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[Report No. 112–249]

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2011

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 13, 2012

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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

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

~~SECTION 1. SHORT TITLE; TABLE OF CONTENTS.~~

~~(a) SHORT TITLE.—This Act may be cited as the "Department of Homeland Security Authorization Act of 2011".~~

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

~~Sec. 1. Short title; table of contents.~~
~~Sec. 2. Definitions.~~

~~TITLE I—MANAGEMENT AND EFFICIENCY~~

~~Sec. 101. Department of Homeland Security investment review.~~
~~Sec. 102. Acquisition professional career program.~~
~~Sec. 103. Strategic plan for acquisition workforce.~~
~~Sec. 104. Notification to Congress of major awards.~~
~~Sec. 105. Independent verification and validation.~~
~~Sec. 106. Other transaction authority.~~
~~Sec. 107. Report on competition.~~
~~Sec. 108. Open architecture study.~~
~~Sec. 109. Cost analysis division.~~
~~Sec. 110. Strategic acquisition plan.~~
~~Sec. 111. Transparency and innovation in acquisition.~~
~~Sec. 112. Disaster relief procurement authorities.~~
~~Sec. 113. Special emergency procurement authority for domestic emergency operations.~~
~~Sec. 114. Field efficiencies report and implementation plan.~~
~~Sec. 115. Cost savings and efficiency reviews.~~
~~Sec. 116. Consolidation of youth programs.~~

~~TITLE II—STRUCTURE AND ORGANIZATION~~

~~Sec. 201. Under Secretary for Policy.~~
~~Sec. 202. Office of International Affairs.~~
~~Sec. 203. Chief Medical Officer.~~
~~Sec. 204. Quadrennial homeland security review.~~
~~Sec. 205. Designation of foreign terrorist organizations.~~
~~Sec. 206. Office for Domestic Preparedness termination.~~
~~Sec. 207. State and Local Government Coordination.~~
~~Sec. 208. Termination of Office of Counternarcotics Enforcement.~~
~~Sec. 209. Reorganization authority.~~
~~Sec. 210. Chief Information Officer.~~
~~Sec. 211. Department of Homeland Security headquarters.~~
~~Sec. 212. Future Years Homeland Security Program.~~
~~Sec. 213. Countering homegrown terrorism.~~
~~Sec. 214. Office of Cargo Security Policy.~~
~~Sec. 215. Technical and conforming amendments.~~

~~TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE~~

~~Sec. 301. Infrastructure Protection and Resilience Directorate.~~

~~Sec. 302. Federal Protective Service.~~

~~TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY~~

~~Sec. 401. Catastrophic incident planning.~~
~~Sec. 402. Preparedness of individuals and communities.~~
~~Sec. 403. Federal response and recovery preparedness officials.~~
~~Sec. 404. Recovery.~~
~~Sec. 405. Enhancing response and recovery operations and programs.~~
~~Sec. 406. Department and agency officials.~~
~~Sec. 407. Infrastructure protection assistance.~~
~~Sec. 408. Federal-State border security cooperation.~~
~~Sec. 409. Emergency management assistance compact.~~
~~Sec. 410. Repeal of emergency operations center grant program.~~
~~Sec. 411. Performance measures.~~
~~Sec. 412. Communications planning.~~
~~Sec. 413. Guidelines concerning weapons of mass destruction.~~
~~Sec. 414. Plume modeling.~~
~~Sec. 415. Identification of disaster management resources.~~
~~Sec. 416. Antifraud training.~~
~~Sec. 417. Information technology.~~
~~Sec. 418. Metropolitan Medical Response System.~~
~~Sec. 419. Regional Catastrophic Grant Program.~~
~~Sec. 420. Report on consolidation of grant programs.~~

~~TITLE V—BORDER SECURITY~~

~~Sec. 501. Workforce staffing plan.~~
~~Sec. 502. Surge deployment.~~
~~Sec. 503. Enhanced training for Border Patrol agents.~~
~~Sec. 504. Outbound inspections.~~
~~Sec. 505. Situational awareness of the northern border.~~
~~Sec. 506. Office of International Travel Security and Screening.~~
~~Sec. 507. Visa security.~~
~~Sec. 508. Report on border security task forces and drug intelligence centers.~~

~~TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS~~

~~Sec. 601. Authorization of intelligence activities.~~
~~Sec. 602. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.~~
~~Sec. 603. Flexible personnel management at the Office of Intelligence and Analysis.~~
~~Sec. 604. Under Secretary for Intelligence and Analysis technical correction.~~

~~TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS~~

~~Sec. 701. Directorate of science and technology.~~
~~Sec. 702. Director of testing and evaluation.~~
~~Sec. 703. Five-year research and development investment plan; technology readiness assessment process; and availability of testing facilities and equipment.~~
~~Sec. 704. National academy of sciences report.~~
~~Sec. 705. Domestic nuclear detection office.~~

~~Sec. 706. Flexible personnel management at the Science and Technology Directorate.~~
~~Sec. 707. Technical and conforming amendment.~~

~~SEC. 2. DEFINITIONS.~~

~~In this Act—~~

~~(1) the term "Department" means the Department of Homeland Security; and~~

~~(2) the term "Secretary" means the Secretary of Homeland Security.~~

~~TITLE I—MANAGEMENT AND EFFICIENCY~~

~~SEC. 101. DEPARTMENT OF HOMELAND SECURITY INVESTMENT REVIEW.~~

~~(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:~~

~~"SEC. 836. DEPARTMENT INVESTMENT REVIEW.~~

~~"(a) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the review of proposed investments by the Department.~~

~~"(b) PURPOSE.—The Secretary shall use the process established under subsection (a) to provide a consistent method to evaluate the progress and status of acquisitions at critical points in the acquisition life cycle, inform investment decisions, strengthen acquisition oversight, and improve resource management throughout the Department.~~

~~"(c) ACQUISITION REVIEW BOARD.—~~

"(1) ESTABLISHMENT.—The Secretary shall establish a Department-wide Acquisition Review Board for the purpose of carrying out the investment review process established under subsection (a).

"(2) MEMBERSHIP.—The Secretary shall—

"(A) designate the Director of Cost Analysis as a member of the Acquisition Review Board; and

"(B) designate other appropriate officials of the Department to serve on the Acquisition Review Board.

"(3) SUBORDINATE BOARDS AND COUNCILS.—The Secretary may establish, as needed, subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on a Department-wide basis.

"(d) RISK-BASED CRITERIA FOR REVIEW.—The Secretary shall establish risk-based criteria for the review of investments by the Acquisition Review Board and any subordinate boards and councils, which should include threshold dollar amounts.

"(e) REPORTING REQUIREMENTS.—

"(1) ACQUISITION DECISION MEMORANDA.—Not later than three business days after signature of any acquisition decision memorandum of the Acqui-

~~sition Review Board, the Under Secretary for Management shall provide a copy of the memorandum, together with a copy of the Letter of Assessment signed by the Director of Testing and Evaluation, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House or Representatives.~~

~~"(2) QUARTERLY STATUS REPORTS.—The Under Secretary for Management shall provide a quarterly report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the status of each acquisition subject to the review process established by this section. The report shall include the following elements:~~

~~"(A) A description of the acquisition.~~

~~"(B) The status of review of the acquisition by the Acquisition Review Board or other board designated to review the acquisition.~~

~~"(C) The estimated life-cycle cost of the acquisition, and the basis for the estimate.~~

~~"(D) The Acquisition Program Baseline approved by the Acquisition Review Board.~~

~~"(E) Information on whether the Acquisition Review Board has reviewed and approved other key planning documents, including, as applicable—~~

~~"(i) a Concept of Operations;~~

~~"(ii) a Statement of Mission Need;~~

~~"(iii) an Analysis of Alternatives;~~

~~"(iv) an Operational Requirements Document;~~

~~"(v) an Acquisition Plan; and~~

~~"(vi) an Integrated Logistics Support Plan.~~

~~"(F) Identification of acquisitions that have not met cost, schedule, or performance parameters, and a description of the corrective measures implemented or planned for such acquisitions.~~

~~"(G) An indication of whether a certified program manager has been assigned to the acquisition.".~~

~~(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 835 the following new item:~~

~~"Sec. 836. Department investment review.".~~

~~SEC. 102. ACQUISITION PROFESSIONAL CAREER PROGRAM.~~

~~(a) ESTABLISHMENT.—The Secretary shall establish an acquisition professional career program for selected professionals to foster the recruitment, training, certification, and retention of qualified acquisition personnel throughout the Department.~~

~~(b) CAREER FIELDS COVERED.—The program established under subsection (a) shall provide training in key acquisition career fields supporting the entire life cycle of acquisitions, including the positions of contract specialist, program manager, logistician, systems engineer, cost estimator, and information technology acquisition specialist.~~

~~(c) ROTATIONAL ASSIGNMENTS.—To the extent practicable, the Department should strive to have participants in the program established under subsection (a) complete, at a minimum, three rotational assignments, to be at least one year in length unless otherwise provided by the Secretary, at Department components in order to gain a broad perspective on how acquisitions support the Department's missions.~~

~~(d) SIZE.—The size of the program established under subsection (a) shall be commensurate with available funding and consistent with the projected acquisition workforce needs established in the strategic plan for acquisition workforce required by section 103.~~

~~(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to conflict with or supersede the authority vested in the Administrator for Federal Procurement Policy.~~

~~SEC. 103. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.~~

~~(a) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 1 year after the date of enactment of this Act, and at a minimum every 3 years thereafter, the Secretary shall develop a long-term strategic human capital plan for the recruitment, retention, and training of the Department's acquisition workforce that is consistent with requirements issued by the Administrator for Federal Procurement Policy and includes—~~

~~(1) an identification of gaps in capabilities in each component of the Department for, at a minimum, the acquisition career fields identified pursuant to section 102, and specific steps that will be taken to address those gaps;~~

~~(2) projections in personnel needed for each acquisition career field in each component; and~~

~~(3) a plan and projected schedule for training the acquisition workforce.~~

~~(b) SUBMISSION TO CONGRESS.—The Secretary shall deliver a copy of the strategic plan developed pursuant to~~

~~subsection (a) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.~~

~~SEC. 104. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.~~

~~(a) REPORTING OF SIGNIFICANT CONTRACTS.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives at least 3 business days before—~~

~~(1) making a contract award, other transaction agreement, or task and delivery order exceeding $10,000,000; or~~

~~(2) announcing the intention to make such an award.~~

~~(b) EXCEPTION.—If the Secretary determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without the notification required by subsection (a), and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives shall be notified not later than 5 business days after such an award is made.~~

~~**SEC. 105. INDEPENDENT VERIFICATION AND VALIDATION.**~~

~~(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department, in consultation with the Chief Information Officer of the Department, shall issue guidance on use of independent verification and validation to provide a process for the independent evaluation of the integrity and quality of major acquisitions. The guidance shall include—~~

~~(1) a definition of independent verification and validation for consistent use by Department components;~~

~~(2) criteria for applying and planning independent verification and validation that—~~

~~(A) gives priority for consideration of independent verification and validation based on factors including mission criticality of the program and its components and potential impacts to the program from undetected system errors;~~

~~(B) includes appropriate thresholds above which acquisitions may not proceed without independent verification and validation unless authorized to do so by the Acquisition Review Board established under section 836 of the Homeland Security Act of 2002, as added by section 101; and~~

~~(C) ensures, where reasonable and appropriate, use of resources of the Federal Government to perform independent verification and validation;~~

~~(3) procedures for ensuring the managerial, financial, and technical independence of providers of independent verification and validation from the personnel who develop, manage, and perform acquisitions for the program, in order to obtain unbiased reviews of acquisitions;~~

~~(4) methods for integrating independent verification and validation results into program management;~~

~~(5) procedures to monitor and ensure implementation of the guidance and to take corrective action when necessary; and~~

~~(6) mechanisms to collect and analyze data on independent verification and validation to facilitate lessons learned and evaluate the effectiveness of the investments of the Department.~~

~~(b) RESTRICTION ON DEVELOPMENT OF GUIDANCE.—The development of the guidance required under subsection (a) shall be considered an inherently governmental function.~~

~~(c) REPORTING TO CONGRESS.—~~

~~(1) QUARTERLY REPORTS.—The quarterly reports required by section 836(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as added by section 101, shall include, for any acquisition that is granted initial approval to proceed by the Acquisition Review Board without a plan for independent verification and validation, an explanation of the decision not to employ independent verification and validation.~~

~~(2) INFORMATION TECHNOLOGY.—Not later than 270 days after the date of enactment of this Act, the Chief Procurement Officer of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the actions the Department is taking to address the recommendations included in the July 2011 report of the Government Accountability Office entitled "Information Technology: DHS Needs to Improve Its Independent Acquisition Reviews" (GAO–11–581), including any actions taken to improve the use of independent verification and validation for the 8 programs identified in the report.~~

~~SEC. 106. OTHER TRANSACTION AUTHORITY.~~

~~Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—~~

~~(1) in subsection (a), by striking "Until September 30, 2010" and inserting "Until September 30, 2016";~~

~~(2) in subsection (b), by striking "Not later than 2 years after the effective date of this Act, and annually thereafter" and inserting "Not later than September 30, 2015"; and~~

~~(3) in subsection (d)(1), by striking "September 30, 2010" and inserting "September 30, 2016".~~

~~SEC. 107. REPORT ON COMPETITION.~~

~~Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall prepare a report analyzing the use of competition in the award of contracts by the Department under the requirements of the Competition in Contracting Act (41 U.S.C. 3301 et seq.), which shall include—~~

~~(1) for each component of the Department, the total number and dollar value of new contracts for each of the last three full fiscal years for which data is available, and, of that total number, the number of contracts—~~

~~(A) entered into without full and open competition; and~~

~~(B) awarded under competition after receipt of only one offer;~~

~~(2) a statistical analysis of statutory exceptions used to enter contracts without full and open competition;~~

~~(3) a discussion of the trends in competition in each component; and~~

~~(4) a comparison of the percentage of contracts awarded under full and open competition by the Department and the percentage of contracts awarded under full and open competition by other major agencies.~~

~~SEC. 108. OPEN ARCHITECTURE STUDY.~~

~~(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Management shall commence a study within the Department to examine ways in which performance may be improved, costs may be reduced, and opportunities for competition may be increased through an open architecture approach to acquisitions.~~

~~(b) PARTICIPANTS IN THE STUDY.—The study shall contain input from the following officials:~~

~~(1) The Chief Procurement Officer of the Department.~~

~~(2) The Chief Information Officer of the Department.~~

~~(3) The Chief Acquisition Executives of the Department's components.~~

~~(4) The Heads of Contracting Activity of the Department's components.~~

~~(5) The Chief Information Officers of the Department's components.~~

~~(6) The Director of Acquisition Support and Operations Analysis of the Science and Technology Directorate.~~

~~(7) Any other official of the Department identified by the Under Secretary for Management.~~

~~(c) STUDY.—~~

~~(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary for Management shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report—~~

~~(A) assessing the current use of open architecture by the Department;~~

~~(B) making recommendations, as appropriate, on the benefits of expanded use of open architecture by the Department;~~

~~(C) describing the internal capabilities necessary for executing acquisitions under an open architecture model; and~~

~~(D) identifying, as appropriate, acquisitions for which use of open architecture would be beneficial.~~

~~(2) USE OF LESSONS LEARNED.—In preparing the report, the participants in the study should draw on lessons learned from the use of open architecture at the Department of Defense.~~

~~(d) OPEN ARCHITECTURE DEFINED.—In this section, the term "open architecture" means the employment of business and technical practices that yield modular, interoperable systems that adhere to standards with open interfaces, with a goal of encouraging competitive proposals from multiple qualified sources and rapid incorporation of innovative technologies into systems.~~

~~(e) TERMINATION.—The study shall be deemed completed upon submission of the report required by subsection (c).~~

~~SEC. 109. COST ANALYSIS DIVISION.~~

~~(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 101(a), is further amended by adding at the end the following new section:~~

~~"SEC. 837. COST ANALYSIS DIVISION.~~

~~"(a) ESTABLISHMENT.—There is established within the Department a Cost Analysis Division, which shall report to the Under Secretary for Management, to ensure that program cost estimates—~~

~~"(1) are accurate reflections of program requirements; and~~

~~"(2) increase the capability of the Department for informed investment decisions, budget formulation, measurement of progress, and accountability.~~

~~"(b) DUTIES.—The duties of the Cost Analysis Division shall include—~~

~~"(1) validating program life-cycle cost estimates as part of the investment review process established under section 836;~~

~~"(2) providing independent cost estimates of major programs at major milestone points;~~

~~"(3) prescribing policies and procedures for the conduct of cost estimation and cost analysis for acquisition programs of the Department;~~

~~"(4) issuing guidance relating to full consideration of life-cycle management and sustainability costs in acquisition programs of the Department;~~

~~"(5) providing assistance, training, and oversight of the cost analysis capabilities of the components of the Department;~~

~~"(6) leveraging, where possible, existing databases and system resources maintained by other Federal agencies in the development of the Department's cost database, and sharing relevant information and best practices related to cost databases with other agencies; and~~

~~"(7) leading the development of—~~

~~"(A) improved analytical skills and competencies within the cost assessment workforce of the Department; and~~

~~"(B) tools, data, and methods to promote improved performance, economy, and efficiency in planning and allocation of homeland security resources.~~

~~"(c) DIRECTOR OF COST ANALYSIS.—~~

~~"(1) IN GENERAL.—The Cost Analysis Division shall be headed by a Director of Cost Analysis who shall serve as the principal advisor to the Secretary and other senior officials of the Department on cost~~

~~estimation and cost analysis for acquisition programs of the Department.~~

~~"(2) AVAILABILITY OF RESOURCES.—The Secretary shall ensure that the Director of Cost Analysis—~~

~~"(A) promptly receives the results of—~~

~~"(i) all cost estimates and cost analyses conducted by components of the Department for any acquisition subject to the investment review process established under section 836; and~~

~~"(ii) all studies conducted by the components in connection with such acquisitions; and~~

~~"(B) has timely access to any records and data in the Department that the Director considers necessary to review in order to carry out any duties under this section.".~~

~~(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 101(b), is further amended by inserting after the item relating to section 836 the following new item: "Sec. 837. Cost analysis division.".~~

~~SEC. 110. STRATEGIC ACQUISITION PLAN.~~

~~(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.),~~

as amended by section 109(a), is further amended by adding at the end the following new section:

"SEC. 838. STRATEGIC ACQUISITION PLAN.

"Not later than one year after the date of enactment of the Department of Homeland Security Authorization Act of 2011, and annually thereafter, the Under Secretary for Management shall make publicly available on the Internet website of the Department a strategic acquisition plan that includes—

"(1) guiding principles, overarching goals, and specific objectives of the Department's acquisitions;

"(2) anticipated procurement needs over 1-year and, at a minimum, 5-year periods with specific information on—

"(A) program-level needs;

"(B) anticipated multi-year procurements; and

"(C) expected major changes in ongoing or planned procurements; and

"(3) plans for utilization of strategic sourcing through Department-wide or government-wide contracts.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended

~~by section 109(b), is further amended by inserting after the item relating to section 837 the following new item: "Sec. 838. Strategic acquisition plan.".~~

~~SEC. 111. TRANSPARENCY AND INNOVATION IN ACQUISITION.~~

~~(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 110(a), is further amended by adding at the end the following new section:~~

~~"SEC. 839. TRANSPARENCY AND INNOVATION IN ACQUISITION.~~

~~"The Under Secretary for Management, consistent with applicable law, regulations, and policy shall—~~

~~"(1) ensure that acquisition personnel provide information on acquisition needs of the Department to the private sector and nongovernmental organizations;~~

~~"(2) ensure that the Department's website includes information on programs, policies, and initiatives designed to encourage small businesses to participate in Department acquisitions;~~

~~"(3) provide information on the Department's website to guide interactions between the Department and vendors;~~

~~"(4) provide information on the Department's procurements on the Department's website;~~

1 ~~"(5) promote use of consistent, shared termi-~~
2 ~~nology and definitions within the Department and in~~
3 ~~the solicitations, contracts, grants, and other trans-~~
4 ~~actions of the Department with the private sector;~~
5 ~~"(6) encourage appropriate use of requests for~~
6 ~~information and other pre-solicitation means of~~
7 ~~gathering knowledge about the marketplace; and~~
8 ~~"(7) ensure that debriefings to unsuccessful~~
9 ~~offerors, including those required by the Federal Ac-~~
10 ~~quisition Regulation, provide adequate explanation of~~
11 ~~the basis for an award decision.".~~
12 ~~(b) CLERICAL AMENDMENT.—The table of contents~~
13 ~~in section 1(b) of such Act (6 U.S.C. 101(b)), as amended~~
14 ~~by section 110(b), is further amended by inserting after~~
15 ~~the item relating to section 838 the following new item:~~
~~"Sec. 839. Transparency and innovation in acquisition.".~~
16 ~~**SEC. 112. DISASTER RELIEF PROCUREMENT AUTHORITIES.**~~
17 ~~(a) CONFORMING DISASTER RELIEF AUTHORITIES~~
18 ~~TO THE FEDERAL ACQUISITION REGULATION.—Subtitle~~
19 ~~F of the Post-Katrina Emergency Management Reform~~
20 ~~Act of 2006 (title VI of Public Law 109–295; 120 Stat.~~
21 ~~1457) is amended by striking sections 692 and 695 (6~~
22 ~~U.S.C. 792 and 794).~~
23 ~~(b) STREAMLINING REGISTRATION FOR VOLUNTARY~~
24 ~~DISASTER RESPONSE REGISTRY.—Section 697(b) of the~~
25 ~~Post-Katrina Emergency Management Reform Act of~~

~~2006 (title VI of Public Law 109–295; 6 U.S.C. 796(b)) is amended—~~

~~(1) by amending paragraph (3) to read as follows:~~

~~"(3) SOURCE OF INFORMATION.—Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns."; and~~

~~(2) in paragraph (5), by striking "consult the registry" and inserting "consult the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto".~~

~~SEC. 113. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.~~

~~Section 1903 of title 41, United States Code, is amended—~~

~~(1) in subsection (a)—~~

~~(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;~~

~~(B) by striking "with respect to a procurement" and inserting the following: "with respect to—~~

~~"(1) a procurement";~~

~~(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph, by striking "United States." and inserting "United States; and"; and~~

~~(D) by adding at the end the following new subparagraph:~~

~~"(C) a procurement of property or services by or for the Department of Homeland Security that the Secretary of Homeland Security determines are to be used in support of domestic emergency operations, in accordance with subsection (d).";~~

~~(2) in subsection (c)(1), by striking "subsection (a)(2)" and inserting "subsection (a)(1)(B)"; and~~

~~(3) by adding at the end the following new subsection:~~

~~"(d) DOMESTIC EMERGENCY OPERATIONS.—The Secretary of Homeland Security, or a designee at the Chief Procurement Officer level or higher, in consultation with the Administrator, may utilize the authorities provided under paragraphs (1)(A), (2)(A), and (3) of sub-~~

~~section (b) in a domestic emergency operation to provide support for—~~

~~"(1) an emergency or major disaster, as those terms are defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or~~

~~"(2) any occasion or instance for which the Secretary of Homeland Security determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.".~~

~~SEC. 114. FIELD EFFICIENCIES REPORT AND IMPLEMENTATION PLAN.~~

~~(a) DEFINITION.—In this section, the term "designated geographic area"—~~

~~(1) means an area designated by the Secretary where there is a substantial physical presence of more than 1 component or operational entity of a component of the Department; and~~

~~(2) does not include the National Capitol Region, as defined under section 2674 of title 10, United States Code.~~

~~(b) REPORT AND PLAN.—~~

~~(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an efficiencies report and implementation plan that—~~

~~(A) examines the facilities and administrative and logistics functions of components or operational entities of components of the Department located within designated geographic areas; and~~

~~(B) provides specific recommendations and an associated cost-benefit analysis for the consolidation of the facilities and administrative and logistics functions of components or operational entities of components of the Department within each designated geographic area.~~

~~(2) CONTENTS.—The efficiencies report and implementation plan submitted under paragraph (1) shall—~~

~~(A) describe the facilities and administrative and logistics functions of components or operational entities of components of the De-~~

~~partment located within each designated geographic area;~~

~~(B) evaluate for each designated geographic area—~~

~~(i) specific facilities at which components or operational entities of components of the Department may be closed or consolidated, including the consideration of when leases expire or facilities owned by the Government become available;~~

~~(ii) the potential for the consolidation of administrative and logistics functions, including—~~

~~(I) engineering services;~~

~~(II) facility maintenance;~~

~~(III) janitorial services;~~

~~(IV) fleet vehicle services;~~

~~(V) shipping and receiving;~~

~~(VI) facility security;~~

~~(VII) procurement of goods and services;~~

~~(VIII) mail handling;~~

~~(IX) administrative support; and~~

~~(X) information technology and telecommunications services and support; and~~

~~(iii) additional ways to improve unity of effort and cost savings for field operations and related support activities;~~

~~(C) detail any other opportunities to improve efficiency or reduce costs identified by a component of the Department; and~~

~~(D) from the elimination of duplicative component support functions, consolidation of facilities, and implementation of additional operational initiatives, reduce the aggregate amount of expenditures on all Department facilities, administrative and logistics functions, and operational activities in designated geographic areas by 5 percent.~~

~~(3) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the implementation plan required by this section shall be fully implemented.~~

~~SEC. 115. COST SAVINGS AND EFFICIENCY REVIEWS.~~

~~(a) MANAGEMENT AND ADMINISTRATIVE SAVINGS.—Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Under Sec-~~

~~retary for Management, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that—~~

~~(1) provides a detailed accounting of the management and administrative expenditures and activities of the components of the Department; and~~

~~(2) identifies potential cost savings and efficiencies for the management and administrative expenditures and activities of each component of the Department.~~

~~(b) PERSONNEL ALLOCATION STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary for Management, shall—~~

~~(1) conduct a study that examines the size, experience level, and geographic distribution of the operational personnel of the Department, including U.S. Customs and Border Protection officers, Border Patrol agents, U.S. Customs and Border Protection Air and Marine agents, U.S. Customs and Border Protection Agriculture Specialists, Federal Protective Service Law Enforcement Security Officers, U.S. Immigration and Customs Enforcement agents,~~

~~Transportation Security Officers, Federal air marshals, and members of the Coast Guard; and~~

~~(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that details the findings of the study conducted under paragraph (1) and recommends adjustments to close gaps in capabilities, reduce costs, and enhance efficiencies.~~

~~SEC. 116. CONSOLIDATION OF YOUTH PROGRAMS.~~

~~The Secretary shall consolidate all youth preparedness educational programs of the Department, including the use of mascots and youth-focused websites, into 1 program, including—~~

~~(1) the Ready Kids Initiative;~~

~~(2) the FEMA for Kids website;~~

~~(3) the U.S. Fire Administration for Kids website; and~~

~~(4) the Disaster Twins website of the Federal Emergency Management Agency.~~

~~TITLE II—STRUCTURE AND ORGANIZATION~~

~~SEC. 201. UNDER SECRETARY FOR POLICY.~~

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

(1) redesignating section 601 as section 890A and transferring that section to after section 890; and

(2) striking the heading for title VI and inserting the following:

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

"Subtitle A—Under Secretary for Policy

"SEC. 601. UNDER SECRETARY FOR POLICY.

"(a) IN GENERAL.—There shall be in the Department an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Under Secretary for Policy shall—

"(1) serve as the principal policy advisor to the Secretary;

"(2) coordinate and provide overall direction and supervision of policy development for the programs, offices, and activities of the Department;

"(3) work with the Under Secretary for Management and the General Counsel of the Department to ensure that the development of the budget of the

~~Department is compatible with the priorities, strategic plans, and policies established by the Secretary;~~

~~"(4) conduct long-range, strategic planning for the Department, including overseeing each quadrennial homeland security review under section 621; and~~

~~"(5) carry out such other responsibilities as the Secretary determines are appropriate, consistent with this section.".~~

~~(b) INCUMBENT.—The individual serving as Assistant Secretary for Policy on the date of enactment of this Act may serve as the Under Secretary for Policy until the date on which an appointment to the position of Under Secretary for Policy is made, by and with the advice and consent of the Senate.~~

~~(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—~~

~~(1) by striking the items relating to title VI and section 601 and inserting the following:~~

~~"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION~~

~~"Subtitle A—Under Secretary for Policy~~

~~"Sec. 601. Under Secretary for Policy.";~~

~~and~~

~~(2) by inserting after the item relating to section 890 the following:~~

~~"Sec. 890A. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.".~~

~~SEC. 202. OFFICE OF INTERNATIONAL AFFAIRS.~~

~~Section 879 of the Homeland Security Act of 2002 (6 U.S.C. 459) is amended to read as follows:~~

~~"SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.~~

~~"(a) ESTABLISHMENT.—There is established within the Department an Office of International Affairs, which shall be headed by the Assistant Secretary for International Affairs, who shall be appointed by the President.~~

~~"(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary for International Affairs shall—~~

~~"(1) coordinate international activities within the Department;~~

~~"(2) develop and update, in consultation with all components of the Department with international activities, an international strategic plan for the Department and establish a process for managing its implementation;~~

~~"(3) provide guidance to components of the Department on executing international activities and to employees of the Department who are deployed overseas, including—~~

1 ~~"(A) establishing predeployment prepared-~~
2 ~~ness criteria for employees and any accom-~~
3 ~~panying family members;~~
4 ~~"(B) establishing, in coordination with the~~
5 ~~Under Secretary for Management, minimum~~
6 ~~support requirements for Department employ-~~
7 ~~ees abroad, to ensure the employees have the~~
8 ~~proper resources and have received adequate~~
9 ~~and timely support prior to and during tours of~~
10 ~~duty;~~
11 ~~"(C) providing information and training on~~
12 ~~administrative support services available to~~
13 ~~overseas employees from the Department of~~
14 ~~State and other Federal agencies;~~
15 ~~"(D) establishing guidance on how Depart-~~
16 ~~ment attaches are expected to coordinate with~~
17 ~~other component staff and activities; and~~
18 ~~"(E) developing procedures and guidance~~
19 ~~for employees of the Department returning to~~
20 ~~the United States;~~
21 ~~"(4) identify areas for homeland security infor-~~
22 ~~mation and training exchange in which—~~
23 ~~"(A) the United States has a demonstrated~~
24 ~~weakness; and~~

1 ~~"(B) a country that is a friend or ally of~~
2 ~~the United States has a demonstrated expertise;~~
3 ~~"(5) maintain situational awareness of—~~
4 ~~"(A) all international engagement and~~
5 ~~travel conducted by offices and personnel of the~~
6 ~~Department; and~~
7 ~~"(B) all spending by the Federal Govern-~~
8 ~~ment for international assistance activities re-~~
9 ~~lating to homeland security; and~~
10 ~~"(6) perform other duties, as determined by the~~
11 ~~Secretary.".~~
12 **~~SEC. 203. CHIEF MEDICAL OFFICER.~~**
13 ~~Section 516 of the Homeland Security Act of 2002~~
14 ~~(6 U.S.C. 321e) is amended—~~
15 ~~(1) in subsection (a), by striking all that follows~~
16 ~~the second comma and inserting "and who shall also~~
17 ~~have the title of Assistant Secretary for Health Af-~~
18 ~~fairs."; and~~
19 ~~(2) in subsection (c)—~~
20 ~~(A) in paragraph (6), by striking "and" at~~
21 ~~the end;~~
22 ~~(B) by redesignating paragraph (7) as~~
23 ~~paragraph (10); and~~
24 ~~(C) by inserting after paragraph (6) the~~
25 ~~following:~~

1 ~~"(7) ensuring that the workforce of the Depart-~~
2 ~~ment has science-based policy, standards, require-~~
3 ~~ments, and metrics for occupational safety and~~
4 ~~health;~~
5 ~~"(8) providing medical expertise for the compo-~~
6 ~~nents of the Department with respect to prevention,~~
7 ~~preparedness, protection, response, and recovery for~~
8 ~~medical and public health matters;~~
9 ~~"(9) working in conjunction with appropriate~~
10 ~~entities of the Department and other appropriate~~
11 ~~Federal agencies to develop guidance for prevention,~~
12 ~~preparedness, protection, response, and recovery~~
13 ~~from catastrophic events with human, animal, agri-~~
14 ~~cultural, or environmental health consequences;~~
15 ~~and".~~
16 **~~SEC. 204. QUADRENNIAL HOMELAND SECURITY REVIEW.~~**
17 ~~(a) IN GENERAL.—Section 707 of the Homeland Se-~~
18 ~~curity Act of 2002 (6 U.S.C. 347) is amended—~~
19 ~~(1) in subsection (a)—~~
20 ~~(A) in paragraph (1), by striking "fiscal~~
21 ~~year 2009" and inserting "calendar year~~
22 ~~2013"; and~~
23 ~~(B) in paragraph (3), by striking "The~~
24 ~~Secretary shall conduct each quadrennial home-~~
25 ~~land security review under this subsection" and~~

~~inserting "In order to ensure that each quadrennial homeland security review conducted under this section is coordinated with the quadrennial defense review conducted by the Secretary of Defense under section 118 of title 10, United States Code, and any other major strategic review relating to diplomacy, intelligence, or other national security issues, the Secretary shall conduct each quadrennial homeland security review"; and~~

~~(2) by striking subsections (b), (c), and (d) and inserting the following:~~

~~"(b) SCOPE OF REVIEW AND REPORT.—~~

~~"(1) IN GENERAL.—In each quadrennial homeland security review, the Secretary shall—~~

~~"(A) examine the homeland security aspects of the security environment of the Nation, including existing and potential homeland security threats and challenges, and the effect of laws, Presidential directives, national strategies, and other relevant guidance documents in meeting existing and potential homeland security threats and challenges;~~

~~"(B) review the capabilities and capacities across the homeland security enterprise, and~~

~~the roles of Executive agencies, States, local governments, Indian Tribes, and private entities in providing those capabilities and capacities;~~

~~"(C) evaluate and prioritize the homeland security mission areas of the Nation and associated goals and objectives, and recommend any necessary revisions to the mission areas, goals, and objectives as appropriate;~~

~~"(D) examine whether the capabilities and capacities across the homeland security enterprise should be adjusted based on any proposed modifications to the mission areas, goals, or objectives;~~

~~"(E) identify additional capabilities and capacities that may be needed across the homeland security enterprise in response to potential homeland security threats and challenges, and the resources required to provide the capabilities and capacities;~~

~~"(F) identify redundant, wasteful, or unnecessary capabilities and capacities where resources can be redirected to support capabilities and capacities identified under subparagraph (E);~~

~~"(G) evaluate the organization, organizational structure, governance structure, and business processes (including acquisition processes) of the Department, as they relate to the ability of the Department to meet the responsibilities of the Department; and~~

~~"(H) review any other matter the Secretary considers appropriate.~~

~~"(2) REPORT.—During the year following the year in which a quadrennial homeland security review is conducted, and not later than the date on which the budget of the President for the next fiscal year is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall—~~

~~"(A) submit to Congress a report—~~

~~"(i) describing the process used in conducting the quadrennial homeland security review and explaining any underlying assumptions used in conducting the quadrennial homeland security review;~~

~~"(ii) describing the findings and conclusions of the review, including findings and conclusions relating to each issue ad-~~

~~dressed under subparagraphs (A) through (H) of paragraph (1);~~

~~"(iii) detailing any proposed revisions to the national homeland security strategy, including any proposed revisions to the homeland security missions, capabilities and capacities, goals, or objectives of the Nation;~~

~~"(iv) describing how the conclusions under the quadrennial homeland security review are to be implemented through the Future Years Homeland Security Program under section 874;~~

~~"(v) detailing how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian Tribes, and private entities, and of individuals, families, and communities;~~

~~"(vi) providing proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department~~

~~in order to better fulfill the responsibilities of the Department; and~~

~~"(vii) describing any other matter the Secretary considers appropriate; and~~

~~"(B) consistent with the protection of national security and other sensitive matters, make the report required under subparagraph (A) publicly available on the website of the Department.~~

~~"(c) MIDTERM REVIEW OF IMPLEMENTATION.—Not later than 2 years after the date on which the Secretary submits a report under subsection (b)(2)(A), the Secretary shall submit to Congress a report on—~~

~~"(1) the implementation of the recommendations in the report, including recommended revisions to the national homeland security strategy made under subsection (b)(2)(A)(iii) and changes proposed under subsection (b)(2)(A)(vi); and~~

~~"(2) the preparations for the next quadrennial homeland security review, including a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the quadrennial homeland security review.".~~

1 ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~
2 ~~The table of contents in section 1(b) of the Homeland Se-~~
3 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~
4 ~~striking the item relating to section 707 and inserting the~~
5 ~~following:~~

~~"Sec. 707. Quadrennial homeland security review.".~~

6 ~~**SEC. 205. DESIGNATION OF FOREIGN TERRORIST ORGANI-**~~
7 ~~**ZATIONS.**~~

8 ~~(a) IN GENERAL.—Title VIII of the Homeland Secu-~~
9 ~~rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by~~
10 ~~inserting after section 890A, as redesignated and trans-~~
11 ~~ferred by section 201(a)(1), the following:~~

12 ~~**"SEC. 890B. DESIGNATION OF FOREIGN TERRORIST ORGA-**~~
13 ~~**NIZATIONS.**~~

14 ~~"In designating foreign terrorist organizations under~~
15 ~~section 219(a) of the Immigration and Nationality Act (8~~
16 ~~U.S.C. 1189(a)), the Secretary of State shall consult with~~
17 ~~the Secretary, the Attorney General, the Secretary of the~~
18 ~~Treasury, and the Director of National Intelligence.".~~

19 ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~
20 ~~The table of contents in section 1(b) of the Homeland Se-~~
21 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~
22 ~~inserting after the item relating to section 890A, as added~~
23 ~~by section 201(c)(2), the following:~~

~~"Sec. 890B. Designation of foreign terrorist organizations.".~~

~~SEC. 206. OFFICE FOR DOMESTIC PREPAREDNESS TERMINATION.~~

~~(a) TERMINATION.—Title IV of the Homeland Security Act of 2002 is amended by striking section 430 (6 U.S.C. 238).~~

~~(b) INCUMBENT.—Notwithstanding the amendment made by subsection (a), an individual serving on the day before the date of enactment of this Act under an appointment by the President, by and with the advice and consent of the Senate, under section 430 of the Homeland Security Act of 2002 may continue to serve in the position held by the individual and to perform the responsibilities of the individual on the day before the date of enactment of this Act.~~

~~(c) RESPONSIBILITIES.—~~

~~(1) IN GENERAL.—On and after the date on which the individual described in subsection (b) leaves the position held by the individual on the day before the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the "Administrator") may perform or delegate the responsibilities of the individual as determined appropriate by the Administrator.~~

~~(2) NO INCUMBENT.—If there is no individual described in subsection (b), on and after the date of~~

~~enactment of this Act the Administrator may perform or delegate the responsibilities of the individual most recently serving under an appointment by the President, by and with the advice and consent of the Senate, under section 430 of the Homeland Security Act of 2002 as determined appropriate by the Administrator.~~

~~(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 430.~~

~~SEC. 207. STATE AND LOCAL GOVERNMENT COORDINATION.~~

~~(a) INTERGOVERNMENTAL AFFAIRS.—~~

~~(1) IN GENERAL.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended—~~

~~(A) in the section heading by striking "**OFFICE FOR**";~~ ~~and~~

~~(B) in subsection (a)—~~

~~(i) by striking the subsection heading and inserting "(a) IN GENERAL.—";~~

~~(ii) by striking "established";~~ ~~and~~

~~(iii) by striking "for State and Local Government Coordination" and inserting "of Intergovernmental Affairs".~~

~~(2) TECHNICAL AND CONFORMING AMENDMENTS.—~~

~~(A) TABLE OF CONTENTS.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 801 and inserting the following:~~

~~"Sec. 801. State and Local Government Coordination.".~~

~~(B) FUNCTIONS OF THE SECRETARY.—Section 102(c) of the Homeland Security Act of 2002 (6 U.S.C. 112(c)) is amended by striking "the Office of State and Local Coordination (established under section 801)" and inserting "the Office of Intergovernmental Affairs described under section 801".~~

~~(C) SPECIAL ASSISTANT TO THE SECRETARY.—Section 102(f)(11) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(11)) is amended by striking "the Office of State and Local Coordination and Preparedness" and inserting "the Office of Intergovernmental Affairs".~~

~~(D) CHIEF INFORMATION OFFICER.—Section 703(b)(2)(D)(iv) of the Homeland Security Act of 2002 (6 U.S.C. 343(b)(2)(D)(iv)) is amended by striking "and the Executive Director of the Office of State and Local Coordination and Preparedness".~~

~~(b) TRANSFER OF RESPONSIBILITIES.—Not later than 30 days after the date of enactment of this Act, the Secretary shall transfer to the Office of Intergovernmental Affairs any responsibility under section 801(b) of the Homeland Security Act of 2002 (6 U.S.C. 361(b)) which was transferred by the Secretary under section 872 of that Act (6 U.S.C. 452) or any other Act to an office or entity other than the Office of Intergovernmental Affairs before that date of enactment.~~

~~SEC. 208. TERMINATION OF OFFICE OF COUNTER-NARCOTICS ENFORCEMENT.~~

~~(a) TERMINATION.—~~

~~(1) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by striking section 878 (6 U.S.C. 458).~~

~~(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.~~

~~(3) TRANSITION PROVISION.—Notwithstanding the amendment made by paragraph (1), the Office of Counternarcotics Enforcement and the Director of the Office of Counternarcotics Enforcement shall continue to perform any function of the Office or the Director, respectively, under section 878 of the Homeland Security Act of 2002, as in effect on the day before the date of enactment of this Act, until the earlier of—~~

~~(A) the date on which the function is transferred under subsection (b); and~~

~~(B) the date that is 180 days after the date of enactment of this Act.~~

~~(b) TRANSFER OF FUNCTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—~~

~~(1) determine whether to transfer to an appropriate official of the Department each function described in paragraph (1), (2), (3), or (5) of section 878(d) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)), as in effect on the day before the date of enactment of this Act;~~

~~(2) transfer to an appropriate official of the Department any function determined appropriate under paragraph (1) and any personnel, assets, com-~~

~~ponents, authorities, and liabilities relating to the function; and~~

~~(3) submit to Congress a notification regarding any function described in paragraph (1) that the Secretary does not transfer under paragraph (2).~~

~~(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 878.~~

~~SEC. 209. REORGANIZATION AUTHORITY.~~

~~Section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) is amended—~~

~~(1) in subsection (a), by striking "only" and all that follows through "(2) after" and inserting "only after"; and~~

~~(2) by striking subsection (b) and inserting the following:~~

~~"(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—~~

~~"(1) IN GENERAL.—Authority under subsection (a) shall not extend to the discontinuance, abolition, substantial consolidation, alteration, or transfer of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.~~

1 ~~"(2) EXCEPTION.—~~

2 ~~"(A) IN GENERAL.—Notwithstanding para-~~
3 ~~graph (1), if the President determines it to be~~
4 ~~necessary because of an imminent threat to~~
5 ~~homeland security, a function, power, or duty~~
6 ~~vested by law in the Department, or an officer,~~
7 ~~official, or agency thereof, may be transferred,~~
8 ~~reassigned, or consolidated within the Depart-~~
9 ~~ment.~~

10 ~~"(B) NOTICE.—Not later than 30 days~~
11 ~~after the date on which the President makes a~~
12 ~~transfer, reassignment, or consolidation under~~
13 ~~subparagraph (A), the President shall notify the~~
14 ~~appropriate congressional committees of the~~
15 ~~transfer, reassignment, or consolidation.~~

16 ~~"(C) DURATION.—A transfer, reassign-~~
17 ~~ment, or consolidation under subparagraph (A)~~
18 ~~shall remain in effect only until the President~~
19 ~~determines that the threat to homeland security~~
20 ~~has terminated or is no longer imminent.~~

21 ~~"(c) PUBLICATION.—Not later than 30 days after the~~
22 ~~date on which the President or the Secretary makes a~~
23 ~~transfer, allocation, assignment, consolidation, alteration,~~
24 ~~establishment, or discontinuance under this section, the~~

President or the Secretary shall publish in the Federal Register—

"(1) the reasons for the action taken; and

"(2) a list of each statutory provision implicated by the action.".

