
15 *gressional committees a report concerning any trends*
16 *and systemic matters that the Office of the Ombuds-*
17 *man has identified as confronting the corporation.*

18 *“(2) APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES.—For purposes of paragraph (1), the appro-*
20 *priate Congressional committees are the following*
21 *committees of Congress:*

22 *“(A) SENATE COMMITTEES.—The appro-*
23 *priate Congressional committees of the Senate*
24 *are—*

25 *“(i) the Committee on Finance;*

1 “(ii) the Committee on Foreign Rela-
2 tions;

3 “(iii) the Committee on Health, Edu-
4 cation, Labor, and Pensions;

5 “(iv) the Committee on Homeland Se-
6 curity and Governmental Affairs; and

7 “(v) the Committee on the Judiciary.

8 “(B) HOUSE COMMITTEES.—The appro-
9 priate Congressional committees of the House of
10 Representatives are—

11 “(i) the Committee on Energy and
12 Commerce;

13 “(ii) the Committee on Foreign Affairs;

14 “(iii) the Committee on Homeland Se-
15 curity;

16 “(iv) the Committee on the Judiciary;
17 and

18 “(v) the Committee on Ways and
19 Means.”.

20 (b) CLERICAL AMENDMENT.—The table of sections for
21 chapter 3001 of title 36, United States Code, is amended
22 by striking the item relating to section 300111 and insert-
23 ing the following:

“300111. Authority of the Comptroller General of the United States.

“300112. Office of the Ombudsman.

“300113. Reservation of right to amend or repeal.”.

1 **TITLE XIX—ADVANCEMENT OF**
2 **DEMOCRATIC VALUES**

3 **SEC. 1901. SHORT TITLE.**

4 *This title may be cited as the “Advance Democratic*
5 *Values, Address Non-democratic Countries, and Enhance*
6 *Democracy Act of 2007” or the “ADVANCE Democracy Act*
7 *of 2007”.*

8 **SEC. 1902. FINDINGS.**

9 *Congress finds that in order to support the expansion*
10 *of freedom and democracy in the world, the foreign policy*
11 *of the United States should be organized in support of*
12 *transformational diplomacy that seeks to work through*
13 *partnerships to build and sustain democratic, well-governed*
14 *states that will respect human rights and respond to the*
15 *needs of their people and conduct themselves responsibly in*
16 *the international system.*

17 **SEC. 1903. STATEMENT OF POLICY.**

18 *It should be the policy of the United States—*

19 *(1) to promote freedom and democracy in foreign*
20 *countries as a fundamental component of the foreign*
21 *policy of the United States;*

22 *(2) to affirm internationally recognized human*
23 *rights standards and norms and to condemn offenses*
24 *against those rights;*

1 (3) to use instruments of United States influence
2 to support, promote, and strengthen democratic prin-
3 ciples, practices, and values, including the right to
4 free, fair, and open elections, secret balloting, and
5 universal suffrage;

6 (4) to protect and promote fundamental freedoms
7 and rights, including the freedom of association, of
8 expression, of the press, and of religion, and the right
9 to own private property;

10 (5) to protect and promote respect for and adher-
11 ence to the rule of law;

12 (6) to provide appropriate support to nongovern-
13 mental organizations working to promote freedom
14 and democracy;

15 (7) to provide political, economic, and other sup-
16 port to countries that are willingly undertaking a
17 transition to democracy;

18 (8) to commit to the long-term challenge of pro-
19 moting universal democracy; and

20 (9) to strengthen alliances and relationships with
21 other democratic countries in order to better promote
22 and defend shared values and ideals.

23 **SEC. 1904. DEFINITIONS.**

24 *In this title:*

1 (1) *ANNUAL REPORT ON ADVANCING FREEDOM*
2 *AND DEMOCRACY.*—*The term “Annual Report on Ad-*
3 *vancing Freedom and Democracy” refers to the an-*
4 *nual report submitted to Congress by the Department*
5 *of State pursuant to section 665(c) of the Foreign Re-*
6 *lations Authorization Act, Fiscal Year 2003 (Public*
7 *Law 107–228; 22 U.S.C. 2151n note), in which the*
8 *Department reports on actions taken by the United*
9 *States Government to encourage respect for human*
10 *rights and democracy.*

11 (2) *ASSISTANT SECRETARY.*—*The term “Assist-*
12 *ant Secretary” means the Assistant Secretary of State*
13 *for Democracy, Human Rights, and Labor.*