SEC. 210. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) RESPONSIBILITIES.—The Chief Information Officer shall—

"(1) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the programs and operations of the information technology functions of the Department;

"(2) establish the information technology priorities, policies, processes, standards, guidelines, and procedures of the Department;

"(3) coordinate and ensure implementation of information technology priorities, policies, processes,

~~standards, guidelines, and procedures within the Department;~~

~~"(4) be responsible for information technology capital planning and investment management in accordance with sections 11312 and 11313 of title 40, United States Code;~~

~~"(5) in coordination with the Chief Procurement Officer of the Department, assume responsibility for information systems acquisition, development and integration as required by section 11312 of title 40, United States Code;~~

~~"(6) in coordination with the Chief Procurement Officer of the Department, review and approve any information technology acquisition with a total value greater than a threshold level to be determined by the Secretary;~~

~~"(7) in coordination with relevant officials of the Department, ensure that information technology systems meet the standards established under the information sharing environment, as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);~~

~~"(8) perform other responsibilities required under section 3506 of title 44, United States Code,~~

~~and section 11315 of title 40, United States Code; and~~

~~"(9) perform such other responsibilities as the Secretary may prescribe.".~~

~~(b) SOFTWARE LICENSING.—~~

~~(1) IN GENERAL.—Not later than 180 days after the enactment of this Act, and every 2 years thereafter, the Chief Information Officer of the Department, in consultation with component chief information officers, shall—~~

~~(A) conduct a department-wide inventory of all existing software licenses including utilized and unutilized licenses;~~

~~(B) assess the needs of the Department and the components of the Department for software licenses for the upcoming 2 fiscal years; and~~

~~(C) examine how the Department can achieve the greatest possible economies of scale and cost-savings in the procurement of software licenses.~~

~~(2) EXCESS SOFTWARE LICENSES.—~~

~~(A) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the inventory conducted under~~

~~paragraph (1) that the number of existing software licenses of the Department and the components of the Department exceeds the needs of the Department as assessed under paragraph (1)(B), the Secretary, not later than 90 days after the date on which the inventory is completed under paragraph (1), shall establish a plan for bringing the number of software licenses into balance with such needs of the Department.~~

~~(B) PROHIBITION ON PROCUREMENT OF NEW SOFTWARE LICENSES.—~~

~~(i) IN GENERAL.—Except as provided in clause (ii), upon completion of a plan established under subparagraph (A), no additional resources may be obligated for the procurement of new software licenses until such time as the need of the Department exceeds the number of existing and unused licenses.~~

~~(ii) EXCEPTION.—The Chief Information Officer of the Department may allow the purchase of additional licenses and amend the number of needed licenses as necessary.~~

~~(3) SUBMISSION TO CONGRESS.—A copy of each inventory conducted under paragraph (1) and each plan established under paragraph (2) shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.~~

~~SEC. 211. DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS.~~

~~(a) IN GENERAL.—Notwithstanding any other provision of law and not later than the end of fiscal year 2018, the Secretary shall consolidate the location of the headquarters of the Department and the headquarters of components of the Department, as determined by the Secretary, in accordance with this section.~~

~~(b) ST. ELIZABETHS HOSPITAL.—The Secretary shall ensure that—~~

~~(1) the headquarters consolidation under subsection (a) occurs at the West Campus and East Campus of Saint Elizabeths Hospital in the District of Columbia; and~~

~~(2) the sites of the headquarters consolidation include adequate parking and infrastructure to support the offices and employees relocated to the sites.~~

~~(c) OTHER MISSION SUPPORT ACTIVITIES.—~~

~~(1) IN GENERAL.—The Secretary shall consolidate the physical location of all components and activities of the Department in the National Capitol Region that do not relocate to the West Campus or East Campus of Saint Elizabeths Hospital to as few locations within the National Capitol Region as possible.~~

~~(2) LIMITATION.—The Secretary may only consolidate components and activities described in paragraph (1) if the consolidation can be accomplished without adversely affecting the specific mission of the components or activities being consolidated.~~

~~SEC. 212. FUTURE YEARS HOMELAND SECURITY PROGRAM.~~

~~Section 874(a) of the Homeland Security Act of 2002 (6 U.S.C. 454(a)) is amended by inserting "but in any event not later than 30 days after the date on which the budget request is submitted," after "at or about the same time,".~~

~~SEC. 213. COUNTERING HOMEGROWN TERRORISM.~~

~~(a) FINDINGS.—Congress finds the following:~~

~~(1) The Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly know as, and in this section referred to as, the "9/11 Commission Report") states that "our strategy must match our means to two ends: dis-~~

~~mantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism.''.~~

~~(2) The President released a document in August 2011, entitled ''Empowering Local Partners to Prevent Violent Extremism in the United States'', which set forth a framework for countering violent extremism in the United States.~~

~~(b) DESIGNATION OF OFFICIAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall designate an official of the Department to coordinate efforts to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report.~~

~~(c) NOTICE.—Not later than 15 days after the date on which the Secretary designates an official under subsection (b), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.~~

~~(d) REPORT.—Not later than 90 days after the date on which the Secretary designates an official under subsection (b), official designated shall submit to the Committee on Homeland Security and Governmental Affairs~~

~~of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—~~

~~(1) the strategy and activities of the Department to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;~~

~~(2) which offices of the Department have significant responsibilities for countering violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;~~

~~(3) the number of employees of the Department employees whose time is fully or partially dedicated and the amount of funding dedicated by the Department to countering violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;~~

~~(4) the type of Department-sponsored activities and training for States and local governments, including products and activities associated with State and major urban area fusion centers, for countering violent extremism in the United States, particularly~~

~~the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;~~

~~(5) the metrics used to measure the effectiveness of programs or activities of the Department or sponsored by the Department aimed to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report; and~~

~~(6) the work of the Department to ensure that its activities to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission report, are in compliance with civil rights and civil liberties under applicable law.~~

~~SEC. 214. OFFICE OF CARGO SECURITY POLICY.~~

~~(a) REPEAL.—Section 431 of the Homeland Security Act of 2002 (6 U.S.C. 239) is repealed.~~

~~(b) TRANSFER OF FUNCTIONS.—All functions and responsibilities of the Office of Cargo Security Policy, as of the day before the date of the enactment of this Act, shall be transferred to appropriate officials within the Office of Policy.~~

~~SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.~~

~~(a) HOMELAND SECURITY ACT OF 2002.—~~

~~(1) TITLE I.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended—~~

~~(A) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking "the Directorate of Border and Transportation Security" and inserting "Commissioner, Customs and Border Protection"; and~~

~~(B) in section 103(a) (6 U.S.C. 113(a))—~~

~~(i) in paragraph (3), by striking "Under Secretary for Border and Transportation Security" and inserting "Under Secretary for Policy"; and~~

~~(ii) in paragraph (5), by striking "the Bureau of" and inserting "U.S.".~~

~~(2) TITLE IV.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—~~

~~(A) by amending the title heading to read as follows:~~

~~"TITLE IV—BORDER AND TRANSPORTATION SECURITY";~~

~~(B) in subtitle A, by amending the subtitle heading to read as follows:~~

~~"Subtitle A—Border and Transportation Security";~~

~~(C) by striking section 401 (6 U.S.C. 201);~~

~~(D) in section 402 (6 U.S.C. 202)—~~

~~(i) in the section heading, by striking "**RESPONSIBILITIES**" by inserting "**BORDER AND TRANSPORTATION RESPONSIBILITIES**"; and~~

~~(ii) by striking ", acting through the Under Secretary for Border and Transportation Security,";~~

~~(E) in section 411(a) (6 U.S.C. 211(a)), by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";~~

~~(F) in section 424(a) (6 U.S.C. 234(a)), by striking "Under Secretary for Border Transportation and Security" and inserting "Secretary";~~

~~(G) in section 441 (6 U.S.C. 251)—~~

~~(i) in the section heading, by striking "**TO UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY**";~~

~~and~~

(ii) by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";

(II) in section 442 (6 U.S.C. 252)—

(i) by amending the section heading to read as follows:

"SEC. 442. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.";

(ii) in subsection (a)—

(I) in the subsection heading, by striking "ESTABLISHMENT OF BUREAU" and inserting "U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT";

(II) in paragraph (1), by striking "a bureau to be known as the 'Bureau of Border Security'." and inserting "an agency to be known as 'U.S. Immigration and Customs Enforcement'.";

(III) by amending paragraph (2) to read as follows:

"(2) ASSISTANT SECRETARY.—The head of U.S. Immigration and Customs Enforcement shall be the Assistant Secretary of U.S. Immigration and Customs Enforcement, who—

1 ~~"(A) shall also have the title of Director of~~
2 ~~U.S. Immigration and Customs Enforcement;~~
3 ~~and~~
4 ~~"(B) shall have a minimum of—~~
5 ~~"(i) 5 years of professional experience~~
6 ~~in law enforcement; and~~
7 ~~"(ii) 5 years of management experi-~~
8 ~~ence.";~~
9 ~~(IV) in paragraph (3)—~~
10 ~~(aa) in the matter preceding~~
11 ~~subparagraph (A), by striking~~
12 ~~"the Bureau of Border Security"~~
13 ~~and inserting "U.S. Immigration~~
14 ~~and Customs Enforcement";~~
15 ~~(bb) in subparagraph (A)—~~
16 ~~(AA) by striking~~
17 ~~"Under Secretary for Bor-~~
18 ~~der and Transportation Se-~~
19 ~~curity" each place such term~~
20 ~~appears and inserting "Sec-~~
21 ~~retary"; and~~
22 ~~(BB) by inserting "of~~
23 ~~U.S. Immigration and Cus-~~
24 ~~toms Enforcement" after~~
25 ~~"Assistant Secretary" each~~

~~place such term appears; and~~

~~(cc) in subparagraph (C)—~~

~~(AA) by striking "Under Secretary for Border and Transportation Security" and inserting "Under Secretary for Policy";~~

~~(BB) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(CC) by striking "the Bureau of Citizenship and Immigration Services" and inserting "U.S. Citizenship and Immigration Services";~~

~~(V) in paragraph (4)—~~

~~(aa) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(bb) by striking "the Bureau" and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(VI) in paragraph (5)(A)—~~

~~(aa) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(bb) by striking "such bureau" each place such term appears and inserting "U.S. Immigration and Customs Enforcement";~~

~~(iii) in subsection (b)—~~

~~(I) in paragraph (1), by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(II) in paragraph (2)—~~

~~(aa) in the matter preceding subparagraph (A), by striking "Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(bb) in subparagraph (B), by striking "the Bureau of Citizenship and Immigration Services (established under subtitle E)" and inserting "U.S. Citizenship and Immigration Services";~~

~~(iv) in subsection (c)—~~

~~(I) by striking "the Bureau of Border Security" each place such term appears and inserting "U.S. Immigration and Customs Enforcement"; and~~

~~(II) by striking "the bureau" and inserting "U.S. Immigration and Customs Enforcement";~~

~~(I) in section 443 (6 U.S.C. 253)—~~

~~(i) by striking "The Under Secretary for Border and Transportation Security" and inserting "The Secretary"; and~~

~~(ii) by striking "the Bureau of Border Security" each place such term appears and inserting "U.S. Immigration and Customs Enforcement";~~

~~(J) in section 444 (6 U.S.C. 254)—~~

~~(i) by striking "The Under Secretary for Border and Transportation Security" and inserting "The Secretary";~~

~~(ii) by striking "pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation,"; and~~

~~(iii) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement";~~

~~(K) by striking section 445 (6 U.S.C. 255);~~

~~(L) in section 451 (6 U.S.C. 271)—~~

~~(i) in the section heading, by striking "**BUREAU OF**" and inserting "**U.S.**";~~

~~(ii) in subsection (a)—~~

~~(I) in the subsection heading, by striking "OF BUREAU";~~

~~(II) in paragraph (1), by striking "a bureau to be known as the Bureau of" and inserting "an agency to be known as U.S.";~~

~~(III) in paragraph (2)—~~

~~(aa) by striking "the Bureau of Citizenship and Immigration Services" each place such term~~

~~appears and inserting "U.S. Citizenship and Immigration Services"; and~~

~~(bb) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement";~~

~~(IV) in paragraph (3)—~~

~~(aa) by striking "the Bureau of Citizenship and Immigration Services" each place such term appears and inserting "U.S. Citizenship and Immigration Services"; and~~

~~(bb) by striking "the Bureau of Border Security of the Department" and inserting "U.S. Immigration and Customs Enforcement";~~

~~(V) in paragraph (4)(A)—~~

~~(aa) by striking "the Bureau of" and inserting "U.S."; and~~

~~(bb) by striking "such bureau" each place such term appears and inserting "U.S. Citi-~~

~~zenship and Immigration Services'';~~ ~~and~~

~~(VI) in paragraph (5), by striking ''the Bureau of'' and inserting ''U.S.'';~~

~~(iii) in subsection (b), by striking ''the Bureau of'' and inserting ''U.S.'';~~

~~(iv) in subsection (c)—~~

~~(I) by striking ''the Bureau of'' each place such term appears and inserting ''U.S.'';~~ ~~and~~

~~(II) in paragraph (2)—~~

~~(aa) in the matter preceding subparagraph (A), by striking ''Bureau of'' and inserting ''U.S.'';~~ ~~and~~

~~(bb) in subparagraph (B), by striking ''Border Security of the Department'' and inserting ''Immigration and Customs Enforcement'';~~

~~(v) in subsection (d), by striking ''the Bureau of'' each place such term appears and inserting ''U.S.'';~~ ~~and~~

~~(vi) in subsection (e), by striking "the Bureau of" each place such term appears and inserting "U.S."; and~~

~~(vii) in subsection (f), by striking "the Bureau of" each place such term appears and inserting "U.S.";~~

~~(M) in section 452 (6 U.S.C. 272)—~~

~~(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and~~

~~(ii) in the heading to subsection (f), by striking "BUREAU OF" and inserting "U.S.";~~

~~(N) in section 453 (6 U.S.C. 273)—~~

~~(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and~~

~~(ii) in subsection (a)(2), by striking "such bureau" and inserting "U.S. Citizenship and Immigration Services";~~

~~(O) in section 454 (6 U.S.C. 274)—~~

~~(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and~~

~~(ii) by striking "pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation,";~~

~~(P) by striking section 455 (6 U.S.C. 271 note);~~

~~(Q) by redesignating section 456 (6 U.S.C. 275) as section 455;~~

~~(R) in section 455, as redesignated—~~

~~(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and~~

~~(ii) by striking "the effective date specified in section 455" and inserting "the date on which the functions specified under section 441 were transferred";~~

~~(S) by striking sections 459 and 460 (6 U.S.C. 276 and 277);~~

~~(T) by redesignating sections 461 and 462 as sections 456 and 457, respectively;~~

~~(U) by striking section 471 (6 U.S.C. 291);~~

~~(V) in section 472 (6 U.S.C. 292)—~~

~~(i) in subsection (a)(2)—~~

~~(I) in subparagraph (B), by striking "the Bureau of Border Secu-~~

~~rity of the Department of Homeland Security'' and inserting ''U.S. Immigration and Customs Enforcement''; and~~

~~(II) in subparagraph (C), by striking ''the Bureau of Citizenship and Immigration Services of the Department of Homeland Security'' and inserting ''U.S. Citizenship and Immigration Services''; and~~

~~(ii) in subsection (e), by striking ''or the Under Secretary for Border and Transportation Security'';~~

~~(W) in section 474 (6 U.S.C. 294), by striking ''the Bureau of Border Security and the Bureau of'' and inserting ''U.S. Immigration and Customs Enforcement and U.S.'';~~

~~(X) in section 475(b) (6 U.S.C. 295(b)), by striking ''the Bureau of Border Security and the Bureau of'' and inserting ''U.S. Immigration and Customs Enforcement and U.S.'';~~

~~(Y) in section 476 (6 U.S.C. 296), by striking ''the Bureau of Citizenship and Immigration Services and the Bureau of Border Security'' each place it appears and inserting~~

~~"U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement"; and~~

~~(Z) in section 477 (6 U.S.C. 297)—~~

~~(i) by striking "the Bureau of Citizenship and Immigration Services and the Bureau of Border Security" each place it appears and inserting "U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement"; and~~

~~(ii) by striking subsections (c) and (d).~~

~~(3) TITLE VII.—Section 701(b)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 341(b)(1)(A)) is amended by striking "the Bureau of Border Security and the Bureau of Citizenship and Immigration Services" and inserting "U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services".~~

~~(4) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—~~

~~(A) by striking the item relating to title IV and inserting the following:~~

~~"TITLE IV—BORDER AND TRANSPORTATION SECURITY";~~

~~(B) by striking the item relating to subtitle A of title IV and inserting the following:~~

~~"Subtitle A—Border and Transportation Security";~~

~~(C) by striking the items relating to sections 401, 445, 455, 459, 460, and 471;~~

~~(D) by striking the items relating to section 441 and 442 and inserting the following:~~

~~"441. Transfer of functions.~~
~~"442. United States Immigration and Customs Enforcement.";~~

~~and~~

~~(E) by striking the items relating to sections 456, 461, and 462 and inserting the following:~~

~~"455. Transition.~~
~~"456. Application of internet-based technologies.~~
~~"457. Children's affairs.".~~

~~(5) OTHER LAWS.—~~

~~(A) VULNERABILITY AND THREAT ASSESSMENT.—Section 301 of the REAL ID Act of 2005 (8 U.S.C. 1778) is amended—~~

~~(i) in subsection (a)—~~

~~(I) in the first sentence, by striking "Under Secretary of Homeland Security for Border and Transportation Security" and inserting "Secretary of Homeland Security"; and~~

~~(II) in the second sentence, by striking "Under";~~

~~(ii) in subsection (b)—~~

~~(I) by striking "Under"; and~~

~~(II) by striking "Under Secretary's findings and conclusions" and inserting "Secretary's findings and conclusions"; and~~

~~(iii) in subsection (c), by striking "Directorate of Border and Transportation Security".~~

~~(B) AIR CHARTER PROGRAM.—Section 44903(l)(1) of title 49, United States Code, is amended by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of".~~

~~(C) BASIC SECURITY TRAINING.—Section 44918(a)(2)(E) of title 49, United States Code, is amended by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of".~~

~~(D) AIRPORT SECURITY IMPROVEMENT PROJECTS.—Section 44923 of title 49, United States Code, is amended—~~

~~(i) in subsection (a), in the matter preceding paragraph (1), by striking "Under Secretary for Border and Trans-~~

~~portation Security of the Department of'' and inserting ''Secretary of'';~~

~~(ii) by striking ''Under Secretary'' each place it appears and inserting ''Secretary of Homeland Security''; and~~

~~(iii) in subsection (d)(3), in the paragraph heading, by striking ''UNDER''.~~

~~(E) REPAIR STATION SECURITY.—Section 44924 of title 49, United States Code, is amended—~~

~~(i) in subsection (a), by striking ''Under Secretary for Border and Transportation Security of the Department of'' and inserting ''Secretary of''; and~~

~~(ii) by striking ''Under Secretary'' each place it appears and inserting ''Secretary of Homeland Security''.~~

~~(F) CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.—Section 46111 of title 49, United States Code, is amended—~~

~~(i) in subsection (a), by striking ''Under Secretary for Border and Transportation Security of the Department of'' and inserting ''Secretary of''; and~~

(ii) by striking "Under Secretary" each place it appears and inserting "Secretary of Homeland Security".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 310(b), is further amended by inserting after the item relating to section 837 the following new item:

"Sec. 838. Transparency and innovation in acquisition.".

TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE

SEC. 301. INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.

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

(1) in section 103(a)(8) (6 U.S.C. 113), by striking "Secretary" and all that follows and inserting "Secretary for Infrastructure Protection and Resilience."; and

(2) in section 201 (6 U.S.C. 121)—

(A) in the section heading, by striking "**INFORMATION**" and all that follows and inserting "**INTELLIGENCE AND ANALYSIS**";

(B) in subsection (a)—

(i) in the subsection heading, by striking "AND INFRASTRUCTURE PROTECTION"; and

~~(ii) by striking "and an Office of Infrastructure Protection";~~

~~(C) in subsection (b)—~~

~~(i) in the subsection heading, by striking "AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION"; and~~

~~(ii) by striking paragraph (3);~~

~~(D) in subsection (c)—~~

~~(i) by striking "and infrastructure protection"; and~~

~~(ii) by striking "or the Assistant Secretary for Infrastructure Protection, as appropriate";~~

~~(E) in subsection (d)—~~

~~(i) in the subsection heading, by striking "AND INFRASTRUCTURE PROTECTION";~~

~~(ii) in the matter preceding paragraph (1), by striking "and infrastructure protection"; and~~

~~(iii) by striking paragraphs (2), (5), (6), and (25);~~

~~(iv) in paragraph (3), in the matter preceding subparagraph (A), by inserting ", in coordination with the Office of Infra-~~

structure Protection," after "To integrate";

(v) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(vi) by redesignating paragraphs (7) through (24) as paragraphs (4) through (21), respectively;

(F) in subsection (g), in the matter preceding paragraph (1), by striking "under this section".

(b) INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.—

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

"Subtitle E—Infrastructure Protection and Resilience Directorate

"SEC. 241. INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.

"(a) IN GENERAL.—There is established in the Department, an Infrastructure Protection and Resilience Directorate.

"(b) UNDER SECRETARY FOR INFRASTRUCTURE PROTECTION AND RESILIENCE.—The Infrastructure Pro-

~~tection and Resilience Directorate shall be headed by the Under Secretary for Infrastructure Protection and Resilience.~~

~~"(c) RESPONSIBILITIES.—The Under Secretary for Infrastructure Protection and Resilience shall—~~

~~"(1) coordinate critical infrastructure protection and resiliency activities within the Department;~~

~~"(2) ensure Federal facilities protected by the Federal Protective Service are rendered safe and secure for Federal employees, contract employees, officers, and visitors; and~~

~~"(3) perform such other duties as the Secretary may prescribe.~~

~~"(d) OFFICE OF INFRASTRUCTURE PROTECTION.—~~

~~"(1) IN GENERAL.—There is established in the Infrastructure Protection and Resilience Directorate an Office of Infrastructure Protection.~~

~~"(2) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The Office of Infrastructure Protection shall be headed by the Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.~~

~~"(3) RESPONSIBILITIES.—The Assistant Secretary for Infrastructure Protection shall—~~

1 ~~"(A) promote, prioritize, coordinate, and~~
2 ~~plan for the protection, security, resiliency, and~~
3 ~~postdisaster restoration of critical infrastruc-~~
4 ~~ture and key resources of the United States~~
5 ~~against or in the event of an act of terrorism,~~
6 ~~natural disaster, or other manmade disaster, in~~
7 ~~coordination with other agencies of the Federal~~
8 ~~Government and in cooperation with State and~~
9 ~~local government agencies and authorities, the~~
10 ~~private sector, and other entities;~~
11 ~~"(B) carry out comprehensive assessments~~
12 ~~of the vulnerabilities of the key resources and~~
13 ~~critical infrastructure of the United States, in-~~
14 ~~cluding the performance of risk assessments to~~
15 ~~determine the risks posed by particular types of~~
16 ~~terrorist attacks within the United States (in-~~
17 ~~cluding an assessment of the probability of suc-~~
18 ~~cess of the attacks and the feasibility and po-~~
19 ~~tential efficacy of various countermeasures to~~
20 ~~the attacks);~~
21 ~~"(C) integrate, in coordination with the~~
22 ~~Office of Intelligence and Analysis, relevant in-~~
23 ~~formation, analyses, and vulnerability assess-~~
24 ~~ments of critical infrastructure and key re-~~
25 ~~sources of the United States (whether such in-~~

formation, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State, and local government agencies;

"(D) develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology, and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems;

"(E) recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities;

1 ~~"(F) for each sector identified in the Na-~~
2 ~~tional Infrastructure Protection Plan, prepare~~
3 ~~and submit to the Committee on Homeland Se-~~
4 ~~curity and Governmental Affairs of the Senate~~
5 ~~and the Committee on Homeland Security of~~
6 ~~the House of Representatives, and to other ap-~~
7 ~~propriate congressional committees having ju-~~
8 ~~risdiction over the critical infrastructure or key~~
9 ~~resources, a report on the comprehensive as-~~
10 ~~sessments carried out by the Secretary of the~~
11 ~~critical infrastructure and key resources of the~~
12 ~~United States, evaluating threat, vulnerability,~~
13 ~~and consequence, as required under this sub-~~
14 ~~section, which—~~
15 ~~"(i) shall contain, if applicable, ac-~~
16 ~~tions or countermeasures recommended or~~
17 ~~taken by the Secretary or the head of an-~~
18 ~~other Federal agency to address issues~~
19 ~~identified in the assessments; and~~
20 ~~"(ii) shall be submitted not later than~~
21 ~~the start of the third fiscal year beginning~~
22 ~~after the date of enactment of this subtitle,~~
23 ~~and every 4 years thereafter;~~
24 ~~"(G) coordinate the identification and miti-~~
25 ~~gation of risks associated with assets and sys-~~

~~tems located outside the United States, which, if disrupted or destroyed, would critically affect the public health and safety, economy, or national security of the United States; and~~

~~"(H) perform such other duties as the Secretary may prescribe.".~~

~~(2) CONTINUATION IN OFFICE.—The individual serving as Under Secretary for National Protection and Programs on the day before the date of enactment of this Act, may serve as the Under Secretary for Infrastructure Protection and Resilience until the date on which an appointment to the position of Under Secretary for Infrastructure Protection and Resilience is made under section 103(a)(8) of the Homeland Security Act of 2002, as amended by this Act.~~

~~(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 235 the following:~~

~~"Subtitle E—Infrastructure Protection and Resilience Directorate~~

~~"Sec. 241. Infrastructure Protection and Resilience Directorate.".~~

SEC. 302. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by section 301, is amended by adding at the end the following:

"Subtitle F—Federal Protective Service

"SEC. 251. FEDERAL PROTECTIVE SERVICE.

"(a) ESTABLISHMENT.—There is established within the Department the Federal Protective Service, which shall be headed by a Director, who shall report to the Under Secretary for Infrastructure Protection and Resilience.

"(b) ASSESSMENT AND COLLECTION OF FEES.—The Secretary may assess and collect fees and security charges for the costs of providing protective service.

"(c) DEPOSIT OF FEES.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading 'FEDERAL PROTECTIVE SERVICES' under the heading 'NATIONAL PROTECTION AND PROGRAMS DIRECTORATE' of the Department.

"(d) ADJUSTMENT OF FEES.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this section.".

(b) TECHINICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Se-

~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 241, as added by section 301 the following:~~

~~"Subtitle F—Federal Protective Service~~

~~"Sec. 251. Federal Protective Service.".~~

~~TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY~~

~~SEC. 401. CATASTROPHIC INCIDENT PLANNING.~~

~~(a) DEFINITIONS.—Section 602 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 701) is amended—~~

~~(1) by redesignating paragraphs (5) through (16) as paragraphs (6) through (17), respectively; and~~

~~(2) by inserting after paragraph (4) the following:~~

~~"(5) the term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));".~~

~~(b) IN GENERAL.—Section 653 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 753) is amended—~~

~~(1) by redesignating subsections (b), (c), (d), and (e), as subsections (e), (f), (g), and (h), respectively;~~

~~(2) by redesignating subsection (a) as subsection (c);~~

~~(3) by inserting before subsection (c), as redesignated, the following:~~

~~"(a) DEFINITION.—In this section, the term 'catastrophic incident planning' means planning to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.~~

~~"(b) PLANNING.—In support of the national preparedness system, the President shall ensure that there are comprehensive plans to prevent, prepare for, protect against, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents, throughout the Federal Government.";~~

~~(4) in subsection (c), as redesignated—~~

~~(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6);~~

~~(B) by inserting after paragraph (3), the following:~~

~~"(4) conducts catastrophic incident planning as required under subsection (d)(2),"; and~~

~~(C) in paragraph (5), as redesignated, by inserting ", including for catastrophic incidents," after "operational plans";~~

~~(5) by inserting after subsection (c), as redesignated, the following:~~

~~"(d) CATASTROPHIC INCIDENT PLANNING.—In carrying out subsections (b) and (c), the President shall—~~

~~"(1) identify and prioritize risks of catastrophic incidents, including risks across all critical infrastructure sectors;~~

~~"(2) ensure that Federal agencies coordinate to conduct comprehensive and effective catastrophic incident planning to address prioritized catastrophic risks; and~~

~~"(3) review plans for catastrophic incidents developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—~~

~~"(A) the assumptions underlying plans for catastrophic incidents are realistic;~~

~~"(B) the resources identified to implement the plans are adequate for catastrophic incidents, including whether the number, skills, and training of the available workforce is sufficient to implement the plans; and~~

~~"(C) plans for catastrophic incidents reflect coordination with governmental and nongovernmental entities that would play a signifi-~~

~~cant role in the response to the catastrophic incident.'';~~

~~(6) in subsection (c), as redesignated, by striking ''subsection (a)(4)'' and inserting ''subsection (c)(5)''; and~~

~~(7) in subsection (g), as redesignated, in the matter preceding paragraph (1), by striking ''subsections (a) and (b)'' and inserting ''subsections (c) and (e).''.~~

~~(c) HOMELAND SECURITY ACT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:~~

~~''SEC. 526. CATASTROPHIC INCIDENT PLANNING.~~

~~''(a) DEFINITION.—In this section, the term 'catastrophic incident planning' means planning to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.~~

~~''(b) DIRECTOR.—The Secretary shall appoint a senior official within the Agency who shall be responsible for catastrophic incident planning, including—~~

~~''(1) assisting the President and the heads of Federal agencies in identifying risks of catastrophic incidents for which planning is likely to be most needed or beneficial, including risks across all critical infrastructure sectors;~~

~~"(2) leading the efforts of the Department to conduct catastrophic incident planning to address risks in the areas of responsibility of the Department;~~

~~"(3) leading, promoting, and coordinating efforts of Federal agencies to conduct catastrophic incident planning to address risks, including by assisting in the assessing and reviewing of plans of Federal agencies for catastrophic incidents and plans of private sector entities for catastrophic incidents submitted to the Federal agencies;~~

~~"(4) developing communications plans and prescripted messages and message templates in accordance with section 530;~~

~~"(5) providing assistance to State, local, and tribal governments in developing plans for catastrophic incidents;~~

~~"(6) promoting and supporting appropriate catastrophic incident planning by private sector entities, including private sector entities that own or manage critical infrastructure; and~~

~~"(7) otherwise assisting in the implementation of section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753).".~~

1 ~~(d) TECHNICAL AND CONFORMING AMENDMENT.—~~
2 ~~The table of contents in section 1(b) of the Homeland Se-~~
3 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~
4 ~~inserting after the item relating to section 525 the fol-~~
5 ~~lowing:~~

~~"Sec. 526. Catastrophic incident planning.".~~

6 ~~**SEC. 402. PREPAREDNESS OF INDIVIDUALS AND COMMU-**~~
7 ~~**NITIES.**~~

8 ~~(a) IN GENERAL.—Title V of the Homeland Security~~
9 ~~Act of 2002 (6 U.S.C. 311 et seq.), as amended by section~~
10 ~~401, is amended by adding at the end the following:~~

11 ~~**"SEC. 527. PREPAREDNESS OF INDIVIDUALS AND COMMU-**~~
12 ~~**NITIES.**~~

13 ~~"(a) IN GENERAL.—The Administrator shall enhance~~
14 ~~and promote the preparedness of individuals and commu-~~
15 ~~nities for natural disasters, acts of terrorism, and other~~
16 ~~man-made disasters and coordinate with State, local, and~~
17 ~~tribal governments and private sector and nongovern-~~
18 ~~mental organizations in these efforts.~~

19 ~~"(b) LEAD OFFICIAL.—The Administrator shall ap-~~
20 ~~point a senior official within the Department to coordinate~~
21 ~~and oversee the activities of the Agency to enhance and~~
22 ~~promote the preparedness of individuals and communities~~
23 ~~for natural disasters, acts of terrorism, and other man-~~
24 ~~made disasters.".~~

~~(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 526, as added by section 401, the following:~~

~~"Sec. 527. Preparedness of individuals and communities.".~~

~~SEC. 403. FEDERAL RESPONSE AND RECOVERY PREPAREDNESS OFFICIALS.~~

~~(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—~~

~~(1) in section 501 (6 U.S.C. 311)—~~

~~(A) in paragraph (8), by striking "section 502(a)(6)" and inserting "section 504(a)(6)";~~

~~(B) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and~~

~~(C) by inserting after paragraph (8) the following:~~

~~"(9) the term 'recovery' means the short- and long-term process of restoring, reshaping, and enhancing the resiliency of the physical, social, economic, and natural environments, government institutions, and the lives of affected individuals."; and~~

~~(2) by adding after section 527, as added by section 402 of this Act, the following:~~

~~"SEC. 528. FEDERAL RESPONSE AND RECOVERY PREPAREDNESS OFFICIALS.~~

~~"(a) IN GENERAL.—The Administrator shall ensure the preparedness of Federal agencies to respond to and support recovery from a natural disaster, act of terrorism, or other man-made disaster by—~~

~~"(1) ensuring the development of and preparedness of the Agency to implement the National Response Framework and the National Disaster Recovery Framework;~~

~~"(2) ensuring Federal agencies with responsibilities under the National Response Framework and the National Disaster Recovery Framework are prepared to fulfill those responsibilities, including having appropriate staffing and training; and~~

~~"(3) unless a major disaster is a catastrophic incident relating to which the President has established a Commission under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, resolving disagreements relating to response to and recovery from major disasters between Federal agencies with responsibilities under the National Disaster Recovery Framework, including disagreements relating to a particular major disaster and disagreements that arise before a major disaster is declared.~~

1 ~~"(b) DISASTER RESPONSE AND RECOVERY OFFI-~~
2 ~~CIALS.—The head of each Federal agency with major re-~~
3 ~~sponsibilities under the National Response Framework or~~
4 ~~the National Disaster Recovery Framework, as deter-~~
5 ~~mined by the Administrator, shall designate a senior offi-~~
6 ~~cial to—~~
7 ~~"(1) ensure the Federal agency is prepared to~~
8 ~~execute its response and recovery responsibilities~~
9 ~~under such plans; and~~
10 ~~"(2) coordinate disaster response and recovery~~
11 ~~efforts and activities with the Administrator.".~~
12 ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~
13 ~~The table of contents in section 1(b) of the Homeland Se-~~
14 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~
15 ~~inserting after the item relating to section 527, as added~~
16 ~~by section 402, the following:~~

~~"Sec. 528. Federal response and recovery preparedness officials.".~~

17 **~~SEC. 404. RECOVERY.~~**

18 ~~(a) DEFINITION OF MAJOR DISASTER.—Section 102~~
19 ~~of the Robert T. Stafford Disaster Relief and Emergency~~
20 ~~Assistance Act (42 U.S.C. 5122) is amended by striking~~
21 ~~paragraph (2) and inserting the following:~~
22 ~~"(2) MAJOR DISASTER.—The term 'major dis-~~
23 ~~aster' means any natural disaster (including a pan-~~
24 ~~demic), act of terrorism, or other man-made dis-~~
25 ~~aster, in any part of the United States, which in the~~

~~determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.''.~~

~~(b) OTHER DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:~~

~~''(11) RECOVERY.—The term 'recovery' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).~~

~~''(12) NATIONAL DISASTER RECOVERY FRAMEWORK.—The term 'National Disaster Recovery Framework' means the National Disaster Recovery Framework developed under section 655 of the Post-Katrina Emergency Management Reform Act of 2006.~~

~~''(13) CATASTROPHIC INCIDENT.—The term 'catastrophic incident' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''.~~

(c) RECOVERY EFFORTS.—Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a) is amended—

(1) in paragraph (3)—

(A) in subparagraph (D), by inserting "and" after "measures;";

(B) in subparagraph (E), by striking "and" at the end; and

(C) by striking subparagraph (F);

(2) in paragraph (4), by striking "and" at the end;

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

(4) by adding at the end the following:

"(6) assist State and local governments to recover from a major disaster and coordinate Federal assistance for recovery from the major disaster by—

"(A) identifying and coordinating Federal resources, programs, and agencies to support the implementation of recovery and mitigation efforts of State and local governments;

"(B) providing technical and other advice to State and local governments to manage, control, and mitigate hazards and risk to reduce damages from a subsequent major disaster;

1 ~~"(C) in the case of a catastrophic incident,~~
2 ~~establishing a Commission under section 327;~~
3 ~~and~~
4 ~~"(D) providing financial and technical as-~~
5 ~~sistance and advice to State and local govern-~~
6 ~~ments affected by a major disaster to—~~
7 ~~"(i) assess the effects of the major~~
8 ~~disaster;~~
9 ~~"(ii) support coordinated and com-~~
10 ~~prehensive recovery planning; and~~
11 ~~"(iii) support and facilitate implemen-~~
12 ~~tation of recovery plans and actions.".~~
13 ~~(d) RECOVERY FROM A CATASTROPHIC INCIDENT.—~~
14 ~~Title III of the Robert T. Stafford Disaster Relief and~~
15 ~~Emergency Assistance Act (42 U.S.C. 5141 et seq.) is~~
16 ~~amended by adding at the end the following:~~
17 **~~"SEC. 327. CATASTROPHIC INCIDENT RECOVERY COMMIS-~~**
18 **~~SIONS.~~**
19 ~~"(a) DEFINITIONS.—In this section—~~
20 ~~"(1) the term 'Administrator' means the Ad-~~
21 ~~ministrator of the Federal Emergency Management~~
22 ~~Agency;~~
23 ~~"(2) the term 'Chairperson' means the Chair-~~
24 ~~person of a Commission selected under subsection~~
25 ~~(b)(2); and~~

1 ~~"(3) the term 'Commission' means a commis-~~
2 ~~sion established under subsection (b)(1).~~
3 ~~"(b) COMMISSION ESTABLISHMENT.—~~
4 ~~"(1) IN GENERAL.—Immediately following a~~
5 ~~catastrophic incident, the President may establish a~~
6 ~~commission to facilitate and support States and local~~
7 ~~governments in achieving an efficient, effective, and~~
8 ~~expeditious recovery from the catastrophic incident.~~
9 ~~"(2) CHAIRPERSON.—The President shall select~~
10 ~~an official to serve as the Chairperson of each Com-~~
11 ~~mission to ensure the responsibilities of the Commis-~~
12 ~~sion are fulfilled. The Chairperson shall have the au-~~
13 ~~thority to direct any Federal agency to use the au-~~
14 ~~thorities and resources granted to the Federal agen-~~
15 ~~cy under Federal law in support of the efficient, ef-~~
16 ~~fective, and expeditious recovery from the cata-~~
17 ~~strophic incident.~~
18 ~~"(3) MEMBERS OF COMMISSIONS.—Each Com-~~
19 ~~mission shall include as a member the Adminis-~~
20 ~~trator, the head of each Federal agency with major~~
21 ~~responsibilities under the National Disaster Recov-~~
22 ~~ery Framework, and the head of any other Federal~~
23 ~~agency that the President determines necessary.~~
24 ~~"(4) STAFFING.—The Administrator and the~~
25 ~~head of each Federal agency with responsibilities~~

~~under the National Disaster Recovery Framework shall each detail to each Commission a sufficient number of senior officials with decisionmaking authority and staff who shall serve full-time on the Commission to ensure efficient administration of the assistance provided by the Federal Government.~~

~~"(c) RESPONSIBILITIES OF A COMMISSION.—A Commission shall—~~

~~"(1) develop and implement a strategic plan under subsection (d) for the recovery from the catastrophic incident and to mitigate against the effects of and foster resilience against subsequent disasters;~~

~~"(2) coordinate the activities of Federal agencies represented by the members of the Commission and other Federal agencies that the President determines necessary and resolve disagreements relating to recovery from the catastrophic incident between or among Federal agencies;~~

~~"(3) compile data relating to the recovery from the catastrophic incident, including on the Federal assistance provided and the status of meeting recovery goals;~~

~~"(4) identify Federal regulations, policies, and procedures that need to be streamlined and coordi-~~

~~nated to enable an efficient, expeditious, and effective recovery from the catastrophic incident;~~

~~"(5) identify and facilitate the provision of Federal funds to address gaps in the recovery from the catastrophic incident;~~

~~"(6) coordinate with State and local governments on the recovery from the catastrophic incident; and~~

~~"(7) take actions to prevent waste, fraud, and abuse in the recovery from the catastrophic incident.~~

~~"(d) STRATEGIC RECOVERY PLAN.—~~

~~"(1) IN GENERAL.—Not later than 90 days after the date of a catastrophic incident, the Commission established for the catastrophic incident shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a strategic recovery plan for how the Federal Government will expeditiously assist State and local governments in the recovery of the area affected by the catastrophic incident.~~

~~"(2) CONTENTS.—Each strategic plan submitted under paragraph (1) shall be written in co-~~

~~ordination with State and local governments affected by the catastrophic incident and shall include—~~

~~"(A) an assessment of challenges and needs faced in the recovery from the catastrophic incident;~~

~~"(B) a description of how each Federal agency will support State and local governments in the recovery efforts, including technical, financial, and planning assistance, and the roles and responsibilities of each Federal agency in fulfilling the strategic plan;~~

~~"(C) a description of how each Federal agency on the Commission will administer and provide staffing to assist in the recovery from the catastrophic incident;~~

~~"(D) a description of any procedures of a Federal agency that will be streamlined to help ensure an efficient and effective recovery from the catastrophic incident; and~~

~~"(E) a description of any legislative authority needed to help ensure an efficient, expeditious, and effective recovery from the catastrophic incident.~~

~~"(3) UPDATE.—Not later than 180 days after the date on which a Commission submits a strategic~~

~~plan under paragraph (1), and every 180 days thereafter until the date on which the Commission terminates under subsection (c), the Commission shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate a report describing—~~

~~"(A) progress in the recovery from the catastrophic incident since the date on which the most recent strategic plan or report relating to the catastrophic incident was submitted; and~~

~~"(B) major challenges and unmet needs remaining in the recovery from the catastrophic incident.~~

~~"(c) TERMINATION.—~~

~~"(1) IN GENERAL.—The President shall terminate a Commission established in relation to a catastrophic incident when the President determines that all issues relating to the Federal coordination of the recovery have been substantially resolved.~~

~~"(2) WITHDRAWAL.—Upon a determination by the President that the matters with which a Federal agency has been involved as part of a Commission have been substantially resolved, the Federal agency may withdraw from the Commission.".~~

~~SEC. 405. ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.~~

~~(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 403, is amended by adding at the end the following:~~

~~"SEC. 529. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.~~

~~"(a) DEFINITIONS.—In this section—~~

~~"(1) the term 'annuitant' means an annuitant under a Government retirement system;~~

~~"(2) the terms 'deployed' and 'deployment' mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;~~

~~"(3) the term 'Disaster Reserve Workforce' means the Disaster Reserve Workforce established under subsection (b);~~

~~"(4) the term 'employee' has the meaning given under section 2105 of title 5, United States Code;~~

~~"(5) the term 'employee designated for short term deployments' means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;~~

~~"(6) the term 'Government retirement system' means a retirement system established by law for employees of the Government of the United States;~~

~~"(7) the term 'major project' means any project for which the total costs are greater than $400,000;~~

~~"(8) the term 'permanent seasonal employee' means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;~~

~~"(9) the term 'reservist' means an employee who is a member of the Disaster Reserve Workforce;~~

~~"(10) the term 'response and recovery operations and programs' means response operations and programs and recovery operations and programs;~~

~~"(11) the term 'response operations and programs' means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;~~

~~"(12) the term 'recovery operations and programs' means operations and programs to support~~

~~and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and~~

~~"(13) the term 'term employee' means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.~~

~~"(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a Disaster Reserve Workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.~~

~~"(c) PROVISION OF SERVICES PERFORMED UNDER RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—~~

~~"(1) IN GENERAL.—The Administrator shall ensure that the Disaster Reserve Workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.~~

~~"(2) MANAGEMENT AND IMPLEMENTATION.—~~

1 ~~"(A) IN GENERAL.—Sufficient numbers of~~
2 ~~qualified permanent full-time employees of the~~
3 ~~Agency shall lead and manage the Disaster Re-~~
4 ~~serve Workforce and implement response and~~
5 ~~recovery operations and programs, including~~
6 ~~leading individual major projects under sections~~
7 ~~404, 406, and 407 of the Robert T. Stafford~~
8 ~~Disaster Relief and Emergency Assistance Act~~
9 ~~(42 U.S.C. 5170c, 5172, and 5173).~~
10 ~~"(B) RESERVISTS.—Reservists shall in-~~
11 ~~clude—~~
12 ~~"(i) term employees;~~
13 ~~"(ii) permanent seasonal employees;~~
14 ~~"(iii) employees designated for short-~~
15 ~~term deployments;~~
16 ~~"(iv) employees of the Department~~
17 ~~who are not employees of the Agency; and~~
18 ~~"(v) employees of other Federal agen-~~
19 ~~cies.~~
20 ~~"(C) SHORT-TERM DEPLOYMENTS.—Em-~~
21 ~~ployees designated for short-term deployments~~
22 ~~shall generally be deployed—~~
23 ~~"(i) when necessary to temporarily re-~~
24 ~~spond to—~~

1 ~~"(I) imminent natural disasters,~~
2 ~~acts of terrorism, and other manmade~~
3 ~~disasters; or~~
4 ~~"(II) the immediate aftermath of~~
5 ~~those disasters or acts;~~
6 ~~"(ii) only for uncertain or temporary~~
7 ~~durations; and~~
8 ~~"(iii) absent extraordinary cir-~~
9 ~~cumstances, for less than 180 days each~~
10 ~~calendar year.~~
11 ~~"(D) RELIANCE ON CERTAIN RESERV-~~
12 ~~ISTS.—In supporting the work of permanent~~
13 ~~full-time employees, the Administrator—~~
14 ~~"(i) shall rely to the greatest extent~~
15 ~~possible on term employees and permanent~~
16 ~~seasonal employees, in order to help ensure~~
17 ~~greater efficiency, continuity, quality, and~~
18 ~~accuracy in services performed under re-~~
19 ~~covery operations and programs; and~~
20 ~~"(ii) may use discretion to deploy the~~
21 ~~reservists most able to ensure the greatest~~
22 ~~efficiency, continuity, quality, and accuracy~~
23 ~~in services performed under response and~~
24 ~~recovery operations and programs.~~

1 ~~"(3) POLICIES AND PROCEDURES.—In order to~~
2 ~~ensure that efficient, continuous, and accurate serv-~~
3 ~~ices are provided under response and recovery oper-~~
4 ~~ations and programs, not later than 180 days after~~
5 ~~the date of enactment of this section, the Admini-~~
6 ~~strator shall develop—~~
7 ~~"(A) staffing policies and procedures that~~
8 ~~provide for the proper implementation of and~~
9 ~~management of response and recovery oper-~~
10 ~~ations and programs by sufficient numbers of~~
11 ~~permanent full-time senior-level officials;~~
12 ~~"(B) plans to recruit individuals who re-~~
13 ~~side in the area affected by a major disaster~~
14 ~~when long-term recovery efforts are needed; and~~
15 ~~"(C) policies and procedures relating to~~
16 ~~sections 403, 404, 406, 407, and 502 of the~~
17 ~~Robert T. Stafford Disaster Relief and Emer-~~
18 ~~gency Assistance Act (42 U.S.C. 5170b, 5170c,~~
19 ~~5172, 5173, and 5192).~~
20 ~~"(4) MINIMUM STANDARDS AND GUIDELINES~~
21 ~~FOR THE DISASTER RESERVE WORKFORCE.—~~
22 ~~"(A) STANDARDS AND GUIDELINES.—Not~~
23 ~~later than 180 days after the date of enactment~~
24 ~~of this section, the Administrator shall develop~~

~~standards and guidelines for the Disaster Reserve Workforce, including—~~

~~"(i) setting appropriate mandatory before and after disaster training requirements;~~

~~"(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the Disaster Reserve Workforce;~~

~~"(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and~~

~~"(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.~~

~~"(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the Disaster Reserve Workforce, a reservist shall—~~

~~"(i) be credentialed in accordance with section 510; and~~

~~"(ii) meet all minimum standards and guidelines established under subparagraph (A)—~~

1 ~~"(I) for term employees, before~~
2 ~~being appointed to a term in the Dis-~~
3 ~~aster Reserve Workforce; and~~
4 ~~"(II) annually for all other re-~~
5 ~~servists.~~
6 ~~"(C) EVALUATION SYSTEM.—In consulta-~~
7 ~~tion with the Director of the Office of Per-~~
8 ~~sonnel Management, the Administrator shall de-~~
9 ~~velop and implement a system to continuously~~
10 ~~evaluate reservists to ensure that all minimum~~
11 ~~standards and guidelines under this paragraph~~
12 ~~are satisfied annually by all reservists. Chapter~~
13 ~~43 of title 5, United States Code, shall not~~
14 ~~apply to reservists covered under the system de-~~
15 ~~veloped and implemented under this subpara-~~
16 ~~graph.~~
17 ~~"(5) CONTRACTORS.—Not later than 180 days~~
18 ~~after the date of enactment of this section, the Ad-~~
19 ~~ministrator, in conjunction with the Chief Human~~
20 ~~Capital Officer of the Agency, shall establish policies~~
21 ~~and procedures for contractors that support re-~~
22 ~~sponse and recovery operations and programs, which~~
23 ~~shall ensure that the contractors have appropriate~~
24 ~~skills, training, knowledge, and experience for as-~~
25 ~~signed tasks, including by ensuring that the contrac-~~

~~tors meet training, credentialing, and performance requirements similar to the requirements for reservists.~~

~~"(6) REEMPLOYED ANNUITANTS.—~~

~~"(A) IN GENERAL.—In appointing reservists to the Disaster Reserve Workforce, the application of sections 8344 and 8468 of title 5, United States Code (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.~~

~~"(B) LIMITATIONS.—The authority under subparagraph (A)—~~

~~"(i) is granted to assist the Administrator in establishing and effectively operating the Disaster Reserve Workforce if no other qualified applicant is available for a reservist position; and~~

~~"(ii) may be exercised only—~~

~~"(I) with respect to natural disasters, acts of terrorism, or other~~

man-made disasters, including catastrophic incidents; and

"(II) if the applicant will not accept the position without a waiver.

"(C) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be considered an employee for purposes of any Government retirement system.

"(7) PERMANENT EMPLOYMENT POSITIONS.—

"(A) IN GENERAL.—A reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) may compete for permanent positions in the Agency under merit promotion procedures. The actual time deployed as a reservist shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and ex-

~~cluding from the aggregate the fractional part of a month, if any.~~

~~"(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.~~

~~"(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—~~

~~"(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and~~

~~"(ii) apply to periods of service performed after that date.~~

~~"(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.".~~

~~(b) TECHINICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Se-~~

1 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~
2 ~~inserting after the item relating to section 528, as added~~
3 ~~by section 403, the following:~~

~~"Sec. 529. Administration of response and recovery operations and programs.".~~

4 ~~(c) PERMANENT SEASONAL EMPLOYEES.—Section~~
5 ~~306(b) of the Robert T. Stafford Disaster Relief and~~
6 ~~Emergency Assistance Act (42 U.S.C. 5149(b)) is amend-~~
7 ~~ed—~~

8 ~~(1) in paragraph (1), by inserting "or perma-~~
9 ~~nent seasonal employees (as that term is defined~~
10 ~~under section 529(a)(8) of the Homeland Security~~
11 ~~Act of 2002)" after "temporary personnel"; and~~

12 ~~(2) in paragraph (3), by inserting "or the em-~~
13 ~~ployment of permanent seasonal employees (as that~~
14 ~~term is defined under section 529(a)(8) of the~~
15 ~~Homeland Security Act of 2002)" after "additional~~
16 ~~personnel".~~

17 **~~SEC. 406. DEPARTMENT AND AGENCY OFFICIALS.~~**

18 ~~(a) IN GENERAL.—Section 514(a) of the Homeland~~
19 ~~Security Act of 2002 (6 U.S.C. 321c(a)) is amended—~~

20 ~~(1) by striking "The President" and inserting~~
21 ~~the following:~~

22 ~~"(1) IN GENERAL.—The President";~~

23 ~~(2) by striking "4 Deputy Administrators" and~~
24 ~~inserting "3 Deputy Administrators"; and~~

25 ~~(3) by adding at the end the following:~~

1 ~~"(2) CHIEF MANAGEMENT OFFICER.—~~

2 ~~"(A) IN GENERAL.—In addition to any~~
3 ~~Deputy Administrators appointed under para-~~
4 ~~graph (1), the President shall appoint 1 Deputy~~
5 ~~Administrator who shall serve as the Chief~~
6 ~~Management Officer of the Agency and advise~~
7 ~~the Administrator on matters relating to the~~
8 ~~management of the Agency, including—~~

9 ~~"(i) budgeting, appropriations, ex-~~
10 ~~penditures of funds, accounting, and fi-~~
11 ~~nance;~~

12 ~~"(ii) procurement;~~

13 ~~"(iii) human resources and personnel;~~

14 ~~"(iv) information technology and com-~~
15 ~~munications systems;~~

16 ~~"(v) facilities, property, equipment,~~
17 ~~and other material resources;~~

18 ~~"(vi) security for personnel, informa-~~
19 ~~tion technology and communications sys-~~
20 ~~tems, facilities, property, equipment, and~~
21 ~~other material resources;~~

22 ~~"(vii) identification and tracking of~~
23 ~~performance measures relating to the re-~~
24 ~~sponsibilities of the Agency;~~

1 ~~"(viii) grants and other assistance~~
2 ~~management programs;~~
3 ~~"(ix) the conduct of internal audits~~
4 ~~and management analyses of the programs~~
5 ~~and activities of the Agency;~~
6 ~~"(x) controls over waste, fraud, and~~
7 ~~abuse; and~~
8 ~~"(xi) any other management duties~~
9 ~~determined appropriate by the Adminis-~~
10 ~~trator.~~
11 ~~"(B) CRITERIA.—The Deputy Adminis-~~
12 ~~trator appointed under subparagraph (A) shall~~
13 ~~have—~~
14 ~~"(i) extensive executive level leader-~~
15 ~~ship and management experience in the~~
16 ~~public or private sector;~~
17 ~~"(ii) strong leadership skills;~~
18 ~~"(iii) a demonstrated ability to man-~~
19 ~~age large and complex organizations; and~~
20 ~~"(iv) a proven record in achieving~~
21 ~~positive operational results.".~~
22 ~~(b) PROVISION OF INFORMATION TO CONGRESS.—~~
23 ~~(1) DEFINITION.—In this subsection, the term~~
24 ~~"appropriate committees of Congress" means—~~

~~(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and~~

~~(B) the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.~~

~~(2) STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Chief Management Officer of the Federal Emergency Management Agency and the Under Secretary for Management shall submit to the appropriate committees of Congress a strategy for improving the management of the Federal Emergency Management Agency.~~

~~(3) BRIEFINGS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the date that is 3 years after the date of enactment of this Act, the Chief Management Officer of the Federal Emergency Management Agency and the Under Secretary for Management shall brief the appropriate committees of Congress on measures taken to improve the management of the Federal Emergency Management Agency, including, after the strategy is submitted under paragraph (2), information regarding implementation of the strategy.~~

~~SEC. 407. INFRASTRUCTURE PROTECTION ASSISTANCE.~~

~~(a) PORT SECURITY GRANTS.—There is authorized to be appropriated to the Secretary to make grants for port security in accordance with section 70107 of title 46, United States Code, $249,500,000 for fiscal year 2012.~~

~~(b) SURFACE TRANSPORTATION SECURITY GRANTS.—~~

~~(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to make grants for public transportation security, railroad security, and over-the-road bus security in accordance with sections 1406, 1513, and 1532 of the Implementing Recommendations of 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), $249,500,000 for fiscal year 2012.~~

~~(2) PROGRAM GUIDANCE.—The Secretary shall—~~

~~(A) ensure public transportation and passenger rail security grants are awarded on the basis of remediating risk to the system and to the region as a whole;~~

~~(B) require applications be reviewed and approved by a Regional Transit Security Working Group comprised of representatives of all eligible transportation systems in the region, the~~

~~homeland security offices of each State in the region, and other relevant regional officials;~~

~~(C) require a Federal Security Director familiar with the region, or another Federal security official familiar with the region and designated by the Secretary, to rank applications based on the anticipated ability of the proposed use of funds to protect passengers from acts of terrorism, including the use of explosive devices and the release of biological, chemical, and radiological agents; and~~

~~(D) in any year in which more than 50 percent (by dollar value) of all funding available for grants under sections 1406, 1513, and 1532 of the Implementing Recommendations of 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182) is awarded for securing or remediating risk to specific physical assets, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives describing how the grant funds awarded under those sections will be used to protect passengers from acts of terrorism, including the use of explosive devices and the re-~~

lease of biological, chemical, and radiological agents.

SEC. 408. FEDERAL-STATE BORDER SECURITY COOPERATION.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"Subtitle C—Other Grant Programs

"SEC. 2041. OPERATION STONEGARDEN GRANT PROGRAM.

"(a) FINANCIAL ASSISTANCE.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator, may make grants to States to facilitate and enhance participation by States, local governments, and Indian tribes in border security efforts.

"(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Commissioner of U.S. Customs and Border Protection.

"(2) ELIGIBILITY.—A State is eligible for a grant under this section if the State has an international water border or is located on the inter-

national border between the United States and Mexico or the United States and Canada.

"(3) AVAILABILITY AND USE OF FUNDS.—

"(A) IN GENERAL.—Not later than 45 days after the date on which a State receives funds under a grant under this section, the State shall make available not less than 95 percent of the funds to participating entities of the State or a local government or Indian tribe in the State.

"(B) RETAINED FUNDS.—A States may use not more than 5 percent of the funds received under a grant under this section for expenses relating to the management and administration of the grant.

"(C) MANAGEMENT AND ADMINISTRATION.—A local government or Indian tribe that receives grant funds under this section may use not more than 5 percent of the funds for expenses relating to the management and administration of the grant.

"(4) LIMITATIONS ON USE OF FUNDS.—Funds provided under a grant under this section may not be used to—

1 ~~"(A) supplant State, local, or tribal gov-~~
2 ~~ernment funds;~~
3 ~~"(B) pay salaries or benefits for personnel,~~
4 ~~other than overtime expenses of regular and re-~~
5 ~~serve law enforcement personnel or regular pay~~
6 ~~expenses of reserve law enforcement personnel;~~
7 ~~or~~
8 ~~"(C) construct or renovate buildings or~~
9 ~~other physical facilities.~~
10 ~~"(5) PRIORITIZATION.—In allocating funds~~
11 ~~among eligible States applying for grants under this~~
12 ~~section, the Administrator shall consider—~~
13 ~~"(A) an assessment of the risks associated~~
14 ~~with cross-border threats to a State, including~~
15 ~~terrorism and other criminal activities, includ-~~
16 ~~ing consideration of—~~
17 ~~"(i) the most current threat assess-~~
18 ~~ments available to the Department relevant~~
19 ~~to the border of the State;~~
20 ~~"(ii) border-specific law enforcement~~
21 ~~intelligence;~~
22 ~~"(iii) the length of the international~~
23 ~~border of the State; and~~
24 ~~"(iv) such other factors as the Admin-~~
25 ~~istrator determines appropriate;~~

1 ~~"(B) the anticipated effectiveness of the~~
2 ~~proposed use of the grant by the State to en-~~
3 ~~hance border security capabilities; and~~
4 ~~"(C) the results of peer review evaluations~~
5 ~~of applications conducted by State, local, and~~
6 ~~tribal law enforcement personnel.~~
7 ~~"(b) AUTHORIZATION OF APPROPRIATIONS.—There~~
8 ~~are authorized to be appropriated for grants under this~~
9 ~~section $55,000,000 for each of fiscal years 2012 through~~
10 ~~2017.".~~
11 ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~
12 ~~The table of contents in section 1(b) of the Homeland Se-~~
13 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~
14 ~~inserting after the item relating to section 2022 the fol-~~
15 ~~lowing:~~

~~"Subtitle C—Other Grant Programs~~

~~"Sec. 2041. Operation Stonegarden grant program.".~~

16 **~~SEC. 409. EMERGENCY MANAGEMENT ASSISTANCE COM-~~**
17 **~~PACT.~~**
18 ~~Section 661(d) of the Post-Katrina Emergency Man-~~
19 ~~agement Reform Act of 2006 (6 U.S.C. 761(d)) is amend-~~
20 ~~ed by striking "$4,000,000 for fiscal year 2008" and in-~~
21 ~~serting "$2,000,000 for each of fiscal years 2012 through~~
22 ~~2016".~~

~~SEC. 410. REPEAL OF EMERGENCY OPERATIONS CENTER GRANT PROGRAM.~~

~~(a) IN GENERAL.—Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended—~~

~~(1) by striking section 614 (42 U.S.C. 5196c); and~~

~~(2) by redesignating sections 615 and 616 (42 U.S.C. 5196d and 5196f) as sections 614 and 615, respectively.~~

~~(b) SAVINGS CLAUSE.—A grant made under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act before the date of enactment of this Act shall remain in full force and effect under the terms and conditions, and for the duration, of the grant.~~

~~SEC. 411. PERFORMANCE MEASURES.~~

~~In order to ensure that States, high-risk urban areas, and other grant recipients use grants administered by the Department effectively, the Administrator of the Federal Emergency Management Agency shall develop and implement performance metrics in accordance with the comprehensive assessment system under section 649 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 749) and section 2022(a)(4) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(4)).~~

1 **~~SEC. 412. COMMUNICATIONS PLANNING.~~**

2 ~~(a) IN GENERAL.—Title V of the Homeland Security~~
3 ~~Act of 2002 (6 U.S.C. 311 et seq.), as amended by section~~
4 ~~405, is amended by adding at the end the following:~~

5 **~~"SEC. 530. COMMUNICATIONS PLANNING.~~**

6 ~~"(a) INCORPORATION OF COMMUNICATIONS~~
7 ~~PLANS.—~~

8 ~~"(1) IN GENERAL.—The Secretary, acting~~
9 ~~through the senior official responsible for cata-~~
10 ~~strophic incident planning appointed under section~~
11 ~~526 (in this section referred to as the 'designated of-~~
12 ~~ficial'), shall develop communications plans for pro-~~
13 ~~viding information to the public related to preparing~~
14 ~~for, protecting against, and responding to natural~~
15 ~~disasters, acts of terrorism, and other man-made~~
16 ~~disasters, including catastrophic incidents involving~~
17 ~~the use of weapons of mass destruction.~~

18 ~~"(2) CONSULTATION.—In developing commu-~~
19 ~~nications plans under paragraph (1), the designated~~
20 ~~official shall consult with State, local, and tribal gov-~~
21 ~~ernments and coordinate, as the designated official~~
22 ~~considers appropriate, with other executive agencies~~
23 ~~that have responsibilities under the National Re-~~
24 ~~sponse Framework and other relevant executive~~
25 ~~agencies.~~

1 ~~"(b) PRESCRIPTED MESSAGES AND MESSAGE TEM-~~
2 ~~PLATES.—~~
3 ~~"(1) IN GENERAL.—As part of the communica-~~
4 ~~tion plans, the designated official shall develop~~
5 ~~prescripted messages or message templates to be in-~~
6 ~~cluded in the plans to be provided to State, local,~~
7 ~~and tribal government officials so that those officials~~
8 ~~can quickly and rapidly disseminate critical informa-~~
9 ~~tion to the public in anticipation or in the immediate~~
10 ~~aftermath of a disaster or incident.~~
11 ~~"(2) DEVELOPMENT AND DESIGN.—The~~
12 ~~prescripted messages or message templates shall—~~
13 ~~"(A) be developed, as the designated offi-~~
14 ~~cial determines appropriate, in consultation~~
15 ~~with State, local, and tribal governments and in~~
16 ~~coordination with other executive agencies that~~
17 ~~have responsibilities under the National Re-~~
18 ~~sponse Framework and other relevant executive~~
19 ~~agencies;~~
20 ~~"(B) be designed to provide accurate, es-~~
21 ~~sential, and appropriate information and in-~~
22 ~~structions to the population directly affected by~~
23 ~~a disaster or incident, including information re-~~
24 ~~lated to evacuation, sheltering in place, and~~
25 ~~issues of immediate health and safety; and~~

1 ~~"(C) be designed to provide accurate, es-~~
2 ~~sential, and appropriate technical information~~
3 ~~and instructions to emergency response pro-~~
4 ~~viders and medical personnel responding to a~~
5 ~~disaster or incident.~~
6 ~~"(e) COMMUNICATIONS FORMATS.—In developing the~~
7 ~~prescripted messages or message templates required under~~
8 ~~subsection (b), the designated official shall develop each~~
9 ~~such prescripted message or message template in multiple~~
10 ~~formats to ensure delivery—~~
11 ~~"(1) in cases where the usual communications~~
12 ~~infrastructure is unusable as a result of the nature~~
13 ~~of a disaster or incident; and~~
14 ~~"(2) to individuals with disabilities or other spe-~~
15 ~~cial needs and individuals with limited English pro-~~
16 ~~ficiency in accordance with section 616 of the Robert~~
17 ~~T. Stafford Disaster Relief and Emergency Assist-~~
18 ~~ance Act (42 U.S.C. 5196d).~~
19 ~~"(d) DISSEMINATION AND TECHNICAL ASSIST-~~
20 ~~ANCE.—The designated official shall ensure that all~~
21 ~~prescripted messages and message templates developed~~
22 ~~under this section are made available to State, local, and~~
23 ~~tribal governments so that those governments may incor-~~
24 ~~porate the messages and templates into the emergency~~
25 ~~plans of those governments. The designated official shall~~

also make available relevant technical assistance to those governments to support communications planning.

"(e) EXERCISES.—To ensure that the prescripted messages or message templates developed under this section can be effectively utilized in a disaster or incident, the designated official shall incorporate such prescripted messages or message templates into exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748).

"(f) SUBMISSION OF PLANS.—Not later than 1 year after the date of the enactment of this section, the designated official shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of the communications plans required to be developed under this section, including—

"(1) prescripted messages or message templates developed in conjunction with the plans; and

"(2) a description of the means that will be used to deliver such messages in a natural disaster, act of terrorism, or other man-made disaster.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 101) is amended by inserting after the item relat-
2 ing to section 529, as added by section 405, the following:
"Sec. 530. Communications planning.".

3 **SEC. 413. GUIDELINES CONCERNING WEAPONS OF MASS**
4 **DESTRUCTION.**

5 (a) IN GENERAL.—Title V of the Homeland Security
6 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section
7 412, is amended by adding at the end the following:

8 **"SEC. 531. GUIDELINES CONCERNING WEAPONS OF MASS**
9 **DESTRUCTION.**

10 "(a) ESTABLISHMENT OF GUIDELINES.—Not later
11 than 1 year after the date of enactment of the Department
12 of Homeland Security Authorization Act of 2011, the Sec-
13 retary shall—

14 "(1) develop guidelines for responding to an ex-
15 plosion or release of nuclear, biological, radiological,
16 or chemical material, in coordination with—

17 "(A) State, local, and tribal governments;

18 "(B) Federal agencies with—

19 "(i) responsibilities for responding to
20 weapons of mass destruction incidents
21 under the National Response Framework;
22 or

23 "(ii) relevant scientific or worker
24 health expertise; and

25 "(C) representatives of—

1 ~~"(i) emergency response provider or-~~
2 ~~ganizations; and~~
3 ~~"(ii) public health and medical organi-~~
4 ~~zations; and~~
5 ~~"(2) make the guidelines developed under para-~~
6 ~~graph (1) available to State, local, and tribal govern-~~
7 ~~ments, nongovernmental organizations, and the pri-~~
8 ~~vate sector.~~
9 ~~"(b) CONTENTS.—The guidelines developed under~~
10 ~~subsection (a)(1) shall contain, at a minimum—~~
11 ~~"(1) protective action guidelines for ensuring~~
12 ~~the health and safety of emergency response pro-~~
13 ~~viders;~~
14 ~~"(2) information regarding the effects of the bi-~~
15 ~~ological, chemical, or radiological agent on those ex-~~
16 ~~posed to the agent; and~~
17 ~~"(3) information regarding how emergency re-~~
18 ~~sponse providers and mass care facilities may most~~
19 ~~effectively deal with individuals affected by an inci-~~
20 ~~dent involving a nuclear, biological, radiological, or~~
21 ~~chemical material.~~
22 ~~"(c) REVIEW AND REVISION OF GUIDELINES.—The~~
23 ~~Secretary shall—~~

1 ~~"(1) not less frequently than every 2 years, re-~~
2 ~~view the guidelines developed under subsection~~
3 ~~(a)(1);~~
4 ~~"(2) make revisions to the guidelines as appro-~~
5 ~~priate; and~~
6 ~~"(3) make the revised guidelines available to~~
7 ~~State, local, and tribal governments, nongovern-~~
8 ~~mental organizations, the private sector, and the~~
9 ~~general public.~~
10 ~~"(d) PROCEDURES FOR DEVELOPING AND REVISING~~
11 ~~GUIDELINES.—In carrying out the requirements of this~~
12 ~~section, the Secretary shall establish procedures to—~~
13 ~~"(1) inventory any relevant hazardous material~~
14 ~~response guidelines;~~
15 ~~"(2) enable the public to submit recommenda-~~
16 ~~tions of areas for which guidelines could be devel-~~
17 ~~oped under subsection (a)(1);~~
18 ~~"(3) determine which entities should be con-~~
19 ~~sulted in developing or revising the guidelines;~~
20 ~~"(4) on a regular basis, prioritize guidelines~~
21 ~~that should be developed or revised; and~~
22 ~~"(5) develop and disseminate the guidelines in~~
23 ~~accordance with the prioritization under paragraph~~
24 ~~(4).~~

1 ~~"(c) SUBMISSION OF GUIDELINES.—Not later than~~
2 ~~1 year after the date of enactment of the Department of~~
3 ~~Homeland Security Authorization Act of 2011, and annu-~~
4 ~~ally thereafter, the Secretary shall submit guidelines devel-~~
5 ~~oped under this section to the Committee on Homeland~~
6 ~~Security and Governmental Affairs of the Senate and the~~
7 ~~Committee on Homeland Security of the House of Rep-~~
8 ~~resentatives.".~~

9 ~~(b) TABLE OF CONTENTS.—The table of contents in~~
10 ~~section 1(b) of the Homeland Security Act of 2002 (6~~
11 ~~U.S.C. 101) is amended by inserting after the item relat-~~
12 ~~ing to section 530, as added by section 409, the following:~~

~~"Sec. 531. Guidelines concerning weapons of mass destruction.".~~

13 ~~**SEC. 414. PLUME MODELING.**~~

14 ~~(a) IN GENERAL.—Title III of the Homeland Secu-~~
15 ~~rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by~~
16 ~~inserting after section 317 the following:~~

17 ~~**"SEC. 318. PLUME MODELING.**~~

18 ~~"(a) DEFINITIONS.—In this section—~~

19 ~~"(1) the term 'integrated plume model' means~~
20 ~~a plume model that integrates protective action guid-~~
21 ~~ance and other information as the Secretary of~~
22 ~~Homeland Security determines appropriate; and~~

23 ~~"(2) the term 'plume model' means the assess-~~
24 ~~ment of the location and prediction of the spread of~~
25 ~~nuclear, radioactive, or chemical fallout and biologi-~~

~~cal pathogens resulting from an explosion or release of nuclear, radioactive, chemical, or biological substances.~~

~~"(b) DEVELOPMENT.—~~

~~"(1) IN GENERAL.—The Secretary shall develop and disseminate integrated plume models to enable rapid response activities following a nuclear, radiological, chemical, or biological explosion or release.~~

~~"(2) SCOPE.—The Secretary shall—~~

~~"(A) ensure the rapid development and distribution of integrated plume models to appropriate officials of the Federal Government and State, local, and tribal governments to enable immediate response to a nuclear, radiological, chemical, or biological incident; and~~

~~"(B) establish mechanisms for dissemination by appropriate emergency response officials of the integrated plume models described in paragraph (1) to nongovernmental organizations and the public to enable appropriate response activities by individuals.~~

~~"(3) CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES.—In developing the integrated plume models described in this section, the Secretary shall consult, as appropriate, with—~~

1 ~~"(A) the Secretary of Energy, the Sec-~~
2 ~~retary of Defense, the Secretary of Health and~~
3 ~~Human Services, the Secretary of Commerce,~~
4 ~~and the heads of other executive agencies deter-~~
5 ~~mined appropriate by the Secretary; and~~
6 ~~"(B) State, local, and tribal governments~~
7 ~~and nongovernmental organizations.~~
8 ~~"(c) EXERCISES.—The Secretary shall ensure that~~
9 ~~the development and dissemination of integrated plume~~
10 ~~models are assessed during exercises administered by the~~
11 ~~Department.~~
12 ~~"(d) REVIEW.—Not later than 180 days after the~~
13 ~~date of enactment of this section, and every 2 years there-~~
14 ~~after, the Secretary shall review the process for providing~~
15 ~~integrated plume models developed under this section to~~
16 ~~ensure that the integrated plume models—~~
17 ~~"(1) are clear and informative;~~
18 ~~"(2) meet the needs of incident commanders;~~
19 ~~and~~
20 ~~"(3) incorporate lessons learned during exer-~~
21 ~~cises administered by the Department.".~~
22 ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~
23 ~~The table of contents in section 1(b) of the Homeland Se-~~
24 ~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by~~

~~inserting after the item relating to section 317 the following:~~

~~"Sec. 318. Plume modeling.".~~

~~SEC. 415. IDENTIFICATION OF DISASTER MANAGEMENT RESOURCES.~~

~~Section 1105(a)(35) of title 31, United States Code, is amended by adding at the end the following:~~

~~"(D) In implementing this paragraph, the President shall include in each budget a description of resources identified to support the preparedness, response, and recovery responsibilities of each Federal agency with responsibilities under the National Response Framework and the National Disaster Recovery Framework.".~~

~~SEC. 416. ANTIFRAUD TRAINING.~~

~~Section 698 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 797) is amended—~~

~~(1) by striking "The Administrator" and inserting the following:~~

~~"(a) IN GENERAL.—The Administrator"; and~~

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

~~"(b) REPORTING.—For the fiscal year in which this subsection is enacted, and each fiscal year thereafter for 5 fiscal years, the Administrator shall submit to Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security~~

~~and the Committee on Transportation and Infrastructure of the House of Representatives a report identifying the number of employees of the Agency and contractors trained under the program developed under subsection (a).''.~~

~~SEC. 417. INFORMATION TECHNOLOGY.~~

~~(a) DEFINITIONS.—In this section—~~

~~(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and~~

~~(2) the term ''covered information technology purchase'' means a purchase of information technology for an amount greater than a threshold amount, which the Administrator shall establish.~~

~~(b) POLICY.—Not later than 90 days after the date of enactment of this Act, the Administrator shall implement a policy requiring the Chief Information Officer of the Federal Emergency Management Agency to approve a covered information technology purchase before the Federal Emergency Management Agency may make the covered information technology purchase.~~

~~(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 year after the date of enactment of this Act, the Administrator shall submit to the Committee on~~

~~Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the policy described in subsection (b), which shall include a list of any covered information technology purchases made by the Federal Emergency Management Agency in violation of the policy during the period covered by the report.~~

~~SEC. 418. METROPOLITAN MEDICAL RESPONSE SYSTEM.~~

~~(a) DEFINITION.—Section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601) is amended—~~

~~(1) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and~~

~~(2) by inserting after paragraph (7) the following:~~

~~"(8) MASS CASUALTY INCIDENT.—The term 'mass casualty incident' means any natural disaster, act of terrorism, or other man-made disaster, including a disease epidemic, that results in significant numbers of injuries or deaths and to which the response has the potential to overwhelm routine emergency medical services.".~~

1 ~~(b) AUTHORIZATION.—Subtitle C of title XX of the~~
2 ~~Homeland Security Act of 2002, as added by section 408,~~
3 ~~is amended by adding at the end the following:~~
4 ~~**"SEC. 2042. METROPOLITAN MEDICAL RESPONSE SYSTEM.**~~
5 ~~"(a) IN GENERAL.—There is in the Department a~~
6 ~~Metropolitan Medical Response System.~~
7 ~~"(b) PURPOSE.—The purpose of the Metropolitan~~
8 ~~Medical Response System shall be to support States, local~~
9 ~~governments, and Indian tribes in preparing for, pro-~~
10 ~~tecting against, and responding to mass casualty incidents~~
11 ~~by systematically enhancing cooperation and integration~~
12 ~~of emergency response providers and public health and~~
13 ~~medical personnel.~~
14 ~~"(c) METROPOLITAN MEDICAL RESPONSE SYSTEM~~
15 ~~MANAGEMENT.—In coordination with the Chief Medical~~
16 ~~Officer, the Administrator shall—~~
17 ~~"(1) establish objectives and a strategy for the~~
18 ~~Metropolitan Medical Response System, consistent~~
19 ~~with the National Response Framework and Na-~~
20 ~~tional Incident Management System;~~
21 ~~"(2) develop and oversee standards, plans,~~
22 ~~training, and exercises; and~~
23 ~~"(3) provide technical assistance to States, local~~
24 ~~governments, and Indian tribes in preparing for,~~

~~protecting against, and responding to mass casualty incidents.~~

~~"(d) FINANCIAL ASSISTANCE.—~~

~~"(1) AUTHORIZATION OF GRANTS.—~~

~~"(A) IN GENERAL.—The Secretary, acting through the Administrator, may make grants under this section to States, local governments, and Indian tribes to assist in preparing for, protecting against, and responding to mass casualty incidents.~~

~~"(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Chief Medical Officer.~~

~~"(2) USE OF FUNDS.—A grant made under this section may be used in support of public health and medical preparedness for mass casualty incidents through the integration of emergency response providers and public health and medical personnel, including—~~

~~"(A) medical surge capacity;~~

~~"(B) mass prophylaxis;~~

~~"(C) chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities;~~

1 ~~"(D) mass triage and pre-hospital treat-~~
2 ~~ment plans and capabilities;~~
3 ~~"(E) planning;~~
4 ~~"(F) information sharing and collaboration~~
5 ~~capabilities of State, local, and tribal govern-~~
6 ~~ments and Federal response entities and re-~~
7 ~~gional areas;~~
8 ~~"(G) medicinal stockpiling, management,~~
9 ~~distribution, and dispensing;~~
10 ~~"(H) fatality management;~~
11 ~~"(I) training and exercises;~~
12 ~~"(J) integration and coordination of the~~
13 ~~activities and capabilities of public health per-~~
14 ~~sonnel and medical care providers with those of~~
15 ~~other emergency response providers as well as~~
16 ~~private sector and nonprofit organizations; and~~
17 ~~"(K) any other activities as the Adminis-~~
18 ~~trator may provide.~~
19 ~~"(3) ELIGIBILITY.—~~
20 ~~"(A) IN GENERAL.—The Administrator, in~~
21 ~~consultation with the Chief Medical Officer,~~
22 ~~shall establish criteria for determining whether~~
23 ~~a State, local government, or Indian tribe may~~
24 ~~be awarded a grant under this subsection.~~

1 ~~"(B) LIMITATIONS.—In determining which~~
2 ~~States, local governments, and Indian tribes~~
3 ~~shall be awarded grants under this subsection,~~
4 ~~the Administrator shall ensure that—~~
5 ~~"(i) not less than 1 jurisdiction in~~
6 ~~each State is awarded a grant; and~~
7 ~~"(ii) the total number of jurisdictions~~
8 ~~awarded grants does not exceed the num-~~
9 ~~ber of jurisdictions awarded grants under~~
10 ~~the Metropolitan Medical Response Pro-~~
11 ~~gram under section 635 of the Post-~~
12 ~~Katrina Emergency Management Reform~~
13 ~~Act of 2006 (6 U.S.C. 723) in fiscal year~~
14 ~~2010.~~
15 ~~"(C) REGIONAL COORDINATION.—The Ad-~~
16 ~~ministrator shall ensure that each recipient of a~~
17 ~~grant under this subsection, as a condition of~~
18 ~~receiving that grant, is actively coordinating its~~
19 ~~preparedness efforts with surrounding jurisdic-~~
20 ~~tions and with emergency response providers~~
21 ~~from all relevant disciplines, to effectively en-~~
22 ~~hance regional preparedness.~~
23 ~~"(e) AUTHORIZATION OF APPROPRIATIONS.—There~~
24 ~~are authorized to be appropriated to carry out the pro-~~

~~gram under this section $41,000,000 for each of fiscal years 2012 through 2014.''.~~

~~(c) PROGRAM REVIEW.—~~

~~(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency and the Chief Medical Officer shall conduct a review of the Metropolitan Medical Response System authorized under section 2042 of the Homeland Security Act of 2002, as added by subsection (b), including an examination of—~~

~~(A) the goals and objectives of the Metropolitan Medical Response System;~~

~~(B) the extent to which the goals and objectives are being met;~~

~~(C) the performance metrics that can best help assess whether the Metropolitan Medical Response System is succeeding;~~

~~(D) how the Metropolitan Medical Response System can be improved;~~

~~(E) how the Metropolitan Medical Response System can best be coordinated with other preparedness programs supported by the Department;~~

~~(F) how the number of jurisdictions, the criteria to award jurisdictions, and the relative~~

allocation of financial assistance under the Metropolitan Medical Response System should be determined; and

(G) the resource requirements of the Metropolitan Medical Response System.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Chief Medical Officer shall submit a report on the results of the review under this subsection to—

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

(B) the Committee on Homeland Security of the House of Representatives.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2041, as added by section 408, the following:

"Sec. 2042. Metropolitan Medical Response System.".