14 (3) *COMMUNITY OF DEMOCRACIES AND COMMU-*
15 *NITY.*—*The terms “Community of Democracies” and*
16 *“Community” mean the association of democratic*
17 *countries committed to the global promotion of demo-*
18 *cratic principles, practices, and values, which held its*
19 *First Ministerial Conference in Warsaw, Poland, in*
20 *June 2000.*

21 (4) *DEPARTMENT.*—*The term “Department”*
22 *means the Department of State.*

23 (5) *UNDER SECRETARY.*—*The term “Under Sec-*
24 *retary” means the Under Secretary of State for De-*
25 *mocracy and Global Affairs.*

1 ***Subtitle A—Liaison Officers and***
2 ***Fellowship Program to Enhance***
3 ***the Promotion of Democracy***

4 **SEC. 1911. DEMOCRACY LIAISON OFFICERS.**

5 (a) *IN GENERAL.*—*The Secretary of State shall estab-*
6 *lish and staff Democracy Liaison Officer positions, under*
7 *the supervision of the Assistant Secretary, who may be as-*
8 *signed to the following posts:*

9 (1) *United States missions to, or liaison with,*
10 *regional and multilateral organizations, including the*
11 *United States missions to the European Union, Afri-*
12 *can Union, Organization of American States and any*
13 *other appropriate regional organization, Organiza-*
14 *tion for Security and Cooperation in Europe, the*
15 *United Nations and its relevant specialized agencies,*
16 *and the North Atlantic Treaty Organization.*

17 (2) *Regional public diplomacy centers of the De-*
18 *partment.*

19 (3) *United States combatant commands.*

20 (4) *Other posts as designated by the Secretary of*
21 *State.*

22 (b) *RESPONSIBILITIES.*—*Each Democracy Liaison Of-*
23 *ficer should—*

24 (1) *provide expertise on effective approaches to*
25 *promote and build democracy;*

1 (2) *assist in formulating and implementing*
2 *strategies for transitions to democracy; and*

3 (3) *carry out other responsibilities as the Sec-*
4 *retary of State and the Assistant Secretary may as-*
5 *sign.*

6 (c) *NEW POSITIONS.—The Democracy Liaison Officer*
7 *positions established under subsection (a) should be new po-*
8 *sitions that are in addition to existing officer positions with*
9 *responsibility for other human rights and democracy re-*
10 *lated issues and programs.*

11 (d) *RELATIONSHIP TO OTHER AUTHORITIES.—Noth-*
12 *ing in this section may be construed as removing any au-*
13 *thority or responsibility of a chief of mission or other em-*
14 *ployee of a diplomatic mission of the United States pro-*
15 *vided under any other provision of law, including any au-*
16 *thority or responsibility for the development or implementa-*
17 *tion of strategies to promote democracy.*

18 **SEC. 1912. DEMOCRACY FELLOWSHIP PROGRAM.**

19 (a) *REQUIREMENT FOR PROGRAM.—The Secretary of*
20 *State shall establish a Democracy Fellowship Program to*
21 *enable Department officers to gain an additional perspec-*
22 *tive on democracy promotion abroad by working on democ-*
23 *racy issues in congressional committees with oversight over*
24 *the subject matter of this title, including the Committee on*
25 *Foreign Relations and the Committee on Appropriations of*

1 *the Senate and the Committee on Foreign Affairs and the*
 2 *Committee on Appropriations of the House of Representa-*
 3 *tives, and in nongovernmental organizations involved in de-*
 4 *mocracy promotion.*

5 (b) *SELECTION AND PLACEMENT.*—*The Assistant Sec-*
 6 *retary shall play a central role in the selection of Democ-*
 7 *racy Fellows and facilitate their placement in appropriate*
 8 *congressional offices and nongovernmental organizations.*

9 (c) *EXCEPTION.*—*A Democracy Fellow may not be as-*
 10 *signed to any congressional office until the Secretary of De-*
 11 *fense certifies to the Committee on Armed Services and the*
 12 *Committee on Foreign Relations of the Senate and the Com-*
 13 *mittee on Armed Services and the Committee on Foreign*
 14 *Affairs of the House of Representatives that the request of*
 15 *the Commander of the United States Central Command for*
 16 *the Department of State for personnel and foreign service*
 17 *officers has been fulfilled.*

18 **SEC. 1913. TRANSPARENCY OF UNITED STATES BROAD-**
 19 **CASTING TO ASSIST IN OVERSIGHT AND EN-**
 20 **SURE PROMOTION OF HUMAN RIGHTS AND**
 21 **DEMOCRACY IN INTERNATIONAL BROAD-**
 22 **CASTS.**

23 (a) *TRANSCRIPTS.*—*The Broadcasting Board of Gov-*
 24 *ernors shall transcribe into English all original broad-*
 25 *casting content.*