(2) REPEAL.—Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 723) is repealed.

(3) PROGRAM NOT AFFECTED.—Section 2002(b)(5) of the Homeland Security Act of 2002 (6

~~U.S.C. 603(b)(5)) is amended by striking "section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723)" and inserting "subtitle C".~~

~~SEC. 419. REGIONAL CATASTROPHIC GRANT PROGRAM.~~

~~(a) IN GENERAL.—On and after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency may not award a grant under the Regional Catastrophic Preparedness Grant Program.~~

~~(b) SAVINGS CLAUSE.—Any grant awarded for a fiscal year beginning before October 1, 2011 and any funds provided under a grant under the Regional Catastrophic Preparedness Grant Program before the date of enactment of this Act shall continue and may be used under the terms and conditions of the program.~~

~~(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from providing support and assistance to grantees under the Regional Catastrophic Preparedness Grant Program, including assistance with program implementation, through the remaining performance period of a grant awarded before the date of enactment of this Act.~~

SEC. 420. REPORT ON CONSOLIDATION OF GRANT PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the suitability, feasibility, and efficiency of consolidating grant programs administered by the Department, other than grants awarded in conjunction with a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE V—BORDER SECURITY

SEC. 501. WORKFORCE STAFFING PLAN.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 447. WORKFORCE STAFFING PLAN.

"(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, and every 2 years thereafter through September 30, 2017, the Secretary of shall develop a workforce staffing plan that—

"(1) details the optimal level of staffing required to carry out the responsibilities of U.S. Customs and Border Protection (referred to in this sec-

1 ~~tion as 'CBP') and U.S. Immigration and Customs~~
2 ~~Enforcement (referred to in this section as 'ICE');~~
3 ~~"(2) describes the process through which CBP~~
4 ~~and ICE will make workforce allocation decisions;~~
5 ~~"(3) links CBP and ICE workforce allocation~~
6 ~~decisions to analyses of threats; and~~
7 ~~"(4) describes any coordination between CBP~~
8 ~~and ICE staffing plans to secure specific segments~~
9 ~~of the border region.~~
10 ~~"(b) SUBMISSION.—The Secretary shall submit each~~
11 ~~workforce staffing plan to the Committee on Homeland~~
12 ~~Security and Governmental Affairs of the Senate and the~~
13 ~~Committee on Homeland Security of the House of Rep-~~
14 ~~resentatives.".~~
15 ~~(b) CLERICAL AMENDMENT.—The table of contents~~
16 ~~of the Homeland Security Act of 2002 (6 U.S.C. 101 et~~
17 ~~seq.) is amended by adding after the item relating to sec-~~
18 ~~tion 446 the following:~~

~~"Sec. 447. Workforce staffing plan.".~~

19 **~~SEC. 502. SURGE DEPLOYMENT.~~**
20 ~~(a) IN GENERAL.—Subtitle D of title IV of the~~
21 ~~Homeland Security Act of 2002 (6 U.S.C. 251 et seq.),~~
22 ~~as amended by section 501(a), is further amended by add-~~
23 ~~ing at the end the following new section:~~

1 **~~"SEC. 448. SURGE DEPLOYMENT.~~**

2 ~~"The Commissioner of U.S. Customs and Border~~
3 ~~Protection may deploy existing surge teams to proactively~~
4 ~~respond to intelligence-related, high-risk threats or to as-~~
5 ~~sist or augment agency operations at ports of entry in the~~
6 ~~United States during emergencies or other events that re-~~
7 ~~quire additional staffing for a limited period of time.".~~

8 ~~(b) CLERICAL AMENDMENT.—The table of contents~~
9 ~~of the Homeland Security Act of 2002 (6 U.S.C. 101 et~~
10 ~~seq.), as amended by section 501(b), is further amended~~
11 ~~by adding after the item relating to section 447 the fol-~~
12 ~~lowing:~~

~~"Sec. 448. Surge deployment.".~~

13 **~~SEC. 503. ENHANCED TRAINING FOR BORDER PATROL~~**
14 **~~AGENTS.~~**

15 ~~(a) IN GENERAL.—Subtitle D of title IV of the~~
16 ~~Homeland Security Act of 2002 (6 U.S.C. 251 et seq.),~~
17 ~~as amended by section 502(a), is further amended by add-~~
18 ~~ing at the end the following:~~

19 **~~"SEC. 449. ENHANCED TRAINING FOR BORDER PATROL~~**
20 **~~AGENTS.~~**

21 ~~"(a) IN GENERAL.—The Secretary shall review and,~~
22 ~~to the extent necessary, revise the field training provided~~
23 ~~to Border Patrol agents to ensure that Border Patrol~~
24 ~~agents are adequately prepared to deal with the specific~~
25 ~~challenges posed by the station to which they are assigned.~~

1 ~~"(b) TRAINING COMPONENTS.—Training described~~
2 ~~in subsection (a) should include—~~
3 ~~"(1) a station-specific threat analysis that in-~~
4 ~~forms Border Patrol agents of the enforcement pri-~~
5 ~~orities in the station to which they are assigned;~~
6 ~~"(2) a station-specific enforcement plan that~~
7 ~~sets out how Border Patrol agents will be deployed~~
8 ~~to meet those threats;~~
9 ~~"(3) border- and region-specific survival train-~~
10 ~~ing to acclimate Border Patrol agents for operating~~
11 ~~in extreme weather and environmental conditions,~~
12 ~~especially in emergency situations; and~~
13 ~~"(4) communications training to ensure that~~
14 ~~Border Patrol agents are effectively and respectfully~~
15 ~~communicating with the public.".~~
16 ~~(b) CLERICAL AMENDMENT.—The table of contents~~
17 ~~of the Homeland Security Act of 2002 (6 U.S.C. 101 et~~
18 ~~seq.), as amended by section 502(b), is further amended~~
19 ~~by adding after the item relating to section 448 the fol-~~
20 ~~lowing:~~

~~"Sec. 449. Enhance training for Border Patrol agents.".~~

21 **~~SEC. 504. OUTBOUND INSPECTIONS.~~**
22 ~~(a) IN GENERAL.—Not later than 2 years after the~~
23 ~~date of the enactment of this Act, the Secretary of Home-~~
24 ~~land Security shall ensure that U.S. Customs and Border~~

~~Protection has instituted an outbound inspections program at land, air, and maritime ports of entry.~~

~~(b) PROGRAM COMPONENTS.—In executing the outbound inspections program under this section, the Secretary shall leverage existing resources and capabilities within the Department to—~~

~~(1) ensure that risk-based outbound inspections are routinely conducted;~~

~~(2) provide for the inspections to conducted in a safe and efficient manner;~~

~~(3) direct appropriate resources to areas that demonstrate a higher risk of outbound violations;~~

~~(4) include a strategy for mitigating efforts by smuggling organizations to circumvent outbound inspections; and~~

~~(5) collect information concerning aliens exiting the United States, pursuant to section 110 of division C of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1365a).~~

~~(c) WAIT TIMES.—The Secretary shall ensure that outbound inspections carried out under this subsection do not add significantly to wait times for crossing the border.~~

~~SEC. 505. SITUATIONAL AWARENESS OF THE NORTHERN BORDER.~~

~~(a) DEFINITIONS.—In this section:~~

1 ~~(1) NORTHERN BORDER.—The term "northern~~
2 ~~border" means the land and maritime border be-~~
3 ~~tween the United States and Canada.~~
4 ~~(2) SITUATIONAL AWARENESS.—The term "sit-~~
5 ~~uational awareness" means the perception of activity~~
6 ~~at and between land, maritime, and air ports of~~
7 ~~entry into the United States.~~
8 ~~(b) PLAN.—Not later than 180 days after the date~~
9 ~~of the enactment of this Act, the Secretary of Homeland~~
10 ~~Security shall submit to the Committee on Homeland Se-~~
11 ~~curity and Governmental Affairs of the Senate and the~~
12 ~~Committee on Homeland Security of the House of Rep-~~
13 ~~resentatives a plan for improving situational awareness~~
14 ~~over the northern border, including U.S. Customs and~~
15 ~~Border Protection's ability to identify illegal entries.~~
16 ~~(c) PLAN CONTENTS.—The plan developed under~~
17 ~~subsection (b) shall include—~~
18 ~~(1) an assessment of the assets or technologies~~
19 ~~currently deployed on the northern border;~~
20 ~~(2) a description of other assets or technologies~~
21 ~~that are needed to improve situational awareness~~
22 ~~over the northern border, including the ability to de-~~
23 ~~tect low-flying aircraft and suspicious small boat~~
24 ~~traffic;~~

(3) steps that will be taken to increase information sharing and coordination among law enforcement agencies operating along the northern border; and

(4) a description of how the Department of Homeland Security will coordinate with Federal, State, and local law enforcement and the Government of Canada to improve the detection of illegal entries across the northern border.

SEC. 506. OFFICE OF INTERNATIONAL TRAVEL SECURITY AND SCREENING.

(a) AMENDMENTS.—

(1) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (8 U.S.C. 231), as amended by section 214(a) of this Act, is amended by adding at the end the following:

"SEC. 431. OFFICE OF INTERNATIONAL TRAVEL SECURITY AND SCREENING.

"(a) ESTABLISHMENT.—There is established within the Department an Office of International Travel Security and Screening, which shall be headed by the Assistant Secretary for International Travel Security and Screening (referred to in this section as the 'Assistant Secretary'), who shall be appointed by the President.

1 ~~"(b) RESPONSIBILITIES OF THE ASSISTANT SEC-~~
2 ~~RETARY.—The Assistant Secretary shall—~~
3 ~~"(1) have primary responsibility for—~~
4 ~~"(A) the integrated entry and exit data~~
5 ~~system commonly known as 'US–VISIT', which~~
6 ~~was authorized under section 110 of Illegal Im-~~
7 ~~migration Reform and Immigrant Responsibility~~
8 ~~Act of 1996 (8 U.S.C. 1365a);~~
9 ~~"(B) the visa waiver program authorized~~
10 ~~under section 217 of the Immigration and Na-~~
11 ~~tionality Act (8 U.S.C. 1187); and~~
12 ~~"(C) the Screening Coordination Office,~~
13 ~~which shall be transferred from the Office of~~
14 ~~Policy;~~
15 ~~"(2) coordinate activities within the Depart-~~
16 ~~ment to identify, interdict, and prevent the travel of~~
17 ~~terrorists to the United States; and~~
18 ~~"(3) develop a strategic plan for preventing the~~
19 ~~travel of terrorists to the United States, in consulta-~~
20 ~~tion with other relevant Federal agencies.~~
21 ~~"(c) ANNUAL VISA OVERSTAY REPORT.—~~
22 ~~"(1) IN GENERAL.—Not later than 1 year after~~
23 ~~the date of enactment of this Act and annually~~
24 ~~thereafter through 2022, the Assistant Secretary~~
25 ~~shall submit a report to the Committee on Home-~~

~~land Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that details data collected, in accordance with the National Institute of Standards and Technology's protocols on statistical significance, concerning individuals who overstayed the terms of their admission in that year, including—~~

~~"(A) statistics on the nationality and visa class (including those traveling under the visa waiver program) of all individuals who overstayed their admission;~~

~~"(B) statistics on the nationality and visa class (including those traveling under the visa waiver program) of individuals who overstayed their admission by 30 days or less, 180 days or less, 1 year or less, or for more than 1 year; and~~

~~"(C) the number of individuals who overstayed their admission and were subsequently apprehended, left the country, or transitioned to a new visa class.".~~

~~(2) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 431 and inserting the following:~~

~~"Sec. 431. Office of International Travel Security and Screening.".~~

~~(b) REVIEW OF AUTOMATED ENTRY AND EXIT SYSTEM.—The Assistant Secretary for International Travel Security and Screening shall—~~

~~(1) develop a plan for implementing the biometric exit system required under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including a detailed time line; and~~

~~(2) conduct a review of US–VISIT—~~

~~(A) to ensure that all entry and exit records for air and sea passengers are being matched to accurately identify all visa overstays in a rigorous, science-based manner that meets applicable standards for statistical significance provided by the National Institute of Standards and Technology;~~

~~(B) to ensure that biographic exit data collected by the outbound inspections program authorized under section 504 meets applicable standards for statistical significance provided by the National Institute of Standards and Technology;~~

~~(C) to determine whether biographic exit data on visa overstay rates should be used instead of visa denial rates to make decisions re-~~

~~garding the admittance of prospective member states into the Visa Waiver Program; and~~

~~(D) to determine the feasibility of using entry data from foreign countries in order to collect exit information on individuals who departed the United States; and~~

~~(3) not later than 270 days after the effective date of this Act, submit the results of the review conducted under paragraph (2) and the plan developed under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.~~

~~(c) PLACEMENT WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall determine the position of the Office of International Travel Security and Screening within the Department of Homeland Security.~~

~~SEC. 507. VISA SECURITY.~~

~~(a) IN GENERAL.—~~

~~(1) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 503(a), is further~~

~~amended by adding at the end the following new section:~~

~~"SEC. 449A. ELECTRONIC SYSTEMS FOR NOTIFICATION OF VISA DENIALS AND REVIEWING VISAS.~~

~~"(a) ELECTRONIC SYSTEM FOR NOTIFYING AIRLINES OF VISA DENIALS.—~~

~~"(1) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Secretary of State, in cooperation with the Secretary, shall deploy an electronic system to notify airlines of the cancellation of any traveler's visa for entry into the United States.~~

~~"(2) USE OF EXISTING SYSTEMS.—In deploying the system described in paragraph (1), the Secretary of State, in cooperation with the Secretary, shall, to the extent feasible, utilize the existing electronic passenger manifest systems required under section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) and section 44909 of title 49, United States Code, to notify airlines of a canceled visa.~~

~~"(b) ELECTRONIC SYSTEM FOR REMOTELY REVIEWING VISAS.—~~

~~"(1) DEVELOPMENT.—The Secretary, in consultation with the Secretary of State, shall develop an electronic system for remotely reviewing visa ap-~~

~~plications and supporting documentation at diplomatic and consular posts at which visas are issued.~~

~~"(2) SAVINGS PROVISION.—Nothing in this subsection may be construed as not requiring visa security officers to be stationed at all visa adjudicating posts that are designated as high risk by the Secretary.".~~

~~(2) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 503(b), is further amended by adding after the item relating to section 449 the following:~~

~~"Sec. 449A. Electronic systems for notification of visa denials and reviewing visas.".~~

~~(b) ISSUANCE OF VISAS AT DESIGNATED DIPLOMATIC AND CONSULAR POSTS.—Section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)) is amended to read as follows:~~

~~"(i) VISA ISSUANCE AT CONSULAR POSTS AND EMBASSIES.—~~

~~"(1) STANDARD OPERATING PROCEDURES.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall institute standard operating procedures for the visa security program at all consular posts.~~

1 ~~"(2) MEDIATION.—The Secretary of Homeland~~
2 ~~Security and the Secretary of State shall create and~~
3 ~~implement a system for mediating disagreements~~
4 ~~about visa revocation decisions between visa security~~
5 ~~officers and consular officers at posts, including des-~~
6 ~~ignating senior officials at each Department to adju-~~
7 ~~dicate disputes.~~
8 ~~"(3) POLICY REVIEW.—The Secretary of Home-~~
9 ~~land Security, in coordination with the Secretary of~~
10 ~~State, shall review all policies relating to the issuing~~
11 ~~of visas to ensure that all individuals associated with~~
12 ~~terrorism are denied visas to travel to the United~~
13 ~~States.~~
14 ~~"(4) SECURITY OFFICERS.—The Secretary of~~
15 ~~Homeland Security, in consultation with the Sec-~~
16 ~~retary of State, shall develop a plan for deploying~~
17 ~~visa security officers to all consular posts determined~~
18 ~~to be high-risk by the Secretary.".~~
19 ~~(c) CLARIFYING CONGRESSIONAL INTENT IN THE~~
20 ~~HOMELAND SECURITY ACT OF 2002.—Section 428(e)(6)~~
21 ~~of the Homeland Security Act of 2002 (6 U.S.C.~~
22 ~~236(e)(6)) is amended to read as follows:~~
23 ~~"(6) TRAINING AND HIRING.—~~
24 ~~"(A) TRAINING.—The Secretary of Home-~~
25 ~~land Security shall require all employees of the~~

~~Department assigned to perform functions described in paragraph (2), in advance of their deployments—~~

~~"(i) to obtain training on the day-to-day operations of a consular post at the National Foreign Affairs Training Center, on a reimbursable basis;~~

~~"(ii) to receive training in the foreign language of the post at which they will be assigned, unless they are already proficient in the foreign language;~~

~~"(iii) to receive a course in interview and fraud detection techniques; and~~

~~"(iv) to be stationed, to the extent feasible, for a minimum of 3 years in a post.~~

~~"(B) PROMOTION PREFERENCES.—The Secretary of Homeland Security shall ensure that employees of the Department assigned to perform functions described in subparagraph (A) be given preference in promotions and in subsequent postings if they meet the minimum standards set by the Secretary for their performance.".~~

1 **~~SEC. 508. REPORT ON BORDER SECURITY TASK FORCES~~**
2 **~~AND DRUG INTELLIGENCE CENTERS.~~**

3 ~~(a) IN GENERAL.—Not later than 270 days after the~~
4 ~~date of the enactment of this Act, the Comptroller General~~
5 ~~of the United States shall—~~

6 ~~(1) conduct a study on interagency border secu-~~
7 ~~rity task forces and drug intelligence and informa-~~
8 ~~tion sharing centers; and~~

9 ~~(2) submit a report containing the results of~~
10 ~~the study conducted under paragraph (1) to the~~
11 ~~Committee on Homeland Security and Governmental~~
12 ~~Affairs of the Senate and the Committee on Home-~~
13 ~~land Security of the House of Representatives.~~

14 ~~(b) CONTENTS.—The report submitted under sub-~~
15 ~~section (a) shall—~~

16 ~~(1) detail—~~

17 ~~(A) the number of information sharing and~~
18 ~~intelligence centers that address counter-~~
19 ~~narcotics; and~~

20 ~~(B) the level and source of Federal funding~~
21 ~~for such centers;~~

22 ~~(2) detail—~~

23 ~~(A) the number of border-security-focused~~
24 ~~task forces that address human smuggling and~~
25 ~~counter terrorism activities; and~~

~~(B) the level and source of Federal funding for such task forces;~~

~~(3) evaluate—~~

~~(A) the missions and functions of information sharing and intelligence centers and interagency border security task forces;~~

~~(B) the extent to which such centers and task forces are distinct or duplicative; and~~

~~(C) whether there are any opportunities for consolidation or cost efficiencies; and~~

~~(4) analyze the views of selected entities that use information and products from such centers and task forces on—~~

~~(A) the benefits provided by such centers and task forces;~~

~~(B) the weaknesses in operations and focus areas of in such centers and task forces; and~~

~~(C) any solutions or improvements from which such centers and task forces could benefit.~~

~~TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS~~

~~SEC. 601. AUTHORIZATION OF INTELLIGENCE ACTIVITIES.~~

~~(a) IN GENERAL.—Funds authorized or made available for intelligence activities of the Department are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012.~~

~~(b) RULE OF CONSTRUCTION.—The authorization under this Act for intelligence activities of the Department shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.~~

~~SEC. 602. CLASSIFIED NATIONAL SECURITY INFORMATION PROGRAM FOR STATES, LOCAL GOVERNMENTS, INDIAN TRIBES, AND PRIVATE SECTOR ENTITIES.~~

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

~~"SEC. 210G. CLASSIFIED NATIONAL SECURITY INFORMATION PROGRAM FOR STATES, LOCAL GOVERNMENTS, INDIAN TRIBES, AND PRIVATE SECTOR ENTITIES.~~

~~"(a) DEFINITIONS.—In this section—~~

~~"(1) the term 'classified information' means information that is classified or classifiable under Executive Order 13526 (75 Fed. Reg. 707) or any successor thereto; and~~

~~"(2) the term 'Program' means the Classified National Security Information Program established under subsection (b).~~

~~"(b) ESTABLISHMENT.—There is established a Classified National Security Information Program, which shall be designed to safeguard and govern access to classified information shared by the Federal Government with States, local governments, Indian tribes, and private sector entities.~~

~~"(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall manage the Program and be responsible for—~~

~~"(1) oversight of the Program;~~

~~"(2) accreditation, periodic inspection, and monitoring of all facilities where classified information is used or store that are owned or operated by a State, local government, or Indian tribe, unless~~

there is an agreement in effect between another executive agency and the Secretary to perform some or all of these functions;

"(3) upon request by the head of an executive agency, processing an application for a security clearance for an employee of a State, local government, Indian tribe, or private entity, which shall be processed on a reimbursable basis unless determined otherwise by the Secretary and the head of the executive agency making the request;

"(4) in consultation with the Director of the Office of Personnel Management, the Secretary of Defense, and the Director of National Intelligence, documenting and tracking the final status of all applications for a security clearance for an employee of a State, local government, Indian tribe, or private entity;

"(5) developing and maintaining a security profile of facilities owned or operated by a State, local government, or Indian tribe that have access to classified information;

"(6) developing training for all employees of a State, local government, Indian tribe, or private entity who have been determined eligible for access to classified information, which shall address the prop-

~~er safeguarding of classified information and sanctions for unauthorized disclosure of classified information; and~~

~~"(7) any other responsibilities provided to the Secretary by the President.~~

~~"(d) ANNUAL REPORT.—~~

~~"(1) IN GENERAL.—Not later than December 31, 2012, and every year thereafter until December 31, 2024, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of the activities of the Department under Executive Order 13549, or any successor thereto, and this section.~~

~~"(2) REQUIREMENTS OF ANNUAL REPORT.—Each annual report under paragraph (1) shall include—~~

~~"(A) a general description of the progress made in satisfying the requirements under this section and under Executive Order 13549, or any successor thereto;~~

~~"(B) a description of funds expended by the Department to carry this section and to~~

~~carry out Executive Order 13549, or any successor thereto;~~

~~"(C) annual statistical information on the Program, including—~~

~~"(i) the number of employees of a State, local government, Indian tribe, or private entity for whom an application for a security clearance was submitted to the Federal Government;~~

~~"(ii) the number of security clearance applications processed under the Program; and~~

~~"(iii) the number of facilities described in subsection (c)(2);~~

~~"(D) a description of the training carried out under the Program;~~

~~"(E) information regarding performance measures under the Program;~~

~~"(F) an assessment of whether executive agencies are complying with the security clearance reciprocity requirement under section 1.3(c) of Executive Order 13549, or any successor thereto;~~

~~"(G) information relating to the inspection and monitoring of facilities described in sub-~~

1 ~~section (c)(2), including information on security~~
2 ~~violations discovered as a result of the inspec-~~
3 ~~tion and monitoring; and~~
4 ~~"(II) an assessment of any counterintel-~~
5 ~~ligence threats and risks associated with the~~
6 ~~Program.~~
7 ~~"(3) CONSISTENCY.—To the extent possible,~~
8 ~~each report submitted under paragraph (1) shall be~~
9 ~~consistent in the collection and analysis of relevant~~
10 ~~statistical information and the use of performance~~
11 ~~measures.~~
12 ~~"(4) CLASSIFICATION.—Each report submitted~~
13 ~~under paragraph (1) shall be in unclassified form,~~
14 ~~but may include a classified annex.~~
15 ~~"(e) REPORT ON SECURITY CLEARANCE~~
16 ~~VERIFICATION PROCESSES.—~~
17 ~~"(1) IN GENERAL.—Not later than 1 year after~~
18 ~~the date of enactment of this section, the Secretary,~~
19 ~~in coordination with the Secretary of Defense, the~~
20 ~~Director of National Intelligence, and the Director~~
21 ~~of the Office of Personnel Management, shall submit~~
22 ~~to Congress a report on the activities conducted by~~
23 ~~the Federal Government to support the efficient~~
24 ~~management and verification of security clearances,~~

~~including by employees of States, local governments, Indian tribes, and private sector entities.''.~~

~~(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 210F the following:~~

~~''Sec. 210G. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.''.~~

~~SEC. 603. FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.~~

~~(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 845 the following:~~

~~''SEC. 846. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.~~

~~''(a) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—~~

~~''(1) IN GENERAL.—With the concurrence of the Director of National Intelligence and in coordination with the Director of the Office of Personnel Management, the Secretary may—~~

~~''(A) convert competitive service positions, and the incumbents of such positions, within the Office of Intelligence and Analysis to ex-~~

~~cepted service positions as the Secretary determines necessary to carry out the intelligence functions of the Department; and~~

~~"(B) establish new positions within the Office of Intelligence and Analysis in the excepted service, if the Secretary determines such positions are necessary to carry out the intelligence functions of the Department.~~

~~"(2) CLASSIFICATION AND PAY RANGES.—In coordination with the Director of National Intelligence, the Secretary may establish the classification and ranges of rates of basic pay for any position converted under paragraph (1)(A) or established under paragraph (1)(B), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.~~

~~"(3) APPOINTMENT AND COMPENSATION.—The Secretary may appoint individuals for service in positions converted under paragraph (1)(A) or established under paragraph (1)(B) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established under paragraph (2).~~

1 ~~"(4) MAXIMUM RATE OF BASIC PAY.—The maximum rate of basic pay the Secretary may establish under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.~~

6 ~~"(b) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—~~

8 ~~"(1) DEFINITIONS.—In this subsection—~~

9 ~~"(A) the term 'compensation authority'—~~

10 ~~"(i) means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments; and~~

15 ~~"(ii) shall not include—~~

16 ~~"(I) authorities relating to benefits such as leave, severance pay, retirement, and insurance;~~

19 ~~"(II) authority to grant a rank award by the President under section 4507, 4507a, or 3151(c) of title 5, United States Code, or any other provision of law; or~~

24 ~~"(III) compensation authorities and performance management au-~~

~~thorities provided under provisions of law relating to the Senior Executive Service; and~~

~~"(B) the term 'intelligence community' has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).~~

~~"(2) IN GENERAL.—Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Secretary, with the concurrence of the Director of National Intelligence, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or executive order, in coordination with the Director of the Office of Personnel Management, may authorize the Office of Intelligence and Analysis to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Secretary and the Director of National Intelligence—~~

~~"(A) determine that the adoption of that authority would improve the management and performance of the intelligence community; and~~

1 ~~"(B) not later than 60 days before that~~
2 ~~authority is to take effect, submit notice of the~~
3 ~~adoption of that authority by the Office of In-~~
4 ~~telligence and Analysis, including the authority~~
5 ~~to be so adopted, and an estimate of the costs~~
6 ~~associated with the adoption of that authority~~
7 ~~to—~~
8 ~~"(i) the Committee on Homeland Se-~~
9 ~~curity and Governmental Affairs of the~~
10 ~~Senate and the Select Committee on Intel-~~
11 ~~ligence of the Senate; and~~
12 ~~"(ii) the Committee on Homeland Se-~~
13 ~~curity of the House of Representatives and~~
14 ~~the Permanent Select Committee on Intel-~~
15 ~~ligence of the House of Representatives.~~
16 ~~"(3) EQUIVALENT APPLICATION OF COMPENSA-~~
17 ~~TION AUTHORITY.—To the extent that a compensa-~~
18 ~~tion authority within the intelligence community is~~
19 ~~limited to a particular category of employees or a~~
20 ~~particular situation, the authority may be adopted~~
21 ~~by the Office of Intelligence and Analysis under this~~
22 ~~subsection only for employees in an equivalent cat-~~
23 ~~egory or in an equivalent situation.".~~
24 ~~(b) TECHNICAL AND CONFORMING AMENDMENT.—~~
25 ~~The table of contents in section 1(b) of the Homeland Se-~~

~~curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 845 the following:~~

~~"Sec. 846. Authority for flexible personnel management at the Office of Intelligence and Analysis.".~~

~~SEC. 604. UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS TECHNICAL CORRECTION.~~

~~Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—~~

~~(1) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and~~

~~(2) by inserting after paragraph (8) the following:~~

~~"(9) An Under Secretary for Intelligence and Analysis.".~~

~~TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS~~

~~SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY.~~

~~(a) IN GENERAL.—~~

~~(1) DIRECTORATE.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), is amended by striking section 301 and inserting the following:~~

1 **~~"SEC. 301. DIRECTORATE OF SCIENCE AND TECHNOLOGY.~~**

2 ~~"(a) IN GENERAL.—There shall be in the Depart-~~
3 ~~ment a Directorate of Science Technology headed by an~~
4 ~~Under Secretary for Science and Technology.~~

5 ~~"(b) RESPONSIBILITIES.—The Directorate of Science~~
6 ~~and Technology shall serve as the primary research, devel-~~
7 ~~opment, testing, and evaluation agency in the Depart-~~
8 ~~ment.".~~

9 ~~(2) TECHNICAL AND CONFORMING AMEND-~~
10 ~~MENT.—The table of contents in section 1(b) of the~~
11 ~~Homeland Security Act of 2002 (6 U.S.C. 101 et~~
12 ~~seq.) is amended by striking the item relating to sec-~~
13 ~~tion 301 and inserting the following:~~

~~"Sec. 301. Directorate of Science and Technology.".~~

14 ~~(b) RESPONSIBILITIES AND AUTHORITIES.—Section~~
15 ~~302 of the Homeland Security Act of 2002 (6 U.S.C. 182)~~
16 ~~is amended—~~

17 ~~(1) in paragraph (5)(A), by striking the second~~
18 ~~comma after "biological" and inserting "radiological,~~
19 ~~nuclear,";~~

20 ~~(2) in paragraph (12), by inserting ", including~~
21 ~~conducting strategic planning and providing tech-~~
22 ~~nical assistance for such activities within the De-~~
23 ~~partment" after "activities of the Department";~~

24 ~~(3) in paragraph (13), by striking "and" at the~~
25 ~~end;~~

~~(4) in paragraph (14), by striking the period and inserting "; and"; and~~

~~(5) by adding after paragraph (14) the following:~~

~~"(15) supporting the acquisition of technologies and systems by the Department by providing—~~

~~"(A) the Secretary with independent assessments; and~~

~~"(B) technical assistance within the Department for development, testing and evaluation;~~

~~"(16) conducting strategic planning within the Department for basic, advanced and applied research and development; and~~

~~"(17) providing technical assistance within the Department for the development, testing, evaluation and acquisition of technologies.".~~

~~(c) HOMELAND SECURITY ADVANCED RESEARCH PROJECTS.—Section 307(b)(3)(B) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)(3)(B)) is amended by inserting "to strengthen border and maritime security, cyber security, aviation security, transportation security, catastrophic response and recovery capabilities, and other homeland security missions" after "technologies".~~

1 ~~**SEC. 702. DIRECTOR OF TESTING AND EVALUATION.**~~

2 ~~Section 308 of the Homeland Security Act of 2002~~
3 ~~(6 U.S.C. 188) is amended by adding at the end the fol-~~
4 ~~lowing:~~

5 ~~"(d) DIRECTOR OF TESTING AND EVALUATION.—~~

6 ~~"(1) DEFINITION.—In this subsection, the term~~
7 ~~'operational testing and evaluation activity' means—~~

8 ~~"(A) any field test, under realistic condi-~~
9 ~~tions, of technologies, equipment, or systems for~~
10 ~~the purpose of determining the performance, ef-~~
11 ~~fectiveness and operational suitability of the~~
12 ~~technologies, equipment, or systems for use by~~
13 ~~the Department; and~~

14 ~~"(B) the evaluation of the results of such~~
15 ~~tests against established operational require-~~
16 ~~ments.~~

17 ~~"(2) ESTABLISHMENT.—There is established in~~
18 ~~the Directorate of Science and Technology a Direc-~~
19 ~~tor of Testing and Evaluation.~~

20 ~~"(3) RESPONSIBILITIES, AUTHORITIES, AND~~
21 ~~FUNCTIONS.—~~

22 ~~"(A) PRINCIPLE ADVISER.—The Director~~
23 ~~of Testing and Evaluation is the principal ad-~~
24 ~~viser to the Under Secretary for Science and~~
25 ~~Technology for all testing and evaluation, in-~~

~~cluding operational testing and evaluation activities in the Department.~~

~~"(B) OTHER RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—The Director of Testing and Evaluation shall—~~

~~"(i) establish testing and evaluation policies, procedures, standards and practices for the Department;~~

~~"(ii) monitor and review all operational testing and evaluation activities within the Department;~~

~~"(iii) provide support to the Acquisition Review Board, established under section 836, including by preparing a Letter of Assessment for any investment reviewed by the Acquisition Review Board, that sets forth an assessment of the technology and the testing and evaluation activity.~~

~~"(C) ACCESS TO INFORMATION.—The Director of Testing and Evaluation—~~

~~"(i) shall have access to all acquisition records and data within the Department that the Director determines are necessary to carry out the duties authorized under this subsection;~~

1 ~~"(ii) may designate observers to be~~
2 ~~present during the preparation for, and the~~
3 ~~execution of, any operational testing and~~
4 ~~evaluation activity within the Department;~~
5 ~~and~~
6 ~~"(iii) shall have prompt access to the~~
7 ~~results of any operational testing and eval-~~
8 ~~uation activity.".~~
9 ~~**SEC. 703. FIVE-YEAR RESEARCH AND DEVELOPMENT IN-**~~
10 ~~**VESTMENT PLAN; TECHNOLOGY READINESS**~~
11 ~~**ASSESSMENT PROCESS; AND AVAILABILITY**~~
12 ~~**OF TESTING FACILITIES AND EQUIPMENT.**~~
13 ~~Title III of the Homeland Security Act of 2002 (6~~
14 ~~U.S.C. 181 et seq.) is amended by inserting after section~~
15 ~~318, as added by section 414(a), the following:~~
16 ~~**"SEC. 319. FIVE-YEAR RESEARCH AND DEVELOPMENT IN-**~~
17 ~~**VESTMENT PLAN.**~~
18 ~~"(a) DEFINITION.—In this section the term 'Plan'~~
19 ~~means the Five-year Research and Development Invest-~~
20 ~~ment Plan developed under this section.~~
21 ~~"(b) IN GENERAL.—Acting through the Under Sec-~~
22 ~~retary of Science and Technology, the Secretary shall de-~~
23 ~~velop a Five-Year Research and Development Investment~~
24 ~~Plan that shall guide all expenditures by the Department~~

~~for basic, advanced, or applied research and technology development activities.~~

~~"(c) CONTENTS.—The Plan shall—~~

~~"(1) set forth anticipated annual expenditures for each fiscal year from 2012 through 2017;~~

~~"(2) set forth annual milestones and objectives that shall be—~~

~~"(A) for all basic, advanced, applied research and development; and~~

~~"(B) aligned with the operational requirements of the Department, including the improvement and development of technologies to—~~

~~"(i) combat chemical, biological, nuclear, and radiological and high-explosive terrorist attacks;~~

~~"(ii) strengthen border and maritime security, cyber security, aviation security, transportation security, and response and recovery capabilities; and~~

~~"(iii) address other needs as determined by the Secretary; and~~

~~"(3) take into account the operational requirements of State and local governments.~~

~~"(d) SUBMISSIONS OF THE PLAN AND UPDATES.—~~

1 ~~"(1) INITIAL PLAN.—Not later than 180 days~~
2 ~~after the date of enactment of the Department of~~
3 ~~Homeland Security Authorization Act of 2011, the~~
4 ~~Secretary shall submit the Plan to the Committee on~~
5 ~~Homeland Security and Government Affairs of the~~
6 ~~Senate and the Committee on Homeland Security of~~
7 ~~the House of Representatives.~~
8 ~~"(2) ANNUAL UPDATES.—The Secretary shall~~
9 ~~submit an annual update of the Plan that sets forth~~
10 ~~each expenditure in the preceding fiscal year to the~~
11 ~~Committee on Homeland Security and Government~~
12 ~~Affairs of the Senate and the Committee on Home-~~
13 ~~land Security of the House of Representatives.~~
14 **~~"SEC. 320. ESTABLISHING A TECHNOLOGY EVALUATION~~**
15 **~~AND READINESS ASSESSMENT PROCESS.~~**
16 ~~"Acting through the Under Secretary for Science and~~
17 ~~Technology, the Secretary shall establish a process for~~
18 ~~evaluating the readiness, performance, and suitability of~~
19 ~~any technologies or systems that the Department acquires~~
20 ~~or develops to carry out the missions of the Department.~~
21 **~~"SEC. 321. AVAILABILITY OF TESTING FACILITIES AND~~**
22 **~~EQUIPMENT.~~**
23 ~~"(a) AUTHORITY.—The Under Secretary for Science~~
24 ~~and Technology may make available to any person or enti-~~
25 ~~ty, for an appropriate fee, the services of any center or~~