1 (b) *PUBLIC TRANSPARENCY.*—*The Broadcasting*
 2 *Board of Governors shall post all English transcripts from*
 3 *its broadcasting content on a publicly available website*
 4 *within 30 days of the original broadcast.*

5 (c) *BROADCASTING CONTENT DEFINED.*—*In this sec-*
 6 *tion, the term “broadcasting content” includes program-*
 7 *ming produced or broadcast by United State international*
 8 *broadcasters, including—*

9 (1) *Voice of America;*

10 (2) *Alhurra;*

11 (3) *Radio Sawa;*

12 (4) *Radio Farda;*

13 (5) *Radio Free Europe/Radio Liberty;*

14 (6) *Radio Free Asia; and*

15 (7) *The Office of Cuba Broadcasting.*

16 ***Subtitle B—Annual Report on***
 17 ***Advancing Freedom and Democracy***

18 ***SEC. 1921. ANNUAL REPORT.***

19 (a) *REPORT TITLE.*—*Section 665(c) of the Foreign Re-*
 20 *lations Authorization Act, Fiscal Year 2003 (Public Law*
 21 *107–228; 22 U.S.C. 2151n note) is amended in the first*
 22 *sentence by inserting “entitled the Advancing Freedom and*
 23 *Democracy Report” before the period at the end.*

24 (b) *SCHEDULE FOR SUBMISSION.*—*If a report entitled*
 25 *the Advancing Freedom and Democracy Report pursuant*

1 *to section 665(c) of the Foreign Relations Authorization*
2 *Act, Fiscal Year 2003, as amended by subsection (a), is sub-*
3 *mitted under such section, such report shall be submitted*
4 *not later than 90 days after the date of submission of the*
5 *report required by section 116(d) of the Foreign Assistance*
6 *Act of 1961 (22 U.S.C. 2151n(d)).*

7 *(c) CONFORMING AMENDMENT.—Section 665(c) of the*
8 *Foreign Relations Authorization Act, Fiscal Year 2003*
9 *(Public Law 107–228; 2151n note) is amended by striking*
10 *“30 days” and inserting “90 days”.*

11 **SEC. 1922. SENSE OF CONGRESS ON TRANSLATION OF**
12 **HUMAN RIGHTS REPORTS.**

13 *It is the sense of Congress that the Secretary of State*
14 *should continue to ensure and expand the timely trans-*
15 *lation of Human Rights and International Religious Free-*
16 *dom reports and the Annual Report on Advancing Freedom*
17 *and Democracy prepared by personnel of the Department*
18 *of State into the principal languages of as many countries*
19 *as possible. Translations are welcomed because information*
20 *on United States support for universal enjoyment of free-*
21 *doms and rights serves to encourage individuals around the*
22 *globe seeking to advance the cause of freedom in their coun-*
23 *tries.*

1 ***Subtitle C—Advisory Committee on***
2 ***Democracy Promotion and the***
3 ***Internet Website of the Depart-***
4 ***ment of State***

5 **SEC. 1931. ADVISORY COMMITTEE ON DEMOCRACY PRO-**
6 **MOTION.**

7 *Congress commends the Secretary of State for creating*
8 *an Advisory Committee on Democracy Promotion, and it*
9 *is the sense of Congress that the Committee should play a*
10 *significant role in the Department’s transformational di-*
11 *plomacy by advising the Secretary of State regarding*
12 *United States efforts to promote democracy and democratic*
13 *transition in connection with the formulation and imple-*
14 *mentation of United States foreign policy and foreign as-*
15 *sistance.*

16 **SEC. 1932. SENSE OF CONGRESS ON THE INTERNET**
17 **WEBSITE OF THE DEPARTMENT OF STATE.**

18 *It is the sense of Congress that—*

19 *(1) the Secretary of State should continue and*
20 *further expand the Secretary’s existing efforts to in-*
21 *form the public in foreign countries of the efforts of*
22 *the United States to promote democracy and defend*
23 *human rights through the Internet website of the De-*
24 *partment of State;*

1 (2) *the Secretary of State should continue to en-*
2 *hance the democracy promotion materials and re-*
3 *sources on that Internet website, as such enhancement*
4 *can benefit and encourage those around the world who*
5 *seek freedom; and*

6 (3) *such enhancement should include where pos-*
7 *sible and practical, translated reports on democracy*
8 *and human rights prepared by personnel of the De-*
9 *partment, narratives and histories highlighting suc-*
10 *cessful nonviolent democratic movements, and other*
11 *relevant material.*

12 ***Subtitle D—Training in Democracy***
13 ***and Human Rights; Promotions***

14 ***SEC. 1941. SENSE OF CONGRESS ON TRAINING IN DEMOC-***
15 ***RACY AND HUMAN RIGHTS.***

16 *It is the sense of Congress that—*

17 (1) *the Secretary of State should continue to en-*
18 *hance and expand the training provided to foreign*
19 *service officers and civil service employees on how to*
20 *strengthen and promote democracy and human rights;*
21 *and*

22 (2) *the Secretary of State should continue the ef-*
23 *fective and successful use of case studies and practical*
24 *workshops addressing potential challenges, and work*
25 *with non-state actors, including nongovernmental or-*

1 *ganizations that support democratic principles, prac-*
2 *tices, and values.*

3 **SEC. 1942. SENSE OF CONGRESS ON ADVANCE DEMOCRACY**
4 **AWARD.**

5 *It is the sense of Congress that—*

6 (1) *the Secretary of State should further*
7 *strengthen the capacity of the Department to carry*
8 *out result-based democracy promotion efforts through*
9 *the establishment of awards and other employee in-*
10 *centives, including the establishment of an annual*
11 *award known as Outstanding Achievements in Ad-*
12 *vancing Democracy, or the ADVANCE Democracy*
13 *Award, that would be awarded to officers or employ-*
14 *ees of the Department; and*

15 (2) *the Secretary of State should establish the*
16 *procedures for selecting recipients of such award, in-*
17 *cluding any financial terms, associated with such*
18 *award.*

19 **SEC. 1943. PROMOTIONS.**

20 *The precepts for selection boards responsible for recom-*
21 *mending promotions of foreign service officers, including*
22 *members of the senior foreign service, should include consid-*
23 *eration of a candidate's experience or service in promotion*
24 *of human rights and democracy.*

1 **SEC. 1944. PROGRAMS BY UNITED STATES MISSIONS IN**
2 **FOREIGN COUNTRIES AND ACTIVITIES OF**
3 **CHIEFS OF MISSION.**

4 *It is the sense of Congress that each chief of mission*
5 *should provide input on the actions described in the Ad-*
6 *vancing Freedom and Democracy Report submitted under*
7 *section 665(c) of the Foreign Relations Authorization Act,*
8 *Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n*
9 *note), as amended by section 1621, and should intensify de-*
10 *mocracy and human rights promotion activities.*

11 **Subtitle E—Alliances With**
12 **Democratic Countries**

13 **SEC. 1951. ALLIANCES WITH DEMOCRATIC COUNTRIES.**

14 (a) *ESTABLISHMENT OF AN OFFICE FOR THE COMMU-*
15 *NITY OF DEMOCRACIES.—The Secretary of State should,*
16 *and is authorized to, establish an Office for the Community*
17 *of Democracies with the mission to further develop and*
18 *strengthen the institutional structure of the Community of*
19 *Democracies, develop interministerial projects, enhance the*
20 *United Nations Democracy Caucus, manage policy develop-*
21 *ment of the United Nations Democracy Fund, and enhance*
22 *coordination with other regional and multilateral bodies*
23 *with jurisdiction over democracy issues.*

24 (b) *SENSE OF CONGRESS ON INTERNATIONAL CENTER*
25 *FOR DEMOCRATIC TRANSITION.—It is the sense of Congress*
26 *that the International Center for Democratic Transition, an*

1 *initiative of the Government of Hungary, serves to promote*
2 *practical projects and the sharing of best practices in the*
3 *area of democracy promotion and should be supported by,*
4 *in particular, other European countries with experiences in*
5 *democratic transitions, the United States, and private indi-*
6 *viduals.*

7 ***Subtitle F—Funding for Promotion***
8 ***of Democracy***

9 ***SEC. 1961. SENSE OF CONGRESS ON THE UNITED NATIONS***
10 ***DEMOCRACY FUND.***

11 *It is the sense of Congress that the United States should*
12 *work with other countries to enhance the goals and work*
13 *of the United Nations Democracy Fund, an essential tool*
14 *to promote democracy, and in particular support civil soci-*
15 *ety in their efforts to help consolidate democracy and bring*
16 *about transformational change.*

17 ***SEC. 1962. THE HUMAN RIGHTS AND DEMOCRACY FUND.***

18 *The purpose of the Human Rights and Democracy*
19 *Fund should be to support innovative programming, media,*
20 *and materials designed to uphold democratic principles,*
21 *support and strengthen democratic institutions, promote*

- 1 *human rights and the rule of law, and build civil societies*
- 2 *in countries around the world.*

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 1

AMENDMENT