~~other testing facility owned and operated by the Department for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.~~

~~"(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary for Science and Technology shall ensure that the testing of materials, equipment, models, computer software, or other items not owned by the Federal Government shall not cause personnel or other resources of the Federal Government to be diverted from scheduled Federal Government tests or otherwise interfere with Federal Government mission requirements.~~

~~"(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of the tests may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.~~

~~"(d) USE OF FEES.—Any fee collected under subsection (a) shall be used to recoup the direct and indirect costs incurred by the Federal Government to provide for testing and any remaining funds shall be used by the Secretary to support research and development activities within the Department.".~~

1 ~~**SEC. 704. NATIONAL ACADEMY OF SCIENCES REPORT.**~~

2 ~~(a) DEFINITION.—In this section—~~

3 ~~(1) the term "2002 report" means the report~~
4 ~~prepared by the National Research Council entitled~~
5 ~~"Making the Nation Safer: The Role of Science and~~
6 ~~Technology in Countering Terrorism (2002)"; and~~

7 ~~(2) the term "National Research Council"~~
8 ~~means the National Research Council of the Na-~~
9 ~~tional Academy of Sciences.~~

10 ~~(b) AGREEMENT.—Not later than 90 days after the~~
11 ~~date of enactment of this Act, the Secretary shall enter~~
12 ~~into an agreement with the National Research Council to~~
13 ~~update the 2002 report.~~

14 ~~(c) CONTENTS OF REPORT.—The report described~~
15 ~~under subsection (b) shall—~~

16 ~~(1) update the 2002 report to assess progress~~
17 ~~made towards the recommendations in that report;~~
18 ~~and~~

19 ~~(2) make recommendations to guide the Federal~~
20 ~~government to strengthen and improve homeland se-~~
21 ~~curity over the next decade.~~

22 ~~(d) SUBMISSION OF REPORT.—Not later than 1 year~~
23 ~~after the date of enactment of this Act, the National Re-~~
24 ~~search Council shall submit the report described under~~
25 ~~subsection (b) to the Committee on Homeland Security~~

~~and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.~~

~~(c) FORM OF REPORT.—The report submitted under subsection (d) shall be submitted in unclassified form, but may contain a classified annex.~~

~~SEC. 705. DOMESTIC NUCLEAR DETECTION OFFICE.~~

~~(a) MISSION.—Section 1902(a) of the Homeland Security Act of 2002 (6 U.S.C. 592(a)) is amended—~~

~~(1) by striking paragraph (6);~~

~~(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;~~

~~(3) by inserting after paragraph (1) the following:~~

~~"(2) coordinate strategic planning and investments, within the Department and with other Federal agencies and State and local governments—~~

~~"(A) to detect and prevent illegal trafficking in nuclear weapons-making materials or technologies; and~~

~~"(B) to reduce the risk of a nuclear terrorist attack;"; and~~

~~(4) in paragraph (8), by striking "government agencies" and inserting "Federal, State, and local entities".~~

~~(b) DOMESTIC NUCLEAR THREAT DETECTION AND PREVENTION PLAN.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following:~~

~~"SEC. 1908. DOMESTIC NUCLEAR THREAT DETECTION AND PREVENTION PLAN.~~

~~"(a) IN GENERAL.—Not later than 270 days after the effective date of the Department of Homeland Security Authorization Act of 2011, the Secretary, acting through the Director of the Domestic Nuclear Detection Office, in coordination with relevant Federal agencies, as determined by the Secretary, shall develop a plan to integrate and strengthen the Nation's capabilities to deter, detect, and prevent nuclear terrorist threats in the domestic portion of the global nuclear detection architecture within 10 years.~~

~~"(b) CONTENTS.—The plan developed under subsection (a) shall—~~

~~"(1) set forth national strategic goals;~~

~~"(2) set forth initiatives to integrate and strengthen the domestic portion of the global nuclear detection architecture;~~

~~"(3) describe steps to monitor and assess the development and execution of the plan;~~

1 ~~"(4) set forth the investments, expenditures,~~
2 ~~and schedules for the deployment of nuclear and ra-~~
3 ~~diological detection equipment and countermeasures~~
4 ~~within the Department;~~
5 ~~"(5) assess the investments, expenditures, or~~
6 ~~deployments that the Department makes to substan-~~
7 ~~tially reduce the illegal trafficking of nuclear weap-~~
8 ~~ons making materials and to measurably reduce the~~
9 ~~risk of a nuclear terrorist attack occurring inside the~~
10 ~~United States; and~~
11 ~~"(6) set forth annual milestones and schedules~~
12 ~~for the deployment of advanced, commercially-avail-~~
13 ~~able nuclear detection technologies and counter-~~
14 ~~measures by the Department.~~
15 ~~"(e) CLASSIFIED INFORMATION.—The plan devel-~~
16 ~~oped under subsection (a) shall be submitted in unclassi-~~
17 ~~fied form, but may contain an unclassified annex.~~
18 ~~"(d) SUBMISSION OF PLAN.—~~
19 ~~"(1) INITIAL SUBMISSION.—Not later than 270~~
20 ~~days after the effective date of the Department of~~
21 ~~Homeland Security Authorization Act of 2011, the~~
22 ~~Secretary shall submit the plan developed under sub-~~
23 ~~section (a) to the Committee on Homeland Security~~
24 ~~and Governmental Affairs of the Senate and the~~

~~Committee on Homeland Security of the House of Representatives.~~

~~"(2) UPDATE.—Not later than 2 years after submitting the plan under paragraph (1), the Secretary shall submit an update of the plan to the committees set forth in paragraph (1).".~~

~~(c) CONTRACTING AUTHORITY.—Section 1906 of the Homeland Security Act of 2002 (6 U.S.C. 596) is amended by striking "paragraphs (6) and (7) of section 1902(a)" each place it appears and inserting "section 1902(a)(7)".~~

~~(d) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding after the item relating to section 1907 the following:~~

~~"Sec. 1908. Domestic nuclear threat detection and prevention plan.".~~

~~SEC. 706. FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.~~

~~(a) DEFINITION.—In this subsection, the term "employee" has the meaning given that term under section 2105 of title 5, United States Code.~~

~~(b) AUTHORITY.—The Secretary may make appointments to a position described under paragraph (3) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title.~~

~~(c) POSITIONS.—This subsection applies with respect to any scientific or engineering position within the Science and Technology Directorate which requires an advanced degree.~~

~~(d) LIMITATION.—~~

~~(1) IN GENERAL.—Authority under this subsection may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within that laboratory that are filled as of the end of the most recent fiscal year before the start of that calendar year.~~

~~(2) FULL-TIME EQUIVALENT BASIS.—For purposes of this paragraph, positions shall be counted on a full-time equivalent basis.~~

~~(e) TERMINATION.—The authority to make appointments under this subsection shall terminate on January 1, 2014.~~

~~SEC. 707. TECHNICAL AND CONFORMING AMENDMENT.~~

~~The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 318, as added by section 414(b), the following:~~

~~"Sec. 319. Five-year research and development investment plan.~~

~~"Sec. 320. Establishing a technology evaluation and readiness assessment process.~~

~~"Sec. 321. Availability of testing facilities and equipment.".~~

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

2 *(a) SHORT TITLE.—This Act may be cited as the "De-*
3 *partment of Homeland Security Authorization Act of*
4 *2012".*

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—MANAGEMENT AND EFFICIENCY

Sec. 101. Department of Homeland Security investment review.
Sec. 102. Acquisition professional career program.
Sec. 103. Strategic plan for acquisition workforce.
Sec. 104. Notification to Congress of major awards.
Sec. 105. Independent verification and validation.
Sec. 106. Other transaction authority.
Sec. 107. Report on competition.
Sec. 108. Open architecture study.
Sec. 109. Cost Analysis Division.
Sec. 110. Strategic acquisition plan.
Sec. 111. Transparency and innovation in acquisition.
Sec. 112. Disaster relief procurement authorities.
Sec. 113. Special emergency procurement authority for domestic emergency operations.
Sec. 114. Field efficiencies report and implementation plan.
Sec. 115. Cost savings and efficiency reviews.
Sec. 116. Consolidation of youth programs.
Sec. 117. Reversion to Treasury of excess funds.
Sec. 118. Prohibition on collection of political information.
Sec. 119. Format of plans and reports submitted to Congress.
Sec. 120. Travel expenses of political appointees.
Sec. 121. Elimination of duplicative fellowship programs.
Sec. 122. Information of subgrantees.
Sec. 123. Improving financial accountability and management.
Sec. 124. Limitation on use of cost-plus contracts.
Sec. 125. Safeguarding constitutionally protected activity.
Sec. 126. Secretary guidelines for protecting constitutional rights and civil liberties.

TITLE II—STRUCTURE AND ORGANIZATION

Sec. 201. Under Secretary for Policy.
Sec. 202. Office of International Affairs.
Sec. 203. Chief Medical Officer.

Sec. 204. Quadrennial homeland security review.
Sec. 205. Designation of foreign terrorist organizations.
Sec. 206. Office for Domestic Preparedness termination.
Sec. 207. State and Local Government Coordination.
Sec. 208. Termination of Office of Counternarcotics Enforcement.
Sec. 209. Reorganization authority.
Sec. 210. Chief Information Officer.
Sec. 211. Department of Homeland Security headquarters.
Sec. 212. Future Years Homeland Security Program.
Sec. 213. Countering homegrown terrorism.
Sec. 214. Office of Cargo Security Policy.
Sec. 215. Reports on emergency communications and interoperability functions.
Sec. 216. Technical and conforming amendments.

TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE

Sec. 301. Infrastructure Protection and Resilience Directorate.
Sec. 302. Federal Protective Service.

TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY

Sec. 401. Catastrophic incident planning.
Sec. 402. Preparedness of individuals and communities.
Sec. 403. Federal response and recovery preparedness officials.
Sec. 404. Recovery.
Sec. 405. Enhancing response and recovery operations and programs.
Sec. 406. Department and agency officials.
Sec. 407. Infrastructure protection assistance.
Sec. 408. Federal-State border security cooperation.
Sec. 409. Emergency management assistance compact.
Sec. 410. Repeal of emergency operations center grant program.
Sec. 411. Performance measures.
Sec. 412. Communications planning.
Sec. 413. Guidelines concerning weapons of mass destruction.
Sec. 414. Plume modeling.
Sec. 415. Identification of disaster management resources.
Sec. 416. Antifraud training.
Sec. 417. Information technology.
Sec. 418. Metropolitan Medical Response System.
Sec. 419. Regional Catastrophic Grant Program.
Sec. 420. Report on consolidation of grant programs.
Sec. 421. Grant program contingency plans.
Sec. 422. National mitigation framework.
Sec. 423. Nonemergency personnel hiring freeze.

TITLE V—BORDER SECURITY

Sec. 501. Workforce staffing plan.
Sec. 502. Border technology and infrastructure plan.
Sec. 503. Surge deployment.
Sec. 504. Enhanced training for Border Patrol agents.
Sec. 505. Outbound inspections.
Sec. 506. Situational awareness of the northern border.
Sec. 507. Office of International Travel Security and Screening.
Sec. 508. Visa security.

Sec. 509. Report on border security task forces, drug intelligence centers, and State and major urban area fusion centers.
Sec. 510. Enhanced agriculture inspection.
Sec. 511. Report on status of unobligated balances in U.S. Customs and Border Protection Customs User Fee Account.
Sec. 512. Government Accountability Office report.
Sec. 513. Border security on certain Federal land.
Sec. 514. Z backscatter van technology report.
Sec. 515. Refugee status report.

TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS

Sec. 601. Authorization of intelligence activities.
Sec. 602. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.
Sec. 603. Flexible personnel management at the Office of Intelligence and Analysis.
Sec. 604. Under Secretary for Intelligence and Analysis technical correction.
Sec. 605. Fusion center funding report.
Sec. 606. Report on fusion centers.
Sec. 607. GAO report on analytical capabilities.
Sec. 608. Audit on privacy and civil liberties and update on privacy and civil liberties impact assessments.

TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS

Sec. 701. Directorate of science and technology.
Sec. 702. Director of testing and evaluation.
Sec. 703. Five-year research and development investment plan; technology readiness assessment process; and availability of testing facilities and equipment.
Sec. 704. National academy of sciences report.
Sec. 705. Domestic nuclear detection office.
Sec. 706. Flexible personnel management at the Science and Technology Directorate.
Sec. 707. Technical and conforming amendment.

1 ***SEC. 2. DEFINITIONS.***

2 *In this Act—*

3 *(1) the term "Department" means the Depart-*
4 *ment of Homeland Security; and*

5 *(2) the term "Secretary" means the Secretary of*
6 *Homeland Security.*

TITLE I—MANAGEMENT AND EFFICIENCY

SEC. 101. DEPARTMENT OF HOMELAND SECURITY INVESTMENT REVIEW.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

"SEC. 836. DEPARTMENT INVESTMENT REVIEW.

"(a) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the review of proposed investments by the Department.

"(b) PURPOSE.—The Secretary shall use the process established under subsection (a) to provide a consistent method to evaluate the progress and status of acquisitions at critical points in the acquisition life cycle, inform investment decisions, strengthen acquisition oversight, and improve resource management throughout the Department.

"(c) ACQUISITION REVIEW BOARD.—

"(1) ESTABLISHMENT.—The Secretary shall establish a Department-wide Acquisition Review Board for the purpose of carrying out the investment review process established under subsection (a).

"(2) MEMBERSHIP.—The Secretary shall—

"(A) designate the Director of Cost Analysis as a member of the Acquisition Review Board; and

"(B) designate other appropriate officials of the Department to serve on the Acquisition Review Board.

"(3) SUBORDINATE BOARDS AND COUNCILS.—The Secretary may establish, as needed, subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on a Department-wide basis.

"(d) RISK-BASED CRITERIA FOR REVIEW.—The Secretary shall establish risk-based criteria for the review of investments by the Acquisition Review Board and any subordinate boards and councils, which should include threshold dollar amounts.

"(e) REPORTING REQUIREMENTS.—

"(1) ACQUISITION DECISION MEMORANDA.—Not later than 3 business days after signature of any acquisition decision memorandum of the Acquisition Review Board, the Under Secretary for Management shall provide a copy of the memorandum, together with a copy of the Letter of Assessment signed by the Director of Testing and Evaluation, to the Committee on Homeland Security and Governmental Affairs of

the Senate and the Committee on Homeland Security of the House or Representatives.

"(2) QUARTERLY STATUS REPORTS.—The Under Secretary for Management shall provide a quarterly report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the status of each acquisition subject to the review process established by this section. The report shall include the following elements:

"(A) A description of the acquisition.

"(B) The status of review of the acquisition by the Acquisition Review Board or other board designated to review the acquisition.

"(C) The estimated life-cycle cost of the acquisition, and the basis for the estimate.

"(D) The Acquisition Program Baseline approved by the Acquisition Review Board.

"(E) Information on whether the Acquisition Review Board has reviewed and approved other key planning documents, including, as applicable—

"(i) a Concept of Operations;

"(ii) a Statement of Mission Need;

"(iii) an Analysis of Alternatives;

"(iv) an Operational Requirements Document;

"(v) an Acquisition Plan; and

"(vi) an Integrated Logistics Support Plan.

"(F) Identification of acquisitions that have not met cost, schedule, or performance parameters, and a description of the corrective measures implemented or planned for such acquisitions.

"(G) An indication of whether a certified program manager has been assigned to the acquisition.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 835 the following new item:

"Sec. 836. Department investment review.".

SEC. 102. ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an acquisition professional career program for selected professionals to foster the recruitment, training, certification, and retention of qualified acquisition personnel throughout the Department.

(b) CAREER FIELDS COVERED.—The program established under subsection (a) shall provide training in key

acquisition career fields supporting the entire life cycle of acquisitions, including the positions of contract specialist, program manager, logistician, systems engineer, cost estimator, and information technology acquisition specialist.

(c) SMALL BUSINESS TRAINING.—The program established under subsection (a) shall provide training to individuals in acquisition career fields described under subsection (b) on acquisition policy relating to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

(d) ROTATIONAL ASSIGNMENTS.—To the extent practicable, the Department should strive to have participants in the program established under subsection (a) complete, at a minimum, 3 rotational assignments, to be at least 1 year in length unless otherwise provided by the Secretary, at Department components in order to gain a broad perspective on how acquisitions support the Department's missions.

(e) SIZE.—The size of the program established under subsection (a) shall be commensurate with available funding and consistent with the projected acquisition workforce needs established in the strategic plan for acquisition workforce required by section 103.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to conflict with or supersede the authority

vested in the Administrator for Federal Procurement Policy.

SEC. 103. STRATEGIC PLAN FOR ACQUISITION WORKFORCE.

(a) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 1 year after the date of enactment of this Act, and at a minimum every 3 years thereafter, the Secretary shall develop a long-term strategic human capital plan for the recruitment, retention, and training of the Department's acquisition workforce that is consistent with requirements issued by the Administrator for Federal Procurement Policy and includes—

(1) an identification of gaps in capabilities in each component of the Department for, at a minimum, the acquisition career fields identified pursuant to section 102, and specific steps that will be taken to address those gaps;

(2) projections in personnel needed for each acquisition career field in each component; and

(3) a plan and projected schedule for training the acquisition workforce.

(b) SUBMISSION TO CONGRESS.—The Secretary shall deliver a copy of the strategic plan developed pursuant to subsection (a) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 104. NOTIFICATION TO CONGRESS OF MAJOR AWARDS.

(a) REPORTING OF SIGNIFICANT CONTRACTS.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives at least 3 business days before—

(1) making a contract award, other transaction agreement, or task and delivery order exceeding $10,000,000; or

(2) announcing the intention to make such an award.

(b) EXCEPTION.—If the Secretary determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without the notification required by subsection (a), and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives shall be notified not later than 5 business days after such an award is made.

SEC. 105. INDEPENDENT VERIFICATION AND VALIDATION.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Chief Procurement Officer of the Department, in consultation with the Chief Information Officer of the Department, shall issue guidance on use of independent verification and validation to provide a process for the independent evaluation of the

integrity and quality of major acquisitions. The guidance shall include—

(1) a definition of independent verification and validation for consistent use by Department components;

(2) criteria for applying and planning independent verification and validation that—

(A) gives priority for consideration of independent verification and validation based on factors including mission criticality of the program and its components and potential impacts to the program from undetected system errors;

(B) includes appropriate thresholds above which acquisitions may not proceed without independent verification and validation unless authorized to do so by the Acquisition Review Board established under section 836 of the Homeland Security Act of 2002, as added by section 101; and

(C) ensures, where reasonable and appropriate, use of resources of the Federal Government to perform independent verification and validation;

(3) procedures for ensuring the managerial, financial, and technical independence of providers of

independent verification and validation from the personnel who develop, manage, and perform acquisitions for the program, in order to obtain unbiased reviews of acquisitions;

(4) methods for integrating independent verification and validation results into program management;

(5) procedures to monitor and ensure implementation of the guidance and to take corrective action when necessary; and

(6) mechanisms to collect and analyze data on independent verification and validation to facilitate lessons learned and evaluate the effectiveness of the investments of the Department.

(b) RESTRICTION ON DEVELOPMENT OF GUIDANCE.—The development of the guidance required under subsection (a) shall be considered an inherently governmental function.

(c) REPORTING TO CONGRESS.—

(1) QUARTERLY REPORTS.—The quarterly reports required by section 836(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as added by section 101, shall include, for any acquisition that is granted initial approval to proceed by the Acquisition Review Board without a plan for independent verification and validation, an explanation of the de-

cision not to employ independent verification and validation.

(2) INFORMATION TECHNOLOGY.—Not later than 270 days after the date of enactment of this Act, the Chief Procurement Officer of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the actions the Department is taking to address the recommendations included in the July 2011 report of the Government Accountability Office entitled "Information Technology: DHS Needs to Improve Its Independent Acquisition Reviews" (GAO–11–581), including any actions taken to improve the use of independent verification and validation for the 8 programs identified in the report.

SEC. 106. OTHER TRANSACTION AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2010" and inserting "Until September 30, 2016";

(2) in subsection (b), by striking "Not later than 2 years after the effective date of this Act, and annu-

ally thereafter" and inserting "Not later than September 30, 2015"; and

(3) in subsection (d)(1), by striking "September 30, 2010" and inserting "September 30, 2016".

SEC. 107. REPORT ON COMPETITION.

Not later than 270 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall prepare a report analyzing the use of competition in the award of contracts by the Department under the requirements of the Competition in Contracting Act (41 U.S.C. 3301 et seq.), which shall include—

(1) for each component of the Department, the total number and dollar value of new contracts for each of the last 3 full fiscal years for which data is available, and, of that total number, the number of contracts—

(A) entered into without full and open competition; and

(B) awarded under competition after receipt of only 1 offer;

(2) a statistical analysis of statutory exceptions used to enter contracts without full and open competition;

(3) a discussion of the trends in competition in each component; and

(4) a comparison of the percentage of contracts awarded under full and open competition by the Department and the percentage of contracts awarded under full and open competition by other major agencies.

SEC. 108. OPEN ARCHITECTURE STUDY.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Under Secretary for Management shall commence a study within the Department to examine ways in which performance may be improved, costs may be reduced, and opportunities for competition may be increased through an open architecture approach to acquisitions.

(b) PARTICIPANTS IN THE STUDY.—The study shall contain input from the following officials:

(1) The Chief Procurement Officer of the Department.

(2) The Chief Information Officer of the Department.

(3) The Chief Acquisition Executives of the Department's components.

(4) The Heads of Contracting Activity of the Department's components.

(5) The Chief Information Officers of the Department's components.

(6) The Director of Acquisition Support and Operations Analysis of the Science and Technology Directorate.

(7) Any other official of the Department identified by the Under Secretary for Management.

(c) STUDY.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Under Secretary for Management shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report—

(A) assessing the current use of open architecture by the Department;

(B) making recommendations, as appropriate, on the benefits of expanded use of open architecture by the Department;

(C) describing the internal capabilities necessary for executing acquisitions under an open architecture model; and

(D) identifying, as appropriate, acquisitions for which use of open architecture would be beneficial.

(2) USE OF LESSONS LEARNED.—In preparing the report, the participants in the study should draw

on lessons learned from the use of open architecture at the Department of Defense.

(d) OPEN ARCHITECTURE DEFINED.—In this section, the term "open architecture" means the employment of business and technical practices that yield modular, interoperable systems that adhere to standards with open interfaces, with a goal of encouraging competitive proposals from multiple qualified sources and rapid incorporation of innovative technologies into systems.

(e) TERMINATION.—The study shall be deemed completed upon submission of the report required by subsection (c).

SEC. 109. COST ANALYSIS DIVISION.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 101(a), is further amended by adding at the end the following new section:

"SEC. 837. COST ANALYSIS DIVISION.

"(a) ESTABLISHMENT.—There is established within the Department a Cost Analysis Division, which shall report to the Under Secretary for Management, to ensure that program cost estimates—

"(1) are accurate reflections of program requirements; and

"(2) increase the capability of the Department for informed investment decisions, budget formulation, measurement of progress, and accountability.

"(b) DUTIES.—The duties of the Cost Analysis Division shall include—

"(1) validating program life-cycle cost estimates as part of the investment review process established under section 836;

"(2) providing independent cost estimates of major programs at major milestone points;

"(3) prescribing policies and procedures for the conduct of cost estimation and cost analysis for acquisition programs of the Department;

"(4) issuing guidance relating to full consideration of life-cycle management and sustainability costs in acquisition programs of the Department;

"(5) providing assistance, training, and oversight of the cost analysis capabilities of the components of the Department;

"(6) leveraging, where possible, existing databases and system resources maintained by other Federal agencies in the development of the Department's cost database, and sharing relevant information and best practices related to cost databases with other agencies; and

"(7) leading the development of—

"(A) improved analytical skills and competencies within the cost assessment workforce of the Department; and

"(B) tools, data, and methods to promote improved performance, economy, and efficiency in planning and allocation of homeland security resources.

"(c) DIRECTOR OF COST ANALYSIS.—

"(1) IN GENERAL.—The Cost Analysis Division shall be headed by a Director of Cost Analysis who shall serve as the principal advisor to the Secretary and other senior officials of the Department on cost estimation and cost analysis for acquisition programs of the Department.

"(2) AVAILABILITY OF RESOURCES.—The Secretary shall ensure that the Director of Cost Analysis—

"(A) promptly receives the results of—

"(i) all cost estimates and cost analyses conducted by components of the Department for any acquisition subject to the investment review process established under section 836; and

"(ii) all studies conducted by the components in connection with such acquisitions; and

"(B) has timely access to any records and data in the Department that the Director considers necessary to review in order to carry out any duties under this section.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 101(b), is further amended by inserting after the item relating to section 836 the following new item:

"Sec. 837. Cost Analysis Division.".

SEC. 110. STRATEGIC ACQUISITION PLAN.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 109(a), is further amended by adding at the end the following new section:

"SEC. 838. STRATEGIC ACQUISITION PLAN.

"Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2012, and annually thereafter, the Under Secretary for Management shall make publicly available on the Internet website of the Department a strategic acquisition plan that includes—

"(1) guiding principles, overarching goals, and specific objectives of the Department's acquisitions;

"(2) anticipated procurement needs over 1-year and, at a minimum, 5-year periods with specific information on—

"(A) program-level needs;

"(B) anticipated multi-year procurements; and

"(C) expected major changes in ongoing or planned procurements; and

"(3) plans for utilization of strategic sourcing through Department-wide or government-wide contracts.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 109(b), is further amended by inserting after the item relating to section 837 the following new item:

"Sec. 838. Strategic acquisition plan.".

SEC. 111. TRANSPARENCY AND INNOVATION IN ACQUISITION.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 110(a), is further amended by adding at the end the following new section:

"SEC. 839. TRANSPARENCY AND INNOVATION IN ACQUISITION.

"The Under Secretary for Management, consistent with applicable law, regulations, and policy shall—

"(1) ensure that acquisition personnel provide information on acquisition needs of the Department to the private sector and nongovernmental organizations;

"(2) ensure that the Department's website includes information on programs, policies, and initiatives designed to encourage small businesses to participate in Department acquisitions;

"(3) provide information on the Department's website to guide interactions between the Department and vendors;

"(4) provide information on the Department's procurements on the Department's website;

"(5) promote use of consistent, shared terminology and definitions within the Department and in the solicitations, contracts, grants, and other transactions of the Department with the private sector;

"(6) encourage appropriate use of requests for information and other pre-solicitation means of gathering knowledge about the marketplace; and

"(7) ensure that debriefings to unsuccessful offerors, including those required by the Federal Acquisition Regulation, provide adequate explanation of the basis for an award decision.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 110(b), is further amended by inserting after the item relating to section 838 the following new item:

"Sec. 839. Transparency and innovation in acquisition.".

SEC. 112. DISASTER RELIEF PROCUREMENT AUTHORITIES.

(a) CONFORMING DISASTER RELIEF AUTHORITIES TO THE FEDERAL ACQUISITION REGULATION.—Subtitle F of the Post-Katrina Emergency Management Reform Act of 2006 (title VI of Public Law 109–295; 120 Stat. 1457) is amended by striking sections 692 and 695 (6 U.S.C. 792 and 794).

(b) STREAMLINING REGISTRATION FOR VOLUNTARY DISASTER RESPONSE REGISTRY.—Section 697(b) of the Post-Katrina Emergency Management Reform Act of 2006 (title VI of Public Law 109–295; 6 U.S.C. 796(b)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) SOURCE OF INFORMATION.—Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns."; and

(2) in paragraph (5), by striking "consult the registry" and inserting "consult the Central Contractor Registration database maintained under sub-

part 4.11 of the Federal Acquisition Regulation, or any successor thereto".

SEC. 113. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

Section 1903 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking "with respect to a procurement" and inserting the following: "with respect to—

"(1) a procurement";

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph, by striking "United States." and inserting "United States; and"; and

(D) by adding at the end the following new subparagraph:

"(C) a procurement of property or services by or for the Department of Homeland Security that the Secretary of Homeland Security determines are to be used in support of domestic

emergency operations, in accordance with subsection (d).";

(2) in subsection (c)(1), by striking "subsection (a)(2)" and inserting "subsection (a)(1)(B)"; and

(3) by adding at the end the following new subsection:

"(d) DOMESTIC EMERGENCY OPERATIONS.—The Secretary of Homeland Security, or a designee at the Chief Procurement Officer level or higher, in consultation with the Administrator, may utilize the authorities provided under paragraphs (1)(A), (2)(A), and (3) of subsection (b) in a domestic emergency operation to provide support for—

"(1) an emergency or major disaster, as those terms are defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(2) any occasion or instance for which the Secretary of Homeland Security determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.".

SEC. 114. FIELD EFFICIENCIES REPORT AND IMPLEMENTATION PLAN.

(a) DEFINITION.—In this section, the term "designated geographic area"—

(1) means an area designated by the Secretary where there is a substantial physical presence of more than 1 component or operational entity of a component of the Department; and

(2) does not include the National Capital Region, as defined under section 2674 of title 10, United States Code.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an efficiencies report and implementation plan that—

(A) examines the facilities and administrative and logistics functions of components or operational entities of components of the Department located within designated geographic areas; and

(B) provides specific recommendations and an associated cost-benefit analysis for the con-

solidation of the facilities and administrative and logistics functions of components or operational entities of components of the Department within each designated geographic area.

(2) CONTENTS.—The efficiencies report and implementation plan submitted under paragraph (1) shall—

(A) describe the facilities and administrative and logistics functions of components or operational entities of components of the Department located within each designated geographic area;

(B) evaluate for each designated geographic area—

(i) specific facilities at which components or operational entities of components of the Department may be closed or consolidated, including the consideration of when leases expire or facilities owned by the Government become available;

(ii) the potential for the consolidation of administrative and logistics functions, including—

(I) engineering services;

(II) facility maintenance;

(III) janitorial services;

(IV) fleet vehicle services;

(V) shipping and receiving;

(VI) facility security;

(VII) procurement of goods and services;

(VIII) mail handling;

(IX) administrative support; and

(X) information technology and telecommunications services and support; and

(iii) additional ways to improve unity of effort and cost savings for field operations and related support activities;

(C) detail any other opportunities to improve efficiency or reduce costs identified by a component of the Department; and

(D) from the elimination of duplicative component support functions, consolidation of facilities, and implementation of additional operational initiatives, reduce the aggregate amount of expenditures on all Department facilities, administrative and logistics functions, and operational activities in designated geographic areas by 5 percent.

(3) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the implementation plan required by this section shall be fully implemented.

SEC. 115. COST SAVINGS AND EFFICIENCY REVIEWS.

(a) MANAGEMENT AND ADMINISTRATIVE SAVINGS.—Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary for Management, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that—

(1) provides a detailed accounting of the management and administrative expenditures and activities of the components of the Department; and

(2) identifies potential cost savings and efficiencies for the management and administrative expenditures and activities of each component of the Department.

(b) PERSONNEL ALLOCATION STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary for Management, shall—

(1) conduct a study that examines the size, experience level, and geographic distribution of the oper-

ational personnel of the Department, including U.S. Customs and Border Protection officers, Border Patrol agents, U.S. Customs and Border Protection Air and Marine agents, U.S. Customs and Border Protection Agriculture Specialists, Federal Protective Service Law Enforcement Security Officers, U.S. Immigration and Customs Enforcement agents, Transportation Security Officers, Federal air marshals, and members of the Coast Guard; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that details the findings of the study conducted under paragraph (1) and recommends adjustments to close gaps in capabilities, reduce costs, and enhance efficiencies.

SEC. 116. CONSOLIDATION OF YOUTH PROGRAMS.

The Secretary shall consolidate all youth preparedness educational programs of the Department, including the use of mascots and youth-focused websites, into 1 program, including—

(1) the Ready Kids Initiative;

(2) the FEMA for Kids website;

(3) the U.S. Fire Administration for Kids website; and

(4) the Disaster Twins website of the Federal Emergency Management Agency.

SEC. 117. REVERSION TO TREASURY OF EXCESS FUNDS.

For any reduction in the cost to the Government attributable to a consolidation of programs or termination of a program under this Act, or an amendment made by this Act, an amount equal to the amount of such reduction shall be returned from the applicable appropriations account to the general fund of the Treasury.

SEC. 118. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"SEC. 890A. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

"(a) PROHIBITION ON REQUIRING SUBMISSION OF POLITICAL INFORMATION.—The Secretary may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

"(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with the

award of a contract for procurement of property or services;

"(2) during the course of contract performance as part of the process associated with modifying a contract or exercising a contract option; or

"(3) any time prior to contract completion and final contract closeout.

"(b) SCOPE.—The prohibition under this section applies to the procurement of commercial items, the procurement of commercial-off-the-shelf-items, and the non-commercial procurement of supplies, property, services, and manufactured items, irrespective of contract vehicle, including contracts, purchase orders, task or deliver orders under indefinite delivery/indefinite quantity contracts, blanket purchase agreements, and basic ordering agreements.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as—

"(1) waiving, superseding, restricting, or limiting the application of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) or preventing Federal regulatory or law enforcement agencies from collecting or receiving information authorized by law; or

"(2) precluding the Defense Contract Audit Agency or any other Federal agency responsible for

performing audits from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to chapter 43 of title 41, United States Code.

"(d) DEFINITIONS.—In this section:

"(1) CONTRACTOR.—The term 'contractor' includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

"(2) POLITICAL INFORMATION.—The term 'political information' means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for

Federal office, party affiliation, and voting history. Each of the terms 'contribution', 'expenditure', 'independent expenditure', 'candidate', 'election', 'electioneering communication', and 'Federal office' has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.).".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 890 the following new item:

"Sec. 890A. Prohibition on collection of political information.".

SEC. 119. FORMAT OF PLANS AND REPORTS SUBMITTED TO CONGRESS.

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—If the Department is required to submit a plan or report to Congress under any statutory provision of law, the Department shall—

(1) make that plan or report available on the website described under section 1122 of title 31, United States Code;

(2) produce that plan or report in searchable, machine-readable formats;

(3) take actions to limit the unnecessary printing of plans and reports; and

(4) notify the Secretary of the Senate, the Clerk of the House of Representatives, and any congres-

sional committee to which that plan or report is required to be submitted of the availability of the plan or report on the website.

(b) RELATIONSHIP TO FREEDOM OF INFORMATION ACT.—

(1) IN GENERAL.—Nothing in this section shall be construed to require the disclosure of information or records that are exempt from public disclosure under section 552 of title 5, United States Code.

(2) REDACTION.—If any information in a plan or report to which this section applies may not be publicly disclosed under section 552(b) of title 5, United States Code, the Department shall—

(A) redact from the report submitted to be published on the website described under section 1122 of title 31, United States Code, only such information;

(B) indicate where such redactions were made in the report; and

(C) identify the exemption under which each such redaction is made.

SEC. 120. TRAVEL EXPENSES OF POLITICAL APPOINTEES.

(a) DEFINITION.—In this section, the term "political appointee" means an individual who—

(1) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

(3) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing the travel expenses of political appointees of the Department during fiscal year 2011, which shall, for each trip by a political appointee—

(1) list the dates, destinations, and purposes of and number of official travelers on the trip;

(2) indicate whether Government or commercial craft were used for the trip; and

(3) provide the costs of the trip.

SEC. 121. ELIMINATION OF DUPLICATIVE FELLOWSHIP PROGRAMS.

(a) IN GENERAL.—

(1) NATIONAL FIRE ACADEMY FELLOWSHIP PROGRAM.—Except as provided in subsection (b), on and after the date of enactment of this Act, the Secretary may not provide funds to the Harvard Fire Executive Fellowship Program (including making any grants for the tuition costs of selected applicants for the program).

(2) DHS SCHOLARS AND FELLOWS EDUCATIONAL PROGRAM.—Except as provided in subsection (b), on and after the date of enactment of this Act, the Secretary may not carry out the Homeland Security Scholars and Fellows program of the Department (including making any grants under the program).

(b) SAVINGS CLAUSE.—A grant made under a program described under subsection (a) before the date of enactment of this Act shall remain in full force and effect under the terms and conditions, and for the duration, of the grant.

SEC. 122. INFORMATION OF SUBGRANTEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the

House of Representatives a plan to develop and implement processes to collect and track information on grants awarded each fiscal year to subgrantees under the nondisaster preparedness grant programs of the Federal Emergency Management Agency.

(b) REQUIREMENTS.—The plan submitted under subsection (a) shall—

(1) require the collection and tracking of the name and employer identification number or other unique identifier of the subgrantee (if available), the award amount, and capability being acquired;

(2) describe how the information will be collected each fiscal year as part of the grant cycle; and

(3) explain how the Federal Emergency Management Agency will use the information to determine whether a grant recipient is receiving Federal funding from multiple preparedness grant programs to fully fund a project.

SEC. 123. IMPROVING FINANCIAL ACCOUNTABILITY AND MANAGEMENT.

(a) DEFINITIONS.—In this section, the terms "qualified opinion" and "unqualified opinion" mean a qualified opinion and an unqualified opinion, respectively, within the meanings given those terms under generally accepted government auditing standards.

(b) REACHING AN UNQUALIFIED AUDIT OPINION.—In order to ensure compliance with the Department of Homeland Security Financial Accountability Act (Public Law 108–330; 118 Stat. 1275) and the amendments made by that Act, the Secretary shall—

(1) take the necessary steps to ensure that the balance sheet of the Department and associated statement of custodial activity for the fiscal years ending September 30, 2012 and September 30, 2013 are ready in a timely manner and in preparation for an audit as part of preparing the performance and accountability reports required under section 3516(f) of title 31, United States Code, including submitting the reports not later than November 15, 2012 and November 15, 2013, respectively, in order to obtain a qualified or unqualified opinion;

(2) take the necessary steps to ensure that the full set of consolidated financial statements of the Department for the fiscal years ending September 30, 2014 and September 30, 2015 are ready in a timely manner and in preparation for an audit as part of preparing the performance and accountability reports required under section 3516(f) of title 31, United States Code, including submitting the reports not later than November 15, 2014 and November 15,

2015, respectively, in order to obtain a qualified or unqualified opinion; and

(3) take the necessary steps to ensure that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2016, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit as part of preparing the performance and accountability reports required under section 3516(f) of title 31, United States Code, including submitting the reports not later than November 15, 2016, and each year thereafter, in order to obtain an unqualified opinion.

(c) REPORT TO CONGRESS ON PROGRESS OF MEETING AUDIT REQUIREMENTS.—Not later than 270 days after the date of enactment of this Act, and annually thereafter until an unqualified opinion is submitted under paragraph (2) or (3) of subsection (b), and in order to ensure progress in implementing the Department of Homeland Security Financial Accountability Act (Public Law 108–330; 118 Stat. 1275) and the amendments made by that Act, the Chief Financial Officer of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the plans to obtain

an unqualified opinion, which shall discuss plans and resources needed to meet the deadlines under subsection (b).

(d) REPORT TO CONGRESS ON PLANS TO MODERNIZE FINANCIAL SYSTEMS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and in order to improve financial management at the Department, the Chief Financial Officer of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives and the Comptroller General of the United States a report on the plans of the Department and resources needed to modernize the financial systems of the Department.

(2) CONTENTS.—The report submitted under paragraph (1) shall discuss—

(A) the challenges of and opportunities for using existing financial systems of the Department, including an assessment of the feasibility and cost of using an existing financial system;

(B) the challenges and opportunities of implementing a new financial system and associated financial controls; and

(C) the lessons learned from the prior attempts of the Department to develop a financial system that will be considered in implementing a new financial system.

(3) REVIEW.—Not later than 180 days after the date on which the Chief Financial Officer of the Department submits the report under paragraph (1), the Comptroller General of the United States shall review the report and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that provides—

(A) an assessment of the status of the financial system modernization by the Department;

(B) an evaluation of the report;

(C) an assessment of the plans to modernize, and developments at the Department relating to, the financial system of the Department; and

(D) any recommendations for improving the plans for a new financial system at the Department.

SEC. 124. LIMITATION ON USE OF COST-PLUS CONTRACTS.

(a) PRODUCTION OF MAJOR SYSTEMS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall modify the acquisition regulations of the De-

partment to prohibit the Department from entering into cost-type contracts for the production of major systems.

(b) DEVELOPMENT OF MAJOR SYSTEMS.—As modified under subsection (a), the acquisition regulations of the Department shall require the Under Secretary of Management, in consultation with the Acquisition Review Board, to determine the appropriate contract type for the development of a major system at the time the Board approves the Department's investment in the development of a major system in accordance with section 836 of the Homeland Security Act of 2002, as added by section 101. The Under Secretary, in consultation with the Board, may authorize the use of a cost-type contract only upon written determination that—

(1) the major system is so complex and technically challenging that it is not practicable to use a fixed-price type contract for its development;

(2) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a fixed-price contract for the development of the major system; and

(3) despite these efforts, the Department cannot define requirements sufficiently to allow for the use of a fixed-price contract for the development of the major system.

(c) OTHER TYPES OF PROCUREMENTS.—As modified under subsection (a), the acquisition regulations of the Department shall, with respect to all procurements other than procurements for the production or development of major systems, prohibit the use of cost-types of contracts unless—

(1) a contracting officer determines in writing that—

(A) a cost-type contract is required by the level of program risk; and

(B) appropriate steps will be taken as soon as practicable to reduce such risk so that follow-on contracts for the same product or service can be awarded on a fixed-price basis;

(2) the use of a cost-type contract for such procurement is approved by the head of the contracting activity; and

(3) the contracting officer records in writing the steps referred to in paragraph (1)(B) in the acquisitions plan required under the Federal Acquisition Regulation.

(d) REPORTING OF SIGNIFICANT CONTRACTS.—Pursuant to section 104, the Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives at least 3 business days before

making a cost-type contract award, other transaction agreement, or task and delivery order exceeding $10,000,000.

(e) DEFINITIONS.—In this section:

(1) DEVELOPMENT OF A MAJOR SYSTEM.—The term "development of a major system" means any activity relating to the development of a major system or related increment of capability, the completion of full system integration, the development of an affordable and executable manufacturing process, and the demonstration of system integration, interoperability, safety, and utility.

(2) MAJOR SYSTEM.—The term "major system" has the meaning given the term in Chapter 3007 of the Department of Homeland Security Acquisition Manual.

(3) PRODUCTION OF A MAJOR SYSTEM.—The term "production of a major system" means any activity relating to the production and deployment of a major system intended to achieve an operational capability that satisfies mission need.

SEC. 125. SAFEGUARDING CONSTITUTIONALLY PROTECTED ACTIVITY.

(a) IN GENERAL.—In conducting all investigative, analytical, and other activities, the Department may not—

(1) violate the constitutional rights of any individual, including any right involving—

(A) the lawful purchase of a firearm or ammunition;

(B) membership in or involvement with a political organization;

(C) lawful protest against or petition of the Government for redress or change in domestic or foreign policy; or

(D) any other speech or activity protected by the Constitution of the United States; or

(2) target an individual based solely upon the race, religion, or color of the individual.

(b) TRAINING REQUIREMENT.—All managerial and operational employees for the Department shall receive annual training on privacy matters, including training on activities and speech protected by the First Amendment to the Constitution of the United States.

SEC. 126. SECRETARY GUIDELINES FOR PROTECTING CONSTITUTIONAL RIGHTS AND CIVIL LIBERTIES.

Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives—

(1) a report that details the operational guidelines that the employees of the Department shall follow to ensure the protection of constitutional rights of citizens of the United States while carrying out the activities and duties of the Department; and

(2) a report that details—

(A) the actions the Secretary will take to ensure that all employees of the Department are trained to understand the rights guaranteed to citizens of the United States by the Constitution of the United States; and

(B) the operational guidelines issued by the Secretary to ensure that all activities of the Department are conducted legally.

TITLE II—STRUCTURE AND ORGANIZATION

SEC. 201. UNDER SECRETARY FOR POLICY.

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

(1) redesignating section 601 as section 890B and transferring that section to after section 890A, as added by section 118; and

(2) striking the heading for title VI and inserting the following:

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

"Subtitle A—Under Secretary for Policy

"SEC. 601. UNDER SECRETARY FOR POLICY.

"(a) IN GENERAL.—There shall be in the Department an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Under Secretary for Policy shall—

"(1) serve as the principal policy advisor to the Secretary;

"(2) coordinate and provide overall direction and supervision of policy development for the programs, offices, and activities of the Department;

"(3) work with the Under Secretary for Management and the General Counsel of the Department to ensure that the development of the budget of the Department is compatible with the priorities, strategic plans, and policies established by the Secretary;

"(4) conduct long-range, strategic planning for the Department, including overseeing each quadrennial homeland security review under section 621; and

"(5) carry out such other responsibilities as the Secretary determines are appropriate, consistent with this section.".

(b) INCUMBENT.—The individual serving as Assistant Secretary for Policy on the date of enactment of this Act may serve as the Under Secretary for Policy until the date on which an appointment to the position of Under Secretary for Policy is made, by and with the advice and consent of the Senate.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the items relating to title VI and section 601 and inserting the following:

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION

"Subtitle A—Under Secretary for Policy

"Sec. 601. Under Secretary for Policy.";

and

(2) by inserting after the item relating to section 890A, as added by section 118, the following:

"Sec. 890B. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.".

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Rep-

resentatives a report on the Office of Policy of the Department (referred to in this subsection as the "Office"), which shall focus on—

(1) any efforts or activities of the Office or related policy efforts or activities throughout the Department that are duplicative;

(2) whether the Office is effectively using the budgetary resources of the Office; and

(3) whether the Office is appropriately and efficiently organized, including whether the number of supervisory and political positions is appropriate for the size and scope of the Office.

SEC. 202. OFFICE OF INTERNATIONAL AFFAIRS.

Section 879 of the Homeland Security Act of 2002 (6 U.S.C. 459) is amended to read as follows:

"SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

"(a) ESTABLISHMENT.—There is established within the Department an Office of International Affairs, which shall be headed by the Assistant Secretary for International Affairs, who shall be appointed by the President.

"(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary for International Affairs shall—

"(1) coordinate international activities within the Department;

"(2) develop and update, in consultation with all components of the Department with international activities, an international strategic plan for the Department and establish a process for managing its implementation;

"(3) provide guidance to components of the Department on executing international activities and to employees of the Department who are deployed overseas, including—

"(A) establishing predeployment preparedness criteria for employees and any accompanying family members;

"(B) establishing, in coordination with the Under Secretary for Management, minimum support requirements for Department employees abroad, to ensure the employees have the proper resources and have received adequate and timely support prior to and during tours of duty;

"(C) providing information and training on administrative support services available to overseas employees from the Department of State and other Federal agencies;

"(D) establishing guidance on how Department attaches are expected to coordinate with other component staff and activities; and

"(E) developing procedures and guidance for employees of the Department returning to the United States;

"(4) identify areas for homeland security information and training exchange in which—

"(A) the United States has a demonstrated weakness; and

"(B) a country that is a friend or ally of the United States has a demonstrated expertise;

"(5) maintain situational awareness of—

"(A) all international engagement and travel conducted by offices and personnel of the Department; and

"(B) all spending by the Federal Government for international assistance activities relating to homeland security; and

"(6) perform other duties, as determined by the Secretary.".

SEC. 203. CHIEF MEDICAL OFFICER.

Section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended—

(1) in subsection (a), by striking all that follows the second comma and inserting "and who shall also have the title of Assistant Secretary for Health Affairs."; and

(2) in subsection (c)—

(A) in paragraph (6), by striking "and" at the end;

(B) by redesignating paragraph (7) as paragraph (10); and

(C) by inserting after paragraph (6) the following:

"(7) ensuring that the workforce of the Department has science-based policy, standards, requirements, and metrics for occupational safety and health;

"(8) providing medical expertise for the components of the Department with respect to prevention, preparedness, protection, response, and recovery for medical and public health matters;

"(9) working in conjunction with appropriate entities of the Department and other appropriate Federal agencies to develop guidance for prevention, preparedness, protection, response, and recovery from catastrophic events with human, animal, agricultural, or environmental health consequences; and".

SEC. 204. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "fiscal year 2009" and inserting "calendar year 2013"; and

(B) in paragraph (3), by striking "The Secretary shall conduct each quadrennial homeland security review under this subsection" and inserting "In order to ensure that each quadrennial homeland security review conducted under this section is coordinated with the quadrennial defense review conducted by the Secretary of Defense under section 118 of title 10, United States Code, and any other major strategic review relating to diplomacy, intelligence, or other national security issues, the Secretary shall conduct each quadrennial homeland security review"; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) SCOPE OF REVIEW AND REPORT.—

"(1) IN GENERAL.—In each quadrennial homeland security review, the Secretary shall—

"(A) examine the homeland security aspects of the security environment of the Nation, including existing and potential homeland security threats and challenges, and the effect of laws, Presidential directives, national strategies, and

other relevant guidance documents in meeting existing and potential homeland security threats and challenges;

"(B) review the capabilities and capacities across the homeland security enterprise, and the roles of Executive agencies, States, local governments, Indian Tribes, and private entities in providing those capabilities and capacities;

"(C) evaluate and prioritize the homeland security mission areas of the Nation and associated goals and objectives, and recommend any necessary revisions to the mission areas, goals, and objectives as appropriate;

"(D) examine whether the capabilities and capacities across the homeland security enterprise should be adjusted based on any proposed modifications to the mission areas, goals, or objectives;

"(E) identify additional capabilities and capacities that may be needed across the homeland security enterprise in response to potential homeland security threats and challenges, and the resources required to provide the capabilities and capacities;

"(F) identify redundant, wasteful, or unnecessary capabilities and capacities where resources can be redirected to support capabilities and capacities identified under subparagraph (E);

"(G) evaluate the organization, organizational structure, governance structure, and business processes (including acquisition processes) of the Department, as they relate to the ability of the Department to meet the responsibilities of the Department; and

"(H) review any other matter the Secretary considers appropriate.

"(2) REPORT.—During the year following the year in which a quadrennial homeland security review is conducted, and not later than the date on which the budget of the President for the next fiscal year is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall—

"(A) submit to Congress a report—

"(i) describing the process used in conducting the quadrennial homeland security review and explaining any underlying assumptions used in conducting the quadrennial homeland security review;

"(ii) describing the findings and conclusions of the review, including findings and conclusions relating to each issue addressed under subparagraphs (A) through (H) of paragraph (1);

"(iii) detailing any proposed revisions to the national homeland security strategy, including any proposed revisions to the homeland security missions, capabilities and capacities, goals, or objectives of the Nation;

"(iv) describing how the conclusions under the quadrennial homeland security review are to be implemented through the Future Years Homeland Security Program under section 874;

"(v) detailing how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian Tribes, and private entities, and of individuals, families, and communities;

"(vi) providing proposed changes to the authorities, organization, governance struc-

ture, or business processes (including acquisition processes) of the Department in order to better fulfill the responsibilities of the Department; and

"(vii) describing any other matter the Secretary considers appropriate; and

"(B) consistent with the protection of national security and other sensitive matters, make the report required under subparagraph (A) publicly available on the website of the Department.

"(c) MIDTERM REVIEW OF IMPLEMENTATION.—Not later than 2 years after the date on which the Secretary submits a report under subsection (b)(2)(A), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

"(1) the implementation of the recommendations in the report, including recommended revisions to the national homeland security strategy made under subsection (b)(2)(A)(iii) and changes proposed under subsection (b)(2)(A)(vi); and

"(2) the preparations for the next quadrennial homeland security review, including a detailed resource plan specifying the estimated budget and num-

ber of staff members that will be required for preparation of the quadrennial homeland security review.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 707 and inserting the following:

"Sec. 707. Quadrennial homeland security review.".

SEC. 205. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 890B, as redesignated and transferred by section 201(a)(1), the following:

"SEC. 890C. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

"In designating foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), the Secretary of State shall consult with the Secretary, the Attorney General, the Secretary of the Treasury, and the Director of National Intelligence.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 890B, as added by section 201(c)(2), the following:

"Sec. 890C. Designation of foreign terrorist organizations.".

SEC. 206. OFFICE FOR DOMESTIC PREPAREDNESS TERMINATION.

(a) TERMINATION.—Title IV of the Homeland Security Act of 2002 is amended by striking section 430 (6 U.S.C. 238).

(b) INCUMBENT.—Notwithstanding the amendment made by subsection (a), an individual serving on the day before the date of enactment of this Act under an appointment by the President, by and with the advice and consent of the Senate, under section 430 of the Homeland Security Act of 2002 may continue to serve in the position held by the individual and to perform the responsibilities of the individual on the day before the date of enactment of this Act.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—On and after the date on which the individual described in subsection (b) leaves the position held by the individual on the day before the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the "Administrator") may perform or delegate the responsibilities of the individual as determined appropriate by the Administrator.

(2) NO INCUMBENT.—If there is no individual described in subsection (b), on and after the date of

enactment of this Act the Administrator may perform or delegate the responsibilities of the individual most recently serving under an appointment by the President, by and with the advice and consent of the Senate, under section 430 of the Homeland Security Act of 2002 as determined appropriate by the Administrator.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 430.

SEC. 207. STATE AND LOCAL GOVERNMENT COORDINATION.

(a) INTERGOVERNMENTAL AFFAIRS.—

(1) IN GENERAL.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended—

*(A) in the section heading by striking "**OFFICE FOR**"; and*

(B) in subsection (a)—

(i) by striking the subsection heading and inserting "(a) IN GENERAL.—";

(ii) by striking "established"; and

(iii) by striking "for State and Local Government Coordination" and inserting "of Intergovernmental Affairs".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF CONTENTS.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 801 and inserting the following:

"Sec. 801. State and Local Government Coordination.".

(B) FUNCTIONS OF THE SECRETARY.—Section 102(c) of the Homeland Security Act of 2002 (6 U.S.C. 112(c)) is amended by striking "the Office of State and Local Coordination (established under section 801)" and inserting "the Office of Intergovernmental Affairs described under section 801".

(C) SPECIAL ASSISTANT TO THE SECRETARY.—Section 102(f)(11) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(11)) is amended by striking "the Office of State and Local Coordination and Preparedness" and inserting "the Office of Intergovernmental Affairs".

(D) CHIEF INFORMATION OFFICER.—Section 703(b)(2)(D)(iv) of the Homeland Security Act of 2002 (6 U.S.C. 343(b)(2)(D)(iv)) is amended by striking "and the Executive Director

of the Office of State and Local Coordination and Preparedness".

(b) TRANSFER OF RESPONSIBILITIES.—Not later than 30 days after the date of enactment of this Act, the Secretary shall transfer to the Office of Intergovernmental Affairs any responsibility under section 801(b) of the Homeland Security Act of 2002 (6 U.S.C. 361(b)) which was transferred by the Secretary under section 872 of that Act (6 U.S.C. 452) or any other Act to an office or entity other than the Office of Intergovernmental Affairs before that date of enactment.

SEC. 208. TERMINATION OF OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

(a) TERMINATION.—

(1) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by striking section 878 (6 U.S.C. 458).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(3) TRANSITION PROVISION.—Notwithstanding the amendment made by paragraph (1), the Office of Counternarcotics Enforcement and the Director of the Office of Counternarcotics Enforcement shall continue to perform any function of the Office or the Director,

respectively, under section 878 of the Homeland Security Act of 2002, as in effect on the day before the date of enactment of this Act, until the earlier of—

(A) the date on which the function is transferred under subsection (b); and

(B) the date that is 180 days after the date of enactment of this Act.

(b) TRANSFER OF FUNCTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) determine whether to transfer to an appropriate official of the Department each function described in paragraph (1), (2), (3), or (5) of section 878(d) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)), as in effect on the day before the date of enactment of this Act;

(2) transfer to an appropriate official of the Department any function determined appropriate under paragraph (1) and any personnel, assets, components, authorities, and liabilities relating to the function; and

(3) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a notification regarding any function

described in paragraph (1) that the Secretary does not transfer under paragraph (2).

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 878.

SEC. 209. REORGANIZATION AUTHORITY.

Section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) is amended—

(1) in subsection (a), by striking "only" and all that follows through "(2) after" and inserting "only after"; and

(2) by striking subsection (b) and inserting the following:

"(b) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

"(1) IN GENERAL.—Authority under subsection (a) shall not extend to the discontinuance, abolition, substantial consolidation, alteration, or transfer of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.

"(2) EXCEPTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), if the President determines it to be

necessary because of an imminent threat to homeland security, a function, power, or duty vested by law in the Department, or an officer, official, or agency thereof, may be transferred, reassigned, or consolidated within the Department.

"(B) NOTICE.—Not later than 30 days after the date on which the President makes a transfer, reassignment, or consolidation under subparagraph (A), the President shall notify the appropriate congressional committees of the transfer, reassignment, or consolidation.

"(C) DURATION.—A transfer, reassignment, or consolidation under subparagraph (A) shall remain in effect only until the President determines that the threat to homeland security has terminated or is no longer imminent.

"(c) PUBLICATION.—Not later than 30 days after the date on which the President or the Secretary makes a transfer, allocation, assignment, consolidation, alteration, establishment, or discontinuance under this section, the President or the Secretary shall publish in the Federal Register—

"(1) the reasons for the action taken; and

"(2) a list of each statutory provision implicated by the action.".

SEC. 210. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) RESPONSIBILITIES.—The Chief Information Officer shall—

"(1) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the programs and operations of the information technology functions of the Department;

"(2) establish the information technology priorities, policies, processes, standards, guidelines, and procedures of the Department;

"(3) coordinate and ensure implementation of information technology priorities, policies, processes, standards, guidelines, and procedures within the Department;

"(4) be responsible for information technology capital planning and investment management in accordance with sections 11312 and 11313 of title 40, United States Code;

"(5) in coordination with the Chief Procurement Officer of the Department, assume responsibility for information systems acquisition, development and integration as required by section 11312 of title 40, United States Code;

"(6) in coordination with the Chief Procurement Officer of the Department, review and approve any information technology acquisition with a total value greater than a threshold level to be determined by the Secretary;

"(7) in coordination with relevant officials of the Department, ensure that information technology systems meet the standards established under the information sharing environment, as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(8) perform other responsibilities required under section 3506 of title 44, United States Code, and section 11315 of title 40, United States Code; and

"(9) perform such other responsibilities as the Secretary may prescribe.".

(b) SOFTWARE LICENSING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 2 years thereafter, the Chief Information Officer of the Department, in consultation with component chief information officers, shall—

(A) conduct a department-wide inventory of all existing software licenses including utilized and unutilized licenses;

(B) assess the needs of the Department and the components of the Department for software licenses for the upcoming 2 fiscal years; and

(C) examine how the Department can achieve the greatest possible economies of scale and cost-savings in the procurement of software licenses.

(2) EXCESS SOFTWARE LICENSES.—

(A) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the inventory conducted under paragraph (1) that the number of existing software licenses of the Department and the components of the Department exceeds the needs of the Department as assessed under paragraph (1)(B), the Secretary, not later than 90 days after the

date on which the inventory is completed under paragraph (1), shall establish a plan for bringing the number of software licenses into balance with such needs of the Department.

(B) PROHIBITION ON PROCUREMENT OF NEW SOFTWARE LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), upon completion of a plan established under subparagraph (A), no additional resources may be obligated for the procurement of new software licenses until such time as the need of the Department exceeds the number of existing and unused licenses.

(ii) EXCEPTION.—The Chief Information Officer of the Department may allow the purchase of additional licenses and amend the number of needed licenses as necessary.

(3) SUBMISSION TO CONGRESS.—A copy of each inventory conducted under paragraph (1) and each plan established under paragraph (2) shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Com-

mittee on Homeland Security of the House of Representatives.

SEC. 211. DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS.

(a) IN GENERAL.—Notwithstanding any other provision of law and not later than the end of fiscal year 2018, the Secretary shall consolidate the location of the headquarters of the Department and the headquarters of components of the Department, as determined by the Secretary, in accordance with this section.

(b) ST. ELIZABETHS HOSPITAL.—The Secretary shall ensure that—

(1) the headquarters consolidation under subsection (a) occurs at the West Campus and East Campus of Saint Elizabeths Hospital in the District of Columbia; and

(2) the sites of the headquarters consolidation include adequate parking and infrastructure to support the offices and employees relocated to the sites.

(c) OTHER MISSION SUPPORT ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall consolidate the physical location of all components and activities of the Department in the National Capital Region that do not relocate to the West Campus or East Campus of Saint Elizabeths Hospital to as few

locations within the National Capital Region as possible.

(2) LIMITATION.—The Secretary may only consolidate components and activities described in paragraph (1) if the consolidation can be accomplished without adversely affecting the specific mission of the components or activities being consolidated.

(d) REPORTS ON TOTAL COSTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of General Services, shall submit a report on the total costs to complete each of the 3 phases of construction for the Department Headquarters Consolidation project within the National Capital Region to—

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

(B) the Committee on Homeland Security of the House of Representatives.

(2) SUBSEQUENT REPORTS.—Not later than 60 days after final appropriations are provided for each of the fiscal years that the project is funded starting with fiscal year 2012, the Secretary, in consultation with the Administrator of General Services, shall sub-

mit an updated report to the committees described under paragraph (1).

(3) CONTENTS.—The reports submitted under this subsection shall—

(A) include the full costs for the facility to be operational, including information technology costs;

(B) include the amount of all funding expended or obligated by the Department or the General Services Administration on the project for the most recent fiscal year and each of the preceding fiscal years;

(C) include fiscal implications for the delay of the project; and

(D) provide estimated cost avoidances as calculated by the most recent completion schedule and for each previous completion schedule.

SEC. 212. FUTURE YEARS HOMELAND SECURITY PROGRAM.

Section 874(a) of the Homeland Security Act of 2002 (6 U.S.C. 454(a)) is amended by inserting "but in any event not later than 30 days after the date on which the budget request is submitted," after "at or about the same time,".

SEC. 213. COUNTERING HOMEGROWN TERRORISM.

(a) FINDINGS.—Congress finds the following:

(1) The Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly know as, and in this section referred to as, the "9/11 Commission Report") states that "our strategy must match our means to two ends: dismantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism.".

(2) The President released a document in August 2011, entitled "Empowering Local Partners to Prevent Violent Extremism in the United States", which set forth a framework for countering violent extremism in the United States.

(b) DESIGNATION OF OFFICIAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall designate an official of the Department to coordinate efforts to counter violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report.

(c) NOTICE.—Not later than 15 days after the date on which the Secretary designates an official under subsection (b), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.

(d) REPORT.—Not later than 90 days after the date on which the Secretary designates an official under subsection (b), the official designated shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) the strategy and activities of the Department to counter violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(2) which offices of the Department have significant responsibilities for countering violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(3) the number of employees of the Department whose time is fully or partially dedicated and the amount of funding dedicated by the Department to countering violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(4) the type of Department-sponsored activities and training for States and local governments, including products and activities associated with State and major urban area fusion centers, for countering

violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report;

(5) the metrics used to measure the effectiveness of programs or activities of the Department or sponsored by the Department aimed to counter violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report; and

(6) the work of the Department to ensure that its activities to counter violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission report, are in compliance with civil rights and civil liberties under applicable law.

SEC. 214. OFFICE OF CARGO SECURITY POLICY.

(a) REPEAL.—Section 431 of the Homeland Security Act of 2002 (6 U.S.C. 239) is repealed.

(b) TRANSFER OF FUNCTIONS.—All functions and responsibilities of the Office of Cargo Security Policy, as of the day before the date of enactment of this Act, shall be transferred to appropriate officials within the Office of Policy.

SEC. 215. REPORTS ON EMERGENCY COMMUNICATIONS AND INTEROPERABILITY FUNCTIONS.

(a) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives and the Government Accountability Office a report reviewing all offices of the Department responsible for emergency communications and interoperability functions.

(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 90 days after the date on which the Government Accountability Office receives the report submitted under subsection (a), the Government Accountability Office shall—

(1) review the report submitted by the Secretary; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the potential consolidation or partial consolidation of the emergency communication programs.

SEC. 216. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HOMELAND SECURITY ACT OF 2002.—

(1) TITLE I.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended—

(A) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking "the Directorate of Border and Transportation Security" and inserting "Commissioner, Customs and Border Protection"; and

(B) in section 103(a) (6 U.S.C. 113(a))—

(i) in paragraph (3), by striking "Under Secretary for Border and Transportation Security" and inserting "Under Secretary for Policy"; and

(ii) in paragraph (5), by striking "the Bureau of" and inserting "U.S.".

(2) TITLE IV.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(A) by amending the title heading to read as follows:

"TITLE IV—BORDER AND TRANSPORTATION SECURITY";

(B) in subtitle A, by amending the subtitle heading to read as follows:

"Subtitle A—Border and Transportation Security";

(C) by striking section 401 (6 U.S.C. 201);

(D) in section 402 (6 U.S.C. 202)—

*(i) in the section heading, by striking "**RESPONSIBILITIES**" by inserting "**BORDER AND TRANSPORTATION RESPONSIBILITIES**"; and*

(ii) by striking ", acting through the Under Secretary for Border and Transportation Security,";

(E) in section 411(a) (6 U.S.C. 211(a)), by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";

(F) in section 424(a) (6 U.S.C. 234(a)), by striking "Under Secretary for Border Transportation and Security" and inserting "Secretary";

(G) in section 441 (6 U.S.C. 251)—

*(i) in the section heading, by striking "**TO UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY**"; and*

(ii) by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";

(H) in section 442 (6 U.S.C. 252)—

(i) by amending the section heading to read as follows:

"SEC. 442. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.";

(ii) in subsection (a)—

(I) in the subsection heading, by striking "ESTABLISHMENT OF BUREAU" and inserting "U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT";

(II) in paragraph (1), by striking "a bureau to be known as the 'Bureau of Border Security'." and inserting "an agency to be known as 'U.S. Immigration and Customs Enforcement'.";

(III) by amending paragraph (2) to read as follows:

"(2) ASSISTANT SECRETARY.—The head of U.S. Immigration and Customs Enforcement shall be the Assistant Secretary of U.S. Immigration and Customs Enforcement, who—

"(A) shall also have the title of Director of U.S. Immigration and Customs Enforcement; and

"(B) shall have a minimum of—

"(i) 5 years of professional experience in law enforcement; and

"(ii) 5 years of management experience.";

(IV) in paragraph (3)—

(aa) in the matter preceding subparagraph (A), by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement";

(bb) in subparagraph (A)—

(AA) by striking "Under Secretary for Border and Transportation Security" each place such term appears and inserting "Secretary"; and

(BB) by inserting "of U.S. Immigration and Customs Enforcement" after "Assistant Secretary" each place such term appears; and

(cc) in subparagraph (C)—

(AA) by striking "Under Secretary for Border

and Transportation Security" and inserting "Under Secretary for Policy";

(BB) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and

(CC) by striking "the Bureau of Citizenship and Immigration Services" and inserting "U.S. Citizenship and Immigration Services";

(V) in paragraph (4)—

(aa) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and

(bb) by striking "the Bureau" and inserting "U.S. Immigration and Customs Enforcement"; and

(VI) in paragraph (5)(A)—

(aa) by striking "the Bureau of Border Security" and inserting

"U.S. Immigration and Customs Enforcement"; and

(bb) by striking "such bureau" each place such term appears and inserting "U.S. Immigration and Customs Enforcement";

(iii) in subsection (b)—

(I) in paragraph (1), by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and

(II) in paragraph (2)—

(aa) in the matter preceding subparagraph (A), by striking "Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement"; and

(bb) in subparagraph (B), by striking "the Bureau of Citizenship and Immigration Services (established under subtitle E)" and inserting "U.S. Citizenship and Immigration Services"; and

(iv) in subsection (c)—

(I) by striking "the Bureau of Border Security" each place such term appears and inserting "U.S. Immigration and Customs Enforcement"; and

(II) by striking "the bureau" and inserting "U.S. Immigration and Customs Enforcement";

(I) in section 443 (6 U.S.C. 253)—

(i) by striking "The Under Secretary for Border and Transportation Security" and inserting "The Secretary"; and

(ii) by striking "the Bureau of Border Security" each place such term appears and inserting "U.S. Immigration and Customs Enforcement";

(J) in section 444 (6 U.S.C. 254)—

(i) by striking "The Under Secretary for Border and Transportation Security" and inserting "The Secretary";

(ii) by striking "pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation,"; and

(iii) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement";

(K) by striking section 445 (6 U.S.C. 255);

(L) in section 451 (6 U.S.C. 271)—

*(i) in the section heading, by striking "**BUREAU OF**" and inserting "**U.S.**";*

(ii) in subsection (a)—

(I) in the subsection heading, by striking "OF BUREAU";

(II) in paragraph (1), by striking "a bureau to be known as the Bureau of" and inserting "an agency to be known as U.S.";

(III) in paragraph (2)—

(aa) by striking "the Bureau of Citizenship and Immigration Services" each place such term appears and inserting "U.S. Citizenship and Immigration Services"; and

(bb) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement";

(IV) in paragraph (3)—

(aa) by striking "the Bureau of Citizenship and Immigration

Services" each place such term appears and inserting "U.S. Citizenship and Immigration Services"; and

(bb) by striking "the Bureau of Border Security of the Department" and inserting "U.S. Immigration and Customs Enforcement";

(V) in paragraph (4)(A)—

(aa) by striking "the Bureau of" and inserting "U.S."; and

(bb) by striking "such bureau" each place such term appears and inserting "U.S. Citizenship and Immigration Services"; and

(VI) in paragraph (5), by striking "the Bureau of" and inserting "U.S.";

(iii) in subsection (b), by striking "the Bureau of" and inserting "U.S.";

(iv) in subsection (c)—

(I) by striking "the Bureau of" each place such term appears and inserting "U.S."; and

(II) in paragraph (2)—

(aa) in the matter preceding subparagraph (A), by striking "Bureau of" and inserting "U.S."; and

(bb) in subparagraph (B), by striking "Border Security of the Department" and inserting "Immigration and Customs Enforcement";

(v) in subsection (d), by striking "the Bureau of" each place such term appears and inserting "U.S.";

(vi) in subsection (e), by striking "the Bureau of" each place such term appears and inserting "U.S."; and

(vii) in subsection (f), by striking "the Bureau of" each place such term appears and inserting "U.S.";

(M) in section 452 (6 U.S.C. 272)—

(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and

(ii) in the heading to subsection (f), by striking "BUREAU OF" and inserting "U.S.";

(N) in section 453 (6 U.S.C. 273)—

(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and

(ii) in subsection (a)(2), by striking "such bureau" and inserting "U.S. Citizenship and Immigration Services";

(O) in section 454 (6 U.S.C. 274)—

(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and

(ii) by striking "pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation,";

(P) by striking section 455 (6 U.S.C. 271 note);

(Q) by redesignating section 456 (6 U.S.C. 275) as section 455;

(R) in section 455, as redesignated—

(i) by striking "the Bureau of" each place such term appears and inserting "U.S."; and

(ii) by striking "the effective date specified in section 455" each place such term appears and inserting "the date on which the functions specified under section 441 were transferred";

(S) by striking sections 459 and 460 (6 U.S.C. 276 and 277);

(T) by redesignating sections 461 and 462 as sections 456 and 457, respectively;

(U) by striking section 471 (6 U.S.C. 291);

(V) in section 472 (6 U.S.C. 292)—

(i) in subsection (a)(2)—

(I) in subparagraph (B), by striking "the Bureau of Border Security of the Department of Homeland Security" and inserting "U.S. Immigration and Customs Enforcement"; and

(II) in subparagraph (C), by striking "the Bureau of Citizenship and Immigration Services of the Department of Homeland Security" and inserting "U.S. Citizenship and Immigration Services"; and

(ii) in subsection (e), by striking "or the Under Secretary for Border and Transportation Security";

(W) in section 474 (6 U.S.C. 294), by striking "the Bureau of Border Security and the Bureau of" and inserting "U.S. Immigration and Customs Enforcement and U.S.";

(X) in section 475(b) (6 U.S.C. 295(b)), by striking "the Bureau of Border Security and the Bureau of" and inserting "U.S. Immigration and Customs Enforcement and U.S.";

(Y) in section 476 (6 U.S.C. 296), by striking "the Bureau of Citizenship and Immigration Services and the Bureau of Border Security" each place it appears and inserting "U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement"; and

(Z) in section 477 (6 U.S.C. 297)—

(i) by striking "the Bureau of Citizenship and Immigration Services and the Bureau of Border Security" each place it appears and inserting "U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement"; and

(ii) by striking subsections (c) and (d).

(3) TITLE VII.—Section 701(b)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 341(b)(1)(A)) is amended by striking "the Bureau of Border Security and the Bureau of Citizenship and Immigration Services" and inserting "U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services".

(4) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by striking the item relating to title IV and inserting the following:

"TITLE IV—BORDER AND TRANSPORTATION SECURITY";

(B) by striking the item relating to subtitle A of title IV and inserting the following:

"Subtitle A—Border and Transportation Security";

(C) by striking the items relating to sections 401, 445, 455, 459, 460, and 471;

(D) by striking the items relating to section 441 and 442 and inserting the following:

"441. Transfer of functions.
"442. United States Immigration and Customs Enforcement."; and

(E) by striking the items relating to sections 456, 461, and 462 and inserting the following:

"455. Transition.
"456. Application of internet-based technologies.
"457. Children's affairs.".

(5) OTHER LAWS.—

(A) VULNERABILITY AND THREAT ASSESSMENT.—Section 301 of the REAL ID Act of 2005 (8 U.S.C. 1778) is amended—

(i) in subsection (a)—

(I) in the first sentence, by striking "Under Secretary of Homeland Security for Border and Transportation Security" and inserting "Secretary of Homeland Security"; and

(II) in the second sentence, by striking "Under";

(ii) in subsection (b)—

(I) by striking "Under"; and

(II) by striking "Under Secretary's findings and conclusions" and inserting "Secretary's findings and conclusions"; and

(iii) in subsection (c), by striking "Directorate of Border and Transportation Security".

(B) AIR CHARTER PROGRAM.—Section 44903(l)(1) of title 49, United States Code, is amended by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of".

(C) BASIC SECURITY TRAINING.—Section 44918(a)(2)(E) of title 49, United States Code, is amended by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of".

(D) AIRPORT SECURITY IMPROVEMENT PROJECTS.—Section 44923 of title 49, United States Code, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of";

(ii) by striking "Under Secretary" each place it appears and inserting "Secretary of Homeland Security"; and

(iii) in subsection (d)(3), in the paragraph heading, by striking "UNDER".

(E) REPAIR STATION SECURITY.—Section 44924 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of"; and

(ii) by striking "Under Secretary" each place it appears and inserting "Secretary of Homeland Security".

(F) CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.—Section 46111 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of"; and

(ii) by striking "Under Secretary" each place it appears and inserting "Secretary of Homeland Security".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (6 U.S.C. 101(b)), as amended by section 310(b), is further amended by inserting after the item relating to section 837 the following new item:

"Sec. 838. Transparency and innovation in acquisition.".

TITLE III—INFRASTRUCTURE PROTECTION AND RESILIENCE

SEC. 301. INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.

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

(1) in section 103(a)(8) (6 U.S.C. 113), by striking "Secretary" and all that follows and inserting

"Secretary for Infrastructure Protection and Resilience."; and

(2) in section 201 (6 U.S.C. 121)—

*(A) in the section heading, by striking "**INFORMATION**" and all that follows and inserting "**INTELLIGENCE AND ANALYSIS**";*

(B) in subsection (a)—

(i) in the subsection heading, by striking "AND INFRASTRUCTURE PROTECTION"; and

(ii) by striking "and an Office of Infrastructure Protection";

(C) in subsection (b)—

(i) in the subsection heading, by striking "AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION"; and

(ii) by striking paragraph (3);

(D) in subsection (c)—

(i) by striking "and infrastructure protection"; and

(ii) by striking "or the Assistant Secretary for Infrastructure Protection, as appropriate";

(E) in subsection (d)—

(i) in the subsection heading, by striking "AND INFRASTRUCTURE PROTECTION";

(ii) in the matter preceding paragraph (1), by striking "and infrastructure protection";

(iii) by striking paragraphs (2), (5), (6), and (25);

(iv) in paragraph (3), in the matter preceding subparagraph (A), by inserting ", in coordination with the Office of Infrastructure Protection," after "To integrate";

(v) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(vi) by redesignating paragraphs (7) through (24) as paragraphs (4) through (21), respectively; and

(F) in subsection (g), in the matter preceding paragraph (1), by striking "under this section".

(b) INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.—

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

"Subtitle E—Infrastructure Protection and Resilience Directorate

"SEC. 241. INFRASTRUCTURE PROTECTION AND RESILIENCE DIRECTORATE.

"(a) IN GENERAL.—There is established in the Department, an Infrastructure Protection and Resilience Directorate.

"(b) UNDER SECRETARY FOR INFRASTRUCTURE PROTECTION AND RESILIENCE.—The Infrastructure Protection and Resilience Directorate shall be headed by the Under Secretary for Infrastructure Protection and Resilience.

"(c) RESPONSIBILITIES.—The Under Secretary for Infrastructure Protection and Resilience shall—

"(1) coordinate critical infrastructure protection and resiliency activities within the Department;

"(2) ensure Federal facilities protected by the Federal Protective Service are rendered safe and secure for Federal employees, contract employees, officers, and visitors; and

"(3) perform such other duties as the Secretary may prescribe.

"(d) OFFICE OF INFRASTRUCTURE PROTECTION.—

"(1) IN GENERAL.—There is established in the Infrastructure Protection and Resilience Directorate an Office of Infrastructure Protection.

"(2) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The Office of Infrastructure Protection shall be headed by the Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

"(3) RESPONSIBILITIES.—The Assistant Secretary for Infrastructure Protection shall—

"(A) promote, prioritize, coordinate, and plan for the protection, security, resiliency, and postdisaster restoration of critical infrastructure and key resources of the United States against or in the event of an act of terrorism, natural disaster, or other manmade disaster, in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities;

"(B) carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of

the attacks and the feasibility and potential efficacy of various countermeasures to the attacks);

"(C) integrate, in coordination with the Office of Intelligence and Analysis, relevant information, analyses, and vulnerability assessments of critical infrastructure and key resources of the United States (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State, and local government agencies;

"(D) develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology, and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems;

"(E) recommend measures necessary to protect the key resources and critical infrastructure

of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities;

"(F) for each sector identified in the National Infrastructure Protection Plan, prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and to other appropriate congressional committees having jurisdiction over the critical infrastructure or key resources, a report on the comprehensive assessments carried out by the Secretary of the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence, as required under this subsection, which—

"(i) shall contain, if applicable, actions or countermeasures recommended or taken by the Secretary or the head of another Federal agency to address issues identified in the assessments; and

"(ii) shall be submitted not later than the start of the third fiscal year beginning after the date of enactment of this subtitle, and every 4 years thereafter;

"(G) coordinate the identification and mitigation of risks associated with assets and systems located outside the United States, which, if disrupted or destroyed, would critically affect the public health and safety, economy, or national security of the United States; and

"(H) perform such other duties as the Secretary may prescribe.".

(2) CONTINUATION IN OFFICE.—The individual serving as Under Secretary for National Protection and Programs on the day before the date of enactment of this Act, may serve as the Under Secretary for Infrastructure Protection and Resilience until the date on which an appointment to the position of Under Secretary for Infrastructure Protection and Resilience is made under section 103(a)(8) of the Homeland Security Act of 2002, as amended by this Act.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)

is amended by inserting after the item relating to section 235 the following:

"Subtitle E—Infrastructure Protection and Resilience Directorate

"Sec. 241. Infrastructure Protection and Resilience Directorate.".

SEC. 302. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by section 301, is amended by adding at the end the following:

"Subtitle F—Federal Protective Service

"SEC. 251. FEDERAL PROTECTIVE SERVICE.

"(a) ESTABLISHMENT.—There is established within the Department the Federal Protective Service, which shall be headed by a Director, who shall report to the Under Secretary for Infrastructure Protection and Resilience.

"(b) ASSESSMENT AND COLLECTION OF FEES.—The Secretary may assess and collect fees and security charges for the costs of providing protective service.

"(c) DEPOSIT OF FEES.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading 'FEDERAL PROTECTIVE SERVICE' under the heading 'NATIONAL PROTECTION AND PROGRAMS DIRECTORATE' of the Department.

"(d) ADJUSTMENT OF FEES.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 241, as added by section 301 the following:

"Subtitle F—Federal Protective Service

"Sec. 251. Federal Protective Service.".

TITLE IV—PREPAREDNESS, RESPONSE, AND RECOVERY

SEC. 401. CATASTROPHIC INCIDENT PLANNING.

(a) DEFINITIONS.—Section 602 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 701) is amended—

(1) by redesignating paragraphs (5) through (16) as paragraphs (6) through (17), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));".

(b) IN GENERAL.—Section 653 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 753) is amended—

(1) by redesignating subsections (b), (c), (d), and (e), as subsections (e), (f), (g), and (h), respectively;

(2) by redesignating subsection (a) as subsection (c);

(3) by inserting before subsection (c), as redesignated, the following:

"(a) DEFINITION.—In this section, the term 'catastrophic incident planning' means planning to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.

"(b) PLANNING.—In support of the national preparedness system, the President shall ensure that there are comprehensive plans to prevent, prepare for, protect against, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents, throughout the Federal Government.";

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

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6);

(B) by inserting after paragraph (3), the following:

"(4) conducts catastrophic incident planning as required under subsection (d)(2);"; and

(C) in paragraph (5), as redesignated, by inserting ", including for catastrophic incidents," after "operational plans";

(5) by inserting after subsection (c), as redesignated, the following:

"(d) CATASTROPHIC INCIDENT PLANNING.—In carrying out subsections (b) and (c), the President shall—

"(1) identify and prioritize risks of catastrophic incidents, including risks across all critical infrastructure sectors;

"(2) ensure that Federal agencies coordinate to conduct comprehensive and effective catastrophic incident planning to address prioritized catastrophic risks; and

"(3) review plans for catastrophic incidents developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—

"(A) the assumptions underlying plans for catastrophic incidents are realistic;

"(B) the resources identified to implement the plans are adequate for catastrophic incidents, including whether the number, skills, and training of the available workforce is sufficient to implement the plans; and

"(C) plans for catastrophic incidents reflect coordination with governmental and nongovernmental entities that would play a significant

role in the response to the catastrophic incident.";

(6) in subsection (e), as redesignated, by striking "subsection (a)(4)" and inserting "subsection (c)(5)"; and

(7) in subsection (g), as redesignated, in the matter preceding paragraph (1), by striking "subsections (a) and (b)" and inserting "subsections (c) and (e).".

(c) HOMELAND SECURITY ACT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 526. CATASTROPHIC INCIDENT PLANNING.

"(a) DEFINITION.—In this section, the term 'catastrophic incident planning' means planning to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.

"(b) DIRECTOR.—The Secretary shall appoint a senior official within the Agency who shall be responsible for catastrophic incident planning, including—

"(1) assisting the President and the heads of Federal agencies in identifying risks of catastrophic incidents for which planning is likely to be most needed or beneficial, including risks across all critical infrastructure sectors;

"(2) leading the efforts of the Department to conduct catastrophic incident planning to address risks in the areas of responsibility of the Department;

"(3) leading, promoting, and coordinating efforts of Federal agencies to conduct catastrophic incident planning to address risks, including by assisting in the assessing and reviewing of plans of Federal agencies for catastrophic incidents and plans of private sector entities for catastrophic incidents submitted to the Federal agencies;

"(4) developing communications plans and prescripted messages and message templates in accordance with section 530;

"(5) providing assistance to State, local, and tribal governments in developing plans for catastrophic incidents;

"(6) promoting and supporting appropriate catastrophic incident planning by private sector entities, including private sector entities that own or manage critical infrastructure; and

"(7) otherwise assisting in the implementation of section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753).".

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security

Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 525 the following:

"Sec. 526. Catastrophic incident planning.".

SEC. 402. PREPAREDNESS OF INDIVIDUALS AND COMMUNITIES.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 401, is amended by adding at the end the following:

"SEC. 527. PREPAREDNESS OF INDIVIDUALS AND COMMUNITIES.

"(a) IN GENERAL.—The Administrator shall enhance and promote the preparedness of individuals and communities for natural disasters, acts of terrorism, and other man-made disasters and coordinate with State, local, and tribal governments and private sector and nongovernmental organizations in these efforts.

"(b) LEAD OFFICIAL.—The Administrator shall appoint a senior official within the Department to coordinate and oversee the activities of the Agency to enhance and promote the preparedness of individuals and communities for natural disasters, acts of terrorism, and other man-made disasters.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting

after the item relating to section 526, as added by section 401, the following:

"Sec. 527. Preparedness of individuals and communities.".

SEC. 403. FEDERAL RESPONSE AND RECOVERY PREPAREDNESS OFFICIALS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) in section 501 (6 U.S.C. 311)—

(A) in paragraph (8), by striking "section 502(a)(6)" and inserting "section 504(a)(6)";

(B) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

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

"(9) the term 'recovery' means the short- and long-term process of restoring, reshaping, and enhancing the resiliency of the physical, social, economic, and natural environments, government institutions, and the lives of affected individuals."; and

(2) by adding after section 527, as added by section 402 of this Act, the following:

"SEC. 528. FEDERAL RESPONSE AND RECOVERY PREPAREDNESS OFFICIALS.

"(a) IN GENERAL.—The Administrator shall ensure the preparedness of Federal agencies to respond to and sup-

port recovery from a natural disaster, act of terrorism, or other man-made disaster by—

"(1) ensuring the development of and preparedness of the Agency to implement the National Response Framework and the National Disaster Recovery Framework;

"(2) ensuring Federal agencies with responsibilities under the National Response Framework and the National Disaster Recovery Framework are prepared to fulfill those responsibilities, including having appropriate staffing and training; and

"(3) unless a major disaster is a catastrophic incident relating to which the President has established a Commission under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, resolving disagreements relating to response to and recovery from major disasters between Federal agencies with responsibilities under the National Disaster Recovery Framework, including disagreements relating to a particular major disaster and disagreements that arise before a major disaster is declared.

"(b) DISASTER RESPONSE AND RECOVERY OFFICIALS.—The head of each Federal agency with major responsibilities under the National Response Framework or

the National Disaster Recovery Framework, as determined by the Administrator, shall designate a senior official to—

"(1) ensure the Federal agency is prepared to execute its response and recovery responsibilities under such plans; and

"(2) coordinate disaster response and recovery efforts and activities with the Administrator.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 527, as added by section 402, the following:

"Sec. 528. Federal response and recovery preparedness officials.".

SEC. 404. RECOVERY.

(a) DEFINITION OF MAJOR DISASTER.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (2) and inserting the following:

"(2) MAJOR DISASTER.—The term 'major disaster' means any natural disaster (including a pandemic), act of terrorism, or other man-made disaster, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and

disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.".

(b) OTHER DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

"(11) RECOVERY.—The term 'recovery' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).

"(12) NATIONAL DISASTER RECOVERY FRAMEWORK.—The term 'National Disaster Recovery Framework' means the National Disaster Recovery Framework developed under section 655 of the Post-Katrina Emergency Management Reform Act of 2006.

"(13) CATASTROPHIC INCIDENT.—The term 'catastrophic incident' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).".

(c) RECOVERY EFFORTS.—Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a) is amended—

(1) in paragraph (3)—

(A) in subparagraph (D), by inserting "and" after "measures;";

(B) in subparagraph (E), by striking "and" at the end; and

(C) by striking subparagraph (F);

(2) in paragraph (4), by striking "and" at the end;

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

(4) by adding at the end the following:

"(6) assist State and local governments to recover from a major disaster and coordinate Federal assistance for recovery from the major disaster by—

"(A) identifying and coordinating Federal resources, programs, and agencies to support the implementation of recovery and mitigation efforts of State and local governments;

"(B) providing technical and other advice to State and local governments to manage, control, and mitigate hazards and risk to reduce damages from a subsequent major disaster;

"(C) in the case of a catastrophic incident, establishing a Commission under section 327; and

"(D) providing financial and technical assistance and advice to State and local governments affected by a major disaster to—

"(i) assess the effects of the major disaster;

"(ii) support coordinated and comprehensive recovery planning; and

"(iii) support and facilitate implementation of recovery plans and actions.".

(d) RECOVERY FROM A CATASTROPHIC INCIDENT.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 327. CATASTROPHIC INCIDENT RECOVERY COMMISSIONS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Administrator' means the Administrator of the Federal Emergency Management Agency;

"(2) the term 'Chairperson' means the Chairperson of a Commission selected under subsection (b)(2); and

"(3) the term 'Commission' means a commission established under subsection (b)(1).

"(b) COMMISSION ESTABLISHMENT.—

"(1) IN GENERAL.—Immediately following a catastrophic incident, the President may establish a commission to facilitate and support States and local

governments in achieving an efficient, effective, and expeditious recovery from the catastrophic incident.

"(2) CHAIRPERSON.—The President shall select an official to serve as the Chairperson of each Commission to ensure the responsibilities of the Commission are fulfilled. The Chairperson shall have the authority to direct any Federal agency to use the authorities and resources granted to the Federal agency under Federal law in support of the efficient, effective, and expeditious recovery from the catastrophic incident.

"(3) MEMBERS OF COMMISSIONS.—Each Commission shall include as a member the Administrator, the head of each Federal agency with major responsibilities under the National Disaster Recovery Framework, and the head of any other Federal agency that the President determines necessary.

"(4) STAFFING.—The Administrator and the head of each Federal agency with responsibilities under the National Disaster Recovery Framework shall each detail to each Commission a sufficient number of senior officials with decisionmaking authority and staff who shall serve full-time on the Commission to ensure efficient administration of the assistance provided by the Federal Government.

"(c) RESPONSIBILITIES OF A COMMISSION.—A Commission shall—

"(1) develop and implement a strategic plan under subsection (d) for the recovery from the catastrophic incident and to mitigate against the effects of and foster resilience against subsequent disasters;

"(2) coordinate the activities of Federal agencies represented by the members of the Commission and other Federal agencies that the President determines necessary and resolve disagreements relating to recovery from the catastrophic incident between or among Federal agencies;

"(3) compile data relating to the recovery from the catastrophic incident, including on the Federal assistance provided and the status of meeting recovery goals;

"(4) identify Federal regulations, policies, and procedures that need to be streamlined and coordinated to enable an efficient, expeditious, and effective recovery from the catastrophic incident;

"(5) identify and facilitate the provision of Federal funds to address gaps in the recovery from the catastrophic incident;

"(6) coordinate with State and local governments on the recovery from the catastrophic incident; and

"(7) take actions to prevent waste, fraud, and abuse in the recovery from the catastrophic incident.

"(d) STRATEGIC RECOVERY PLAN.—

"(1) IN GENERAL.—Not later than 90 days after the date of a catastrophic incident, the Commission established for the catastrophic incident shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a strategic recovery plan for how the Federal Government will expeditiously assist State and local governments in the recovery of the area affected by the catastrophic incident.

"(2) CONTENTS.—Each strategic plan submitted under paragraph (1) shall be written in coordination with State and local governments affected by the catastrophic incident and shall include—

"(A) an assessment of challenges and needs faced in the recovery from the catastrophic incident;

"(B) a description of how each Federal agency will support State and local governments in the recovery efforts, including technical, financial, and planning assistance, and the roles

and responsibilities of each Federal agency in fulfilling the strategic plan;

"(C) a description of how each Federal agency on the Commission will administer and provide staffing to assist in the recovery from the catastrophic incident;

"(D) a description of any procedures of a Federal agency that will be streamlined to help ensure an efficient and effective recovery from the catastrophic incident; and

"(E) a description of any legislative authority needed to help ensure an efficient, expeditious, and effective recovery from the catastrophic incident.

"(3) UPDATE.—Not later than 180 days after the date on which a Commission submits a strategic plan under paragraph (1), and every 180 days thereafter until the date on which the Commission terminates under subsection (e), the Commission shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate a report describing—

"(A) progress in the recovery from the catastrophic incident since the date on which the most recent strategic plan or report relating to the catastrophic incident was submitted; and

"(B) major challenges and unmet needs remaining in the recovery from the catastrophic incident.

"(e) TERMINATION.—

"(1) IN GENERAL.—The President shall terminate a Commission established in relation to a catastrophic incident when the President determines that all issues relating to the Federal coordination of the recovery have been substantially resolved.

"(2) WITHDRAWAL.—Upon a determination by the President that the matters with which a Federal agency has been involved as part of a Commission have been substantially resolved, the Federal agency may withdraw from the Commission.".

SEC. 405. ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 403, is amended by adding at the end the following:

"SEC. 529. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'annuitant' means an annuitant under a Government retirement system;

"(2) the terms 'deployed' and 'deployment' mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;

"(3) the term 'Disaster Reserve Workforce' means the Disaster Reserve Workforce established under subsection (b);

"(4) the term 'employee' has the meaning given under section 2105 of title 5, United States Code;

"(5) the term 'employee designated for short term deployments' means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;

"(6) the term 'Government retirement system' means a retirement system established by law for employees of the Government of the United States;

"(7) the term 'major project' means any project for which the total costs are greater than $400,000;

"(8) the term 'permanent seasonal employee' means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as

defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;

"(9) the term 'reservist' means an employee who is a member of the Disaster Reserve Workforce;

"(10) the term 'response and recovery operations and programs' means response operations and programs and recovery operations and programs;

"(11) the term 'response operations and programs' means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;

"(12) the term 'recovery operations and programs' means operations and programs to support and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and

"(13) the term 'term employee' means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.

"(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a Disaster Reserve

Workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.

"(c) PROVISION OF SERVICES PERFORMED UNDER RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

"(1) IN GENERAL.—The Administrator shall ensure that the Disaster Reserve Workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.

"(2) MANAGEMENT AND IMPLEMENTATION.—

"(A) IN GENERAL.—Sufficient numbers of qualified permanent full-time employees of the Agency shall lead and manage the Disaster Reserve Workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

"(B) RESERVISTS.—Reservists shall include—

"(i) term employees;

"(ii) permanent seasonal employees;

"(iii) employees designated for short-term deployments;

"(iv) employees of the Department who are not employees of the Agency; and

"(v) employees of other Federal agencies.

"(C) SHORT-TERM DEPLOYMENTS.—Employees designated for short-term deployments shall generally be deployed—

"(i) when necessary to temporarily respond to—

"(I) imminent natural disasters, acts of terrorism, and other manmade disasters; or

"(II) the immediate aftermath of those disasters or acts;

"(ii) only for uncertain or temporary durations; and

"(iii) absent extraordinary circumstances, for less than 180 days each calendar year.

"(D) RELIANCE ON CERTAIN RESERVISTS.—In supporting the work of permanent full-time employees, the Administrator—

"(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees, in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and

"(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.

"(3) POLICIES AND PROCEDURES.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—

"(A) staffing policies and procedures that provide for the proper implementation of and management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

"(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

"(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

"(4) MINIMUM STANDARDS AND GUIDELINES FOR THE DISASTER RESERVE WORKFORCE.—

"(A) STANDARDS AND GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop standards and guidelines for the Disaster Reserve Workforce, including—

"(i) setting appropriate mandatory before and after disaster training requirements;

"(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the Disaster Reserve Workforce;

"(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and

"(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

"(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the Disaster Reserve Workforce, a reservist shall—

"(i) be credentialed in accordance with section 510; and

"(ii) meet all minimum standards and guidelines established under subparagraph (A)—

"(I) for term employees, before being appointed to a term in the Disaster Reserve Workforce; and

"(II) annually for all other reservists.

"(C) EVALUATION SYSTEM.—In consultation with the Director of the Office of Personnel Management, the Administrator shall develop and implement a system to continuously evaluate reservists to ensure that all minimum standards and guidelines under this paragraph are satisfied annually by all reservists. Chapter 43 of title 5, United States Code, shall not apply to re-

servists covered under the system developed and implemented under this subparagraph.

"(5) CONTRACTORS.—Not later than 180 days after the date of enactment of this section, the Administrator, in conjunction with the Chief Human Capital Officer of the Agency, shall establish policies and procedures for contractors that support response and recovery operations and programs, which shall ensure that the contractors have appropriate skills, training, knowledge, and experience for assigned tasks, including by ensuring that the contractors meet training, credentialing, and performance requirements similar to the requirements for reservists.

"(6) REEMPLOYED ANNUITANTS.—

"(A) IN GENERAL.—In appointing reservists to the Disaster Reserve Workforce, the application of sections 8344 and 8468 of title 5, United States Code (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

"(B) LIMITATIONS.—The authority under subparagraph (A)—

"(i) is granted to assist the Administrator in establishing and effectively operating the Disaster Reserve Workforce if no other qualified applicant is available for a reservist position; and

"(ii) may be exercised only—

"(I) with respect to natural disasters, acts of terrorism, or other man-made disasters, including catastrophic incidents; and

"(II) if the applicant will not accept the position without a waiver.

"(C) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be considered an employee for purposes of any Government retirement system.

"(7) PERMANENT EMPLOYMENT POSITIONS.—

"(A) IN GENERAL.—A reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) may compete for permanent positions in the Agency under merit promotion

procedures. The actual time deployed as a reservist shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and excluding from the aggregate the fractional part of a month, if any.

"(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

"(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

"(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

"(ii) apply to periods of service performed after that date.

"(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 528, as added by section 403, the following:

"Sec. 529. Administration of response and recovery operations and programs.".

(c) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(1) in paragraph (1), by inserting "or permanent seasonal employees (as that term is defined under section 529(a)(8) of the Homeland Security Act of 2002)" after "temporary personnel"; and

(2) in paragraph (3), by inserting "or the employment of permanent seasonal employees (as that term is defined under section 529(a)(8) of the Homeland Security Act of 2002)" after "additional personnel".

SEC. 406. DEPARTMENT AND AGENCY OFFICIALS.

(a) IN GENERAL.—Section 514(a) of the Homeland Security Act of 2002 (6 U.S.C. 321c(a)) is amended—

(1) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(2) by striking "4 Deputy Administrators" and inserting "3 Deputy Administrators"; and

(3) by adding at the end the following:

"(2) CHIEF MANAGEMENT OFFICER.—

"(A) IN GENERAL.—In addition to any Deputy Administrators appointed under paragraph (1), the President shall appoint 1 Deputy Administrator who shall serve as the Chief Management Officer of the Agency and advise the Administrator on matters relating to the management of the Agency, including—

"(i) budgeting, appropriations, expenditures of funds, accounting, and finance;

"(ii) procurement;

"(iii) human resources and personnel;

"(iv) information technology and communications systems;

"(v) facilities, property, equipment, and other material resources;

"(vi) security for personnel, information technology and communications sys-

tems, facilities, property, equipment, and other material resources;

"(vii) identification and tracking of performance measures relating to the responsibilities of the Agency;

"(viii) grants and other assistance management programs;

"(ix) the conduct of internal audits and management analyses of the programs and activities of the Agency;

"(x) controls over waste, fraud, and abuse; and

"(xi) any other management duties determined appropriate by the Administrator.

"(B) CRITERIA.—The Deputy Administrator appointed under subparagraph (A) shall have—

"(i) extensive executive level leadership and management experience in the public or private sector;

"(ii) strong leadership skills;

"(iii) a demonstrated ability to manage large and complex organizations; and

"(iv) a proven record in achieving positive operational results.".

(b) PROVISION OF INFORMATION TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term "appropriate committees of Congress" means—

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

(B) the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Chief Management Officer of the Federal Emergency Management Agency and the Under Secretary for Management shall submit to the appropriate committees of Congress a strategy for improving the management of the Federal Emergency Management Agency.

(3) BRIEFINGS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the date that is 3 years after the date of enactment of this Act, the Chief Management Officer of the Federal Emergency Management Agency and the Under Secretary for Management shall brief the appropriate committees of Congress on measures taken to improve the management of the Federal Emergency Management Agency, including, after the

strategy is submitted under paragraph (2), information regarding implementation of the strategy.

SEC. 407. INFRASTRUCTURE PROTECTION ASSISTANCE.

(a) PORT SECURITY GRANTS.—There are authorized to be appropriated to the Secretary to make grants for port security in accordance with section 70107 of title 46, United States Code, $249,500,000 for fiscal year 2012.

(b) SURFACE TRANSPORTATION SECURITY GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for public transportation and railroad security grants authorized under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163) $224,500,000 for fiscal year 2012.

(2) PROGRAM GUIDANCE.—The Secretary shall—

(A) ensure public transportation and passenger rail security grants are awarded on the basis of remediating risk to the system and to the region as a whole;

(B) require applications be reviewed and approved by a Regional Transit Security Working Group comprised of representatives of all eligible transportation systems in the region, the

homeland security offices of each State in the region, and other relevant regional officials;

(C) require a Federal Security Director familiar with the region, or another Federal security official familiar with the region and designated by the Secretary, to rank applications based on the anticipated ability of the proposed use of funds to protect passengers from acts of terrorism, including the use of explosive devices and the release of biological, chemical, and radiological agents; and

(D) in any year in which more than 50 percent (by dollar value) of all funding available for grants under sections 1406 and 1513 of the Implementing Recommendations of 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163) are awarded for securing or remediating risk to specific physical assets, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives describing how the grant funds awarded under those sections will be used to protect passengers from acts of terrorism, including

the use of explosive devices and the release of biological, chemical, and radiological agents.

(c) REPEAL OF OVER-THE-ROAD BUS SECURITY ASSISTANCE PROGRAM.—

Section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 is repealed.

SEC. 408. FEDERAL-STATE BORDER SECURITY COOPERATION.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"Subtitle C—Other Grant Programs

"SEC. 2041. OPERATION STONEGARDEN GRANT PROGRAM.

"(a) FINANCIAL ASSISTANCE.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator, may make grants to States to facilitate and enhance participation by States, local governments, and Indian tribes in border security efforts.

"(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Commissioner of U.S. Customs and Border Protection.

"(2) ELIGIBILITY.—A State is eligible for a grant under this section if the State has an international water border or is located on the international border between the United States and Mexico or the United States and Canada.

"(3) AVAILABILITY AND USE OF FUNDS.—

"(A) IN GENERAL.—Not later than 45 days after the date on which a State receives funds under a grant under this section, the State shall make available not less than 95 percent of the funds to participating entities of the State or a local government or Indian tribe in the State.

"(B) RETAINED FUNDS.—A States may use not more than 5 percent of the funds received under a grant under this section for expenses relating to the management and administration of the grant.

"(C) MANAGEMENT AND ADMINISTRATION.—A local government or Indian tribe that receives grant funds under this section may use not more than 5 percent of the funds for expenses relating to the management and administration of the grant.

"(4) LIMITATIONS ON USE OF FUNDS.—Funds provided under a grant under this section may not be used to—

"(A) supplant State, local, or tribal government funds;

"(B) pay salaries or benefits for personnel, other than overtime expenses of regular and reserve law enforcement personnel or regular pay expenses of reserve law enforcement personnel; or

"(C) construct or renovate buildings or other physical facilities.

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

"(A) an assessment of the risks associated with cross-border threats to a State, including terrorism and other criminal activities, including consideration of—

"(i) the most current threat assessments available to the Department relevant to the border of the State;

"(ii) border-specific law enforcement intelligence;

"(iii) the length of the international border of the State; and

"(iv) such other factors as the Administrator determines appropriate;

"(B) the anticipated effectiveness of the proposed use of the grant by the State to enhance border security capabilities; and

"(C) the results of peer review evaluations of applications conducted by State, local, and tribal law enforcement personnel.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $55,000,000 for each of fiscal years 2012 through 2017.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2022 the following:

"Subtitle C—Other Grant Programs

"Sec. 2041. Operation Stonegarden grant program.".

SEC. 409. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

Section 661(d) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761(d)) is amended by striking "$4,000,000 for fiscal year 2008" and inserting "$2,000,000 for each of fiscal years 2012 through 2016".

SEC. 410. REPEAL OF EMERGENCY OPERATIONS CENTER GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended—

(1) by striking section 614 (42 U.S.C. 5196c); and

(2) by redesignating sections 615 and 616 (42 U.S.C. 5196d and 5196f) as sections 614 and 615, respectively.

(b) SAVINGS CLAUSE.—A grant made under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act before the date of enactment of this Act shall remain in full force and effect under the terms and conditions, and for the duration, of the grant.

SEC. 411. PERFORMANCE MEASURES.

In order to ensure that States, high-risk urban areas, and other grant recipients use grants administered by the Department effectively, the Administrator of the Federal Emergency Management Agency shall develop and implement performance metrics in accordance with the comprehensive assessment system under section 649 of the Post-Katrina Emergency Management Act of 2006 (6 U.S.C. 749) and section 2022(a)(4) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(4)).

SEC. 412. COMMUNICATIONS PLANNING.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 405, is amended by adding at the end the following:

"SEC. 530. COMMUNICATIONS PLANNING.

"(a) INCORPORATION OF COMMUNICATIONS PLANS.—

"(1) IN GENERAL.—The Secretary, acting through the senior official responsible for catastrophic incident planning appointed under section 526 (in this section referred to as the 'designated official'), shall develop communications plans for providing information to the public related to preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents involving the use of weapons of mass destruction.

"(2) CONSULTATION.—In developing communications plans under paragraph (1), the designated official shall consult with State, local, and tribal governments and coordinate, as the designated official considers appropriate, with other executive agencies that have responsibilities under the National Response Framework and other relevant executive agencies.

"(b) PRESCRIPTED MESSAGES AND MESSAGE TEMPLATES.—

"(1) IN GENERAL.—As part of the communication plans, the designated official shall develop prescripted messages or message templates to be included in the plans to be provided to State, local, and tribal government officials so that those officials can quickly and rapidly disseminate critical information to the public in anticipation or in the immediate aftermath of a disaster or incident.

"(2) DEVELOPMENT AND DESIGN.—The prescripted messages or message templates shall—

"(A) be developed, as the designated official determines appropriate, in consultation with State, local, and tribal governments and in coordination with other executive agencies that have responsibilities under the National Response Framework and other relevant executive agencies;

"(B) be designed to provide accurate, essential, and appropriate information and instructions to the population directly affected by a disaster or incident, including information related to evacuation, sheltering in place, and issues of immediate health and safety; and

"(C) be designed to provide accurate, essential, and appropriate technical information and

instructions to emergency response providers and medical personnel responding to a disaster or incident.

"(c) COMMUNICATIONS FORMATS.—In developing the prescripted messages or message templates required under subsection (b), the designated official shall develop each such prescripted message or message template in multiple formats to ensure delivery—

"(1) in cases where the usual communications infrastructure is unusable as a result of the nature of a disaster or incident; and

"(2) to individuals with disabilities or other special needs and individuals with limited English proficiency in accordance with section 616 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196d).

"(d) DISSEMINATION AND TECHNICAL ASSISTANCE.—The designated official shall ensure that all prescripted messages and message templates developed under this section are made available to State, local, and tribal governments so that those governments may incorporate the messages and templates into the emergency plans of those governments. The designated official shall also make available relevant technical assistance to those governments to support communications planning.

"(e) EXERCISES.—To ensure that the prescripted messages or message templates developed under this section can be effectively utilized in a disaster or incident, the designated official shall incorporate such prescripted messages or message templates into exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748).

"(f) SUBMISSION OF PLANS.—Not later than 1 year after the date of enactment of this section, the designated official shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of the communications plans required to be developed under this section, including—

"(1) prescripted messages or message templates developed in conjunction with the plans; and

"(2) a description of the means that will be used to deliver such messages in a natural disaster, act of terrorism, or other man-made disaster.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 529, as added by section 405, the following:

"Sec. 530. Communications planning.".

SEC. 413. GUIDELINES CONCERNING WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 412, is amended by adding at the end the following:

"SEC. 531. GUIDELINES CONCERNING WEAPONS OF MASS DESTRUCTION.

"(a) ESTABLISHMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2012, the Secretary shall—

"(1) develop guidelines for responding to an explosion or release of nuclear, biological, radiological, or chemical material, in coordination with—

"(A) State, local, and tribal governments;

"(B) Federal agencies with—

"(i) responsibilities for responding to weapons of mass destruction incidents under the National Response Framework; or

"(ii) relevant scientific or worker health expertise; and

"(C) representatives of—

"(i) emergency response provider organizations; and

"(ii) public health and medical organizations; and

"(2) make the guidelines developed under paragraph (1) available to State, local, and tribal governments, nongovernmental organizations, and the private sector.

"(b) CONTENTS.—The guidelines developed under subsection (a)(1) shall contain, at a minimum—

"(1) protective action guidelines for ensuring the health and safety of emergency response providers;

"(2) information regarding the effects of the biological, chemical, or radiological agent on those exposed to the agent; and

"(3) information regarding how emergency response providers and mass care facilities may most effectively deal with individuals affected by an incident involving a nuclear, biological, radiological, or chemical material.

"(c) REVIEW AND REVISION OF GUIDELINES.—The Secretary shall—

"(1) not less frequently than every 2 years, review the guidelines developed under subsection (a)(1);

"(2) make revisions to the guidelines as appropriate; and

"(3) make the revised guidelines available to State, local, and tribal governments, nongovernmental

organizations, the private sector, and the general public.

"(d) PROCEDURES FOR DEVELOPING AND REVISING GUIDELINES.—In carrying out the requirements of this section, the Secretary shall establish procedures to—

"(1) inventory any relevant hazardous material response guidelines;

"(2) enable the public to submit recommendations of areas for which guidelines could be developed under subsection (a)(1);

"(3) determine which entities should be consulted in developing or revising the guidelines;

"(4) on a regular basis, prioritize guidelines that should be developed or revised; and

"(5) develop and disseminate the guidelines in accordance with the prioritization under paragraph (4).

"(e) SUBMISSION OF GUIDELINES.—Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2012, and annually thereafter, the Secretary shall submit guidelines developed under this section to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 530, as added by section 409, the following:

"Sec. 531. Guidelines concerning weapons of mass destruction.".

SEC. 414. PLUME MODELING.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by inserting after section 317 the following:

"SEC. 318. PLUME MODELING.

"(a) DEFINITIONS.—In this section—

"(1) the term 'integrated plume model' means a plume model that integrates protective action guidance and other information as the Secretary determines appropriate; and

"(2) the term 'plume model' means the assessment of the location and prediction of the spread of nuclear, radioactive, or chemical fallout and biological pathogens resulting from an explosion or release of nuclear, radioactive, chemical, or biological substances.

"(b) DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall develop and disseminate integrated plume models to enable rapid response activities following a nuclear, radiological, chemical, or biological explosion or release.

"(2) SCOPE.—The Secretary shall—

"(A) ensure the rapid development and distribution of integrated plume models to appropriate officials of the Federal Government and State, local, and tribal governments to enable immediate response to a nuclear, radiological, chemical, or biological incident; and

"(B) establish mechanisms for dissemination by appropriate emergency response officials of the integrated plume models described in paragraph (1) to nongovernmental organizations and the public to enable appropriate response activities by individuals.

"(3) CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES.—In developing the integrated plume models described in this section, the Secretary shall consult, as appropriate, with—

"(A) the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other executive agencies determined appropriate by the Secretary; and

"(B) State, local, and tribal governments and nongovernmental organizations.

"(c) EXERCISES.—The Secretary shall ensure that the development and dissemination of integrated plume models are assessed during exercises administered by the Department.

"(d) REVIEW.—Not later than 180 days after the date of enactment of this section, and every 2 years thereafter, the Secretary shall review the process for providing integrated plume models developed under this section to ensure that the integrated plume models—

"(1) are clear and informative;

"(2) meet the needs of incident commanders; and

"(3) incorporate lessons learned during exercises administered by the Department.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 317 the following:

"Sec. 318. Plume modeling.".

SEC. 415. IDENTIFICATION OF DISASTER MANAGEMENT RESOURCES.

Section 1105(a)(35) of title 31, United States Code, is amended by adding at the end the following:

"(D) In implementing this paragraph, the President shall include in each budget a description of resources identified to support the preparedness, response, and recovery responsibilities of each Federal

agency with responsibilities under the National Response Framework and the National Disaster Recovery Framework.".

SEC. 416. ANTIFRAUD TRAINING.

Section 698 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 797) is amended—

(1) by striking "The Administrator" and inserting the following:

"(a) IN GENERAL.—The Administrator"; and

(2) by adding at the end the following:

"(b) REPORTING.—For the fiscal year in which this subsection is enacted, and each fiscal year thereafter for 5 fiscal years, the Administrator shall submit to Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a report identifying the number of employees of the Agency and contractors trained under the program developed under subsection (a).".

SEC. 417. INFORMATION TECHNOLOGY.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "covered information technology purchase" means a purchase of information technology for an amount greater than a threshold amount, which the Administrator shall establish.

(b) POLICY.—Not later than 90 days after the date of enactment of this Act, the Administrator shall implement a policy requiring the Chief Information Officer of the Federal Emergency Management Agency to approve a covered information technology purchase before the Federal Emergency Management Agency may make the covered information technology purchase.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the policy described in subsection (b), which shall include a list of any covered information technology purchases made by the Federal Emergency Management Agency in violation of the policy during the period covered by the report.

SEC. 418. METROPOLITAN MEDICAL RESPONSE SYSTEM.

(a) DEFINITION.—Section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601) is amended—

(1) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) MASS CASUALTY INCIDENT.—The term 'mass casualty incident' means any natural disaster, act of terrorism, or other man-made disaster, including a disease epidemic, that results in significant numbers of injuries or deaths and to which the response has the potential to overwhelm routine emergency medical services.".

(b) AUTHORIZATION.—Subtitle C of title XX of the Homeland Security Act of 2002, as added by section 408, is amended by adding at the end the following:

"SEC. 2042. METROPOLITAN MEDICAL RESPONSE SYSTEM.

"(a) IN GENERAL.—There is in the Department a Metropolitan Medical Response System.

"(b) PURPOSE.—The purpose of the Metropolitan Medical Response System shall be to support States, local governments, and Indian tribes in preparing for, protecting against, and responding to mass casualty incidents by systematically enhancing cooperation and integration of emer-

gency response providers and public health and medical personnel.

"(c) METROPOLITAN MEDICAL RESPONSE SYSTEM MANAGEMENT.—In coordination with the Chief Medical Officer, the Administrator shall—

"(1) establish objectives and a strategy for the Metropolitan Medical Response System, consistent with the National Response Framework and National Incident Management System;

"(2) develop and oversee standards, plans, training, and exercises; and

"(3) provide technical assistance to States, local governments, and Indian tribes in preparing for, protecting against, and responding to mass casualty incidents.

"(d) FINANCIAL ASSISTANCE.—

"(1) AUTHORIZATION OF GRANTS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator, may make grants under this section to States, local governments, and Indian tribes to assist in preparing for, protecting against, and responding to mass casualty incidents.

"(B) CONSULTATION.—In developing guidance for grants authorized under this section, the

Administrator shall consult with the Chief Medical Officer.

"(2) USE OF FUNDS.—A grant made under this section may be used in support of public health and medical preparedness for mass casualty incidents through the integration of emergency response providers and public health and medical personnel, including—

"(A) medical surge capacity;

"(B) mass prophylaxis;

"(C) chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities;

"(D) mass triage and prehospital treatment plans and capabilities;

"(E) planning;

"(F) information sharing and collaboration capabilities of State, local, and tribal governments and Federal response entities and regional areas;

"(G) medicinal stockpiling, management, distribution, and dispensing;

"(H) fatality management;

"(I) training and exercises;

"(J) integration and coordination of the activities and capabilities of public health personnel and medical care providers with those of other emergency response providers as well as private sector and nonprofit organizations; and

"(K) any other activities as the Administrator may provide.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—The Administrator, in consultation with the Chief Medical Officer, shall establish criteria for determining whether a State, local government, or Indian tribe may be awarded a grant under this subsection.

"(B) LIMITATIONS.—In determining which States, local governments, and Indian tribes shall be awarded grants under this subsection, the Administrator shall ensure that—

"(i) not less than 1 jurisdiction in each State is awarded a grant; and

"(ii) the total number of jurisdictions awarded grants does not exceed the number of jurisdictions awarded grants under the Metropolitan Medical Response Program under section 635 of the Post-Katrina

Emergency Management Reform Act of 2006 (6 U.S.C. 723) in fiscal year 2010.

"(C) REGIONAL COORDINATION.—The Administrator shall ensure that each recipient of a grant under this subsection, as a condition of receiving that grant, is actively coordinating its preparedness efforts with surrounding jurisdictions and with emergency response providers from all relevant disciplines, to effectively enhance regional preparedness.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under this section $41,000,000 for each of fiscal years 2012 through 2014.".

(c) PROGRAM REVIEW.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency and the Chief Medical Officer shall conduct a review of the Metropolitan Medical Response System authorized under section 2042 of the Homeland Security Act of 2002, as added by subsection (b), including an examination of—

(A) the goals and objectives of the Metropolitan Medical Response System;

(B) the extent to which the goals and objectives are being met;

(C) the performance metrics that can best help assess whether the Metropolitan Medical Response System is succeeding;

(D) how the Metropolitan Medical Response System can be improved;

(E) how the Metropolitan Medical Response System can best be coordinated with other preparedness programs supported by the Department;

(F) how the number of jurisdictions, the criteria to award jurisdictions, and the relative allocation of financial assistance under the Metropolitan Medical Response System should be determined; and

(G) the resource requirements of the Metropolitan Medical Response System.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Chief Medical Officer shall submit a report on the results of the review under this subsection to—

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

(B) the Committee on Homeland Security of the House of Representatives.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2041, as added by section 408, the following:

"Sec. 2042. Metropolitan Medical Response System.".

(2) REPEAL.—Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 723) is repealed.

(3) PROGRAM NOT AFFECTED.—Section 2002(b)(5) of the Homeland Security Act of 2002 (6 U.S.C. 603(b)(5)) is amended by striking "section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723)" and inserting "subtitle C".

SEC. 419. REGIONAL CATASTROPHIC GRANT PROGRAM.

(a) IN GENERAL.—On and after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency may not award a grant under the Regional Catastrophic Preparedness Grant Program.

(b) SAVINGS CLAUSE.—Any grant awarded for a fiscal year beginning before October 1, 2011 and any funds provided under a grant under the Regional Catastrophic Pre-

paredness Grant Program before the date of enactment of this Act shall continue and may be used under the terms and conditions of the program.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from providing support and assistance to grantees under the Regional Catastrophic Preparedness Grant Program, including assistance with program implementation, through the remaining performance period of a grant awarded before the date of enactment of this Act.

SEC. 420. REPORT ON CONSOLIDATION OF GRANT PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the suitability, feasibility, and efficiency of consolidating grant programs administered by the Department, other than grants awarded in conjunction with a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 421. GRANT PROGRAM CONTINGENCY PLANS.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Agency;

(2) the term "Agency" means the Federal Emergency Management Agency; and

(3) the term "covered grant recipient" means a recipient of a grant under a non-disaster preparedness grant program of the Agency.

(b) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a plan to implement processes that require covered grant recipients to provide to the Agency contingency plans that include options for sustaining preparedness capabilities in the absence or reduction of Federal funds.

(c) CONTENTS.—The plan required to be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives under subsection (b) shall include—

(1) an explanation of how the implementation of the plan will be integrated into the existing grant cycle; and

(2) an evaluation of the impact on Federal preparedness capabilities of the reduction or elimination of Agency grant funding to covered grant recipients, including a list of ongoing projects that will need Federal funding beyond the grant period for which the project was funded.

SEC. 422. NATIONAL MITIGATION FRAMEWORK.

Section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is amended—

(1) in paragraph (20), by striking "and" at the end;

(2) by redesignating paragraph (21) as paragraph (22); and

(3) by inserting after paragraph (20) the following:

"(21) develop and implement the National Mitigation Framework; and".

SEC. 423. NONEMERGENCY PERSONNEL HIRING FREEZE.

(a) IDENTIFICATION OF POSITIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall identify all positions in the Department that do not involve emergency operations.

(b) FREEZE.—The Secretary may not increase the number of full-time equivalent positions within the Depart-

ment that do not involve emergency operations during the period—

(1) beginning on the earlier of—

(A) the date on which the Secretary identifies positions under subsection (a); or

(B) the date that is 30 days after the date of enactment of this Act; and

(2) ending on the date on which the national unemployment rate is not more than 8 percent, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

TITLE V—BORDER SECURITY

SEC. 501. WORKFORCE STAFFING PLAN.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 447. WORKFORCE STAFFING PLAN.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and every 2 years thereafter through September 30, 2017, the Secretary of shall develop a workforce staffing plan that—

"(1) details the optimal level of staffing required to carry out the responsibilities of U.S. Customs and Border Protection (referred to in this section as

'CBP') and U.S. Immigration and Customs Enforcement (referred to in this section as 'ICE');

"(2) describes the process through which CBP and ICE will make workforce allocation decisions;

"(3) links CBP and ICE workforce allocation decisions to analyses of threats; and

"(4) describes any coordination between CBP and ICE staffing plans to secure specific segments of the border region.

"(b) SUBMISSION.—The Secretary shall submit each workforce staffing plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 446 the following:

"Sec. 447. Workforce staffing plan.".

SEC. 502. BORDER TECHNOLOGY AND INFRASTRUCTURE PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter through September 30, 2017, the Secretary shall develop a border technology and infrastructure plan, that—

(1) details infrastructure and technology needs at or near international borders (including construction, repairs, maintenance, and security upgrades);

(2) details methods used by trafficking organizations to smuggle contraband across the border and recommends countermeasures to address those activities;

(3) establishes benchmarks and a comprehensive measurement system to assess border security;

(4) establishes benchmarks and a comprehensive measurement system to assess the flow of lawful commerce and persons across land border ports of entry;

(5) details infrastructure and technology needs at land border Ports of Entry in consultation with the Administrator of General Services (including land purchases, construction of additional port capacity, traffic lanes, primary and secondary inspection areas, and security);

(6) includes a framework to plan, manage, and execute border security technology and infrastructure projects; and

(7) provides for consideration of construction alternatives, public-private partnerships, best practices, consultation with State, local government, and tribal

officials, and contracting opportunities for small businesses.

(b) USE OF OTHER PLANS.—The Secretary may modify or use plans and reports required under other provisions of law in order to comply with this section.

SEC. 503. SURGE DEPLOYMENT.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 501(a), is further amended by adding at the end the following new section:

"SEC. 448. SURGE DEPLOYMENT.

"The Commissioner of U.S. Customs and Border Protection may deploy existing surge teams to proactively respond to intelligence-related, high-risk threats or to assist or augment agency operations at ports of entry in the United States during emergencies or other events that require additional staffing for a limited period of time.".

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 501(b), is further amended by adding after the item relating to section 447 the following:

"Sec. 448. Surge deployment.".

SEC. 504. ENHANCED TRAINING FOR BORDER PATROL AGENTS.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amend-

ed by section 503(a), is further amended by adding at the end the following:

"SEC. 449. ENHANCED TRAINING FOR BORDER PATROL AGENTS.

"(a) IN GENERAL.—The Secretary shall review and, to the extent necessary, revise the field training provided to Border Patrol agents to ensure that Border Patrol agents are adequately prepared to deal with the specific challenges posed by the station to which they are assigned.

"(b) TRAINING COMPONENTS.—Training described in subsection (a) should include—

"(1) a station-specific threat analysis that informs Border Patrol agents of the enforcement priorities in the station to which they are assigned;

"(2) a station-specific enforcement plan that sets out how Border Patrol agents will be deployed to meet those threats;

"(3) border- and region-specific survival training to acclimate Border Patrol agents for operating in extreme weather and environmental conditions, especially in emergency situations; and

"(4) communications training to ensure that Border Patrol agents are effectively and respectfully communicating with the public.".

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 503(b), is further amended by adding after the item relating to section 448 the following:

"Sec. 449. Enhance training for Border Patrol agents.".

SEC. 505. OUTBOUND INSPECTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall ensure that U.S. Customs and Border Protection has instituted an outbound inspections program at land, air, and maritime ports of entry.

(b) PROGRAM COMPONENTS.—In executing the outbound inspections program under this section, the Secretary shall leverage existing resources and capabilities within the Department to—

(1) ensure that risk-based outbound inspections are routinely conducted;

(2) provide for the inspections to be conducted in a safe and efficient manner;

(3) direct appropriate resources to areas that demonstrate a higher risk of outbound violations;

(4) include a strategy for mitigating efforts by smuggling organizations to circumvent outbound inspections; and

(5) collect information concerning aliens exiting the United States, pursuant to section 110 of division

C of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1365a).

(c) WAIT TIMES.—The Secretary shall ensure that outbound inspections carried out under this section do not add significantly to wait times for crossing the border.

SEC. 506. SITUATIONAL AWARENESS OF THE NORTHERN BORDER.

(a) DEFINITIONS.—In this section:

(1) NORTHERN BORDER.—The term "northern border" means the land and maritime border between the United States and Canada.

(2) SITUATIONAL AWARENESS.—The term "situational awareness" means the perception of activity at and between land, maritime, and air ports of entry into the United States.

(b) PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a plan for improving situational awareness over the northern border, including U.S. Customs and Border Protection's ability to identify illegal entries.

(c) PLAN CONTENTS.—The plan developed under subsection (b) shall include—

(1) an assessment of the assets or technologies currently deployed on the northern border;

(2) a description of other assets or technologies that are needed to improve situational awareness over the northern border, including the ability to detect low-flying aircraft and suspicious small boat traffic;

(3) steps that will be taken to increase information sharing and coordination among law enforcement agencies operating along the northern border; and

(4) a description of how the Department of Homeland Security will coordinate with Federal, State, and local law enforcement and the Government of Canada to improve the detection of illegal entries across the northern border.

SEC. 507. OFFICE OF INTERNATIONAL TRAVEL SECURITY AND SCREENING.

(a) AMENDMENTS.—

(1) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (8 U.S.C. 231), as amended by section 214(a) of this Act, is amended by adding at the end the following:

"SEC. 431. OFFICE OF INTERNATIONAL TRAVEL SECURITY AND SCREENING.

"(a) ESTABLISHMENT.—There is established within the Department an Office of International Travel Security and Screening, which shall be headed by the Assistant Secretary for International Travel Security and Screening (referred to in this section as the 'Assistant Secretary'), who shall be appointed by the President.

"(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall—

"(1) have primary responsibility for—

"(A) the integrated entry and exit data system commonly known as 'US–VISIT', which was authorized under section 110 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

"(B) the visa waiver program authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187); and

"(C) the Screening Coordination Office, which shall be transferred from the Office of Policy;

"(2) coordinate activities within the Department to identify, interdict, and prevent the travel of terrorists to the United States; and

"(3) develop a strategic plan for preventing the travel of terrorists to the United States, in consultation with other relevant Federal agencies.

"(c) ANNUAL VISA OVERSTAY REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2012, and annually thereafter through 2022, the Assistant Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that details data collected, in accordance with the National Institute of Standards and Technology's protocols on statistical significance, concerning individuals who overstayed the terms of their admission in that year, including—

"(A) statistics on the nationality and visa class (including those traveling under the visa waiver program) of all individuals who overstayed their admission;

"(B) statistics on the nationality and visa class (including those traveling under the visa waiver program) of individuals who overstayed their admission by 30 days or less, 180 days or less, 1 year or less, or for more than 1 year; and

"(C) the number of individuals who overstayed their admission and were subsequently apprehended, left the country, or transitioned to a new visa class.".

(2) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 431 and inserting the following:

"Sec. 431. Office of International Travel Security and Screening.".

(b) REVIEW OF AUTOMATED ENTRY AND EXIT SYSTEM.—The Assistant Secretary for International Travel Security and Screening shall—

(1) develop a plan for implementing the biometric exit system required under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including a detailed time line; and

(2) conduct a review of US–VISIT—

(A) to ensure that all entry and exit records for air and sea passengers are being matched to accurately identify all visa overstays in a rigorous, science-based manner that meets applicable standards for statistical significance provided by the National Institute of Standards and Technology;

(B) to ensure that biographic exit data collected by the outbound inspections program au-

thorized under section 505 meets applicable standards for statistical significance provided by the National Institute of Standards and Technology;

(C) to determine whether biographic exit data on visa overstay rates should be used instead of visa denial rates to make decisions regarding the admittance of prospective member states into the Visa Waiver Program; and

(D) to determine the feasibility of using entry data from foreign countries in order to collect exit information on individuals who departed the United States; and

(3) not later than 270 days after the date of enactment of this Act, submit the results of the review conducted under paragraph (2) and the plan developed under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(c) PLACEMENT WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall determine the position of the Office of International Travel Security and Screening within the Department of Homeland Security.

SEC. 508. VISA SECURITY.

(a) IN GENERAL.—

(1) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 504(a), is further amended by adding at the end the following new section:

"SEC. 449A. ELECTRONIC SYSTEMS FOR NOTIFICATION OF VISA DENIALS AND REVIEWING VISAS.

"(a) ELECTRONIC SYSTEM FOR NOTIFYING AIRLINES OF VISA DENIALS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Department of Homeland Security Authorization Act of 2012, the Secretary of State, in cooperation with the Secretary, shall deploy an electronic system to notify airlines of the cancellation of any traveler's visa for entry into the United States.

"(2) USE OF EXISTING SYSTEMS.—In deploying the system described in paragraph (1), the Secretary of State, in cooperation with the Secretary, shall, to the extent feasible, utilize the existing electronic passenger manifest systems required under section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) and section 44909 of title 49, United States Code, to notify airlines of a canceled visa.

"(b) ELECTRONIC SYSTEM FOR REMOTELY REVIEWING VISAS.—

"(1) DEVELOPMENT.—The Secretary, in consultation with the Secretary of State, shall develop an electronic system for remotely reviewing visa applications and supporting documentation at diplomatic and consular posts at which visas are issued.

"(2) SAVINGS PROVISION.—Nothing in this subsection may be construed as not requiring visa security officers to be stationed at all visa adjudicating posts that are designated as high risk by the Secretary.".

(2) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 504(b), is further amended by adding after the item relating to section 449 the following:

"Sec. 449A. Electronic systems for notification of visa denials and reviewing visas.".

(b) ISSUANCE OF VISAS AT DESIGNATED DIPLOMATIC AND CONSULAR POSTS.—Section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)) is amended to read as follows:

"(i) VISA ISSUANCE AT CONSULAR POSTS AND EMBASSIES.—

"(1) STANDARD OPERATING PROCEDURES.—The Secretary, in coordination with the Secretary of State, shall institute standard operating procedures for the visa security program at all consular posts.

"(2) MEDIATION.—The Secretary and the Secretary of State shall create and implement a system for mediating disagreements about visa revocation decisions between visa security officers and consular officers at posts, including designating senior officials at each Department to adjudicate disputes.

"(3) POLICY REVIEW.—The Secretary, in coordination with the Secretary of State, shall review all policies relating to the issuing of visas to ensure that all individuals associated with terrorism are denied visas to travel to the United States.

"(4) SECURITY OFFICERS.—The Secretary, in consultation with the Secretary of State, shall develop a plan for deploying visa security officers to all consular posts determined to be high risk by the Secretary.".

(c) CLARIFYING CONGRESSIONAL INTENT IN THE HOMELAND SECURITY ACT OF 2002.—Section 428(e)(6) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(6)) is amended to read as follows:

"(6) TRAINING AND HIRING.—

"(A) TRAINING.—The Secretary shall require all employees of the Department assigned to perform functions described in paragraph (2), in advance of their deployments—

"(i) to obtain training on the day-to-day operations of a consular post at the National Foreign Affairs Training Center, on a reimbursable basis;

"(ii) to receive training in the foreign language of the post at which they will be assigned, unless they are already proficient in the foreign language;

"(iii) to receive a course in interview and fraud detection techniques;

"(iv) to be stationed, to the extent feasible, for a minimum of 3 years in a post.

"(B) PROMOTION PREFERENCES.—The Secretary shall ensure that employees of the Department assigned to perform functions described in subparagraph (A) be given preference in promotions and in subsequent postings if they meet the minimum standards set by the Secretary for their performance.".

SEC. 509. REPORT ON BORDER SECURITY TASK FORCES, DRUG INTELLIGENCE CENTERS, AND STATE AND MAJOR URBAN AREA FUSION CENTERS.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on interagency border security task forces, drug intelligence and information sharing centers, and State and major urban area fusion centers in States that have an international water border or are located on the international border between the United States and Mexico or the United States and Canada (in this section referred to as "border States"); and

(2) submit a report containing the results of the study conducted under paragraph (1) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) detail—

(A) the number of information sharing and intelligence centers that address counternarcotics; and

(B) the level and source of Federal funding for such centers;

(2) detail—

(A) the number of State and major urban area fusion centers in border States; and

(B) the level and source of Federal funding for such centers;

(3) detail—

(A) the number of border-security-focused task forces that address human smuggling and counter terrorism activities; and

(B) the level and source of Federal funding for such task forces;

(4) evaluate—

(A) the missions and functions of information sharing and intelligence centers, State and major urban area fusion centers in border States, and interagency border security task forces;

(B) the extent to which such centers and task forces are distinct or duplicative; and

(C) whether there are any opportunities for consolidation or cost efficiencies; and

(5) analyze the views of selected entities that use information and products from such centers and task forces on—

(A) the benefits provided by such centers and task forces;

(B) the weaknesses in operations and focus areas of in such centers and task forces; and

(C) any solutions or improvements from which such centers and task forces could benefit.

SEC. 510. ENHANCED AGRICULTURE INSPECTION.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by inserting after section 421 the following:

"SEC. 421A. AGRICULTURE SPECIALISTS.

"(a) AGRICULTURE SPECIALIST CAREER TRACK.—

"(1) IN GENERAL.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection—

"(A) shall identify appropriate career paths for customs and border protection agriculture specialists, including the education, training, experience, and assignments necessary for career progression within U.S. Customs and Border Protection;

"(B) shall publish information on the career paths identified under subparagraph (A); and

"(C) may establish criteria by which appropriately qualified customs and border protection technicians may be promoted to customs and border protection agriculture specialists.

"(b) EDUCATION, TRAINING, AND EXPERIENCE.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, shall provide customs and border protection agriculture specialists the opportunity to acquire the education, training, and experience necessary to qualify for promotion within U.S. Customs and Border Protection.

"(c) AGRICULTURE SPECIALIST RECRUITMENT AND RETENTION.—Not later than 270 days after the date of enactment of the Department of Homeland Security Authorization Act of 2012, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, shall develop a plan to more effectively recruit and retain qualified customs and border protection agriculture specialists. The plan shall include—

"(1) numerical goals for recruitment and retention; and

"(2) the use of recruitment incentives, as appropriate and permissible under existing laws and regulations.

"(d) EQUIPMENT SUPPORT.—Not later than 270 days after the date of enactment of the Department of Homeland Security Authorization Act of 2012, the Commissioner of U.S. Customs and Border Protection shall—

"(1) determine the minimum equipment and other resources that are necessary at U.S. Customs and Border Protection agriculture inspection stations and facilities to enable customs and border protection agriculture specialists to fully and effectively carry out their mission;

"(2) complete an inventory of the equipment and other resources available at each U.S. Customs and Border Protection agriculture inspection station and facility;

"(3) identify the necessary equipment and other resources that are not currently available at agriculture inspection stations and facilities; and

"(4) develop a plan to address any resource deficiencies identified under paragraph (3).

"(e) INTERAGENCY ROTATION PROGRAM.—The Secretary and the Secretary of Agriculture are authorized to enter into an agreement that—

"(1) establishes an interagency rotation program; and

"(2) provides for personnel of the Animal and Plant Health Inspection Service of the Department of Agriculture to take rotational assignments within U.S. Customs and Border Protection and vice versa for the purposes of strengthening working relationships between agencies and promoting interagency experience.".

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes—

(1) the status of the implementation of the action plans developed by the Animal and Plant Health Inspection Service-U.S. Customs and Border Protection Joint Task Force on Improved Agriculture Inspection;

(2) the findings of the Commissioner under paragraphs (1), (2), and (3) of section 421A(d) of the Homeland Security Act of 2002, as added by subsection (a);

(3) the plan described in paragraph (4) of such section 421A(d);

(4) the implementation of the remaining requirements under such section 421A; and

(5) any additional legal authority that the Secretary determines to be necessary to effectively carry out the agriculture inspection mission of the Department.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 420 the following:

"Sec. 421A. Agriculture specialists.".

SEC. 511. REPORT ON STATUS OF UNOBLIGATED BALANCES IN U.S. CUSTOMS AND BORDER PROTECTION CUSTOMS USER FEE ACCOUNT.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the status of $640,000,000 in unobligated balances in the Customs User Fee Account, as reported by the Government Accountability Office in report GAO–11–318SP. The Secretary's report shall include a final determination on the total amount of unobligated balances available.

SEC. 512. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that analyzes the effectiveness of the offices and programs at the Department of Homeland Security that promote integrity and investigate allegations of misconduct at U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE).

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an evaluation of the scope and level of corruption activities, including investigations, arrests, terminations, prosecutions, and convictions, within the CBP and ICE workforces;

(2) a description of the Department's efforts—

(A) to promote integrity and professionalism, including staffing involved in such efforts;

(B) to train the workforce about ethical standards and integrity responsibilities; and

(C) to investigate allegations of misconduct within CBP and ICE, including coordinating such investigations among Federal agencies;

(3) an analysis of the effectiveness of the integrity and training efforts described in paragraph (2), initiatives to incorporate lessons learned from previous cases, and any inefficiencies or redundancies in integrity or investigative programs at the Department;

(4) the Federal funding—

(A) associated with preventing corruption in CBP and ICE; and

(B) lost as a result of CBP and ICE personnel being removed from their official duties for corruption; and

(5) any recommendations to improve the integrity and professionalism of the CBP and ICE workforce and the offices that oversee such activities and investigations at the Department.

SEC. 513. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LANDS.—The term "Federal lands" includes all land, including a component of the National Wilderness Preservation System, under the control of the Secretary concerned that is located within 100 miles of the international border between the United States and Mexico.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To achieve operational control of Federal lands—

(A) the Secretary concerned shall authorize and provide U.S. Customs and Border Protection personnel with immediate access to Federal lands for security activities, including—

(i) routine motorized patrols; and

(ii) the deployment of temporary tactical infrastructure and surveillance and detection equipment; and

(B) the security activities described in subparagraph (A) shall be conducted, to the maximum extent practicable, in a manner that the Secretary determines will best protect the natural and cultural resources on Federal lands.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary shall—

(1) coordinate with the Secretary concerned to develop and annually update an inventory of costs incurred by the agencies relating to illegal border activity on Federal lands; and

(2) annually submit the inventory developed under paragraph (1) to—

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

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(d) INTERMINGLED PRIVATE AND STATE LAND.—This section shall not apply to any private or State owned land within the boundaries of Federal lands.

SEC. 514. Z BACKSCATTER VAN TECHNOLOGY REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that details the use of Z Backscatter Van technology (referred to in this section as "ZBV") by the Department.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a list of agencies and offices within the Department that use ZBV;

(2) information regarding detection capabilities of ZBV, including any statistics regarding rates of detection of contraband or illegal goods or substances;

(3) the privacy protections used by the Department to prevent the inappropriate use of ZBV, including privacy training given to ZBV operators; and

(4) information regarding any complaints or lawsuits filed against the Department regarding the use of ZBV.

(c) CLASSIFIED ANNEX.—The report may include a classified annex.

SEC. 515. REFUGEE STATUS REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Com-

mittee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that identifies the number of refugees that applied for legal permanent resident status and the number of refugees that did not apply for legal permanent resident status, broken down by current legal status and country of origin.

TITLE VI—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS

SEC. 601. AUTHORIZATION OF INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Funds authorized or made available for intelligence activities of the Department are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012.

(b) RULE OF CONSTRUCTION.—The authorization under this Act for intelligence activities of the Department shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 602. CLASSIFIED NATIONAL SECURITY INFORMATION PROGRAM FOR STATES, LOCAL GOVERNMENTS, INDIAN TRIBES, AND PRIVATE SECTOR ENTITIES.

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

"SEC. 210G. CLASSIFIED NATIONAL SECURITY INFORMATION PROGRAM FOR STATES, LOCAL GOVERNMENTS, INDIAN TRIBES, AND PRIVATE SECTOR ENTITIES.

"(a) DEFINITIONS.—In this section—

"(1) the term 'classified information' means information that is classified under Executive Order 13526 (75 Fed. Reg. 707) or any successor thereto; and

"(2) the term 'Program' means the Classified National Security Information Program established under subsection (b).

"(b) ESTABLISHMENT.—There is established a Classified National Security Information Program, which shall be designed to safeguard and govern access to classified information shared by the Federal Government with States, local governments, Indian tribes, and private sector entities.

"(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall manage the Program and be responsible for—

"(1) oversight of the Program;

"(2) accreditation, periodic inspection, and monitoring of all facilities where classified information is used or store that are owned or operated by a State, local government, or Indian tribe, unless there is an agreement in effect between another executive agency and the Secretary to perform some or all of these functions;

"(3) upon request by the head of an executive agency, processing an application for a security clearance for an employee of a State, local government, Indian tribe, or private entity, which shall be processed on a reimbursable basis unless determined otherwise by the Secretary and the head of the executive agency making the request;

"(4) in consultation with the Director of the Office of Personnel Management, the Secretary of Defense, and the Director of National Intelligence, documenting and tracking the final status of all applications for a security clearance for an employee of a State, local government, Indian tribe, or private entity;

"(5) developing and maintaining a security profile of facilities owned or operated by a State, local government, or Indian tribe that have access to classified information;

"(6) developing training for all employees of a State, local government, Indian tribe, or private entity who have been determined eligible for access to classified information, which shall address the proper safeguarding of classified information and sanctions for unauthorized disclosure of classified information; and

"(7) any other responsibilities provided to the Secretary by the President.

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31, 2012, and every year thereafter until December 31, 2024, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of the activities of the Department under Executive Order 13549, or any successor thereto, and this section.

"(2) REQUIREMENTS OF ANNUAL REPORT.—Each annual report under paragraph (1) shall include—

"(A) a general description of the progress made in satisfying the requirements under this section and under Executive Order 13549, or any successor thereto;

"(B) a description of funds expended by the Department to carry out this section and to carry out Executive Order 13549, or any successor thereto;

"(C) annual statistical information on the Program, including—

"(i) the number of employees of a State, local government, Indian tribe, or private entity for whom an application for a security clearance was submitted to the Federal Government;

"(ii) the number of security clearance applications processed under the Program; and

"(iii) the number of facilities described in subsection (c)(2);

"(D) a description of the training carried out under the Program;

"(E) information regarding performance measures under the Program;

"(F) an assessment of whether executive agencies are complying with the security clearance reciprocity requirement under section 1.3(c) of Executive Order 13549, or any successor thereto;

"(G) information relating to the inspection and monitoring of facilities described in subsection (c)(2), including information on security violations discovered as a result of the inspection and monitoring; and

"(H) an assessment of any counterintelligence threats and risks associated with the Program.

"(3) CONSISTENCY.—To the extent possible, each report submitted under paragraph (1) shall be consistent in the collection and analysis of relevant statistical information and the use of performance measures.

"(4) CLASSIFICATION.—Each report submitted under paragraph (1) shall be in unclassified form, but may include a classified annex.

"(e) REPORT ON SECURITY CLEARANCE VERIFICATION PROCESSES.—Not later than 1 year after the date of enactment of this section, the Secretary, in coordination with the Secretary of Defense, the Director of National Intel-

ligence, and the Director of the Office of Personnel Management, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the activities conducted by the Federal Government to support the efficient management and verification of security clearances, including by employees of States, local governments, Indian tribes, and private sector entities.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 210F the following:

"Sec. 210G. Classified National Security Information Program for States, local governments, Indian tribes, and private sector entities.".

SEC. 603. FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 845 the following:

"SEC. 846. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.

"(a) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—

"(1) IN GENERAL.—With the concurrence of the Director of National Intelligence and in coordination with the Director of the Office of Personnel Management, the Secretary may—

"(A) convert such competitive service positions, and the incumbents of such positions, within the Office of Intelligence and Analysis to excepted service positions as the Secretary determines are necessary to carry out the intelligence functions of the Department; and

"(B) establish new positions within the Office of Intelligence and Analysis in the excepted service, if the Secretary determines such positions are necessary to carry out the intelligence functions of the Department.

"(2) CLASSIFICATION AND PAY RANGES.—In coordination with the Director of National Intelligence, the Secretary may establish the classification and ranges of rates of basic pay for any position converted under paragraph (1)(A) or established under paragraph (1)(B), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(3) APPOINTMENT AND COMPENSATION.—The Secretary may appoint individuals for service in po-

sitions converted under paragraph (1)(A) or established under paragraph (1)(B) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and may fix the compensation of such individuals within the applicable ranges of rates of basic pay established under paragraph (2).

"(4) LOCALITY-BASED COMPARABILITY PAYMENTS.—Locality-based comparability payments under section 5304 of title 5, United States Code, may be made to employees appointed to positions converted under paragraph (1)(A) or established under paragraph (1)(B) at a rate established under that section, notwithstanding the limitation under subsection (g) of that section.

"(5) MAXIMUM RATE OF BASIC PAY.—The maximum rate of basic pay the Secretary may establish under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(b) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'compensation authority'—

"(i) means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments; and

"(ii) shall not include—

"(I) authorities relating to benefits such as leave, severance pay, retirement, and insurance;

"(II) authority to grant a rank award by the President under section 4507, 4507a, or 3151(c) of title 5, United States Code, or any other provision of law; or

"(III) compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service or under section 5376 of title 5, United States Code (relating to senior-level and scientific or professional positions); and

"(B) the term 'intelligence community' has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(2) AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community—

"(i) except for matters referred to in clause (ii), the Secretary, with the concurrence of the Director of National Intelligence, may authorize the Office of Intelligence and Analysis to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Secretary and the Director of National Intelligence determine that the adoption of that authority would improve the management and performance of the intelligence community; and

"(ii) for those matters that fall under the responsibilities of the Office of Personnel Management under statute or executive order, the Secretary, in coordination with the Director of the Office of Personnel Management, may authorize the Office of Intelligence and Analysis to adopt compensation

authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Secretary, in coordination with the Director of the Office of Personnel Management, determines that the adoption of that authority would improve the management and performance of the intelligence community.

"(B) NOTICE.—Not later than 60 days before an authority adopted under subparagraph (A) is to take effect, the Secretary shall submit notice of the adoption of that authority by the Office of Intelligence and Analysis, including the authority to be so adopted, and an estimate of the costs associated with the adoption of that authority to—

"(i) the Committee on Homeland Security and Governmental Affairs of the Senate and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Homeland Security of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

"(3) EQUIVALENT APPLICATION OF COMPENSATION AUTHORITY.—To the extent that a compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted by the Office of Intelligence and Analysis under this subsection only for employees in an equivalent category or in an equivalent situation.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 845 the following:

"Sec. 846. Authority for flexible personnel management at the Office of Intelligence and Analysis.".

SEC. 604. UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS TECHNICAL CORRECTION.

Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

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

"(9) An Under Secretary for Intelligence and Analysis.".

SEC. 605. FUSION CENTER FUNDING REPORT.

Not later than 60 days after the end of fiscal year 2012, and each fiscal year thereafter through fiscal year 2016, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing the amount of Federal funds provided, directly or indirectly, to each State and major urban area fusion center during that fiscal year.

SEC. 606. REPORT ON FUSION CENTERS.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report evaluating the process, or feasibility of developing a process, under which the Office of Intelligence and Analysis assesses the results achieved from the award of grants that support the activities of State and major urban area fusion centers, which could be used as a means of determining the return on investment for the Federal Government in terms of added homeland security protection.

(b) CONTENTS.—The report submitted under subsection (a) shall discuss whether the Office of Intelligence and Analysis has, or could develop, a process that—

(1) establishes and requires reporting relating to measurable results each State and major urban area fusion center is expected to achieve with grant funding, including addressing gaps in critical baseline capabilities (such as improved analytical capabilities) or attaining a homeland security outcome (such as helping to identify a potential threat);

(2) establishes annual performance targets towards achieving the measurable results described in paragraph (1);

(3) allows the Office to—

(A) review how State and major urban area fusion centers propose to use grant funds;

(B) evaluate the activities of State and major urban area fusion centers; and

(C) assess whether State and major urban area fusion centers are using grant funds to achieve priority capabilities;

(4) establishes a means to track and measure progress towards achieving performance targets and expected results, based on consistent and reliable data from State and major urban area fusion centers and individuals and entities most affected by the activities of State and major urban area fusion centers; and

(5) assesses progress and results achieved by State and major urban area fusion centers and uses this information to inform decisions regarding grant funding.

SEC. 607. GAO REPORT ON ANALYTICAL CAPABILITIES.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an unclassified report on the analytical capabilities of the Department in the area of intelligence, including at intelligence offices within the operational components of the Department, which shall include—

(1) an analysis of the reliance on contractors by the Department for intelligence analysis;

(2) a description of whether the Department develops analysts with the proper level of specialization;

(3) a description of—

(A) whether parts of the intelligence analysis organization of the Department overlap or are duplicative; and

(B) whether there are any gaps in intelligence analysis within the Department; and

(4) a description of the accuracy and usefulness of the analytical products produced by the Department.

SEC. 608. AUDIT ON PRIVACY AND CIVIL LIBERTIES AND UPDATE ON PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENTS.

(a) INSPECTOR GENERAL AUDIT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall—

(1) conduct an audit on the activities of the Department to ensure that State and local fusion centers take appropriate measures to protect privacy and civil liberties, including through the implementation of training programs and support for the development of fusion center privacy policies; and

(2) submit a report on the results of that audit to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

(b) PRIVACY IMPACT ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Privacy Officer of the Department shall—

(1) update the Privacy Impact Assessment for the State, Local, and Regional Fusion Center Initiative completed in 2008 in accordance with the re-

quirements of section 511(d)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 in order to reflect the evolution of State and local fusion centers since that date; and

(2) submit the updated assessment to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

(c) CIVIL LIBERTIES IMPACT ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Officer for Civil Liberties and Civil Rights of the Department shall—

(1) update the Civil Liberties Impact Assessment for the State, Local and Regional Fusion Center Initiative completed in 2008 in accordance with the requirements of section 511(d)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 in order to reflect the evolution of State and local fusion centers since that date; and

(2) submit the updated assessment to the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE VII—SCIENCE AND TECHNOLOGY PROVISIONS

SEC. 701. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) IN GENERAL.—

(1) DIRECTORATE.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), is amended by striking section 301 and inserting the following:

"SEC. 301. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

"(a) IN GENERAL.—There shall be in the Department a Directorate of Science Technology headed by an Under Secretary for Science and Technology.

"(b) RESPONSIBILITIES.—The Directorate of Science and Technology shall serve as the primary research, development, testing, and evaluation agency in the Department.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 301 and inserting the following:

"Sec. 301. Directorate of Science and Technology.".

(b) RESPONSIBILITIES AND AUTHORITIES.—Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(1) in paragraph (5)(A), by striking the second comma after "biological" and inserting "radiological, nuclear,";

(2) in paragraph (12), by inserting ", including conducting strategic planning and providing technical assistance for such activities within the Department" after "activities of the Department";

(3) in paragraph (13), by striking "and" at the end;

(4) in paragraph (14), by striking the period and inserting "; and"; and

(5) by adding after paragraph (14) the following:

"(15) supporting the acquisition of technologies and systems by the Department by providing—

"(A) the Secretary with independent assessments; and

"(B) technical assistance within the Department for development, testing, and evaluation;

"(16) conducting strategic planning within the Department for basic, advanced, and applied research and development; and

"(17) providing technical assistance within the Department for the development, testing, evaluation, and acquisition of technologies.".

(c) HOMELAND SECURITY ADVANCED RESEARCH PROJECTS.—Section 307(b)(3)(B) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)(3)(B)) is amended by inserting "to strengthen border and maritime security, cyber security, aviation security, transportation security, catastrophic response and recovery capabilities, and other homeland security missions" after "technologies".

SEC. 702. DIRECTOR OF TESTING AND EVALUATION.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 188) is amended by adding at the end the following:

"(d) DIRECTOR OF TESTING AND EVALUATION.—

"(1) DEFINITION.—In this subsection, the term 'operational testing and evaluation activity' means—

"(A) any field test, under realistic conditions, of technologies, equipment, or systems for the purpose of determining the performance, effectiveness, and operational suitability of the technologies, equipment, or systems for use by the Department; and

"(B) the evaluation of the results of such tests against established operational requirements.

"(2) ESTABLISHMENT.—There is established in the Directorate of Science and Technology a Director of Testing and Evaluation.

"(3) RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—

"(A) PRINCIPLE ADVISER.—The Director of Testing and Evaluation is the principal adviser to the Under Secretary for Science and Technology for all testing and evaluation, including operational testing and evaluation activities in the Department.

"(B) OTHER RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—The Director of Testing and Evaluation shall—

"(i) establish testing and evaluation policies, procedures, standards and practices for the Department;

"(ii) monitor and review all operational testing and evaluation activities within the Department; and

"(iii) provide support to the Acquisition Review Board, established under section 836, including by preparing a Letter of Assessment for any investment reviewed by the Acquisition Review Board, that sets forth an assessment of the technology and the testing and evaluation activity.

"(C) ACCESS TO INFORMATION.—The Director of Testing and Evaluation—

"(i) shall have access to all acquisition records and data within the Department that the Director determines are necessary to carry out the duties authorized under this subsection;

"(ii) may designate observers to be present during the preparation for, and the execution of, any operational testing and evaluation activity within the Department; and

"(iii) shall have prompt access to the results of any operational testing and evaluation activity.".

SEC. 703. FIVE-YEAR RESEARCH AND DEVELOPMENT INVESTMENT PLAN; TECHNOLOGY READINESS ASSESSMENT PROCESS; AND AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by inserting after section 318, as added by section 414(a), the following:

"SEC. 319. FIVE-YEAR RESEARCH AND DEVELOPMENT INVESTMENT PLAN.

"(a) DEFINITION.—In this section the term 'Plan' means the Five-year Research and Development Investment Plan developed under this section.

"(b) IN GENERAL.—Acting through the Under Secretary of Science and Technology, the Secretary shall develop a Five-Year Research and Development Investment Plan that shall guide all expenditures by the Department for basic, advanced, or applied research and technology development activities.

"(c) CONTENTS.—The Plan shall—

"(1) set forth anticipated annual expenditures for each fiscal year from 2012 through 2017;

"(2) set forth annual milestones and objectives that shall be—

"(A) for all basic, advanced, applied research and development; and

"(B) aligned with the operational requirements of the Department, including the improvement and development of technologies to—

"(i) combat chemical, biological, nuclear, and radiological and high-explosive terrorist attacks;

"(ii) strengthen border and maritime security, cyber security, aviation security,

transportation security, and response and recovery capabilities; and

"(iii) address other needs as determined by the Secretary; and

"(3) take into account the operational requirements of State and local governments.

"(d) SUBMISSIONS OF THE PLAN AND UPDATES.—

"(1) INITIAL PLAN.—Not later than 180 days after the date of enactment of the Department of Homeland Security Authorization Act of 2012, the Secretary shall submit the Plan to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"(2) ANNUAL UPDATES.—The Secretary shall submit an annual update of the Plan that sets forth each expenditure in the preceding fiscal year to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"SEC. 320. ESTABLISHING A TECHNOLOGY EVALUATION AND READINESS ASSESSMENT PROCESS.

"Acting through the Under Secretary for Science and Technology, the Secretary shall establish a process for evaluating the readiness, performance, and suitability of any

technologies or systems that the Department acquires or develops to carry out the missions of the Department.

"SEC. 321. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

"(a) AUTHORITY.—The Under Secretary for Science and Technology may make available to any person or entity, for an appropriate fee, the services of any center or other testing facility owned and operated by the Department for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

"(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary for Science and Technology shall ensure that the testing of materials, equipment, models, computer software, or other items not owned by the Federal Government shall not cause personnel or other resources of the Federal Government to be diverted from scheduled Federal Government tests or otherwise interfere with Federal Government mission requirements.

"(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of the tests may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

"(d) USE OF FEES.—Any fee collected under subsection (a) shall be used to recoup the direct and indirect costs incurred by the Federal Government to provide for testing and any remaining funds shall be used by the Secretary to support research and development activities within the Department.".

SEC. 704. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) DEFINITION.—In this section—

(1) the term "2002 report" means the report prepared by the National Research Council entitled "Making the Nation Safer: The Role of Science and Technology in Countering Terrorism (2002)"; and

(2) the term "National Research Council" means the National Research Council of the National Academy of Sciences.

(b) AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Research Council to update the 2002 report.

(c) CONTENTS OF REPORT.—The report described under subsection (b) shall—

(1) update the 2002 report to assess progress made towards the recommendations in that report; and

(2) make recommendations to guide the Federal Government to strengthen and improve homeland security over the next decade.

(d) SUBMISSION OF REPORT.—Not later than 1 year after the date of enactment of this Act, the National Research Council shall submit the report described under subsection (b) to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(e) FORM OF REPORT.—The report submitted under subsection (d) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 705. DOMESTIC NUCLEAR DETECTION OFFICE.

(a) MISSION.—Section 1902(a) of the Homeland Security Act of 2002 (6 U.S.C. 592(a)) is amended—

(1) by striking paragraph (6);

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(3) by inserting after paragraph (1) the following:

"(2) coordinate strategic planning and investments, within the Department and with other Federal agencies and State and local governments—

"(A) to detect and prevent illegal trafficking in nuclear weapons-making materials or technologies; and

"(B) to reduce the risk of a nuclear terrorist attack;"; and

(4) in paragraph (8), by striking "government agencies" and inserting "Federal, State, and local entities".

(b) DOMESTIC NUCLEAR THREAT DETECTION AND PREVENTION PLAN.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following:

"SEC. 1908. DOMESTIC NUCLEAR THREAT DETECTION AND PREVENTION PLAN.

"(a) IN GENERAL.—Not later than 270 days after the effective date of the Department of Homeland Security Authorization Act of 2012, the Secretary, acting through the Director of the Domestic Nuclear Detection Office, in coordination with relevant Federal agencies, as determined by the Secretary, shall develop a plan to integrate and strengthen the Nation's capabilities to deter, detect, and prevent nuclear terrorist threats in the domestic portion of the global nuclear detection architecture within 10 years.

"(b) CONTENTS.—The plan developed under subsection (a) shall—

"(1) set forth national strategic goals;

"(2) set forth initiatives to integrate and strengthen the domestic portion of the global nuclear detection architecture;

"(3) describe steps to monitor and assess the development and execution of the plan;

"(4) set forth the investments, expenditures, and schedules for the deployment of nuclear and radiological detection equipment and countermeasures within the Department;

"(5) assess the investments, expenditures, or deployments that the Department makes to substantially reduce the illegal trafficking of nuclear weapons making materials and to measurably reduce the risk of a nuclear terrorist attack occurring inside the United States; and

"(6) set forth annual milestones and schedules for the deployment of advanced, commercially-available nuclear detection technologies and countermeasures by the Department.

"(c) CLASSIFIED INFORMATION.—The plan developed under subsection (a) shall be submitted in unclassified form, but may contain an unclassified annex.

"(d) SUBMISSION OF PLAN.—

"(1) INITIAL SUBMISSION.—Not later than 270 days after the effective date of the Department of Homeland Security Authorization Act of 2012, the Secretary shall submit the plan developed under subsection (a) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"(2) UPDATE.—Not later than 2 years after submitting the plan under paragraph (1), the Secretary shall submit an update of the plan to the committees set forth in paragraph (1).".

(c) CONTRACTING AUTHORITY.—Section 1906 of the Homeland Security Act of 2002 (6 U.S.C. 596) is amended by striking "paragraphs (6) and (7) of section 1902(a)" each place it appears and inserting "section 1902(a)(7)".

(d) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding after the item relating to section 1907 the following:

"Sec. 1908. Domestic nuclear threat detection and prevention plan.".

SEC. 706. FLEXIBLE PERSONNEL MANAGEMENT AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) DEFINITION.—In this section, the term "employee" has the meaning given that term under section 2105 of title 5, United States Code.

(b) AUTHORITY.—The Secretary may make appointments to a position described under subsection (c) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title.

(c) POSITIONS.—This section applies with respect to any scientific or engineering position within the Science and Technology Directorate which requires an advanced degree.

(d) LIMITATION.—

(1) IN GENERAL.—Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within that laboratory that are filled as of the end of the most recent fiscal year before the start of that calendar year.

(2) FULL-TIME EQUIVALENT BASIS.—For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(e) TERMINATION.—The authority to make appointments under this section shall terminate on January 1, 2014.

1 ***SEC. 707. TECHNICAL AND CONFORMING AMENDMENT.***

2 *The table of contents in section 1(b) of the Homeland*
3 *Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by*
4 *inserting after the item relating to section 318, as added*
5 *by section 414(b), the following:*

"Sec. 319. Five-year research and development investment plan.
"Sec. 320. Establishing a technology evaluation and readiness assessment process.
"Sec. 321. Availability of testing facilities and equipment.".

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[Report No. 112–249]

A BILL

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

DECEMBER 13, 2012

Reported with an amendment